

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

1. File Number: <b>49,832</b>	2. Status Change Date: <b>9/1/2017</b>	3. Field Office: <b>01</b>	4. GMD: <b>0</b>
5. Status: <input checked="" type="checkbox"/> Approved <input type="checkbox"/> Denied by DWR/GMD <input type="checkbox"/> Dismiss by Request/Failure to Return			
6. Enclosures: <input checked="" type="checkbox"/> Check Valve <input checked="" type="checkbox"/> N of C Form <input type="checkbox"/> Water Tube <input type="checkbox"/> Driller Copy <input checked="" type="checkbox"/> Meter			
7a. Applicant(s) <input type="checkbox"/> New to system <input type="checkbox"/> Person ID <b>53285</b> Add Seq# _____  NORMAN STUTZMAN 614 BROADWAY ST BELVUE KS 66407	7c. Landowner(s) <input type="checkbox"/> New to system <input type="checkbox"/> Person ID <b>7439</b> Add Seq# _____  <div style="border: 1px solid black; border-radius: 50%; padding: 5px; display: inline-block;">ROSE M. HENNINGSEN TRUST</div> 22500 HALF MOON RD BELVUE, KS 66407-9311 <span style="font-size: small;">(LIF/AM)</span> <span style="position: absolute; left: 200px; top: -100px; font-size: x-small;">name change</span>		
7b. Landowner(s) <input type="checkbox"/> New to system <input type="checkbox"/> Person ID <b>65465</b> Add Seq# _____  PAUL W HENNINGSEN TRUST 1694 14 <sup>TH</sup> ST HIAWATHA KS 66434	7d. Misc. <input type="checkbox"/> New to system <input type="checkbox"/> Person ID _____ Add Seq# _____		
8. WUR Correspondent <input type="checkbox"/> New to system <input type="checkbox"/> Overlap File (s) WUC Agree <input type="checkbox"/> Yes <input type="checkbox"/> No  <b>7a.</b>	9. Use of Water: Changing? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> Groundwater <input checked="" type="checkbox"/> Surface Water <input checked="" type="checkbox"/> IRR <input type="checkbox"/> REC <input type="checkbox"/> DEW <input type="checkbox"/> MUN <input type="checkbox"/> STK <input type="checkbox"/> SED <input type="checkbox"/> DOM <input type="checkbox"/> CON <input type="checkbox"/> HYD DRG <input type="checkbox"/> WTR PWR <input type="checkbox"/> ART RECHRG <input type="checkbox"/> IND SIC: _____ <input type="checkbox"/> OTHER: _____		
10. Completion Date: <b>12/31/2018</b>		11. Perfection Date: <b>12/31/2022</b>	
13. Conservation Plan Required? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No Date Required: _____ Date Approved: _____ Date to Comply: _____		12. Exp Date: _____	
14. Water Level Measuring Device? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No Date to Comply: _____ Date WLMD Installed: _____			
Update Ownership.		Date Prepared: <b>8/1/2017</b> By: <b>DWS</b> Date Entered: <b>9/6/2017</b> By: <b>UM</b>	

File No. **49,832**      15. Formation Code: \_\_\_\_\_      Drainage Basin: KANSAS RIVER      County: PT      Special Use: \_\_\_\_\_      Stream: KANSAS RIVER

16. Points of Diversion

MOD DEL ENT	PDIV	Qualifier	S	T	R	ID	'N	'W
√		SE SW SW	5	10	11E	3	520	4355
√		NE SW SW	5	10	11E	4	1000	4445

17. Rate and Quantity

Authorized		Additional		Overlap PD Files
Rate gpm	Quantity af	Rate gpm	Quantity af	
2500	182	2500	135.2	NONE

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

19. Limitation: **200.2** af/yr at \_\_\_\_\_ gpm ( \_\_\_\_\_ cfs) when combined with file number(s) **37,208 (ON THE PLACE OF USE)**  
 Limitation: \_\_\_\_\_ af/yr at \_\_\_\_\_ gpm ( \_\_\_\_\_ cfs) when combined with file number(s)

20. Meter Required?  Yes  No      To be installed by **12/31/2018**      Date Acceptable Meter Installed \_\_\_\_\_

21. Place of Use

MOD DEL ENT	PUSE	S	T	R	ID	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				
√	24301	5	10	11E	3		10	40				5	24	40	25	11	27				182	7b. <sup>17</sup> / <sub>c</sub>	<del>No</del>	37,208	

Comments:

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

**M E M O R A N D U M**

**TO:** Files

**DATE:** August 1, 2017

**FROM:** Doug Schemm

**RE:** Application, File No. 49,832

Norman Stutzman has filed the above referenced application to appropriate surface water directly from the Kansas River for irrigation use. The applicant is proposing two pump sites, and requesting 182 acre-feet of surface water at a diversion rate of 2,500 gallons per minute to irrigate 182 acres in Pottawatomie County. The place of use is owned by the Paul W. Henningsen Trust, and Paul Henningsen has signed the application form stating they have access to the point of diversion. The pump sites are located in the Southwest Quarter of Section 5, Township 10 South, Range 11 East.

Water Right, File No. 37,208 currently overlaps a portion of the place of use, however a change in place of use application has been filed to create a complete overlap with this new application. Water Right, File No. 37,208 is authorized 65 acre-feet of water. The maximum allowable quantity of water to irrigate 182 acres with 1.1 acre-feet per acre is 200.2 acre-feet in Pottawatomie County, Kansas. Therefore this new application will be limited to 200.2 acre-feet combined with the senior file on the place of use.

The applicant provided a list of landowners, and notification letters were sent to upstream and downstream landowners on July 13, 2017. No comments of any kind were received. In addition, the Kansas River Water Assurance District was also informed of the pending application. Per the Kansas River Water Assurance Program Operations Agreement, which states, in part, that "the District reserves the right to review all applications to appropriate water and change applications, including term permits, filed with the Division of Water Resources that propose the diversion of water from the Kansas River or its alluvium". The District was also informed of the pending change on File No. 37,208. There are several other surface water rights located within a two-mile radius. However, the nearest downstream water right is over a mile away. Therefore, approval of this application will not impair any senior water rights.

Per K.A.R. 5-3-15, Availability of water for appropriation - safe yield; surface water. (a) Each application filed to directly divert the natural flow of the Kansas river, the Missouri river, the Big Blue river, the Spring river, or their tributaries, shall:

- (1) be processed in accordance with K.A.R. 5-3-9; and
- (2) meet all other requirements for the approval of a new application.

(b) The water right owner shall be required by the chief engineer to meet minimum desirable streamflows (MDS), assurance district target flows (assurance target flows) and division of water resources (DWR) target flows where applicable.

The application meets these safe yield criteria. The permit will also contain the condition that streamflow cannot be stopped at the first riffle below the point of diversion while diversion is taking place.

In accordance with K.S.A. 82a-706c, the Chief Engineer retains full authority to require any water user to install meters, gages, or other measuring devices, which devices he or she or his or her agents may read at any time. Water flowmeter requirements are further described in K.A.R. 5-1-4 through K.A.R. 5-1-12. If any chemical or foreign substance is injected into the water pumped under this permit, a check valve will also need to be installed.

Norman Stutzman  
File No. 49,832  
Page 2

Katie Tietsort, Water Commissioner, Topeka Field Office, recommended approval of the application in a July 31, 2017 e-mail.

Based on the above discussion, the Kansas River is open to new appropriations, the application complies with all regulations, and approval of the application will not impair senior water rights nor prejudicially or unreasonably affect the public interest, it is recommended that the referenced application be approved in conjunction with the change application for File No. 37,208.

Doug 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

September 7, 2017

NORMAN STUTZMAN  
614 BROADWAY ST  
BELVUE KS 66407

**FILE COPY**

RE: Appropriation of Water, File No. 49,832

Dear Mr. Stutzman:

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 these approval documents. A water meter is required on the proposed diversion works and you must install it prior to water being put to beneficial use in order for you to maintain accurate records of water use. The meter should be used to provide the information required on the annual water use report.

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,

A handwritten signature in cursive script that reads "Kristen A. Baum".

Kristen A. Baum  
New Application Unit Supervisor  
Water Appropriation Program

KAB:dws  
Enclosures

pc: Topeka Field Office  
Paul W. Henningsen Trust



**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. 49,832** of the applicant

**NORMAN STUTZMAN  
614 BROADWAY ST  
BELVUE KS 66407**

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 **April 26, 2017**.
2. That the water sought to be appropriated shall be used for irrigation use on land described in the application, as follows:

Sec.	Twp.	Range	NE¼				NW¼				SW¼				SE¼				TOTAL
			NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	
5	10S	11E		10	40			5	24	40	25	11	27					182	

3. That the authorized source from which the appropriation shall be made is surface water from the Kansas River, to be diverted at two (2) pump sites located as follows: one in the Southeast Quarter of the Southwest Quarter of the Southwest Quarter (SE¼ SW¼ SW¼) of Section 5, more particularly described as being near a point 520 feet North and 4,355 feet West of the Southeast corner of said section, and one in the Northeast Quarter of the Southwest Quarter of the Southwest Quarter (NE¼ SW¼ SW¼) of Section 5, more particularly described as being near a point 1,000 feet North and 4,445 feet West of the Southeast corner of said section, all in Township 10 South, Range 11 East, Pottawatomie 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 **2,500 gallons per minute (5.57 c.f.s.)** and to a quantity not to exceed **182 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, 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 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 Kansas Administrative Regulations 5-1-4 through 5-1-12 adopted by the Chief Engineer. This water flow meter shall be used to provide an accurate quantity of water diverted as required for the annual water use report (including the meter reading at the beginning and end of the report year).
13. That the applicant shall maintain accurate and complete records from which the quantity of water diverted during each calendar year may be readily determined and the applicant shall file an annual water use report with the Chief Engineer by March 1 following the end of each calendar year. Failure to file the annual water use report by the due date shall cause the applicant to be subject to a civil penalty.
14. That no water user shall engage in nor allow the waste of any water diverted under the authority of this permit.
15. That failure without cause to comply with provisions of the permit and its terms, conditions and limitations will result in the forfeiture of the priority date, revocation of the permit and dismissal of the application.
16. That the stream flow shall not be stopped at the first riffle below the point of diversion while diversion is taking place under the authority of this water right or permit.
17. 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.
18. That the quantity of water approved under this permit is further limited to the quantity which combined with Water Right, File No. 37,208, will provide a total **not to exceed 200.2 acre-feet** of water per calendar year for irrigation use on the land described herein.

**RIGHT TO A HEARING AND TO ADMINISTRATIVE REVIEW**

If you are aggrieved by this Order, then pursuant to K.S.A. 82a-1901, you may:

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

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

To obtain an evidentiary hearing before the Chief Engineer, a written request for hearing must be filed within 15 days after service of this Order as provided in K.S.A. 77-531 (i.e., **within a total of 18 days after this Order was mailed to you**), with: Kansas Department of Agriculture, Attn: Legal Section, 1320 Research Park Drive, Manhattan, Kansas 66502, FAX (785) 564-6777.

If you do not file a request for an evidentiary hearing before the Chief Engineer, you may petition for administrative review of the Order by the Secretary of Agriculture. A petition for review shall be in writing and state the basis for requesting administrative review. The request for hearing may be denied if the request fails to clearly establish factual or legal issues for review. See K.S.A. 77-527. The petition must be filed within 30 days after service of this Order as provided in K.S.A. 77-531 (i.e., **within a total of 33 days after this Order was mailed to you**), and be filed with: Secretary of Agriculture, Attn: Legal Division, Kansas Department of Agriculture, 1320 Research Park Drive, Manhattan, Kansas 66502, FAX (785) 564-6777.

If neither a request for an evidentiary hearing nor a petition for administrative review is filed as set forth above, then this Order shall be effective and become a final agency action as defined in K.S.A. 77-607(b). Failure to timely request either an evidentiary hearing or administrative review may preclude further judicial review under the Kansas Judicial Review Act.

Ordered this 15<sup>th</sup> day of September, 2017, in Topeka, Shawnee County, Kansas.

*Lane P. Letourneau*

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

State of Kansas            )  
  ) SS  
County of Riley            )

The foregoing instrument was acknowledged before me this 15<sup>th</sup> day of September 2017, by Lane P. Letourneau, P.G., Program Manager, Division of Water Resources, Kansas Department of Agriculture.



*Danielle Wilson*  
Notary Public



### CERTIFICATE OF SERVICE

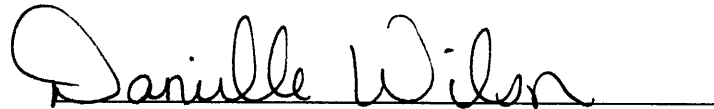
On this 7<sup>th</sup> day of September, 2017, I hereby certify that the foregoing Approval of Application, File No. 49,832, dated September 1, 2017 was mailed postage prepaid, first class, US mail to the following:

NORMAN STUTZMAN  
614 BROADWAY ST  
BELVUE KS 66407

With photocopies to:

PAUL W HENNINGSSEN TRUST  
1694 14<sup>TH</sup> ST  
HIAWATHA KS 66434

Topeka Field Office

A handwritten signature in cursive script that reads "Daniëlle Wilson". The signature is written in black ink and is positioned above a solid horizontal line.

Division of Water Resources

#1

APPLICATION COMPLETE

8/11/2017

Reviewer DWS

THE STATE OF KANSAS



KANSAS DEPARTMENT OF AGRICULTURE  
Jackie McClaskey, Secretary of Agriculture

DIVISION OF WATER RESOURCES  
David W. Barfield, Chief Engineer

File Number 49832

This item to be completed by the Division of Water Resources.

WATER RESOURCES  
RECEIVED

APPLICATION FOR PERMIT TO  
APPROPRIATE WATER FOR BENEFICIAL USE

APR 26 2017  
2:08

Filing Fee Must Accompany the Application

(Please refer to Fee Schedule attached to this application form.) KS DEPT OF AGRICULTURE

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

1. Name of Applicant (Please Print): NORMAN STUTZMAN  
Address: 614 BROADWAY ST  
City: BELVUE State KS Zip Code 66407  
Telephone Number: ( 785 ) 456-3419

2. The source of water is:  surface water in KANSAS RIVER (stream)  
OR  groundwater in KANSAS 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 182\* acre-feet OR \_\_\_\_\_ gallons per calendar year, to be diverted at a maximum rate of 2500 gallons per minute OR \_\_\_\_\_ cubic feet per second.

Once your application has been assigned a priority, the requested maximum rate of diversion and maximum requested quantity of water under that priority number can **NOT** be increased. Please be certain your requested maximum rate of diversion and maximum quantity of water are appropriate and reasonable for your proposed project and are in agreement with the Division of Water Resources' requirements.

4. The water is intended to be appropriated for (Check use intended):  
(a)  Artificial Recharge (b)  Irrigation (c)  Recreational (d)  Water Power  
(e)  Industrial (f)  Municipal (g)  Stockwatering (h)  Sediment Control  
(i)  Domestic (j)  Dewatering (k)  Hydraulic Dredging (l)  Fire Protection  
(m)  Thermal Exchange (n)  Contamination Remediation

YOU **MUST** COMPLETE AND ATTACH ADDITIONAL DIVISION OF WATER RESOURCES FORM(S) PROVIDING INFORMATION TO SUBSTANTIATE YOUR REQUEST FOR THE AMOUNT OF WATER FOR THE INTENDED USE REFERENCED ABOVE.

For Office Use Only:  
F.O. 1 GMD 0 Meets K.A.R. 5-3-1 (YES/NO) Use IRC Source G County FT By AW Date 4/26/17  
Code REA Fee \$ 300 TR # \_\_\_\_\_ Receipt Date 4/24/17 Check # 19408

SCANNED

5/1/17 DWS

5. The location of the proposed wells, pump sites or other works for diversion of water is:

**Note:** For the application to be accepted, the point of diversion location must be described to at least a 10 acre tract, unless you specifically request a 60 day period of time in which to locate the site within a specifically described, minimal legal quarter section of land.

(A) One in the **SE** quarter of the **SW** quarter of the **SW** quarter of Section **5**, more particularly described as being near a point **520** feet North and **4355** feet West of the Southeast corner of said section, in Township **10** South, Range **11E**, **POTTAWATOMIE** County, Kansas.

(B) One in the **NE** quarter of the **SW** quarter of the **SW** quarter of Section **5**, more particularly described as being near a point **1000** feet North and **4445** feet West of the Southeast corner of said section, in Township **10** South, Range **11E**, **POTTAWATOMIE** 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.

(D) One in the \_\_\_\_\_ quarter of the \_\_\_\_\_ quarter of the \_\_\_\_\_ quarter of Section \_\_\_\_\_, more particularly described as being near a point \_\_\_\_\_ feet North and \_\_\_\_\_ feet West of the Southeast corner of said section, in Township \_\_\_\_\_ South, Range \_\_\_\_\_ East/West (circle one), \_\_\_\_\_ County, Kansas.

If the source of supply is groundwater, a separate application shall be filed for each proposed well or battery of wells, except that a single application may include up to four wells within a circle with a quarter (1/4) mile radius in the same local source of supply which do not exceed a maximum diversion rate of 20 gallons per minute per well.

A battery of wells is defined as two or more wells connected to a common pump by a manifold; or not more than four wells in the same local source of supply within a 300 foot radius circle which are being operated by pumps not to exceed a total maximum diversion rate of 800 gallons per minute and which supply water to a common distribution system.

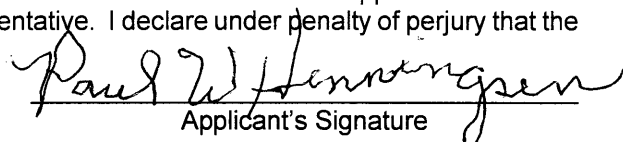
6. The owner of the point of diversion, if other than the applicant is (please print):

**PAUL W HENNINGSEN TRUST 1694 14<sup>TH</sup> ST HIAWATHA KS 66434**  
 (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\_\_\_\_.

  
 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 **ONE PUMP**  
 (number of wells, pumps or dams, etc.)

and (will be) completed (by) **JULY 2017**  
 (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 **JULY 2017**  
 (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 **NOT APPLICABLE** \_\_\_\_\_

- 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 1/2 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 1/2 mile, please advise us.
- (c) If the application is for surface water, the names and addresses of the landowner(s) 1/2 mile downstream and 1/2 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.

**P/U - 37208** \_\_\_\_\_

WATER RESOURCES  
RECEIVED

APR 26 2017

KS DEPT OF AGRICULTURE

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

**TENANT**  
(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):

**SEE IRRIGATION USE SUPPLEMENTAL SHEET**  
\_\_\_\_\_ (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 4-26, Kansas, this \_\_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_ (month), \_\_\_\_\_ (year).

  
\_\_\_\_\_  
(Applicant Signature)

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

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

### IRRIGATION USE SUPPLEMENTAL SHEET

File No. 49,832

Name of Applicant (Please Print): NORMAN STUTZMAN

- Please supply the name and address of each landowner, the legal description of the lands to be irrigated, and designate the actual number of acres to be irrigated in each forty acre tract or fractional portion thereof:

Landowner of Record NAME: PAUL W HENNINGSEN TRUST

ADDRESS: 1694 14<sup>TH</sup> ST HIAWATHA KS 66434

S	T	R	NE¼				NW¼				SW¼				SE¼				TOTAL		
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE			
5	10	11E		10	40				5	24			40	25	11	27					182

Landowner of Record NAME: \_\_\_\_\_

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

S	T	R	NE¼				NW¼				SW¼				SE¼				TOTAL		
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE			

Landowner of Record NAME: \_\_\_\_\_

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

S	T	R	NE¼				NW¼				SW¼				SE¼				TOTAL		
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE			

WATER RESOURCES  
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KS DEPT OF AGRICULTURE

2. Please complete the following information for the description of the operation for the irrigation project. Attach supplemental sheets as needed.

a. Indicate the soils in the field(s) and their intake rates:

Soil Name	Percent of field (%)	Intake Rate (in/hr)	Irrigation Design Group
_____	_____	_____	_____
_____	_____	_____	_____
_____	_____	_____	_____
_____	_____	_____	_____
Total:	100 %		

b. Estimate the average land slope in the field(s): \_\_\_\_\_ %

Estimate the maximum land slope in the field(s): \_\_\_\_\_ %

c. Type of irrigation system you propose to use (check one):

Center pivot                       Center pivot - LEPA                       "Big gun" sprinkler  
 Gravity system (furrows)                       Gravity system (borders)                       Sideroll sprinkler

Other, please describe: \_\_\_\_\_

d. System design features:

i. Describe how you will control tailwater:

ii. For sprinkler systems:

(1) Estimate the operating pressure at the distribution system: \_\_\_\_\_ psi

(2) What is the sprinkler package design rate? \_\_\_\_\_ gpm

(3) What is the wetted diameter (twice the distance the sprinkler throws water) of a sprinkler on the outer 100 feet of the system? \_\_\_\_\_ feet

(4) Please include a copy of the sprinkler package design information.

e. Crop(s) you intend to irrigate. Please note any planned crop rotations:

f. Please describe how you will determine when to irrigate and how much water to apply (particularly important if you do not plan a full irrigation).

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

## Schemm, Doug

---

**From:** Tietsort, Katie  
**Sent:** Monday, July 31, 2017 8:17 AM  
**To:** Schemm, Doug  
**Cc:** Ireland, Leslie  
**Subject:** RE: Norman Stutzman 49,832

Good Morning!

This package appears to be ready to move forward. They meet all applicable rules and regulations of the KWAA and the TFO has no objections to approval. Nice to see someone going to Kansas River surface water!

Thanks, Katie

Katie Tietsort

Kansas Department of Agriculture  
6531 SE Forbes Ave Ste B  
Topeka, KS 66619  
[katie.tietsort@ks.gov](mailto:katie.tietsort@ks.gov)  
Phone 785-296-5733

**From:** Schemm, Doug  
**Sent:** Thursday, July 27, 2017 1:55 PM  
**To:** Tietsort, Katie <[Katie.Tietsort@ks.gov](mailto:Katie.Tietsort@ks.gov)>  
**Subject:** Norman Stutzman 49,832

This goes along with Leslie change app.

**From:** Ireland, Leslie  
**Sent:** Friday, July 21, 2017 2:10 PM  
**To:** Bungler, Brett <[Brett.Bunger@ks.gov](mailto:Brett.Bunger@ks.gov)>; Tietsort, Katie <[Katie.Tietsort@ks.gov](mailto:Katie.Tietsort@ks.gov)>  
**Cc:** Schemm, Doug <[Doug.Schemm@ks.gov](mailto:Doug.Schemm@ks.gov)>  
**Subject:** Recommendation for Change in Place of Use, File No. 37208\_with\_new app 49,832

Please let me know if the proposed change in place of use could be recommended for approval in your area.

I've added Doug as I think he is working the new application.

As always comments and concerns are welcome.

Leslie Ireland, Environmental Scientist II  
Kansas Department of Agriculture  
Division of Water Resources - Change Unit  
(785) 564-6633  
[Leslie.Ireland@ks.gov](mailto:Leslie.Ireland@ks.gov)  
[www.agriculture.ks.gov](http://www.agriculture.ks.gov)





Topeka Field Office  
6531 SE Forbes Ave., Suite B  
Topeka, Kansas 66619

Jackie McClaskey, Secretary  
David W. Barfield, Chief Engineer  
Katherine A. Tietsort, Water Commissioner

Phone: (785) 296-5733  
Fax: (785) 862-2460  
[www.agriculture.ks.gov](http://www.agriculture.ks.gov)

Sam Brownback, Governor

July 26, 2017

KANSAS RIVER WATER ASSURANCE DISTRICT NO 1  
% GALEN BIERY  
212 SW 7<sup>TH</sup> STREET  
TOPEKA KS 66603-3717

Re: Application, File No. 49,832 & 37,208

Dear Mr. Biery:

This is to advise you that Norman Stutzman has filed the new application referred to above for a permit to appropriate 182 acre-feet of surface water per calendar year from the Kansas River, for irrigation use to be diverted at a maximum rate of 2,500 gallons per minute. In addition, a Change in Place of Use application has been filed for Water Right, File No. 37,208, which will modify the place of use to match the expanded, new application irrigation project. Surface water will be diverted by means of two (2) pump sites located as follows:

One in the Southeast Quarter of the Southwest Quarter of the Southwest Quarter (SE $\frac{1}{4}$  SW $\frac{1}{4}$  SW $\frac{1}{4}$ ) of Section 5, more particularly described as being near a point 520 feet North and 4,355 feet West of the Southeast corner of said section, and

One in the Northeast Quarter of the Southwest Quarter of the Southwest Quarter (NE $\frac{1}{4}$  SW $\frac{1}{4}$  SW $\frac{1}{4}$ ) of Section 5, more particularly described as being near a point 1,000 feet North and 4,445 feet West of the Southeast corner of said section, all in Township 10 South, Range 11 East, Pottawatomie County, Kansas.

As you know, the Kansas River Water Assurance Program Operations Agreement states, in part, that "the District reserves the right to review all applications to appropriate water and change applications, including term permits, filed with the Division of Water Resources that propose the diversion of water from the Kansas River or its alluvium". Therefore, you are being notified of receipt of these applications in order that you may be fully informed of the proposed location of the applicant's points of diversion and proposed use of water. You can find the applications and site maps posted by the file numbers referenced above at:

<http://agriculture.ks.gov/divisions-programs/dwr/water-appropriation/notices>

You may contact me at (785) 296-3495 with any questions or comments.

Sincerely,

Douglas W. Schemm  
Environmental Scientist  
Topeka Field Office

## Schemm, Doug

---

**From:** Schemm, Doug  
**Sent:** Wednesday, July 26, 2017 3:11 PM  
**To:** 'krwad@att.net'  
**Subject:** File Nos. 49,832 and 37,208 - Norman Stutzman  
**Attachments:** Notification of KS River Assurance District.docx

Good afternoon Galen,  
Hope all is well with you. This is a new application for 2 surface water pump sites in Pottawatomie County.  
The applications are posted on our website at:

<http://agriculture.ks.gov/divisions-programs/dwr/water-appropriation/notices>

Have a great day,  
Doug

Topeka Field Office  
6531 SE Forbes Ave., Suite B  
Topeka, Kansas 66619

Jackie McClaskey, Secretary  
David W. Barfield, Chief Engineer  
Katherine A. Tietsort, Water Commissioner



Phone: (785) 296-5733  
Fax: (785) 862-2460  
[www.agriculture.ks.gov](http://www.agriculture.ks.gov)

Sam Brownback, Governor

July 13, 2017

LEO PEDDICORD TRUST  
5225 ONAGA RD  
WAMEGO KS 66547

Re: Pending New Application, File No. 49,832; and Water Right, File No. 37,208

Dear Sir or Madam:

This is to advise you that Norman Stutzman has filed the new application referred to above for a permit to appropriate 182 acre-feet of surface water per calendar year from the Kansas River, for irrigation use to be diverted at a maximum rate of 2,500 gallons per minute. In addition, a Change in Place of Use application has been filed for Water Right, File No. 37,208, which will modify the place of use to match the expanded, new application irrigation project. Surface water will be diverted by means of two (2) pump sites located as follows:

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One in the Northeast Quarter of the Southwest Quarter of the Southwest Quarter (NE $\frac{1}{4}$  SW $\frac{1}{4}$  SW $\frac{1}{4}$ ) of Section 5, more particularly described as being near a point 1,000 feet North and 4,445 feet West of the Southeast corner of said section, all in Township 10 South, Range 11 East, Pottawatomie County, Kansas.

Records in this office indicate that you own land along the stream in this vicinity and you are being notified of receipt of these applications in order that you may be fully informed of the proposed location of the applicant's points of diversion and proposed use of water. Consideration will be given to comments or other information which you desire to submit to this office **within 15 days** from the date of this letter.

You can find the applications and site maps posted by the file numbers referenced above at:  
<http://agriculture.ks.gov/divisions-programs/dwr/water-appropriation/notices>

If you have any questions or comments, you may also contact me at (785) 296-3495. If you call, please reference the file number so I can help you more efficiently.

Sincerely,

A handwritten signature in cursive script that reads "Doug Schemm".

Douglas W. Schemm  
Environmental Scientist  
Topeka Field Office

pc: Norman Stutzman

  
Kansas  
Department of Agriculture  
Division of Water Resources

Topeka Field Office  
6531 SE Forbes Ave., Suite B  
Topeka, Kansas 66619

Jackie McClaskey, Secretary  
David W. Barfield, Chief Engineer  
Katherine A. Tietz, Water Commissioner

Phone: (785) 296-5733  
Fax: (785) 862-2460  
[www.agriculture.ks.gov](http://www.agriculture.ks.gov)  
Sam Brownback, Governor

July 13, 2017

REZAC FARMS  
24430 AIKEN SWITCH ROAD  
ONAGA KS 66521

Re: Pending New Application, File No. 49,832; and Water Right, File No. 37,208

Dear Sir or Madam:

This is to advise you that Norman Stutzman has filed the new application referred to above for a permit to appropriate 182 acre-feet of surface water per calendar year from the Kansas River, for irrigation use to be diverted at a maximum rate of 2,500 gallons per minute. In addition, a Change in Place of Use application has been filed for Water Right, File No. 37,208, which will modify the place of use to match the expanded, new application irrigation project. Surface water will be diverted by means of two (2) pump sites located as follows:

One in the Southeast Quarter of the Southwest Quarter of the Southwest Quarter (SE $\frac{1}{4}$  SW $\frac{1}{4}$  SW $\frac{1}{4}$ ) of Section 5, more particularly described as being near a point 520 feet North and 4,355 feet West of the Southeast corner of said section, and

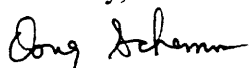
One in the Northeast Quarter of the Southwest Quarter of the Southwest Quarter (NE $\frac{1}{4}$  SW $\frac{1}{4}$  SW $\frac{1}{4}$ ) of Section 5, more particularly described as being near a point 1,000 feet North and 4,445 feet West of the Southeast corner of said section, all in Township 10 South, Range 11 East, Pottawatomie County, Kansas.

Records in this office indicate that you own land along the stream in this vicinity and you are being notified of receipt of these applications in order that you may be fully informed of the proposed location of the applicant's points of diversion and proposed use of water. Consideration will be given to comments or other information which you desire to submit to this office **within 15 days** from the date of this letter.

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<http://agriculture.ks.gov/divisions-programs/dwr/water-appropriation/notices>

If you have any questions or comments, you may also contact me at (785) 296-3495. If you call, please reference the file number so I can help you more efficiently.

Sincerely,



Douglas W. Schemm  
Environmental Scientist  
Topeka Field Office

pc: Norman Stutzman

  
Kansas  
Department of Agriculture  
Division of Water Resources

Topeka Field Office  
6531 SE Forbes Ave., Suite B  
Topeka, Kansas 66619

Jackie McClaskey, Secretary  
David W. Barfield, Chief Engineer  
Katherine A. Tietsort, Water Commissioner

Phone: (785) 296-5733  
Fax: (785) 862-2460  
[www.agriculture.ks.gov](http://www.agriculture.ks.gov)

Sam Brownback, Governor

July 13, 2017

RACHELE & MICHAEL THOMPSON  
7227 NW 46<sup>TH</sup> STREET  
TOPEKA KS 66618

Re: Pending New Application, File No. 49,832; and Water Right, File No. 37,208

Dear Sir or Madam:

This is to advise you that Norman Stutzman has filed the new application referred to above for a permit to appropriate 182 acre-feet of surface water per calendar year from the Kansas River, for irrigation use to be diverted at a maximum rate of 2,500 gallons per minute. In addition, a Change in Place of Use application has been filed for Water Right, File No. 37,208, which will modify the place of use to match the expanded, new application irrigation project. Surface water will be diverted by means of two (2) pump sites located as follows:

One in the Southeast Quarter of the Southwest Quarter of the Southwest Quarter (SE $\frac{1}{4}$  SW $\frac{1}{4}$  SW $\frac{1}{4}$ ) of Section 5, more particularly described as being near a point 520 feet North and 4,355 feet West of the Southeast corner of said section, and

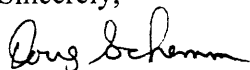
One in the Northeast Quarter of the Southwest Quarter of the Southwest Quarter (NE $\frac{1}{4}$  SW $\frac{1}{4}$  SW $\frac{1}{4}$ ) of Section 5, more particularly described as being near a point 1,000 feet North and 4,445 feet West of the Southeast corner of said section, all in Township 10 South, Range 11 East, Pottawatomie County, Kansas.

Records in this office indicate that you own land along the stream in this vicinity and you are being notified of receipt of these applications in order that you may be fully informed of the proposed location of the applicant's points of diversion and proposed use of water. Consideration will be given to comments or other information which you desire to submit to this office **within 15 days** from the date of this letter.

You can find the applications and site maps posted by the file numbers referenced above at:  
<http://agriculture.ks.gov/divisions-programs/dwr/water-appropriation/notices>

If you have any questions or comments, you may also contact me at (785) 296-3495. If you call, please reference the file number so I can help you more efficiently.

Sincerely,



Douglas W. Schemm  
Environmental Scientist  
Topeka Field Office

pc: Norman Stutzman

Print Page

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**Parcel Search Results** (Click on the Parcel ID Number for Detailed Results)

Owner Information	Property Address	Property Description	Apr Amount	Prop Class
<p>075-283-05-0-00-00-001.00-0  <b>Quick Ref ID = 9373</b>  <b>Tax Year = 2017</b>                      DUREE FAMILY PARTNERSHIP</p> <p>Owner Mailing Address:                      % DUREE STEPHEN                      410 GARFIELD ST                      DENVER, CO 80206</p>	<p>4660 CAMP CREEK RD, Belvue, KS 66407</p> <p>ACRES=163.93 Neighborhood=197.0</p>	<p>S05 , T10 , R11 , ACRES 163.9 , N2 NE4 &amp; N2 SE4 &amp; SE4 NE4 LES S W400' N2 NE4 LESS ROW</p>	<p>\$113,460</p>	<p>Agricultural Use</p>
<p>075-283-05-0-00-00-002.00-0  <b>Quick Ref ID = 9374</b>  <b>Tax Year = 2017</b>                      HENNINGSEN PAUL W TRUST</p> <p>Owner Mailing Address:                      % LOGAN JO 1694                      14TH ST HIAWATHA, KS 66434</p>	<p>21600 HWY 24, Belvue, KS 66407</p> <p>ACRES=151.14 Neighborhood=197.0</p>	<p>S05 , T10 , R11 , ACRES 151.1 , SW4 NE4 &amp; W400' N2 NE4 &amp; NW4 E OF VERMILLION CREEK &amp; N2 SW4 LYG SE VERMILLION CRK &amp; NE OF ABANDONED RIVER BED</p>	<p>\$93,450</p>	<p>Agricultural Use</p>
<p>075-283-05-0-00-00-002.00-0  <b>Quick Ref ID = 9374</b>  <b>Tax Year = 2017</b>                      HENNINGSEN ROSE TR</p> <p>Owner Mailing Address:                      22500 HALF MOON RD BELVUE, KS 66407</p>	<p>21600 HWY 24, Belvue, KS 66407</p> <p>ACRES=151.14 Neighborhood=197.0</p>	<p>S05 , T10 , R11 , ACRES 151.1 , SW4 NE4 &amp; W400' N2 NE4 &amp; NW4 E OF VERMILLION CREEK &amp; N2 SW4 LYG SE VERMILLION CRK &amp; NE OF ABANDONED RIVER BED</p>	<p>\$93,450</p>	<p>Agricultural Use</p>
<p>075-283-05-0-00-00-003.00-0  <b>Quick Ref ID = 9375</b>  <b>Tax Year = 2017</b>                      LEO PEDDICORD FARM</p> <p>Owner Mailing Address:                      21775 HALF MOON RD WAMEGO, KS 66547</p>	<p>00000 HWY 24, Saint Marys, KS 66536</p> <p>ACRES=67.56 Neighborhood=197.0</p>	<p>S05 , T10 , R11 , ACRES 67.5 , NW4 LESS NW N OF RR LESS NW4 E OF VERMILLION CRK &amp; LESS S690' NW4 W OF VERMILLION CRK</p>	<p>\$39,980</p>	<p>Agricultural Use</p>
<p>075-283-05-0-00-00-004.00-0  <b>Quick Ref ID = 9376</b>  <b>Tax Year = 2017</b></p>	<p>00000 HWY 24, Belvue, KS 66407</p> <p>ACRES=3.17 Neighborhood=197.0</p>	<p>S05, T10, R11, ACRES 3.17, NW4 N OF RR LESS ROW</p>	<p>\$2,320 A \$15,820 C</p>	<p>Agricultural Use</p>

REZAC FARMS Owner Mailing Address: 24430 AIKEN SWITCH RD ONAGA, KS 66521				
075-283-05-0-00-00-005.00-0 <b>Quick Ref ID = 9377</b> <b>Tax Year = 2017</b> PEDDICORD LEO D TRUST Owner Mailing Address: 5225 ONAGA RD WAMEGO, KS 66547	00000 HWY 24, Belvue, KS 66407 ACRES=30.69 Neighborhood=197.0	S05, T10, R11, ACRES 30.68, S690' NW4 W VERMILLION CRK & W ABANDONED RIVER BED & S2 SW4 W OF ABANDONED RIVER BED & N150' S2 SW4 W OF ABANDONED RIVER	\$1,040 A \$1,500 R	Agricultural Use
075-283-05-0-00-00-005.01-0 <b>Quick Ref ID = 9378</b> <b>Tax Year = 2017</b> HENNINGSEN PAUL W TRUST Owner Mailing Address: % LOGAN JO 1694 14TH ST HIAWATHA KS 66434	00000 HWY 24, Belvue, KS 66407 ACRES=45.29 Neighborhood=197.0	S05, T10, R11, ACRES 45.29, S2 SW4 LESS N150'	\$450	Agricultural Use
075-283-05-0-00-00-005.01-0 <b>Quick Ref ID = 9378</b> <b>Tax Year = 2017</b> HENNINGSEN ROSE TR Owner Mailing Address: 22500 HALF MOON RD BELVUE, KS 66407	00000 HWY 24, Belvue, KS 66407 ACRES=45.29 Neighborhood=197.0	S05, T10, R11, ACRES 45.29, S2 SW4 LESS N150'	\$450	Agricultural Use
075-283-05-0-00-00-010.00-0 <b>Quick Ref ID = 9379</b> <b>Tax Year = 2017</b> THOMPSON RACHELE M & THOMPSON MICHAEL D Owner Mailing Address: 7227 NW 46TH ST TOPEKA, KS 66618	4080 CAMP CREEK RD, Belvue, KS 66407 ACRES=90.57 Neighborhood=197.0	S05, T10, R11, ACRES 90.5, S2 SW4 E OF ABANDONED RIVER BE D & LOTS 1 & 2 LESS ROW	\$13,780 A \$59,800 F	Farm Homesite
<a href="#">Back to Search Page</a> --- <a href="#">Home</a>				

**UPSTREAM AND DOWNSTREAM LANDOWNERS**

## Upstream –

- #1) Leo Peddicord Trust  
5225 Onaga Rd  
Wamego KS 66547
- #2) Rezac Farms  
24430 Aiken Switch Rd  
Onaga KS 66521

## Downstream –

- #1) Rachele & Michael Thompson  
7227 NW 46<sup>th</sup> ST  
Topeka KS 66618

**WATER RESOURCES  
RECEIVED  
APR 26 2017  
KS DEPT OF AGRICULTURE**



(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. 49,832

Minimum Desirable Streamflow  
KANSAS River Assurance District  
Water Reservation Rights

Dear Sir:

I understand that a Minimum Desirable Streamflow requirement has been established, an Assurance District has been formed and established or a Water Reservation Right is held by the Kansas Water Office (**circle the appropriate item**) for the source of supply to which the above referenced application applies, namely the KANSAS RIVER.

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, Assurance District or Water Marketing releases are being made from storage in Federal Reservoirs or when a Reservation Right upstream of a Federal Reservoir is being administered.

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.

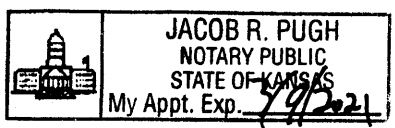
I am aware of the above factors, and with the knowledge thereof, request that the Division of Water Resources proceed with processing and approval, if possible, of the above referenced application.

Paul W. Henningsen  
Signature of Applicant

Paul W. Henningsen  
Print Applicant Name

State of Kansas )  
County of Pottawatomie ) SS

I hereby certify that the foregoing instrument was signed in my presence and sworn to before me this 26<sup>th</sup> day of April, 2017.



My Commission Expires: 3/9/2021

[Signature]  
Notary Public

WATER RESOURCES  
RECEIVED

APR 26 2017

KS DEPT OF AGRICULTURE

**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	Ninnescah River
Big Blue River	North Fork Ninnescah River
Chapman Creek	Rattlesnake Creek
Chikaskia River	Republican River
Cottonwood River	Saline River
Delaware River	Smoky Hill River
Little Arkansas River	Solomon River
Little Blue River	South Fork Ninnescah
Marais des Cygnes River	Spring River
Medicine Lodge River	Walnut River
Mill Creek (Wabaunsee Co. area)	Whitewater River
Neosho River	

Assurance Districts have been formed on the following rivers:

Kansas River	Marais des Cygnes River	Neosho River
--------------	-------------------------	--------------

The Kansas Water Office has Water Reservation Rights for the following reservoirs:

Big Hill	Marion
Clinton	Melvern
Council Grove	Milford
Elk City	Perry
Hillsdale	Pomona
John Redmond	Tuttle Creek



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

April 26, 2017 **FILE COPY**

NORMAN STUTZMAN  
614 BROADWAY ST  
BELVUE KS 66407

RE: Application  
File No. 49832

Dear Sir or Madam:

Your application for permit to appropriate water in 05-10S-11E in Pottawatomie 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,

A handwritten signature in black ink that reads "Brent A. Turney". The signature is written in a cursive style with a large, prominent "B" and "T".

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

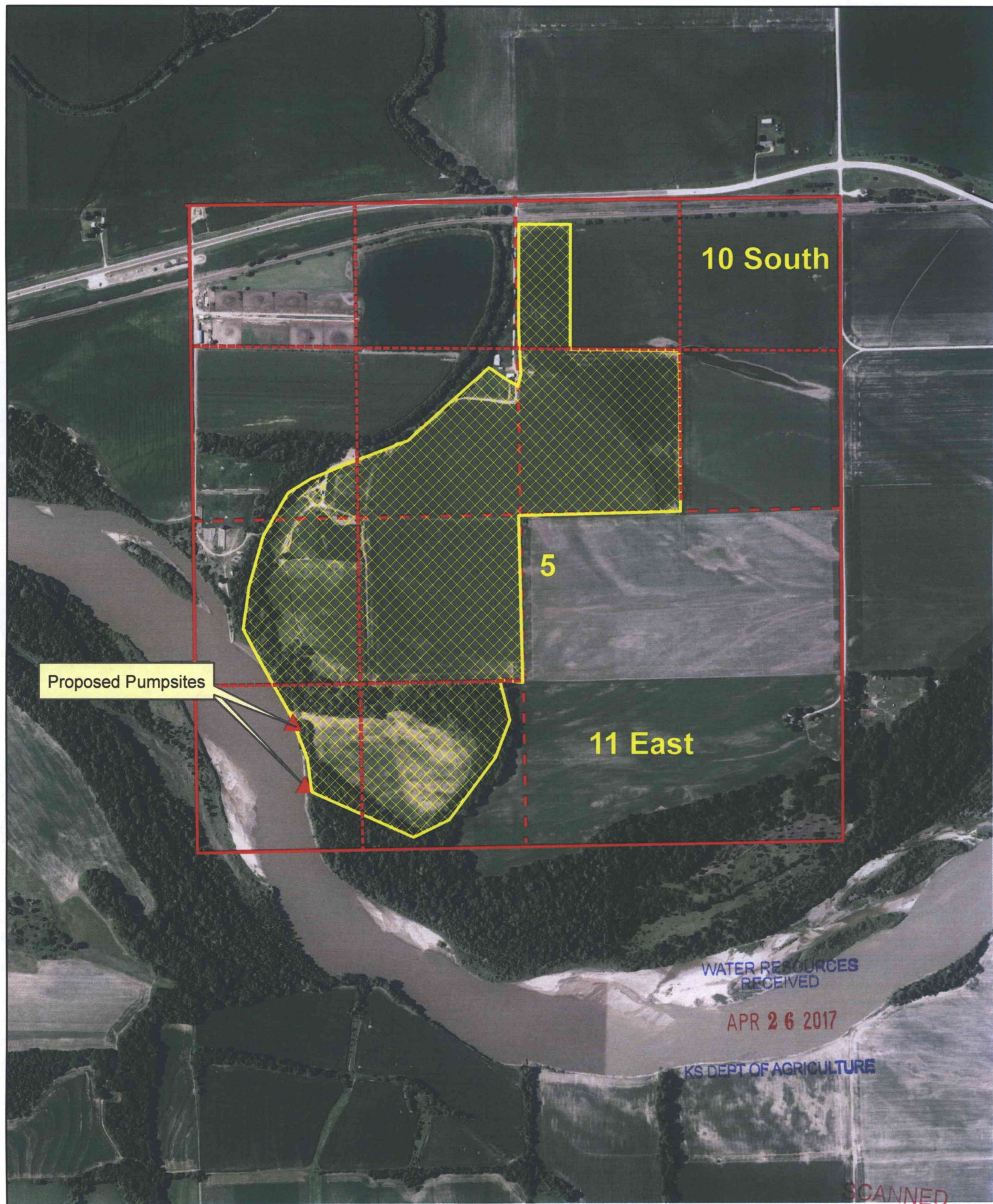
BAT: dlw  
pc: TOPEKA Field Office  
GMD

SCANNED

49832

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# New Application



10 South

5

11 East

Proposed Pumpsites

WATER RESOURCES  
RECEIVED

APR 26 2017

KS DEPT OF AGRICULTURE

SCANNED