

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

1. File Number: <b>49,801</b>	2. Status Change Date: <b>9/19/2017</b>	3. Field Office: <b>03</b>	4. GMD: <b>04</b>
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5. Status:     Approved     Denied by DWR/GMD     Dismiss by Request/Failure to Return

6. Enclosures:     Check Valve     N of C Form     Water Tube     Driller Copy     Meter

7a. Applicant(s)    Person ID **20281**  
New to system     Add Seq# \_\_\_\_\_

**WILLARD H & DONNA ZWEYGARDT TRUSTS  
318 VILLAGE RD APT 2  
SAINT FRANCIS KS 67756-9050**

7b. Landowner(s)    Person ID \_\_\_\_\_  
New to system     Add Seq# \_\_\_\_\_

**7a**

7c. Landowner(s)    Person ID \_\_\_\_\_  
New to system     Add Seq# \_\_\_\_\_

7d. Misc    Person ID \_\_\_\_\_  
New to system     Add Seq# \_\_\_\_\_

8. WUR Correspondent    Person ID **26172**  
New to system     Add Seq# \_\_\_\_\_  
Overlap File (s) WUC    Notarized WUC Form   
Agree  Yes  No

~~**DEONN WIESE\***  
**RR 2 BOX 51**  
**SAINT FRANCIS KS 67756**~~    *7a*

9. Use of Water:    Changing?     Yes     No

Groundwater     Surface Water

IRR     REC     DEW     MUN

STK     SED     DOM     CON

HYD DRG     WTR PWR     ART RECHRG

IND SIC: \_\_\_\_\_     OTHER: \_\_\_\_\_

10. Completion Date: **12/31/2018**    11. Perfection Date: **12/31/2022**    12. Exp Date: \_\_\_\_\_

13. Conservation Plan Required?  Yes  No Date Required: \_\_\_\_\_ Date Approved: \_\_\_\_\_ Date to Comply: \_\_\_\_\_

14. Water Level Measuring Device?  Yes  No Date to Comply: \_\_\_\_\_ Date WLMD Installed: \_\_\_\_\_

~~\*Water Use Correspondent delegation form was included with the application, however it was not completed. The application form and site map were signed by Deonn Wiese. I called Donna Zwegardt but she was unable to verify this information.~~

Date Prepared: **8/14/17**    By: **DWS**  
Date Entered: **9/25/2017**    By: **ULM**

File No. **49,801**      15. Formation Code: 113      Drainage Basin: **S F REPUBLICAN RIVER**      County: **CN**      Special Use:      Stream:

16. Points of Diversion										17. Rate and Quantity							
T	MOD	DEL	ENT	PDIV	Qualifier	S	T	R	ID	'N	'W	Authorized		Additional			
												Rate gpm	Quantity af	Rate gpm	Quantity af	Overlap PD Files	
	<b>MOD</b>				<b>85957</b>	<b>NW SE SW</b>	<b>14</b>	<b>3S</b>	<b>40W</b>	<b>13</b>	<b>667</b>	<b>3667</b>	<b>NE</b>	<b>5.4</b>	<b>NE</b>	<b>5.4</b>	<b>NONE</b>

18. Storage: Rate \_\_\_\_\_ NF      Quantity \_\_\_\_\_ ac/ft      Additional Rate \_\_\_\_\_ NF      Additional Quantity \_\_\_\_\_ ac/ft

19. Limitation: \_\_\_\_\_ af/yr at \_\_\_\_\_ gpm ( \_\_\_\_\_ cfs) when combined with file number(s) \_\_\_\_\_  
 Limitation: \_\_\_\_\_ af/yr at \_\_\_\_\_ gpm ( \_\_\_\_\_ cfs) when combined with file number(s) \_\_\_\_\_

20. Meter Required?  Yes  No      To be installed by \_\_\_\_\_      Date Acceptable Meter Installed \_\_\_\_\_

21. Place of Use	NE¼				NW¼				SW¼				SE¼				Total	Owner	Chg? NO	Overlap Files
	NE ¼	NW ¼	SW ¼	SE ¼	NE ¼	NW ¼	SW ¼	SE ¼	NE ¼	NW ¼	SW ¼	SE ¼	NE ¼	NW ¼	SW ¼	SE ¼				
MOD 68264 14 3S 40W 2	GW PITS 1.7 AC (E2 SW)																7a	NO	NONE	

Comments: **15 ac-ft exemption pursuant to KAR 5-3-16**  
*special condition*

Kansas Department of Agriculture  
 Division of Water Resources  
**WAIVER REQUEST & WAIVER RULE WORKSHEET**

File Number: 49,801

FO: 3 GMD: 4

**WAIVER REQUEST:**

UMW	Date Requested	Rule ID	Applies	Rule Type	Rule Subtype
REC	8/14/2017	155	Statewide	Safe Yield	15 acre-foot exemption
Rule Number	Date Granted	Date Denied	Justification:	To comply with this exemption the point of diversion must be outside of a GMD. However, the point of diversion is located within the boundaries of GMD 4, with the District deferring to DWR rules concerning alluvial sources of water. The application complies with all other exemption criteria. The small quantity of water and natural evaporation will not impair senior water rights. Approval will bring existing groundwater pits into compliance with Kansas Water Appropriation Act.	
K.A.R. 5-3-16(b)(1)	9/19/2017				

**WAIVER RULE:**

Rule ID	Applicability	Type	Subtype	Rule Number	Date Active	Date Inactive
	Statewide					

Date Prepared 8/14/2017 By dws

Date Entered 9/25/2017 By UM



KANSAS DEPARTMENT OF AGRICULTURE  
Jackie McClaskey, Secretary of Agriculture

DIVISION OF WATER RESOURCES  
David W. Barfield, Chief Engineer

**WAIVER OF REGULATION  
K.A.R. 5-3-16 - Safe Yield Exemption**

Date: 9/19, 2017.

Re: Appropriation of Water, File No. 49,801

1. That this application is proposing to authorize natural evaporation from two existing groundwater pits. The source of groundwater is the South Fork Republican River alluvium.
2. That the point of diversion is located within the boundaries of Northwest Kansas Groundwater Management District No. 4, but since the source of supply is not the Ogallala formation, the Groundwater Management District staff have determined that the application should be processed under K.A.R. 5-3-11 safe yield regulations.
3. That the South Fork Republican River alluvium is open to new applications, however the application fails the safe yield criteria as set forth in K.A.R. 5-3-11 for unconfined groundwater aquifers.
4. That the application also fails to meet the safe yield exemption criteria as set forth in K.A.R. 5-3-16, because the point of diversion is not located outside of a groundwater management district. The application complies with all other exemption criteria.
5. That the application is requesting only 5.4 acre-feet of water at the rate of natural evaporation. These are existing groundwater pits previously authorized for irrigation use by Water Right File No. 37,788; however, Water Right File No. 37,788 was recently dismissed for failure to perfect because no irrigation occurred.
6. That the waiver will not prejudicially or unreasonably affect the public interest, and senior rights will not be impaired by the proposed use.

Comments:

A handwritten signature in black ink, reading "David W. Barfield", written over a horizontal line.

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

10/10/10

**KANSAS DEPARTMENT OF AGRICULTURE**  
**Division of Water Resources**  
**MEMORANDUM**

**TO:** Files

**DATE:** August 14, 2017

**FROM:** Doug Schemm

**RE:** Application, File No. 49,801

Willard H & Donna Zewygartd Trusts has filed the referenced application requesting to appropriate 5.4 acre-feet of groundwater at a diversion rate of natural evaporation for recreational use. Note that the source of water is groundwater from two existing pits, that were previously authorized under File No. 37,788. However a review of this senior file has determined that no water was ever used for a beneficial use and this senior file was dismissed on March 24, 2017 for failure to perfect (develop) a water right. Because these are existing groundwater pits, this new application is necessary to authorize the evaporation from the exposed groundwater surface. The point of diversion represents the geographic center of the two pits, and is located in the Southwest Quarter of Section 14, Township 3 South, Range 40 West, Cheyenne County, Kansas. The proposed appropriation is located within the South Fork Republican River basin. A representative of the trust has signed the application form affirming legal access to the point of diversion. The requested quantity was based on one year of evaporation from a surface area of 1.7 acres x 38 inches / 12 = 5.4 acre-feet.

Please note that the point of diversion is located within the boundaries of Northwest Kansas GMD #4, and they were verbally informed about this pending application. Because the source of supply for this application is not the Ogallala formation, GMD #4 staff have determined that it should be processed under DWR safe yield regulations. The source of groundwater is the South Fork Republican River alluvium, which is not closed to new appropriations. Per K.A.R. 5-24-2. Allowable withdrawals, the district shall be closed to any new appropriation of water that partially or wholly requests a source of supply that includes the Ogallala formation. An application **located in an alluvial aquifer not closed to new appropriations, shall not be subject to the closure of the district under this regulation**, provided it complies with the well spacing requirements of K.A.R. 5-24-3; and meets the safe yield requirements of K.A.R. 5-3-9, K.A.R. 5-3-10, and K.A.R. 5-3-11. The application complies with minimum well spacing of 1,400 feet to other non-domestic wells, and 800 feet to domestic wells. However, the application does not meet safe yield criteria.

K.A.R. 5-3-16 provides an exemption to safe yield for up to 15 acre-feet of groundwater, provided that certain criteria are met.

*(1) The proposed point of diversion will be located in an area that is outside a groundwater management district that is subject to safe yield criteria and meets either of the following conditions:*

*(A) Is not closed by regulation or intensive groundwater use control area order by the chief engineer to new nondomestic, nontemporary permits, and term permits for more than five years; or*

*(B) has not exceeded the quantity of water available to be appropriated in the hydrologic unit as set forth in K.A.R. 5-3-11. **The point of diversion is located inside of GMD #4 (Waiver is required).***

*(2) The sum of the annual quantity requested by the proposed appropriation and the total annual quantities authorized by prior permits and water rights allowed because of an exemption pursuant to this regulation does not exceed 15 acre-feet in a two-mile-radius circle surrounding the proposed point of diversion. There are no prior water rights allowed because of this exemption. Please note that File No. 48,268 was approved with waivers of GMD #4 regulations, not as a 15 acre-feet exemption permit.*

*(3) The approval of the application does not authorize an additional quantity of water to be diverted from an existing authorized well with a nondomestic permit or water right, which would result in a total combined annual quantity of water authorized from that well in excess of 15 acre-feet. There are no overlapping water rights on these groundwater pits.*

*(4) The approval of the application does not authorize an additional quantity of water to be used on a currently authorized nondomestic place of use in excess of 15 acre-feet. This is not a currently authorized place of use under any other water right.*

(5) *The maximum authorized rate of diversion does not exceed 50 gallons per minute. Rate is natural evaporation.*

(6) *All other criteria for processing a new application to appropriate water at that location have been met. All other criteria have been met.*

There is only one non-domestic well within one-half mile of the point of diversion. As noted, these are existing groundwater pits that have been in place for many years, and nearby well owners would obviously be aware that they exist. The proposed rate of natural evaporation and very limited quantity of water of 5.4 acre-feet would not impair any senior water right. Therefore a notification letter would serve no purpose.

Because this is natural evaporation only, a flow meter and check valve are not practical and should not be required under the approval of the application. The applicant will be required to maintain records from which the amount of water actually diverted may be readily determined. This is consistent with permits granted for similar types of projects.

Kelly Stewart, Water Commissioner for the Stockton Field Office, recommended approval of the referenced application in an August 10, 2017 e-mail.

The application can be approved with a waiver of K.A.R. 5-3-16 because the groundwater pits are located with GMD #4, and approval of the application will not impair senior water rights nor prejudicially or unreasonably affect the public interest. Based on the above discussion, it is recommended that the referenced application be approved.

Douglas W. Schemm  
Environmental Scientist  
Topeka Field Office

1320 Research Park Drive  
Manhattan, Kansas 66502  
(785) 564-6700



900 SW Jackson, Room 456  
Topeka, Kansas 66612  
(785) 296-3556

Jackie McClaskey, Secretary

Governor Sam Brownback

WILLARD H & DONNA ZWEYGARDT TRUSTS  
% DONNA ZWEYGARDT  
318 VILLAGE RD APT 2  
SAINT FRANCIS KS 67756-9050

September 26, 2017

**FILE COPY**

Re: Appropriation of Water, File Nos. 49,801

Dear Ms. Zwegardt:

There is enclosed a permit to appropriate water authorizing you to proceed with construction of the proposed diversion works (except those dams and stream obstructions regulated by K.S.A. 82a-301 through 305a), to divert such unappropriated water as may be available from the source and at the location specified in the permit, and to use it for the purpose and at the location described in the permit.

Your attention is directed to the enclosures and to the terms, conditions, and limitations specified in this permit. Records must be maintained from which the quantity of water actually diverted may be readily determined. Such records shall be furnished to the Chief Engineer by March 1 following the end of each calendar year.

Failure to notify the Chief Engineer of the Division of Water Resources of the completion of the diversion works within the time allowed, or within any authorized extension of time thereof, will result in the dismissal of this permit. Enclosed is a form which may be used to notify the Chief Engineer that the proposed diversion works have been completed.

All requests for extensions of time to complete diversion works, or to perfect appropriations, must be submitted to the Chief Engineer before the expiration of time originally set forth in the permit to complete diversion works or to perfect an appropriation. If for any reason, you require an extension of time, you must request it before the expiration of time set forth in this permit. Failure to comply with this regulation will result in the dismissal of your permit or your water right. Any request for an extension of time shall be accompanied by the required statutory fee, which is currently \$100.00.

There is also enclosed an information sheet setting forth the procedure to obtain a Certificate of Appropriation which will establish the extent of your water right. If you have any questions, please contact our office. If you wish to discuss a specific file, please have the file number ready so that we may help you more efficiently.

Sincerely,

Kristen A. Baum  
New Application Unit Supervisor  
Water Appropriation Program

KAB:dws  
Enclosures

pc: Stockton Field Office





KANSAS DEPARTMENT OF AGRICULTURE  
Jackie McClaskey, 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. 49,801** of the applicant

**WILLARD H & DONNA ZWEYGARDT TRUSTS  
318 VILLAGE RD APT 2  
SAINT FRANCIS KS 67756-9050**

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 17, 2017**.
2. That the water sought to be appropriated shall be used for recreational use for evaporative loss from two groundwater pits located in the East Half of the Southwest Quarter (E $\frac{1}{2}$  SW $\frac{1}{4}$ ) of Section 14, in Township 3 South, Range 40 West, Cheyenne County, Kansas.
3. That the authorized source from which the appropriation shall be made is groundwater, to be withdrawn by means of two groundwater pits with a geographic center located in the Northwest Quarter of the Southeast Quarter of the Southwest Quarter (NW $\frac{1}{4}$  SE $\frac{1}{4}$  SW $\frac{1}{4}$ ) of Section 14, more particularly described as being near a point 667 feet North and 3,667 feet West of the Southeast corner of said section, in Township 3 South, Range 40 West, Cheyenne 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 **natural evaporation** and to a quantity not to exceed **5.4 acre-feet** of water for any calendar year, from a groundwater surface area exposure not to exceed 1.7 acres.
5. That installation of works for diversion of water shall be completed on or before **December 31, 2018** 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, 2022** 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 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.

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

13. 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.

14. 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.

15. That the groundwater pits shall be constructed, maintained, and operated in a manner that will prevent degradation to the water quality of the source of supply, which could cause impairment to existing water rights.

#### **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.

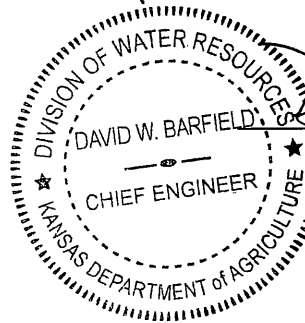
Failure to request an evidentiary hearing before the Chief Engineer does not preclude your right to administrative review by the Secretary.

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 19<sup>th</sup> day of September, 2017, in Topeka, Shawnee County, Kansas.



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

State of Kansas            )  
  ) SS  
County of Riley            )

The foregoing instrument was acknowledged before me this 19<sup>th</sup> day of September, 2017, by David W. Barfield, P.E., Chief Engineer, Division of Water Resources, Kansas Department of Agriculture.



*Karen Hunter*  
\_\_\_\_\_  
Notary Public

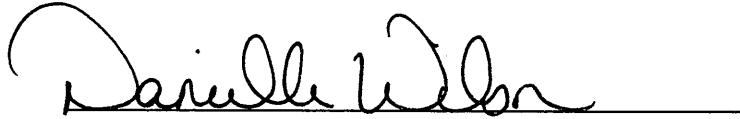
## CERTIFICATE OF SERVICE

On this 20<sup>th</sup> day of September, 2017, I hereby certify that the foregoing Approval of Application and Permit to Proceed, File No. 49,801, dated September 19, 2017 was mailed postage prepaid, first class, US mail to the following:

WILLARD H & DONNA ZWEYGARDT TRUSTS  
318 VILLAGE RD APT 2  
SAINT FRANCIS KS 67756-9050

With photocopies to:

Northwest Kansas GMD No. 4  
Stockton Field Office

A handwritten signature in black ink, reading "Danielle Wilson", is written over a horizontal line.

Division of Water Resources

APPLICATION COMPLETE

8/9/2017

Reviewer DWS

THE STATE OF KANSAS



WATER RESOURCES RECEIVED

MAR 17 2017

12:38

KS DEPT OF AGRICULTURE

KANSAS DEPARTMENT OF AGRICULTURE

Jackie McClaskey, Secretary of Agriculture

DIVISION OF WATER RESOURCES

David W. Barfield, Chief Engineer

WATER RESOURCES RECEIVED

JAN 17 2017 ACCEPTABLE FOR PRIORITY 12:50 KS DEPT OF AGRICULTURE

File Number 49801  
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.)

NOV 15 2016 UNACCEPTABLE FOR PRIORITY 16:00 KS DEPT OF AGRICULTURE

To the Chief Engineer of the Division of Water Resources, Kansas Department of Agriculture,  
1320 Research Park Drive, Manhattan, Kansas 66502:

1. Name of Applicant (Please Print): Willard H. & Donna Zewygardt Trusts  
Address: 318 Village Rd Apt 2  
City: Saint Francis State KS Zip Code 67756-9050  
Telephone Number: (\_\_\_\_) \_\_\_\_\_

2. The source of water is:  surface water in \_\_\_\_\_ (stream)  
OR  groundwater in S F Republican River (drainage basin)

Certain streams in Kansas have minimum target flows established by law or may be subject to administration when water is released from storage for use by water assurance district members. If your application is subject to these regulations on the date we receive your application, you will be sent the appropriate form to complete and return to the Division of Water Resources.

3. The maximum quantity of water desired is 5.4 acre-feet OR \_\_\_\_\_ gallons per calendar year, to be diverted at a maximum rate of Nat Evap 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. 3 GMD 4 Meets K.A.R. 5-3-1 (YES/NO) Use REC Source CS County CMJ By AW Date 3/17/17  
Code REG Fee \$ 300 TR # \_\_\_\_\_ Receipt Date 3/17/17 Check # 31048

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) Two (2) groundwater pits with a geographical center located in the Northwest quarter of the Southeast quarter of the Southwest quarter of Section 14, more particularly described as being near a point 667 feet North and 3,667 feet West of the Southeast corner of said section, in Township 3 South, Range 40 West, Cheyenne County, Kansas.

(B) 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.

(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.

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)

\_\_\_\_\_  
(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 \_\_\_\_\_, 20\_\_\_\_. *[Signature]*  
Applicant's Signature

The applicant must provide the required information or signature irrespective of whether they are the landowner. Failure to complete this portion of the application will cause it to be unacceptable for filing and the application will be returned to the applicant.

7. The proposed project for diversion of water will consist of two groundwater pits  
(number of wells, pumps or dams, etc.)  
and was completed (by) prior to 1985  
(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 April 19, 1985  
(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 \_\_\_\_\_
- If no, explain here why a Water Structures permit is not required groundwater pits, do not collect natural flows, no existing structure; therefore, no structures permit required.

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.

Appropriation of Water, File No. 37,788, approved May 21, 1985 for irrigation use from a groundwater pit. During the perfection period, no irrigation occurred and no water was reported. This file will be dismissed for failure to perfect (develop) a water right. This new application will cover the natural evaporation from two groundwater pits, which were the source of supply for the above referenced file.

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 \_\_\_\_\_, Kansas, this \_\_\_\_\_ day of \_\_\_\_\_ (month) (year)

Glenn L. White POA  
(Applicant Signature)

By \_\_\_\_\_  
(Agent or Officer Signature)

\_\_\_\_\_  
(Agent or Officer - Please Print)

Assisted by Charlotte Philip DWR ES II \_\_\_\_\_ Date: 10/5/2016  
(office/title)

WATER RESOURCES  
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MAR 17 2017



### RECREATIONAL USE SUPPLEMENTAL SHEET

File No. \_\_\_\_\_

Name of Applicant (Please Print): Donna Zewygartd

1. Please indicate type of recreational use (boating, fishing, swimming, etc.): \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

2. Please summarize how the water will be used and justify the quantity of water requested: \_\_\_\_\_  
groundwater pits located in the East Half of the Southwest Quarter of Section 14, Township 3 South,  
Range 40 West, Cheyenne County, Kansas. The water will be used for natural evaporation of  
groundwater only. The quantity of water applied for will justify one-year of natural evaporation from  
the two groundwater pits with a total surface area of 1.7 acres.

3. Please complete the following table showing estimated future water requirements:

**ESTIMATED FUTURE WATER DIVERTED/STORED**

NEXT 5 YEARS	WATER TO BE DIVERTED (ACRE-FEET OR GALLONS)
Year 1	5.4
Year 2	5.4
Year 3	5.4
Year 4	5.4
Year 5	5.4

Please attach any additional information, tables, or curves showing past, present and estimated future water requirements to substantiate the amount of water requested.

4. Please designate the legal description of the location where the water is to be used by providing the fractional part of the Section, Township and Range.

14-3S-40W

**WATER RESOURCES  
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**MAR 17 2017**

**KS DEPT OF AGRICULTURE**

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

**Schemm, Doug**

49,801

**Subject:**

FW: 49,801 & 49,841

**From:** Stewart, Kelly

**Sent:** Thursday, August 10, 2017 7:40 AM

**To:** Schemm, Doug <Doug.Schemm@ks.gov>; Baum, Kristen <Kristen.Baum@ks.gov>; Billinger, Mark <Mark.Billinger@ks.gov>

**Cc:** Hageman, Rebecca <Rebecca.Hageman@ks.gov>

**Subject:** RE: 49,801 & 49,841

Doug,

I have no objection to the approval of these applications.

Kelly

**From:** Schemm, Doug

**Sent:** Wednesday, August 9, 2017 2:23 PM

**To:** Stewart, Kelly <Kelly.Stewart@ks.gov>; Baum, Kristen <Kristen.Baum@ks.gov>; Billinger, Mark <Mark.Billinger@ks.gov>

**Cc:** Hageman, Rebecca <Rebecca.Hageman@ks.gov>

**Subject:** RE: 49,801 & 49,841

Ok, so here they are. I spoke with Ray on the phone today, he will be ok with whatever DWR comes up with. As you will see, I'm proposing a waiver of 5-3-16 due to the location of the points of diversion being within the District.

Doug

**From:** Stewart, Kelly

**Sent:** Tuesday, August 8, 2017 7:42 AM

**To:** Baum, Kristen <Kristen.Baum@ks.gov>; Billinger, Mark <Mark.Billinger@ks.gov>; Schemm, Doug <Doug.Schemm@ks.gov>

**Cc:** Hageman, Rebecca <Rebecca.Hageman@ks.gov>

**Subject:** RE: 49,801 & 49,841

Okay, I spoke with Ray yesterday afternoon and he and I are in agreement.

5-24-2 provides that the alluvium of the S.F. Republican is not closed to new applications.

5-24-10 provides that any area of the District that is subject to safe-yield and is not closed by specific regulation.....will need to do an offset. Ray says, and I agree, that the alluvium in their District is not subject to their safe-yield criteria. Safe-yield only applies to the Ogallala and it is now closed.

Therefore, GMD 4 will default to DWR on the alluvium and we run our safe-yield. I believe the alluvium is over-appropriated and therefore, 5-3-16 comes into play. I think both 49,801 and 49,841 can be processed as 15 acre-feet safe-yield exemptions. Assuming all criteria is met, Ray would recommend approval.

Kelly

**From:** Baum, Kristen

**Sent:** Wednesday, August 2, 2017 1:19 PM

**To:** Billinger, Mark <Mark.Billinger@ks.gov>; Schemm, Doug <Doug.Schemm@ks.gov>; Stewart, Kelly <Kelly.Stewart@ks.gov>

**Subject:** RE: 49,801 & 49,841

In the old regulations, 5-24-2 explained their safe yield calculations in (a), and under (b) "The following types of applications *shall not be subject to this regulation*:...(A)Is to be located in an alluvial aquifer not closed to new appropriations...". Then 5-24-10 stated "In any area of the district that is subject to safe yield criteria and is not closed..."

I think our (DWR and GMD) interpretation was that alluvial wasn't subject to GMD4 safe yield, and therefore 5-24-10 didn't apply either. By default then, they were subject to our safe yield (which usually meant closed).

In the June 2016 regs, 5-24-2(b) states "The following types of applications *shall not be subject to the closure of the district* under this reg...Is to be located in alluvial aquifer not closed to new appropriations..." The language in 5-24-10 appears to have not changed so "In any area of the district that is subject to safe yield criteria and is not closed..." (the formatting isn't right in the version from their website so maybe I'm not looking at the right thing.)

I wonder if 5-24-10 was to have been updated with similar language as used in 5-24-2(b). Based on the recommendations for the Garry Roberts file, I don't think Ray's interpretation has changed for alluvials. Maybe we're splitting hairs here, but nothing in the current version of the regs exempts any files from being subject to safe yield the way they did before. In which case, 5-24-10 would apply. I don't think that was the intent.

We may have to reach out to Ray – let's see what Kelly says.

**From:** Billinger, Mark

**Sent:** Wednesday, August 2, 2017 1:02 PM

**To:** Schemm, Doug <Doug.Schemm@ks.gov>; Stewart, Kelly <Kelly.Stewart@ks.gov>

**Cc:** Baum, Kristen <Kristen.Baum@ks.gov>

**Subject:** RE: 49,801 & 49,841

I would agree with you Doug. Will wait to see what Kelly and Kristen have to say though. Sounds logical.

**From:** Schemm, Doug

**Sent:** Wednesday, August 2, 2017 12:04 PM

**To:** Stewart, Kelly <Kelly.Stewart@ks.gov>; Billinger, Mark <Mark.Billinger@ks.gov>

**Cc:** Baum, Kristen <Kristen.Baum@ks.gov>

**Subject:** 49,801 & 49,841

Hello all,

I need your thoughts/guidance on these two. Both would appear to be alluvial source, and based on information from File No. 49,686, GMD 4 won't have much input.

However, in looking at 5-24-10, it seems like that regulation DOES apply to applications in the alluvium. If so, then both of these would require offset water, and in St. Francis case, it says you can't use any additional water on a currently authorized place of use.

So should I send them both to Ray, and he will likely say their regs. don't apply and then process them under 5-3-16? However, our 5-3-16 reg says that the well has to be outside of a GMD.

AMOUNT STATISTICS REPORT FOR POINTS OF DIVERSION UNDER A 49801 00

#####

*ALL > 1400'*

AMOUNT STATISTICS REPORT FOR POINTS OF DIVERSION UNDER A 49801 00 REC

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

*meets spacing*

667 Feet North and 3667 Feet West of the Southeast Corner of Section 14 T 3S R 40W

GROUNDWATER 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__ 1950 00	IRR	NK	G	7196	--	SW	SW	NW	-----	-----	22	3	40W	5		50.00	50.00	AF
A__ 3246 00	IRR	NK	G	9986	--	NW	NW	SE	2210	2375	21	3	40W	2		30.00	30.00	AF
A__ 4212 00	MUN	NK	G	9033	--	NE	SE	SE	825	550	21	3	40W	4		61.38	61.38	AF
Same				10381	--	NW	NE	NE	4980	1280	28	3	40W	2		36.83	36.83	AF
A__ 5769 00	IRR	NK	G	9986	--	NW	NW	SE	2210	2375	21	3	40W	2		9.00	9.00	AF
A__ 7872 00	IRR	NK	G	9919	--	NE	SE	SE	-----	-----	24	3	40W	1		59.00	59.00	AF
A__ 15355 00	IRR	NK	G	6270	--	NE	SW	SE	874	1488	10	3	40W	9 G	3	159.00	159.00	AF
Same				6387	--	NE	SW	SE	986	1526	10	3	40W	4 B	3			
Same				6310	--	NE	SW	SE	953	1427	10	3	40W	5 B	3			
Same				6117	--	NE	SW	SE	683	1512	10	3	40W	8 B	3			
A__ 17331 00	IRR	NK	G	9986	--	NW	NW	SE	2210	2375	21	3	40W	2		111.00	111.00	AF
A__ 22732 00	IRR	NK	G	2965	--	SW	NE	SE	1500	1250	15	3	40W	1 G	7	104.00	104.00	AF
Same				2981	--	SW	NE	SE	1560	1250	15	3	40W	6 B	7			
Same				2976	--	SW	NE	SE	1540	1250	15	3	40W	7 B	7			
Same				2970	--	SW	NE	SE	1520	1250	15	3	40W	8 B	7			
Same				2965	--	SW	NE	SE	1500	1250	15	3	40W	9 B	7			
Same				2959	--	SW	NE	SE	1480	1250	15	3	40W	10 B	7			
Same				2954	--	SW	NE	SE	1460	1250	15	3	40W	11 B	7			
Same				2949	--	SW	NE	SE	1440	1250	15	3	40W	12 B	7			
A__ 23824 00	IRR	NK	G	4986	--	NW	SW	NE	3560	2475	15	3	40W	2		93.00	93.00	AF
A__ 24471 00	IRR	NK	G	8287	--	SW	SE	NE	3100	900	21	3	40W	7		118.00	118.00	AF
A__ 28427 00	IRR	NK	G	8939	--	NE	NW	SW	2350	4450	26	3	40W	1		15.50	15.50	AF
A__ 28823 00	IRR	NK	G	6619	--	SE	SW	NW	2800	4125	22	3	40W	6		6.30	6.30	AF
A__ 29779 00	IRR	NK	G	10430	--	SW	SW	SE	495	2180	2	3	40W	7 G	3	159.00	159.00	AF
Same				10260	--	SW	SW	SE	-----	-----	2	3	40W	15 B	3	.00	.00	AF
Same				10260	--	SW	SW	SE	-----	-----	2	3	40W	16 B	3	.00	.00	AF
Same				10260	--	SW	SW	SE	-----	-----	2	3	40W	17 B	3	.00	.00	AF
Same				9036	--	--	NC	NE	4140	1320	11	3	40W	4 G	2	159.00	159.00	AF
Same				8853	--	--	NC	NE	-----	-----	11	3	40W	9 B	2	.00	.00	AF
Same				8853	--	--	NC	NE	-----	-----	11	3	40W	10 B	2	.00	.00	AF
Same				6225	--	SE	NE	SW	1620	3035	11	3	40W	3 G	4	294.00	294.00	AF
Same				6267	--	SE	NE	SW	-----	-----	11	3	40W	5 B	4	.00	.00	AF
Same				6267	--	SE	NE	SW	-----	-----	11	3	40W	6 B	4	.00	.00	AF
Same				6267	--	SE	NE	SW	-----	-----	11	3	40W	7 B	4	.00	.00	AF
Same				6267	--	SE	NE	SW	-----	-----	11	3	40W	8 B	4	.00	.00	AF
A__ 31084 00	IRR	NK	G	6883	--	NC	SW	SW	640	4540	24	3	40W	2		79.00	79.00	AF
A__ 31935 00	IRR	NK	G	8695	--	NE	NW	SW	2600	4500	26	3	40W	2		15.50	.00	AF
A__ 34531 00	IRR	NK	G	4129	--	NW	NW	NE	4747	2263	22	3	40W	7		2.21	2.21	AF
A__ 35565 00	IRR	NK	G	4059	--	SW	NW	NW	4413	5163	14	3	40W	1 G	4	248.00	248.00	AF
Same				4023	--	SW	NW	NW	4400	5100	14	3	40W	2 B	4			
Same				3995	--	SW	NW	NW	4350	5150	14	3	40W	3 B	4			
Same				4081	--	SW	NW	NW	4400	5250	14	3	40W	4 B	4			
Same				4136	--	SW	NW	NW	4500	5150	14	3	40W	11 B	4			
A__ 35566 00	IRR	NK	G	<u>2358</u>	--	SW	SW	NW	2725	4800	14	3	40W	5 G	4	175.00	175.00	AF

Same		2379	--	SW SW NW	2800	4700	14	3	40W	6	B	4			
Same		2244	--	SW SW NW	2650	4700	14	3	40W	7	B	4			
Same		2343	--	SW SW NW	2650	4900	14	3	40W	8	B	4			
Same		2474	--	SW SW NW	2800	4900	14	3	40W	12	B	4			
A__	35643 00 IRR NK G	4063	--	NW SW SE	1250	2422	15	3	40W	3	G	2	24.00	24.00	AF
Same		4041	--	NW SW SE	1250	2400	15	3	40W	4	B	2			
Same		4086	--	NW SW SE	1250	2445	15	3	40W	5	B	2			
A__	48268 00 IND GY G	8981	--	SE NE NW	4449	2956	25	3	40W	3			15.01	15.01	AF

\*\*\*\*\* ERROR \*\*\*\*\*

No active quantity associated with Water Right A\_\_ 49801 00 REC

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**Analysis Results**

The selected PD is in an area to new appropriations.  
 The safe yield, based on the variables listed below is 102.91 AF.  
 Total prior appropriation in the circle is 1,966.20 AF.  
 Total quantity of water available for appropriation is 0.00 AF.

**Safe Yield Variables**

The area used for the analysis is set at 3293 acres.  
 Potential annual recharge of the area is estimated to be 0.5 inches.  
 The percent of recharge available for appropriation is 75%.

Authorized Quantity values are as of 09-AUG-2017 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 20 water right(s) and 48 point(s) 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	Tacres	Nacres
A	1950 00	IRR	NK	G	SW	SW	NW	0	0	22	03	40W	5	WR	50.00	50.00	28.00	28.00
A	3246 00	IRR	NK	G	NW	NW	SE	2210	2375	21	03	40W	2	WR	30.00	30.00	75.00	75.00
A	4212 00	MUN	NK	G	NW	NE	NE	4980	1280	28	03	40W	2	PD	36.83	36.83		
Same		MUN	NK	G	NE	SE	SE	825	550	21	03	40W	4	PD	61.38	61.38		
A	5769 00	IRR	NK	G	NW	NW	SE	2210	2375	21	03	40W	2	WR	9.00	9.00	75.00	0.00
A	15355 00	IRR	NK	G	NE	SW	SE	953	1427	10	03	40W	5	WR	159.00	159.00	154.00	154.00
Same		IRR	NK	G	NE	SW	SE	986	1526	10	03	40W	4	WR				
Same		IRR	NK	G	NE	SW	SE	683	1512	10	03	40W	8	WR				
Same		IRR	NK	G	NE	SW	SE	874	1488	10	03	40W	9	WR				
A	17331 00	IRR	NK	G	NW	NW	SE	2210	2375	21	03	40W	2	WR	111.00	111.00	75.00	0.00
A	22732 00	IRR	NK	G	SW	NE	SE	1480	1250	15	03	40W	10	WR	104.00	104.00	90.00	90.00
Same		IRR	NK	G	SW	NE	SE	1500	1250	15	03	40W	9	WR				
Same		IRR	NK	G	SW	NE	SE	1500	1250	15	03	40W	1	WR				
Same		IRR	NK	G	SW	NE	SE	1460	1250	15	03	40W	11	WR				
Same		IRR	NK	G	SW	NE	SE	1440	1250	15	03	40W	12	WR				
Same		IRR	NK	G	SW	NE	SE	1520	1250	15	03	40W	8	WR				
Same		IRR	NK	G	SW	NE	SE	1560	1250	15	03	40W	6	WR				
Same		IRR	NK	G	SW	NE	SE	1540	1250	15	03	40W	7	WR				
A	23824 00	IRR	NK	G	NW	SW	NE	3560	2475	15	03	40W	2	WR	93.00	93.00	62.00	62.00
A	24471 00	IRR	NK	G	SW	SE	NE	3100	900	21	03	40W	7	WR	118.00	118.00	136.00	136.00

A	28823	00	IRR	NK	G	SE SW NW	2800	4125	22	03	40W	6	WR	6.30	6.30	6.00	6.00
A	29779	00	IRR	NK	G	SW SW SE	495	2180	02	03	40W	7	PD	159.00	159.00	325.00	325.00
Same			IRR	NK	G	NC NE	0	0	11	03	40W	9	PD	0.00	0.00		
Same			IRR	NK	G	SW SW SE	0	0	02	03	40W	17	PD	0.00	0.00		
Same			IRR	NK	G	SE NE SW	0	0	11	03	40W	8	PD	0.00	0.00		
Same			IRR	NK	G	SE NE SW	0	0	11	03	40W	5	PD	0.00	0.00		
Same			IRR	NK	G	NC NE	0	0	11	03	40W	10	PD	0.00	0.00		
Same			IRR	NK	G	SW SW SE	0	0	02	03	40W	15	PD	0.00	0.00		
Same			IRR	NK	G	NC NE	4140	1320	11	03	40W	4	PD	159.00	159.00		
Same			IRR	NK	G	SE NE SW	0	0	11	03	40W	6	PD	0.00	0.00		
Same			IRR	NK	G	SE NE SW	1620	3035	11	03	40W	3	PD	294.00	294.00		
Same			IRR	NK	G	SW SW SE	0	0	02	03	40W	16	PD	0.00	0.00		
Same			IRR	NK	G	SE NE SW	0	0	11	03	40W	7	PD	0.00	0.00		
A	31084	00	IRR	NK	G	NC SW SW	640	4540	24	03	40W	2	WR	79.00	79.00	100.00	100.00
A	34531	00	IRR	NK	G	NW NW NE	4747	2263	22	03	40W	7	WR	2.21	2.21	2.00	2.00
A	35565	00	IRR	NK	G	SW NW NW	4350	5150	14	03	40W	3	WR	248.00	248.00	641.00	641.00
Same			IRR	NK	G	SW NW NW	4500	5150	14	03	40W	11	WR				
Same			IRR	NK	G	SW NW NW	4400	5100	14	03	40W	2	WR				
Same			IRR	NK	G	SW NW NW	4413	5163	14	03	40W	1	WR				
Same			IRR	NK	G	SW NW NW	4400	5250	14	03	40W	4	WR				
A	35566	00	IRR	NK	G	SW SW NW	2725	4800	14	03	40W	5	WR	175.00	175.00	641.00	0.00
Same			IRR	NK	G	SW SW NW	2800	4700	14	03	40W	6	WR				
Same			IRR	NK	G	SW SW NW	2650	4900	14	03	40W	8	WR				
Same			IRR	NK	G	SW SW NW	2650	4700	14	03	40W	7	WR				
Same			IRR	NK	G	SW SW NW	2800	4900	14	03	40W	12	WR				
A	35643	00	IRR	NK	G	NW SW SE	1250	2400	15	03	40W	4	WR	24.00	24.00	37.00	37.00
Same			IRR	NK	G	NW SW SE	1250	2445	15	03	40W	5	WR				
Same			IRR	NK	G	NW SW SE	1250	2422	15	03	40W	3	WR				
A	48268	00	IND	GY	G	SE NE NW	4449	2956	25	03	40W	3	WR	15.01	15.01		
A	49801	00	REC	AY	G	NW SE SW	667	3667	14	03	40W	13		0.00	0.00		
A	49841	00	IRR	AY	G	NW NW NE	4747	2263	22	03	40W	7	WR	1.79	1.79	2.00	2.00
V CN	2	00	MUN	AA	G	NW NE NE	4980	1280	28	03	40W	2	WR	30.69	30.69		



49801

Chief Engineer  
Division of Water Resources  
Kansas Department of Agriculture  
1320 Research Park Drive  
Manhattan, Kansas 66502  
<http://agriculture.ks.gov/dwr>

**ATTENTION LANDOWNER(S): COMPLETE ONLY IF  
A NON-OWNER IS TO REPORT WATER USAGE**

ATTN: Water Use Coordinator

RE: Water Use Correspondent for  
File No(s) \_\_\_\_\_

Dear Sir:

I am aware that Kansas law (K.S.A. 82a-732) requires the owner of a water right or permit to appropriate water for beneficial use, except for domestic use, to file an annual water use report with the Chief Engineer of the Division of Water Resources, Kansas Department of Agriculture, on or before March 1 following the end of the previous calendar year.

I understand that the law provides that failure to file the report or submission of an incomplete or inaccurate report could subject me, as owner (or part owner) of the above file number(s) to a civil penalty not to exceed \$250 and that any person falsifying the report could be charged with a class C misdemeanor.

WATER RESOURCES  
RECEIVED

For confirmation of the correspondent change provide a valid e-mail address.

E-mail: \_\_\_\_\_

NOV 15 2016  
UNACCEPTABLE FOR PRIORITY

With full knowledge of these facts, I request that DEONN Wiese

KS DEPT OF AGRICULTURE

RR 2 Box 51, St. Francis, KS, 67756, (\_\_\_\_\_) \_\_\_\_\_  
(Address) (City) (State) (Zip) (Telephone)

be designated as water use correspondent for the above file number(s) until I rescind this authority in writing.

I further understand that as water use correspondent my designee will be the only person who will receive an annual water use report from the Division of Water Resources concerning my water use reporting requirement.

Donna E Zwegardt  
(Signature)

Donna Zwegardt  
(Print Name)

318 Village Road  
(Address)

785-332-2527  
(Telephone)

St Francis, KS 67756  
(City, State, Zip)

WATER RESOURCES  
RECEIVED

State of Kansas }  
County of Cherokee } SS

UNACCEPTABLE FOR PRIORITY

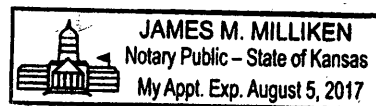
KS DEPT OF AGRICULTURE

The foregoing instrument was acknowledged before me this 8<sup>th</sup> day of November, 2016, by Donna E. Zwegardt  
(Water Right Owner)

James M. Milliken  
Notary Public

My appointment expires:

August 5, 2017



WATER RESOURCES  
RECEIVED

DWR Initials: CCP

MAR 17 2017

DWR 1-207.2 (Revised 06/16/2014)

KS DEPT OF AGRICULTURE **SCANNED**

Disregard as per phone call w/ Stockton FO 9/13/17

KAB/DWR

SECRET

CONFIDENTIAL

CONFIDENTIAL

SECRET

CONFIDENTIAL

SECRET

CONFIDENTIAL

CONFIDENTIAL

SECRET

January 11, 2017  
(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. 37788

Minimum Desirable Streamflow

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.

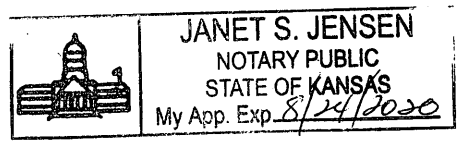
I also understand that if this application is approved, there could be times, as determined by the Division of Water Resources, when I would not be allowed to divert water. I realize that this could affect the economics of my decision to appropriate water.

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.

Donna E. Zwegardt  
Signature of Applicant  
Donna E. Zwegardt  
(Print Applicant's Name)

State of Kansas )  
County of Cherokee ) ss

I hereby certify that the foregoing instrument was signed in my presence and sworn to before me this 11th day of January, 20 17.



Janet S. Jensen  
Notary Public

My Commission Expires:  
August 24, 2020

WATER RESOURCES RECEIVED

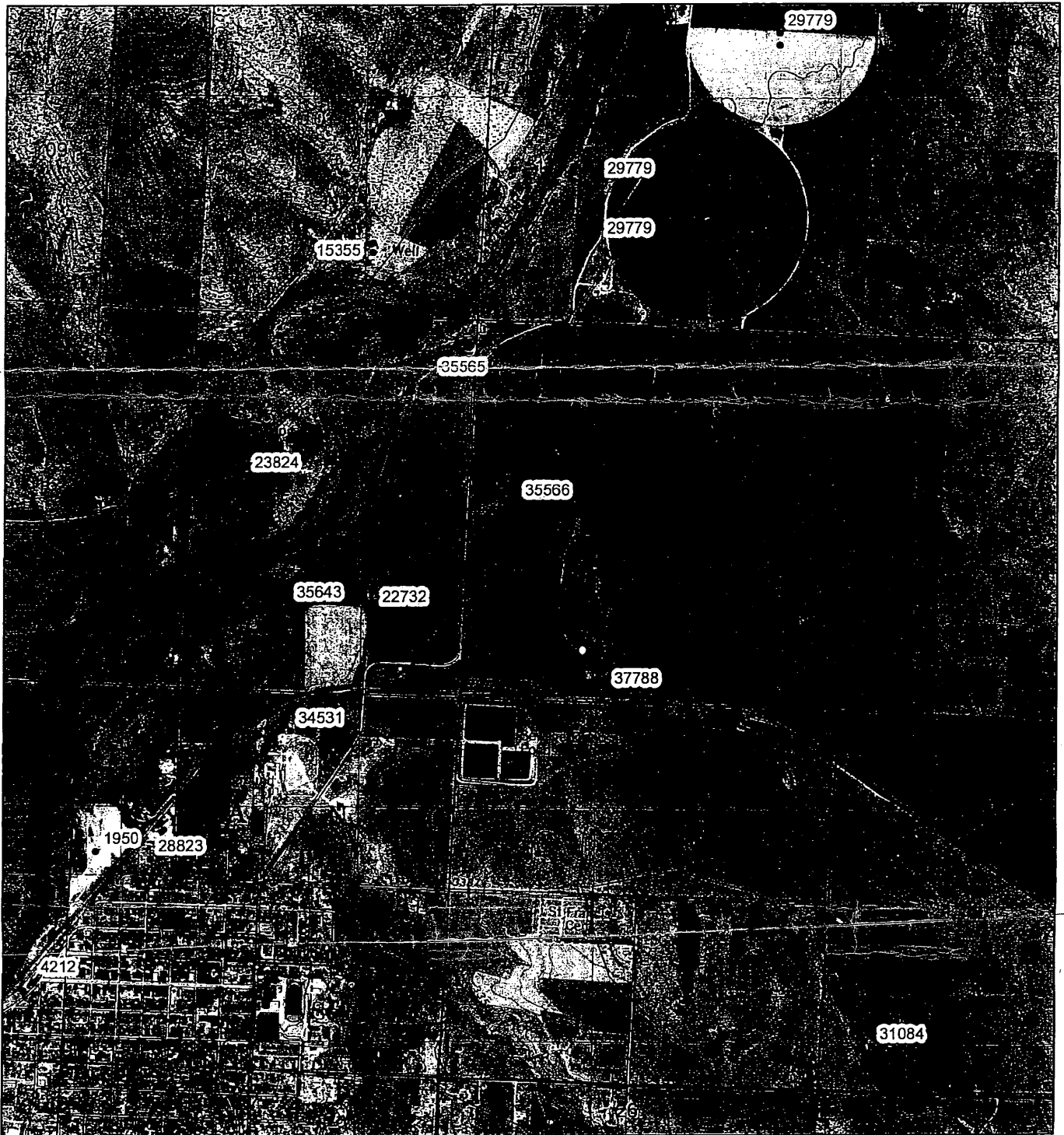
WATER RESOURCES RECEIVED

MAR 17 2017

JAN 17 2017  
UNACCEPTABLE FOR PRIORITY

KS DEPT OF AGRICULTURE

# New Application: Willard H. & Donna Zweygardt Trusts



## Legend

### Existing Water Rights

- ★ G\_IND
- G\_IRR
- ▲ G\_MUN

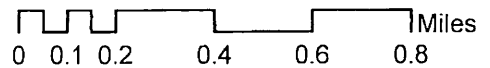
### Closed and Restricted Areas

#### STATUS

- Closed
- Restricted

- Section
- Proposed Place of Use
- Counties
- Proposed Point of Diversion

1:24,000



DWR-CCP

All wells of any kind within a half mile of the proposed point(s) of diversion have been plotted.

---

Signature \_\_\_\_\_ Date \_\_\_\_\_



49801

**VOLUNTARY WAIVER OF HEARING & DISMISSAL OF WATER RIGHT**

To: Kansas Department of Agriculture  
Division of Water Resources (DWR)  
1320 Research Park Drive  
Manhattan, Kansas 66502  
<http://agriculture.ks.gov/dwr>

Re: Appropriation of Water   
Water Right   
Vested Right   
Term Permit

(Check Appropriate Box Above)

File No. 37788 \* *Already Dismissed*

*on 3/24/17 for Failure to  
Perfect. DWS/DWR  
@1/4/17*

The undersigned owner(s) and/or authorized agent(s) of the above referenced water right, or permit, freely and voluntarily request that the file be dismissed and its priority forfeited. By signing this waiver, I am indicating my understanding and agreement that I am relinquishing all right, title and interest in said water right.

The signature(s) below represent all present owners (or an authorized agent) for the file number shown above (attach duplicate copies of this document as necessary).

The signature(s) below also indicate(s) a waiver of any right to a hearing or an appeal that I/we may have had regarding the dismissal and termination of the above referenced file. I/we recognize that if this closure request is submitted to the Division of Water Resources, it will terminate this water right and forfeit any priority associated with it forever.

Indicate here if you wish to retain the well(s) for domestic use (DWR water right not required):

\_\_\_\_\_  
(Signature of Owner or Authorized Agent)

\_\_\_\_\_  
(Signature of Spouse or Title of Authorized Agent)

\_\_\_\_\_  
(Please print name here)

\_\_\_\_\_  
(Please print name here)

\_\_\_\_\_  
(Mailing Address)

\_\_\_\_\_  
(Mailing Address)

\_\_\_\_\_  
(City, State, Zip)

\_\_\_\_\_  
(City, State, Zip)

WATER RESOURCES  
RECEIVED

MAR 17 2017

KS DEPT OF AGRICULTURE

**ACKNOWLEDGMENT**

State of Kansas )  
County of \_\_\_\_\_)

This instrument was acknowledged before me this \_\_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_ by

(owners:) \_\_\_\_\_

(Seal)

\_\_\_\_\_  
Notary Public

My appointment expires:

\_\_\_\_\_  
ccp  
DWR Initials

49801

10/8/16  
(Date)

Kansas Department of Agriculture  
Division of Water Resources  
David W. Barfield, Chief Engineer  
1320 Research Park Drive  
Manhattan, Kansas 66502

WATER RESOURCES RECEIVED  
NOV 15 2016  
UNACCEPTABLE FOR PRIORITY  
KS DEPT OF AGRICULTURE

Re: Application  
File No. 37,788 49,801

Minimum Desirable Streamflow

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.

Donna E Zwegardt  
Signature of Applicant

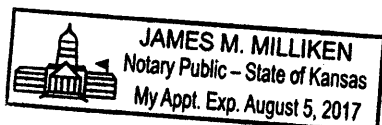
State of Kansas )  
County of Cherokee ) ss

Donna Zwegardt  
(Print Applicant's Name)

I hereby certify that the foregoing instrument was signed in my presence and sworn to before me this 8<sup>th</sup> day of November, 2016.

James M. Milliken  
Notary Public

My Commission Expires: August 5<sup>th</sup>, 2017



WATER RESOURCES RECEIVED  
MAR 17 2017  
UNACCEPTABLE FOR PRIORITY  
KS DEPT OF AGRICULTURE

**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



1320 Research Park Drive  
Manhattan, Kansas 66502  
Jackie McClaskey, Secretary

Phone: (785) 564-6700  
Fax: (785) 564-6777  
Email: ksag@kda.ks.gov  
www.agriculture.ks.gov  
Sam Brownback, Governor

March 17, 2017

WILLARD H & DONNA ZEWYGARDT TRUSTS  
318 VILLAGE RD APT 2  
SAINT FRANCIS KS 67756

**FILE COPY**

RE: Application  
File No. 49801

Dear Sir or Madam:

Your application for permit to appropriate water in 14-03S-40W in Cheyenne County, was received and has been assigned the file number noted above.

As a matter of record, the Division of Water Resources has on hand a large number of applications awaiting processing. Therefore to be fair to all concerned, and so that we can process those applications on hand in the order they were received, we intend to concentrate on the backlog of applications until the issue is resolved. Once review of your application has begun, we will contact you, if additional information is required.

In accordance with the provisions of the Kansas Water Appropriation Act, a portion of which is included below, the use of water as proposed prior to approval of the application is unlawful. Once approved, compliance with the terms, conditions and limitations of the permit is necessary. Conservation of the water resources of Kansas is required.

**Section 82a-728 of the Kansas Water Appropriation Act, provides (a) except for the appropriation of water for the purpose of domestic use, . . . it shall be unlawful for any person to appropriate or threaten to appropriate water from any source without first applying for and obtaining a permit to appropriate water in accordance with the provisions of the Water Appropriation Act or for any person to violate any condition of a vested right, appropriation right or an approved application for a permit to appropriate water for beneficial use.**

**(b) (1) The violation of any provision of this section by any person is a class C misdemeanor . . .**

**A class C misdemeanor is punishable by a fine not to exceed \$500 and/or a term of confinement not to exceed one month in the county jail. Each day that the violation occurs constitutes a separate offense.**

If you have any questions, please contact me at (785) 564-6645. If you wish to discuss a specific file, please have the file number ready so that we may help you more efficiently.

Sincerely,

Brent A Turney, P.G.  
Change Application Unit Supervisor  
Water Appropriation Program

BAT: dlw  
pc: STOCKTON Field Office  
GMD 4

**SCANNED**



49801



1320 Research Park Drive  
Manhattan, Kansas 66502  
(785) 564-6700

900 SW Jackson, Room 456  
Topeka, Kansas 66612  
(785) 296-3556

Jackie McClaskey, Secretary

Governor Sam Brownback

March 6, 2017

WILLARD H & DONNA ZEWEYGARDT TRUST  
318 VILLAGE RD APT 2  
SAINT FRANCIS KS 67756

Re: Unacceptable Application

Dear Sir or Madam:

Returned herewith is your Application for Permit to Appropriate Water for Beneficial Use received by the Division of Water Resources on January 17, 2017 with Check No. 3648 in the amount of \$200. This application is not acceptable for filing in its present form.

This new application is necessary to replace File No. 37,788 which is being dismissed for failure to perfect. Without the new application, the two groundwater pits associated with File No. 37,788 will be considered an illegal diversion of water and further action will be taken by the Division.

To make the new application acceptable, the following must be completed:

- **Sign** Item No. 16, marked by the "sign here" sticker of the returned application
- Designate who will be the Water Use Correspondent, marked by the blue post-it note
- Review and **sign** the enclosed map, marked by the "sign here" sticker
- **Sign and notarize** the enclosed Voluntary Dismissal Form

You **must complete** the following items, return all components of the application, including all supporting materials and check for the filing fee of \$200 to our office at **1320 Research Park Dr. Manhattan, KS 66502**.

Upon return of the acceptable application with required original signatures and information, it will be assigned a priority based upon the date and time it is received in the office of the Chief Engineer. If you have any questions, please contact me at (785) 564-6631 or [alex.whitesell@ks.gov](mailto:alex.whitesell@ks.gov).

Sincerely,

Alex Whitesell  
Environmental Scientist  
Water Appropriation Program

WATER RESOURCES  
RECEIVED

MAR 17 2017

KS DEPT OF AGRICULTURE

enclosure