

# NOTICE

This scan only represents the application as filed. The information contained herein meets the requirements of K.A.R. 5-3-1 or K.A.R. 5-5-1, and has been found acceptable for filing in the office of the Chief Engineer. The application should not be considered to be a complete application as per K.A.R. 5-3-1b or K.A.R. 5-5-2a.

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

**APPLICATION FOR APPROVAL TO  
CHANGE THE PLACE OF USE, THE  
POINT OF DIVERSION OR THE USE  
MADE OF THE WATER UNDER AN  
EXISTING WATER RIGHT**



State of Kansas

**Filing Fee Must Accompany the Application**  
(Please refer to Fee Schedule on signature page of application form.)

Paragraph Nos. 1, 2, 3, 4 & 8 must be completed. Complete all other applicable portions. A topographic map or detailed plat showing the authorized and proposed points(s) of diversion and /or place of use must accompany this application.

WATER RESOURCES  
RECEIVED

MAR 31 2017

11:15

KS DEPT OF AGRICULTURE

- Application is hereby made for approval of the Chief Engineer to change the  
(Check one or more)  Place of Use  
 Point of Diversion  
 Use Made of Water

File No. 48,873

- Name of applicant: CRAIG GIGSTAD TRUST

Address: 15272 US 59 HWY

City, State and Zip: VALLEY FALLS KS 66088

Phone Number: (913)426-1760 E-mail address: \_\_\_\_\_

What is your relationship to the water right; owner tenant agent other? If other, please explain. \_\_\_\_\_

Name of water use correspondent: Same as above

Address: \_\_\_\_\_

City, State and Zip: \_\_\_\_\_

Phone Number: (\_\_\_\_) \_\_\_\_\_ E-mail address: \_\_\_\_\_

- The change(s) proposed herein are desired for the following reasons (please be specific): \_\_\_\_\_  
The applicant recently purchased new ground adjacent to current irrigation project. This change in place of use will allow for a more efficient irrigation system and allow the new acreage to be an authorized place of use.

The change(s) (was) (will be) completed by Spring 2017

(Date)

F.O. 1 GMD 0 USE IRR<sub>1</sub> S JF AJW 3/31/17  
CPU \$200.00 3/31/17 #1836

4/3/2017 UM

File  
No.  
48,  
873

- The presently authorized place of use is:

Owner of Land NAME: CRAIG GIGSTAD TRUST

ADDRESS: 15272 US 59 HWY, VALLEY FALLS, KS 66088

Sec.	Twp.	Range	NE¼				NW¼				SW¼				SE¼				TC AC
			NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	
27	8S	19E							38	28	40	40	33	40					2
28	8S	19E						5	35		40	40	40	40	40	40	40	40	3

List any other water rights that cover this place of use. NONE  
Total = 579

Owner of Land NAME: \_\_\_\_\_

ADDRESS: \_\_\_\_\_

Sec.	Twp.	Range	NE¼				NW¼				SW¼				SE¼				TC AC
			NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	

List any other water rights that cover this place of use. \_\_\_\_\_

(If there are more than two landowners, attach additional sheets as necessary.)

- It is proposed that the place of use be changed to:

Owner of Land NAME: CRAIG GIGSTAD TRUST

ADDRESS: 15272 US 59 HWY, VALLEY FALLS, KS 66088

Sec.	Twp.	Range	NE¼				NW¼				SW¼				SE¼				TC AC
			NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	
27	8S	19E							38		40	33							1
28	8S	19E	20	34	38	40	32			8	40	31	40	40	40	27	38	40	4

List any other water rights that cover this place of use.  
Total = 579

Owner of Land NAME: \_\_\_\_\_

ADDRESS: \_\_\_\_\_

Sec.	Twp.	Range	NE¼				NW¼				SW¼				SE¼				TC AC
			NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	

WATER RESOURCES  
RECEIVED  
MAR 31 2017  
KS DEPT OF AGRICULTURE

- The presently authorized point(s) of diversion One Dam and Reservoir.  
(Provide description and number of points)
- The proposed point(s) of diversion NO CHANGE.  
(Provide description and number of points)

**List all presently authorized point(s) of diversion:**

**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 \_\_\_\_\_  
(DWR use only: Computer ID No. \_\_\_\_\_ GPS \_\_\_\_\_ feet North \_\_\_\_\_  
\_\_\_\_\_ feet West)

**This point will not be changed      This point will be changed as follows:**

**Proposed point of diversion: (Complete only if change is requested)**

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

**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 \_\_\_\_\_  
(DWR use only: Computer ID No. \_\_\_\_\_ GPS \_\_\_\_\_ feet North \_\_\_\_\_  
\_\_\_\_\_ feet West)

**This point will not be changed      This point will be changed as follows:**

**Proposed point of diversion: (Complete only if change is requested)**

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 \_\_\_\_\_

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

**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 \_\_\_\_\_

(DWR use only: Computer ID No. \_\_\_\_\_ GPS \_\_\_\_\_ feet North \_\_\_\_\_  
\_\_\_\_\_ feet West)

**This point will not be changed      This point will be changed as follows:**

**Proposed point of diversion: (Complete only if change is requested)**

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 \_\_\_\_\_

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

- Describe the current condition of and future plans for any point(s) of diversion which will no longer be used. \_\_\_\_\_  
\_\_\_\_\_

**IF MORE SPACE IS NEEDED, ATTACH ADDITIONAL SHEETS AS NECESSARY**

File  
No.  
48,  
873

- The presently authorized use of water is for Irrigation \_\_\_\_\_ purposes.  
It is proposed that the use be changed to NO CHANGE \_\_\_\_\_  
purposes.

- If changing the place of use and/or use made of water, describe how the consumptive use will not be increased.

No increase in the authorized acreage, which ensures no increase in consumptive use.

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

**WATER RESOURCES  
RECEIVED**

**MAR 31 2017**

(Please show any calculations here.)

- It is requested that the maximum annual quantity of water be reduced to \_\_\_\_\_ (acre-feet or million gallons).
- It is requested that the maximum rate of diversion of water be reduced to \_\_\_\_\_ gallons per minute (\_\_\_\_\_ c.f.s.).
- The application must include either a topographic map or detailed plat. A U.S. Geological Survey Topographic Map, scale 1:24,000, is available through the Kansas Geological Survey, 1930 Constant Avenue, University of Kansas, Lawrence, Kansas 66047-3726 ([www.usgs.gov](http://www.usgs.gov)). The map should show the location of the presently authorized point(s) of diversion. Distances North and West of the Southeast corner of the section must be shown. The presently authorized place of use should also be shown. Identify the center of the section, the section lines and the section corners and show the appropriate section, township, and range numbers on the map. In addition the following information must also be shown on the map.
  - If a change in the location of the point(s) of diversion is proposed, show:
    - The location of the proposed point(s) of diversion. Distances North and West of the Southeast corner of the section must be shown. Please be certain that the information shown on the map agrees with the information shown in Paragraph Nos. 9, 10 and 11 of the application.
    - If the source of supply is groundwater, please show the location of existing water wells of any kind, including domestic wells, within ½ mile of the proposed well or wells. Identify each well as to its use and furnish name and mailing address of the property owner or owners. If there are no wells within ½ mile, please indicate so on the map.
    - If the source of supply is surface water, the names and mailing addresses of all landowner(s) ½ mile downstream and ½ mile upstream from your property lines must be shown.
  - If a change in the place of use is desired, show the proposed place of use by crosshatching on the map. Please be certain that the information shown on the map agrees with the information shown in Paragraph No. 5 of the application.
- Attach documentation to show the change(s) proposed herein will not impair existing water rights and relates to the same local source of supply as to which the water right relates. This information may include statements, plats, geology reports, well logs, test hole logs, and other information as necessary information to show the above. Additional comments may be made below.

No change in source of water.

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

- If the proposed change(s) does not meet all applicable rules and regulations of the Kansas Water Appropriation Act, please identify the rules and regulations for which you request a waiver. State the reason why a waiver is needed and why the request should be granted. Attach documentation showing that granting the request will not impair existing water rights and will not prejudicially and unreasonably affect the public interest.

N/A.

\_\_\_\_\_

WATER RESOURCES  
RECEIVED

MAR 31 2017

**IF MORE SPACE IS NEEDED, ATTACH ADDITIONAL SHEETS AS NECESSARY**

File  
No.  
48  
873

Any use of water that is not as authorized by the water right or permit to authorize water **before** the chief engineer approves this application is a violation of the Kansas Water Appropriation Act for which criminal or civil penalties may be assessed. Such violation is a class C misdemeanor, punishable by a fine not to exceed \$500 and/or a term of confinement not to exceed one month in the county jail. K.S.A. 82a-728(b). Civil penalties shall be not less than \$100 nor more than \$1,000 per violation. In the case of a continuing violation, each day such violation continues may be deemed a separate violation. In addition to these penalties the water right may be modified or suspended. K.S.A. 82a-737, as amended.

**The application must be signed by all owners of the place of use authorized under the water right and his or her spouse, if married. Please indicate if there is no spouse.** If land is being purchased under contract, the seller must sign as landowner until such time as the contract is completed.

In the event that all applicants cannot appear before one notary public, they may as necessary sign separate copies of the application before any notary public conveniently available to them. All copies signed in this manner shall be considered to be valid parts of the application.

If the request is signed on behalf of any Owner by someone with legal authority to do so (for example, an agent, one who has power of attorney, or an executor, executrix, conservator), it will be necessary to attach proper documents showing such authority.

**I declare that I am an owner of the currently authorized place of use as identified herein, or that I represent all such owners and am authorized to make this application on their behalf, and declare further that the statements contained herein are true, correct, and complete. By filing this application I authorize the chief engineer to permanently reduce the quantity of water and/or rate of diversion as specified in sections 14 and 15 of this application.**

Dated at Valley Falls, Kansas, this 27<sup>th</sup> day of March, 2017

Craig Bigstad  
(Owner)  
Craig Bigstad  
(Please Print)  
\_\_\_\_\_  
(Owner)  
\_\_\_\_\_  
(Please Print)  
\_\_\_\_\_  
(Owner)  
\_\_\_\_\_  
(Please Print)

Jamara J. Bigstad  
(Spouse)  
Tamera J. Bigstad  
(Please Print)  
\_\_\_\_\_  
(Spouse)  
\_\_\_\_\_  
(Please Print)  
\_\_\_\_\_  
(Spouse)  
\_\_\_\_\_  
(Please Print)

State of Kansas )  
County of Jefferson ) SS

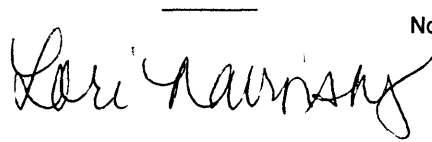
Notary Public State of Kansas  
Lori L. Navinskey  
My Appt Exp 9-9-17

WATER RESOURCES  
RECEIVED

MAR 31 2017

I hereby certify that the foregoing application was signed in my presence and sworn to before me this 27<sup>th</sup> day of March, 2017.

My Commission Expires 9-9-17



Notary Public

**FEE SCHEDULE**

Each application to change the place of use, the point of diversion or the use made of the water under this section shall be accompanied by the application fee set forth in the schedule below:

- Application to change a point of diversion 300 feet or less .....  
..... \$100
- Application to change a point of diversion more than 300 feet .....  
..... \$200
- Application to change the place of use .....  
..... \$200
- Application to change the use made of the water .....  
..... \$300

Make check payable to **Kansas Department of Agriculture.**

**WATER RESOURCES  
RECEIVED**

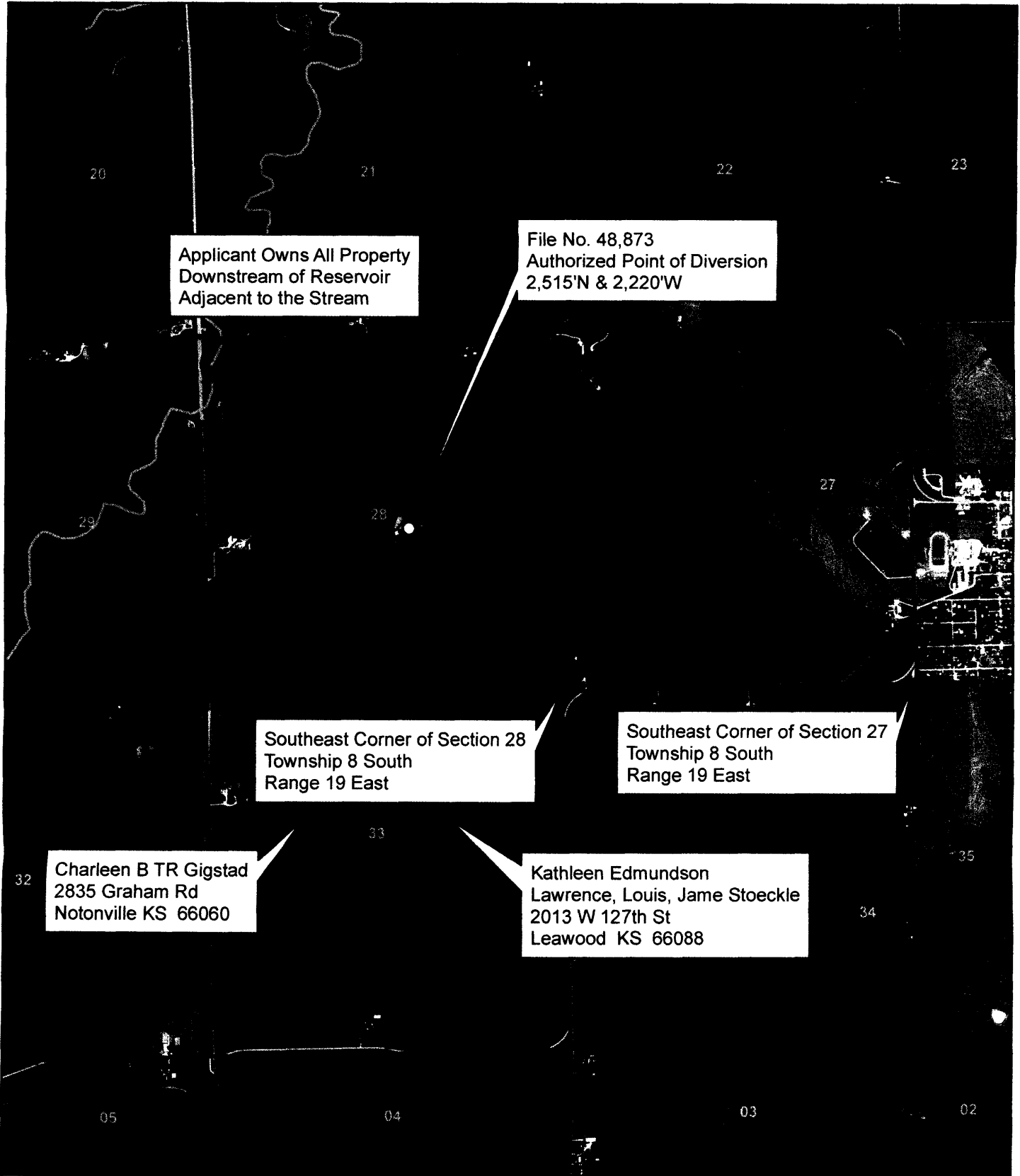
**MAR 31 2017**

**KS DEPT OF AGRICULTURE**



CRAIG GIGSTAD TRUST - FILE NO. 48,873  
 AUTHORIZED PLACE OF USE  
 Sections 27 & 28, Township 8 South, Range 19 East  
 Jefferson County

*colored area is newly purchased*



Applicant Owns All Property  
 Downstream of Reservoir  
 Adjacent to the Stream

File No. 48,873  
 Authorized Point of Diversion  
 2,515'N & 2,220'W

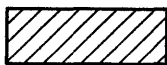
Southeast Corner of Section 28  
 Township 8 South  
 Range 19 East

Southeast Corner of Section 27  
 Township 8 South  
 Range 19 East

Charleen B TR Gigstad  
 2835 Graham Rd  
 Notonville KS 66060

Kathleen Edmundson  
 Lawrence, Louis, Jame Stoeckle  
 2013 W 127th St  
 Leawood KS 66088

RECEIVED



Authorized Place of Use  
 MAR 31 2017

All known landowners adjacent to the stream  
 within one-half mile upstream and downstream  
 of the property lines have been shown.

○ Authorized Point of Diversion  
 KS DEPT OF AGRICULTURE

*Craig Gigstad*

1:24,000





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

April 3, 2017

**FILE COPY**

CRAIG GIGSTAD TRUST  
15272 US HWY 59  
VALLEY FALLS, KS 66088

RE: File No. 48873

Dear Sir or Madam:

An application for approval of the Chief Engineer to change the following condition or conditions of the file number referred to above has been received:

- place of use            PU
- point of diversion
- use made of water

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. You will be contacted regarding this application as soon as it has been examined.

In accordance with the provisions of the Kansas Water Appropriation Act, a portion of which is included below, the use of water prior to approval of the application is unlawful. You should not proceed and divert water as indicated by your plans in your application for a change for this file until you receive approval for this change from the Chief Engineer. 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, L.G.  
Change Applications Unit Supervisor  
Water Appropriation Program

BAT: dlw  
pc: TOPEKA Field Office    GMD