

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.

MAY 08 2017

12:54

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KANSAS DEPARTMENT OF AGRICULTURE
Jackie McClaskey, Secretary of Agriculture

DIVISION OF WATER RESOURCES
David W. Barfield, Chief Engineer

File Number 49383-49838
This item to be completed by the Division of Water Resources.

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.)

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

- Name of Applicant (Please Print): Troy Wiebe
Address: 12361 NW Prairie Creek Rd
City: Whitewater State KS Zip Code 67154
Telephone Number: (316) 619 5916
- The source of water is: surface water in Pond Natural flows #3918 \$ (3919)
(stream)
OR groundwater in _____
(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.

- The maximum quantity of water desired is 100 ~~100~~ acre-feet OR _____ gallons per calendar year, to be diverted at a maximum rate of 1000 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.

- The water is intended to be appropriated for (Check use intended):

(a) <input type="checkbox"/> Artificial Recharge	(b) <input checked="" type="checkbox"/> Irrigation	(c) <input type="checkbox"/> Recreational	(d) <input type="checkbox"/> Water Power
(e) <input type="checkbox"/> Industrial	(f) <input type="checkbox"/> Municipal	(g) <input type="checkbox"/> Stockwatering	(h) <input type="checkbox"/> Sediment Control
(i) <input type="checkbox"/> Domestic	(j) <input type="checkbox"/> Dewatering	(k) <input type="checkbox"/> Hydraulic Dredging	(l) <input type="checkbox"/> Fire Protection
(m) <input type="checkbox"/> Thermal Exchange	(n) <input type="checkbox"/> 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. <u>1</u>	GMD <u>2</u>	Meets K.A.R. 5-3-1 (YES/NO) <u>YES</u>	Use <u>IRR</u>	Source <u>G(S)</u>	County <u>MR</u>	By <u>ADW</u>	Date <u>5/8/17</u>
Code <u>REG</u>	Fee \$ <u>200</u>	TR # _____	Receipt Date <u>5/8/17</u>	Check # <u>31041</u>			

5/10/2017 ULM

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 NW quarter of the NW quarter of the NW quarter of Section 31, more particularly described as being near a point 2800 feet North and 2640 feet West of the Southeast corner of said section, in Township 21 South, Range 3 (East) West (circle one), Marion 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.
- (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):

Same as applicant

 (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 May 2, 2017. [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 1 dam

 (number of wells, pumps or dams, etc.)
 and (was)(will be) completed (by) May 30 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 April, 2018

 (Mo/Day/Year)

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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 NRCS office stated that the yardage to build the dam was small enough that no permit was required. It doesn't drain enough acres to require permit. Doesn't store enough acres feet

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.

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IRRIGATION USE SUPPLEMENTAL SHEET

File No. _____

Name of Applicant (Please Print): Troy Wiebe

1. 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: Troy Wiebe
ADDRESS: 12361 NW Prairie Creek Rd Whitman KS 67154

S	T	R	NE¼				NW¼				SW¼				SE¼				TOTAL
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
31	215	3E																	30

Landowner of Record NAME: Gordon Wiebe
ADDRESS: 12627 NW Prairie Creek Rd Whitman KS 67154

S	T	R	NE¼				NW¼				SW¼				SE¼				TOTAL
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
31	215	3E										30	30						60

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	

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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):

Gordon Nitz 12027 NW Prairie Creek Rd Whitewater KS 67154 916-799-2866
(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 ~~At~~ Whitewater, Kansas, this 2 day of May, 2017.
(month) (year)



(Applicant Signature)

By _____
(Agent or Officer Signature)

(Agent or Officer - Please Print)

Assisted by _____
(office/title)

Date: _____

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NW 1/4 of Section 31

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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
Rosehill Silty Clay	24.4	.25	4
Clime Silty Clay	44.7	.25	2
Clime Silty clay loam	11.4	.15 .30	2
Irwin Silty clay loam	19.4	.15 .30	1
Total:	100 %		

b. Estimate the average land slope in the field(s): 2.5 %

Estimate the maximum land slope in the field(s): 7 %

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:

any tailwater will flow back into the holding pond where it can be pumped out again

ii. For sprinkler systems: ~~Have not got one yet. These~~

(1) Estimate the operating pressure at the distribution system: 25 psi

(2) What is the sprinkler package design rate? 1200 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:

Rotation → Corn, wheat, soybeans

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).

If there is enough water in storage to put an effective amount on towards the end of the growing season. Just ~~put~~ plan on putting enough on to get the crop to the next rain.

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

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Map Unit Legend

Marion County, Kansas (KS115)			
Map Unit Symbol	Map Unit Name	Acres in AOI	Percent of AOI
3911	Rosehill silty clay, 1 to 3 percent slopes	60.3	24.4%
4540	Clime silty clay loam, 1 to 3 percent slopes	110.3	44.7%
4555	Clime silty clay loam, 3 to 7 percent slopes	28.2	11.4%
4671	Irwin silty clay loam, 1 to 3 percent slopes	47.9	19.4%
Totals for Area of Interest		246.6	100.0%

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May 3, 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. _____

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.

[Signature]
Signature of Applicant

State of Kansas)
County of Butler) ss

Troy Wilbe
(Print Applicant's Name)

I hereby certify that the foregoing instrument was signed in my presence and sworn to before me this 3rd day of May, 2017.

[Signature]
Notary Public

My Commission Expires:
11-14-18



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NEW STREAM WORKSHEET

ES AW

Date: 5/8/17

File No. _____

Basin Name: Cottonwood Basin No. 36

Stream Name: Doyle Creek Trib 8 (Cottonwood)

Stream location (confluence with parent stream):

Section 4, Township 22 South, Range 3 (East)

Map Color Coding:

Basin Stream – Blue

Named Main Stream off Basin Stream – Yellow

Named Stream off Main Stream – Green

Unnamed Trib (1, 2, 3, 4, etc.) – Pink

Unnamed Trib to Unnamed Trib (A, B, C, etc.) – Orange

Unnamed Trib to Unnamed Trib to Unnamed Trib (1, 2, 3, etc.) – Purple

Stream No. 3918 (computer assigned - entered by data entry staff)

Date Entered 5/10/2017 By LLM

NEW STREAM WORKSHEET

ES AW

Date: 5/10/12

File No. _____

Basin Name: Cottonwood Basin No. 36

Stream Name: Doyle Creek Trib 8 A (Cottonwood)

Stream location (confluence with parent stream):

Section 32, Township 21 South, Range 3 (East)

Map Color Coding:

Basin Stream - Blue

Named Main Stream off Basin Stream - Yellow

Named Stream off Main Stream - Green

Unnamed Trib (1, 2, 3, 4, etc.) - Pink

Unnamed Trib to Unnamed Trib (A, B, C, etc.) - Orange

Unnamed Trib to Unnamed Trib to Unnamed Trib (1, 2, 3, etc.) - Purple

Stream No. 3919
~~3918~~ (computer assigned - entered by data entry staff)

Date Entered 5/10/2017 By UM

**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

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State: Kansas Project: Troy Wiebe

By: HRH Date: 12/28/2016 Checked By: _____ Date: _____ Job No: _____

Subject: Embankment Volume Estimate Sheet _____ of _____

Legal Description: NW4 36-21-2 County: Marion

Top width = 12 feet
 Front slope = 3 : 1
 Back slope = 2.5 : 1

Station	Fill	End Area	Sum End Areas	Distance	Total
0+00	0	0.0	0	0	0
0+45	2	35.0	35.0	45.0	1575
1+30	4	92.0	127.0	85.0	10795
2+50	6	171.0	263.0	120.0	31560
3+14	8	272.0	443.0	64.0	28352
3+50	10	395.0	667.0	36.0	24012
3+78	12	540.0	935.0	28.0	26180
4+00	14	707.0	1247.0	22.0	27434
4+16	16	896.0	1603.0	16.0	25648
4+23	18	1107.0	2003.0	7.0	14021
4+32	20	1340.0	2447.0	9.0	22023
5+05	22	1595.0	2935.0	73.0	214255
5+25	20	1340.0	2935.0	20.0	58700
5+36	18	1107.0	2447.0	11.0	26917
5+45	16	896.0	2003.0	9.0	18027
5+55	14	707.0	1603.0	10.0	16030
5+75	12	540.0	1247.0	20.0	24940
6+17	10	395.0	935.0	42.0	39270
7+96	8	272.0	667.0	179.0	119393
8+78	6	171.0	443.0	82.0	36326
9+40	4	92.0	263.0	62.0	16306
9+62	0	0.0	92.0	22.0	2024
		0.0	0.0	0.0	0
		0.0	0.0	0.0	0
		0.0	0.0	0.0	0
		0.0	0.0	0.0	0

783788 cubic feet

14515 cubic yards

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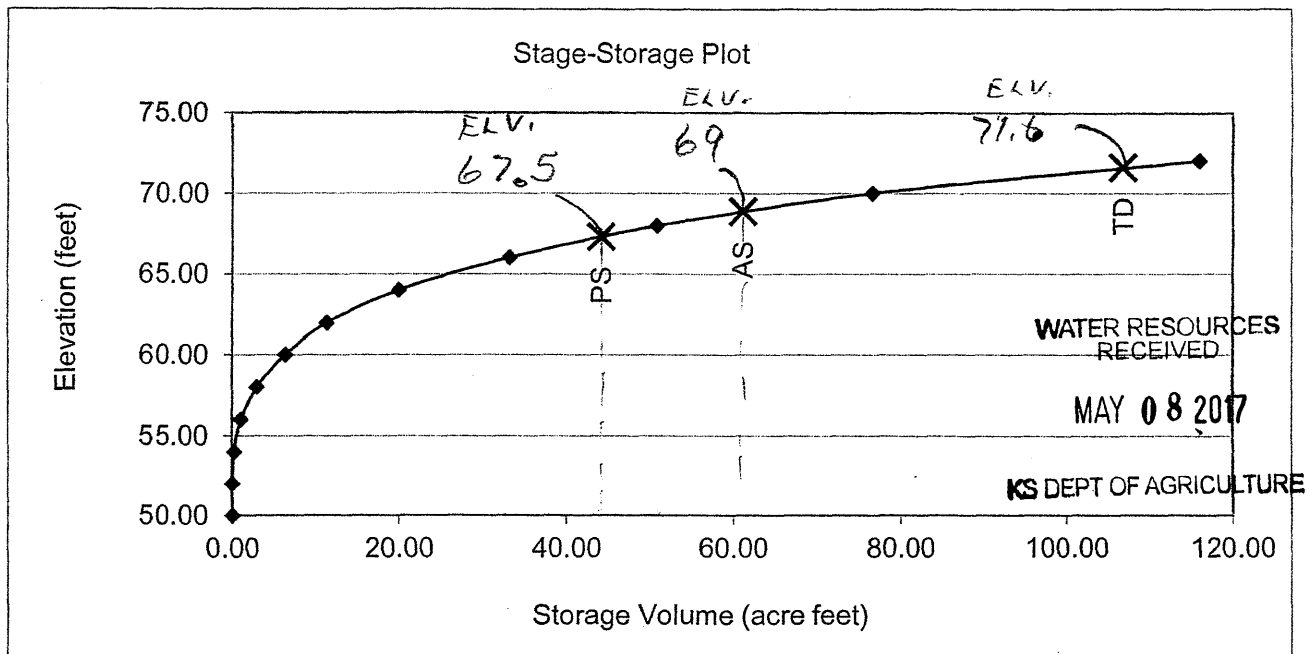
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Name	<u>Troy Wiebe</u>	Ident No.	_____
Legal Desc.	<u>NW4 36-21-2 S36 T21S R2E</u>	County	<u>Marion</u>
Designed by	<u>Designer Name</u>	Date	<u>10/5/2016</u>
Checked by	_____	Date	_____

Enter Area Data: (*) denotes input data.

Elevation (feet)*	Area (ac)*	Storage (ac ft)	Total Storage (ac ft)
50.00	0.00	0.00	0.00
52.00	0.00	0.00	0.00
54.00	0.20	0.20	0.20
56.00	0.60	0.80	1.00
58.00	1.30	1.90	2.90
60.00	2.10	3.40	6.30
62.00	2.90	5.00	11.30
64.00	5.70	8.60	19.90
66.00	7.60	13.30	33.20
68.00	10.10	17.70	50.90
70.00	15.60	25.70	76.60
72.00	23.80	39.40	116.00

44 AC. FT.



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

May 9, 2017

FILE COPY

TROY WIEBE
12361 NW PRAIRIE CREEK RD
WHITEWATER KS 67154

RE: Application
File No. 49838

Dear Sir or Madam:

Your application for permit to appropriate water in 31-21S-3E in Marion 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 cursive script that reads "Kristen A. Baum".

Kristen A. Baum
New Applications Unit Supervisor
Water Appropriation Program

BAT: dlw
pc: TOPEKA Field Office
GMD

S 31 T21S R3E

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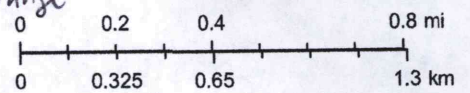
Map



May 2, 2017

Section 31 is highlighted in orange

1:24,626



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 GIS user community
 Source: Esri, DigitalGlobe, GeoEye, Earthstar Geographics, CNES/Airbus
 DS, USDA, USGS, AeroGRID, IGN, and the GIS User Community

ESRI

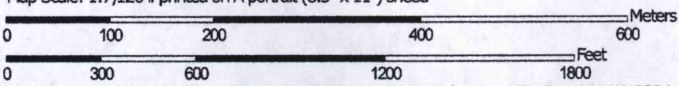
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Soil Map—Marion County, Kansas



Soil Map may not be valid at this scale.

Map Scale: 1:7,120 if printed on A portrait (8.5" x 11") sheet.



Map projection: Web Mercator Corner coordinates: WGS84 Edge tics: UTM Zone 14N WGS84



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