

**Kansas Department of Agriculture**  
**Division of Water Resources**  
APPROVAL OF NEW APPLICATION WORKSHEET

1. File No.: <b>50,999</b>	2. Status Change Date:	4. Field Office: <b>02 - Stafford</b> GMD: Structures File No.: Filing/Priority Date: <b>3/24/2023</b>	
3. Associated File No(s): <b>Term permit 20239025</b>			
5a. <input checked="" type="checkbox"/> Applicant <input checked="" type="checkbox"/> Owner <input checked="" type="checkbox"/> WUC      Person ID <b>68945</b> <input type="checkbox"/> Address Change      Add Seq#  <b>JUSTIN WIEBE</b> <b>13620 NW SANTA FE LAKE ROAD</b> <b>WHITEWATER, KS 67154-8820</b>		5b. <input checked="" type="checkbox"/> Owner <input type="checkbox"/> WUC      Person ID <b>69977</b> <input type="checkbox"/> Address Change      Add Seq#  <b>DOUG &amp; HELEN WIEBE</b> <b>13232 NW PRAIRIE CREEK RD</b> <b>WHITEWATER, KS 67154-8813</b>	
5c. <input checked="" type="checkbox"/> Owner <input type="checkbox"/> WUC      Person ID <input type="checkbox"/> Address Change      Add Seq#  <b>JERALD K REGIER REVOC TRUST</b> <b>1032 N WOODLAWN RD</b> <b>NEWTON, KS 67144-9407</b>		5d. <input type="checkbox"/> Owner <input type="checkbox"/> WUC      Person ID <input type="checkbox"/> Address Change      Add Seq#	
6. Change No.: <input type="checkbox"/> PD <input type="checkbox"/> PU <input type="checkbox"/> UMW Base Acres:      Year:      Min Reasonable Q: Previous UMW: MDS Gauge:      Active Admin? <input type="checkbox"/> Completion/Start Date: <b>12/30/2026</b> Perfection/Expiration Date: <b>12/31/2030</b>		7. Use of Water <input checked="" type="checkbox"/> Groundwater <input type="checkbox"/> Surface Water UMW: <b>STK-Stockwatering</b> UMW: UMW:	
8. Action Trail			
9. Special Conditions			
10. 5YR Allocation      Type:      Start Year:      5YR Quantity:      Base Acres: Comment:			
11. Sand & Gravel      Proj ID: <input type="checkbox"/> Active <input type="checkbox"/> Dredge <input type="checkbox"/> IND Evap <input type="checkbox"/> Jr Evap <input type="checkbox"/> Other Diversion <input type="checkbox"/> Rpt on Sr			
12. Waiver      Rule ID: <input type="checkbox"/> New      Date Requested: Applies:      Rule No.:      Justification: Rule Type: Rule SubType:			
Comments <b>PD geo center is in the SW SW SW quarters</b>		Processed <b>CLA 2/14/2025</b>	Entered
		Reviewed <b>KAK</b> <b>2/24/2025</b>	<b>3/4/2025</b> <b>KAnderson</b>

File No. <b>50,999</b>		13. County: <b>BU- Butler</b> Basin: <b>51-Walnut River</b> Stream:																					
Structures File No:		Aquifer Code: <b>540 Chase Group</b>										Special Use Area:											
14. Points of Diversion, Rates & Quantities														Qty <b>mg</b>		Rate <b>gpm</b>		Storage Qty <b>AF</b>		Storage Rate		Overlaps	
PDIV		Qualifier		S	T	R	ID	'N	'W	Comment (AKA Line)		Auth	Add	Auth	Add	Auth	Add	Auth/Add					
MOD	90196	SW SW SW		30	23S	4E	1	35	4730	Geo Center		16.3	16.3	70	70				*				
ENT	91581	SW SW SW		30	23S	4E		35	5030	Batt Well 1 of 2									*				
ENT	91582	SE SW SW		30	23S	4E		35	4430	Batt Well 2 of 2									*				
BATT ID 2436																							
15. Limitations <b>NEW</b> Type: Quantity: <b>AF</b> Rate: <b>gpm</b> combined with file no(s):																							
<b>NEW</b> Type: Quantity: <b>AF</b> Rate: <b>gpm</b> combined with file no(s):																							
16. Metering <input checked="" type="checkbox"/> Metering Required <input type="checkbox"/> Anti-Reverse Required <input type="checkbox"/> Seal Required Compliance Date: <b>12/31/2026</b>																							
17. Place of Use				NE¼				NW¼				SW¼				SE¼				Total	Owner(s)	Chg?	Overlaps
PUSE	S	T	R	ID	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE			
																					0.00		<input type="checkbox"/>
																					0.00		<input type="checkbox"/>
																					0.00		<input type="checkbox"/>
																					0.00		<input type="checkbox"/>
CHK	71302	30	23S	4E	1	FEEDLOT (E2 NW)															5a & 5b	<input type="checkbox"/>	*
																						<input type="checkbox"/>	
18. Point of Diversion and Place of Use Overlaps																							
* 20239025														**									
+														++									
#														##									
^														^^									

# MEMORANDUM TO FILE

Division of Water Resources, Water Appropriation Program

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Date: February 14, 2025

From: Christa Anhold, Environmental Scientist

Re: New Application, File No. 50,999 – Justin Wiebe

Application for Term Permit, File No. 20239025

## Summary

Justin Wiebe filed the above referenced new application proposing to appropriate 16.3 million gallons per year (MGY) (50 AF) of groundwater from a battery of two (2) wells at a diversion rate of 70 gpm for stock watering of 3,000 head of cattle in Butler County. The application is signed stating the applicant has legal access to the proposed point of diversion and place of use. The applicant submitted Application for Term Permit, File No. 20239025, simultaneously with the regular new application, with the intent to over water use while the regular application was under review, but it was held for processing, since it pertained to a new previously unauthorized well. There are no overlapping files.

## Term Permit

Justin Wiebe filed a term permit with the new application intending to supply water to livestock while waiting for the new application for appropriation to be approved. The term permit is being approved concurrently with the new application for appropriating since it is for a new well. Approval of the term permit will cover any water used between January 1, 2023, and December 31, 2024.

## Reasonable Rate and Quantity

The application proposes 16.3 MGY (50AF) of water for stock watering 3,000 head of cattle. The applicant proposes 15.88 gallons of water per head per day, which is roughly 16.3 million gallons per year (50 AF). Per K.A.R. 5-3-22 the maximum reasonable quantity of water for cattle is 15 gallons of water per head per day. For the proposed 3,000 head that would be 16.425 million gallons (50.5AF). The applicants proposed 16.3 MGY (50AF) can be considered reasonable. A rate of 70gpm can be considered reasonable.

## Source of Supply and Safe Yield

A well log for the applications battery of wells was found on WWC5, it indicates clay from surface to 23 ft, shale from 23 to 26ft, limestone with shale from 25 to 35ft, limestone from 35 to 38ft, fractured limestone from 38 to 48ft, fractured shale from 48 to 53ft, shale from 53 to 81ft and limestone with gypsum from 81 to 97ft below ground surface (bgs). Water was encountered at 50 ft bgs and static water was measured at 47ft bgs, the well has an estimated yield of 40gpm. From the well log, geologic maps, and nearby water rights the source of supply is likely the Chase Group.

A safe yield report indicates the source of supply to cover 8,042 acres. Based on a potential recharge of 3.8 inches, with 100% available for appropriation, safe yield was determined to be 2,546.78 AF. Existing appropriations total 242.3 AF, leaving 2,304.48 AF available for stock watering the proposed 3,000 head of cattle with 16.3 million gallons (50AF) requested by the applicant.

## Nearby Water Rights

The applicant identified one (1) well owner within a half mile radius of the proposed battery of wells. During the review process two additional potential well owners were identified. Three (3) nearby letters were mailed on January 7, 2025. No responses have been received to date.

From the geographic center the closest nondomestic well (WR File No. 50,922) is 1,670 ft away and the closest domestic well is 3,000 ft away. The application meets well spacing requirements.

## Recommendations

The application was sent for consideration to Cameron Conant, Assistant Water Commissioner, and Jeff Lanterman, Water Commissioner, of the Stafford Field Office on January 29, 2025, and recommended for approval in an e-mail from Jeff Lanterman dated February 14, 2025.

The application complies with all regulations concerning reasonable quantity, safe yield, and minimum spacing requirements. It does not appear that approval of the application will impair senior water rights nor prejudicially or unreasonably affect the public interest. Therefore, it is recommended that the referenced application be approved.

Christa Anhold  
Environmental Scientist  
Manhattan Headquarters

**From:** "Lanterman, Jeff [KDA]"  
**Sent:** Fri 2/14/2025 4:08 PM  
**To:** "Anhold, Christa [KDA]" <Christa.Anhold@ks.gov>; "Conant, Cameron [KDA]" <Cameron.Conant@ks.gov>  
**Subject:** FW: 50999 recommendation request  
**Attachments:** 50999 Memo.docx, 50999 well log.pdf

Christa;

I think this one can be approved. See Cameron's note on the associated term permit there as well. Maybe just approve both of them.

Thanks  
jeff

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**From:** Conant, Cameron [KDA] <Cameron.Conant@ks.gov>  
**Sent:** Friday, February 14, 2025 3:47 PM  
**To:** Lanterman, Jeff [KDA] <Jeff.Lanterman@ks.gov>  
**Subject:** FW: 50999 recommendation request

Jeff, this is a stock water application in Butler County, it was filled out by KLA services and they submitted a term permit also when they submitted the new app in March of 2023. The term was never processed, but I think they had planned to go ahead and start based on the submission of the term...

This is about 5 miles west of the trench well feedyard application. The well log is attached, they plan for a battery of 2 wells. SY is met by a wide margin, there really isn't enough water up here to do large scale irrigation so the SY is pretty wide open. This meets spacing to all domestic wells. The quantity is reasonable for the planned size of the feedyard and they have justified the quantity adequately when they filed the application.

I think we can recommend approval of this application. I think we should also approve the pending term permit...even though it is well after the fact. We need to get it off the books one way or another and I think after the fact approval is appropriate. Please pass on to Christa if you agree, let me know if you have any questions.

*Cameron*

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**From:** Anhold, Christa [KDA] <[Christa.Anhold@ks.gov](mailto:Christa.Anhold@ks.gov)>  
**Sent:** Wednesday, January 29, 2025 11:03 AM  
**To:** Lanterman, Jeff [KDA] <[Jeff.Lanterman@ks.gov](mailto:Jeff.Lanterman@ks.gov)>; Conant, Cameron <[Cameron.Conant@ks.gov](mailto:Cameron.Conant@ks.gov)>  
**Subject:** 50999 recommendation request

Good morning,

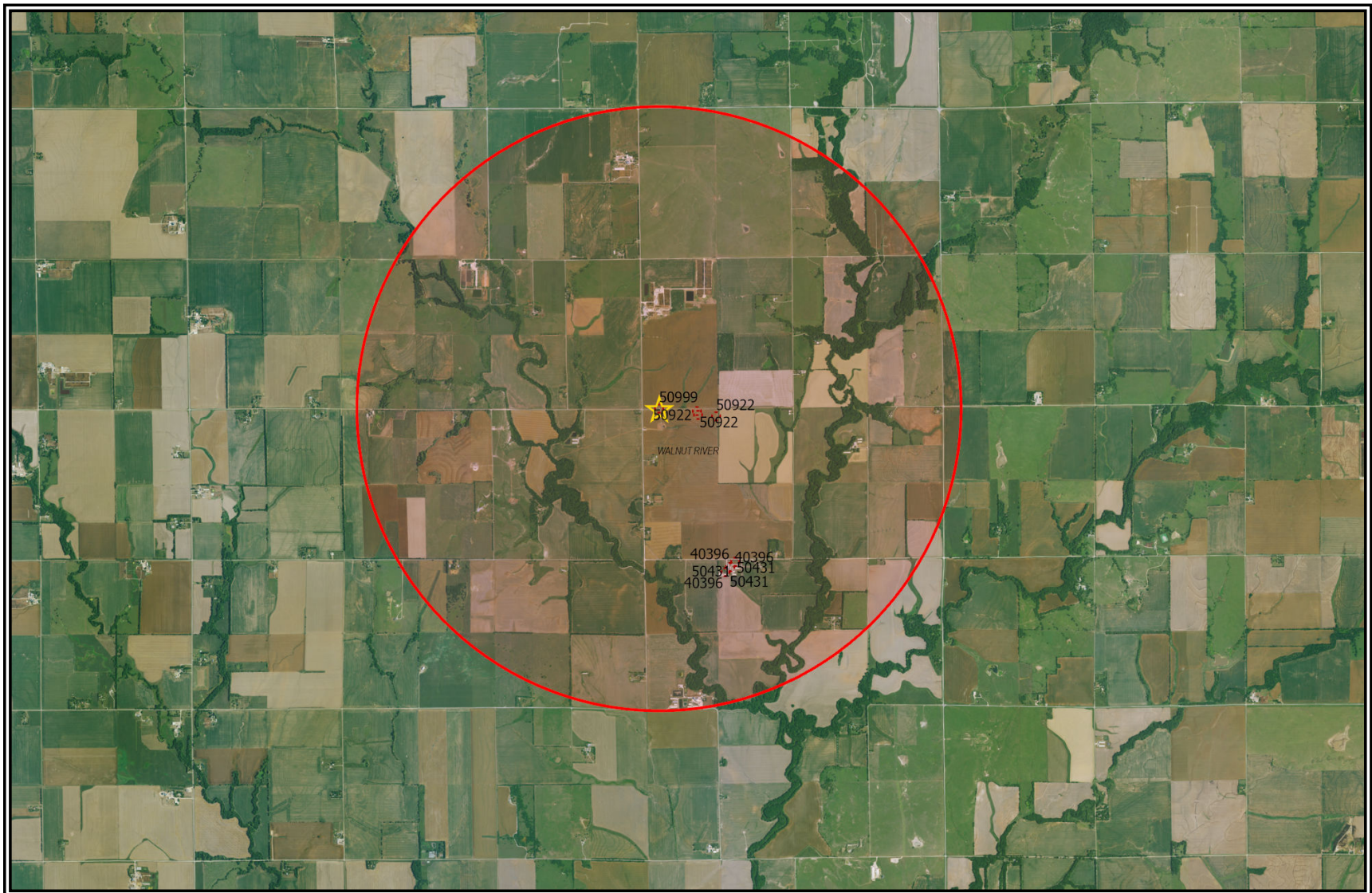
Attached is a draft memo for new application 50,999 for your review and recommendation. Nearby notifications were mailed on January 10, 2025. No responses have been received to date. There are no WIZARD Wells within a 2-mile radius around the proposed geo center.

Let me know if you have any questions or need anything else.

Christa Anhold  
Environmental Scientist  
Department of Water Resources  
(785)-370-1574  
[Christa.anhold@ks.gov](mailto:Christa.anhold@ks.gov)



**Safe Yield Report Sheet**  
**Water Right- A5099900**  
**Point of Diversion in 30-23S-04E**  
**Footages from SE corner- 35 feet North 4,730 feet West**



Analysis Results

\*Passes Safe Yield\*

The selected PD is in an area OPEN to new appropriations.

The safe yield based on the variables listed below is 2,546.78 AF.

Total prior appropriations in the circle is 292.30 AF ~~-50AF = 242.3 AF~~

Total quantity of water available for appropriation is ~~2,254.49 AF.~~  $2546.78 - 242.3 = 2304.48AF$

Safe Yield Variables

The area used for the analysis is set at 8,042 acres.

The potential annual recharge at the circle center is estimated to be 3.8 inches.

The percent of recharge available for appropriation is 100%.

Authorized Quantity values are as of 06-JAN-2025 and are based on Appropriated and Vested ground water right and possible stream nodes for GMD #2. Domestic, Term and Temporary water rights have been excluded.

There are 4 water rights and 7 points of diversion within the circle.

File Number	Use	ST	SR	Q4	Q3	Q2	Q1	FeetN	FeetW	Sec	Twp	Rng	ID	Qind	Auth Quant	Add Quant	Tot Acres	Net Acres
A 40396 00	STK	NK	G		NW	NW	NE	4967	2176	06	24	04E	2	WR	9.79	9.79		
Same	STK	NK	G		NW	NW	NE	5142	2003	06	24	04E	3	WR				
Same	STK	NK	G		NW	NW	NE	4792	2349	06	24	04E	1	WR				
A 50431 00	STK	KE	G		NW	NW	NE	4967	2176	06	24	04E	2	WR	225.56	215.77		
Same	STK	KE	G		NW	NW	NE	5142	2003	06	24	04E	3	WR				
Same	STK	KE	G		NW	NW	NE	4792	2349	06	24	04E	1	WR				
A 50922 00	STK	GY	G				NW	5115	3300	31	23	04E	1	WR	16.74	16.74		
Same	STK	GY	G		NE	NE	NW	5055	2670	31	23	04E	2	WR				
Same	STK	GY	G		NW	NE	NW	5250	3340	31	23	04E	3	WR				
A 50999 00	STK	AY	G				SW	35	4730	30	23	04E	1	WR	50.00	50.00	-50.00	

Limitations

File Number	Seq Num	Limitations
A 50431 00	1	73.5 MGY @ 50 GPM COM/W #40396 $73.5MGY = 225.53AF$



# THE STATE OF KANSAS



**KANSAS DEPARTMENT OF AGRICULTURE**  
Mike Beam, Secretary of Agriculture

**DIVISION OF WATER RESOURCES**  
Earl D. Lewis Jr., 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. 50,999** of the applicant

**JUSTIN WIEBE  
13620 NW SANTA FE LAKE ROAD  
WHITEWATER, KS 67154**

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 **March 24, 2023**.
2. That the water sought to be appropriated shall be used for stockwatering use in the East Half of the Northwest Quarter (E $\frac{1}{2}$  NW $\frac{1}{4}$ ) of Section 30, Township 23 South, Range 4 East, Butler County, Kansas.
3. That the authorized source from which the appropriation shall be made is groundwater, to be withdrawn by means of a battery of two (2) wells, with a geographical center located in the Southwest Quarter of the Southwest Quarter of the Southwest Quarter (SW $\frac{1}{4}$  SW $\frac{1}{4}$  SW $\frac{1}{4}$ ) of Section 30, more particularly described as being near a point 35 feet North and 4,730 feet West of the Southeast corner of said section, in Township 23 South, Range 4 East, Butler County, Kansas, located substantially as shown on the topographic map accompanying the application.
4. That the appropriation sought shall be limited to a maximum diversion rate not in excess of **70 gallons per minute (0.16 c.f.s.)** and to a quantity not to exceed **16.29 million gallons (50 acre-feet)** of water for any calendar year.
5. That installation of works for diversion of water shall be completed on or before **December 31, 2026**, or within any authorized extension thereof. The applicant shall notify the Chief Engineer and pay the statutorily required field inspection fee of \$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 of \$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, 2030**, 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 of \$100.00.

7. That the applicant shall not be deemed to have acquired a water appropriation for a quantity in excess of the amount approved herein nor in excess of the amount found by the Chief Engineer to have been actually used for the approved purpose during one calendar year subsequent to approval of the application and within the time specified for perfection or any authorized extension thereof.

8. That the use of water herein authorized shall not be made so as to impair any use under existing water rights nor prejudicially and unreasonably affect the public interest.

9. That the right of the appropriator shall relate to a specific quantity of water and such right must allow for a reasonable raising or lowering of the static water level and for the reasonable increase or decrease of the streamflow at the appropriator's point of diversion.

10. That this permit does not constitute authority under K.S.A. 82a-301 through 305a to construct any dam or other obstruction; nor does it grant any right-of-way, or authorize entry upon or injury to, public or private property.

11. That all diversion works constructed under the authority of this permit into which any type of chemical or other foreign substance will be injected into the water pumped from the diversion works shall be equipped with an in-line, automatic quick-closing, check valve capable of preventing pollution of the source of the water supply. The type of valve installed shall meet specifications adopted by the Chief Engineer and shall be maintained in an operating condition satisfactory to the Chief Engineer.

12. That an acceptable water flow meter shall be installed and maintained on the diversion works authorized by this permit in accordance with Kansas Administrative Regulations 5-1-4 through 5-1-12 adopted by the Chief Engineer. This required 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 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.

16. That failure without cause to comply with the provisions of this 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.

Ordered this 25 day of February, 2025, in Manhattan, Riley County, Kansas.

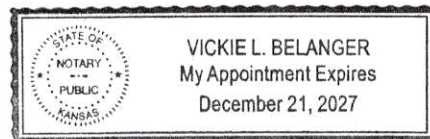
Lane P. Letourneau

Lane P. Letourneau, P.G.  
Water Appropriation Program Manager  
Division of Water Resources  
Kansas Department of Agriculture

State of Kansas     )  
                              ) SS  
County of Riley     )

The foregoing instrument was acknowledged before me this 25 day of February, 2025, by Lane P. Letourneau, P.G., Water Appropriation Program Manager, Division of Water Resources, Kansas Department of Agriculture.

Vickie L. Belanger  
Notary Public



1320 Research Park Drive  
Manhattan, KS 66502  
785-564-6700  
[www.agriculture.ks.gov](http://www.agriculture.ks.gov)



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

Mike Beam, Secretary

Laura Kelly, Governor

March 6, 2025

JUSTIN WIEBE  
13620 NW SANTA FE LAKE ROAD  
WHITEWATER KS 67154

RE: Appropriation of Water  
File No. 50,999

Application for Term Permit  
File No. 20239025

Dear Mr. Wiebe:

Enclosed is the Approval of Application and Permit to Proceed authorizing you to proceed with construction of the proposed diversion works and to appropriate water for beneficial use. Your attention is directed to the enclosures and to the terms, conditions, limitations, and requirements specified in this permit. Also enclosed is the Approval of Application for Term Permit, File No. 20239025, to cover water use from January 1, 2023, through December 31, 2024.

Notice must be filed on the enclosed form 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 this permit. If you need an extension of time, you must request it before the deadline for completion set forth in the permit. Any request for an extension of time must be accompanied by the statutorily required fee, which is currently \$100.00.

An annual water use report must be filed with the Chief Engineer by March 1, following the end of each calendar year. 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](http://www.kswaterusereport.org).

The approval of your application constitutes a permit 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.

Also included is an informational sheet that sets forth the procedure to obtain a Certificate of Appropriation which will establish the extent of your perfected water right. Additional information and applicable forms may be found on our website at [agriculture.ks.gov/dwr](http://agriculture.ks.gov/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 Stafford Field Office at (620)-234-5311. If you call, please reference the file number so we can help you more efficiently.

Sincerely,

Kristen A. Baum  
New Applications and Changes Supervisor  
Division of Water Resources

KAB:cla  
Enclosure(s)  
pc: Stafford Field Office  
Doug & Helen Wiebe  
Jearld K. Regier Revocable Trust



## 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 request an evidentiary hearing before the Chief Engineer or 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 Division, 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 review 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.

## CERTIFICATE OF SERVICE

On this 6<sup>th</sup> day of March, 2025, I hereby certify that the foregoing Approval of Application for Term Permit, File No. 20239025, and Approval of Application and Permit to Proceed, File No. 50,999, dated February 25, 2025, were mailed postage prepaid, first class, US mail to the following:

Original to:

JUSTIN WIEBE  
13620 NW SANTA FE LAKE ROAD  
WHITEWATER KS 67154

With photocopies to:

JERALD K. REGIER REVOCABLE TRUST  
1032 N WOODLAWN RD  
NEWTON KS 67144

DOUG & HELEN WIEBE  
13232 NW PRAIRIE CREEK RD  
WHITEWATER KS 67154

KDA-DWR Stafford Field Office

  
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Division of Water Resources