

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

1. File Number: 49,838	2. Status Change Date: 9/15/2017	3. Field Office: 01	4. GMD: 0
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 Person ID 65488 Add Seq# _____ TROY WIEBE 12361 NW PRAIRIE CREEK RD WHITEWATER KS 67154 7b. Landowner(s) <input type="checkbox"/> New to system Person ID _____ Add Seq# _____ 7a.	7c. Landowner(s) <input type="checkbox"/> New to system Person ID 65489 Add Seq# _____ GORDON WIEBE 12627 NW PRAIRIE CREEK RD WHITEWATER KS 67154 7d. Landowner <input type="checkbox"/> New to system Person ID _____ Add Seq# _____		
8. WUR Correspondent <input type="checkbox"/> New to system Overlap File (s) WUC Agree <input type="checkbox"/> Yes <input type="checkbox"/> No Person ID _____ Add Seq# _____ Notarized WUC Form <input type="checkbox"/> 7a.	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: 12/31/2018		11. Perfection Date: 12/31/2022	
12. Exp Date: _____			
13. Conservation Plan Required? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No Date Required: _____ Date Approved: _____ Date to Comply: _____			
14. Water Level Measuring Device? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No Date to Comply: _____ Date WLMD Installed: _____			
Date Prepared: 8/16/2017 By: DWS Date Entered: 9/18/2017 By: UM			

File No. **49,838** 15. Formation Code: Drainage Basin: **COTTONWOOD RIVER** County: MN Special Use: Stream: DOYLE CREEK TRIB 8A (COTTONWOOD)

16. Points of Diversion

MOD	DEL	ENT	PDIV	Qualifier	S	T	R	ID	'N	'W
MOD			86130	NE SE NW	31	21	3E	1	3350	2700

17. Rate and Quantity

Authorized		Additional		Overlap PD Files
Rate gpm	Quantity af	Rate gpm	Quantity af	
1000	100	1000	100	NONE

18. Storage: Rate NF Quantity 100 ac/ft Additional Rate NF Additional Quantity 100 ac/ft

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

20. Meter Required? Yes No To be installed by 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				
MOD			68365	31	21	3E	1															40	7a.	No	NONE		
MOD			68366	31	21	3E	2							40	40							80	7a.	No	NONE		

Comments:

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

M E M O R A N D U M

TO: Files

DATE: August 16, 2017

FROM: Doug Schemm

RE: Application, File No. 49,838

Troy Wiebe filed the application referred to above for a permit to appropriate 100 acre-feet of surface water at the rate of natural flows to be stored in a proposed reservoir. The project is located in the Northwest Quarter of Section 31, in Township 21 South, Range 3 East, Marion County, Kansas, within the Cottonwood River Drainage Basin. The dam is located on Doyle Creek Trib 8A (Cottonwood). The point of diversion is located on property owned by the applicant, and he has signed the application form stating he has legal access to the point of diversion. The place of use is partly owned by the applicant and Gordon Wiebe, and it comprises a total of 120 acres. There are no other overlapping files in point of diversion or place of use.

Runoff computations determined that the 154 acres of drainage area, will generate 174 acre-feet of runoff in 1 out of every five (5) years (a 20% chance). Therefore, per K.A.R. 5-6-5, this quantity is NOT the limiting factor, and the application was processed with the requested quantity of water. The requested quantity of water for direct use (rediversion) of 100 acre-feet for irrigation use on 120 acres, provides less than 1.2 acre-feet per acre, which is the maximum allowable of 1.2 acre-feet per acre in Marion County, Kansas, per K.A.R. 5-3-24. However, this is sufficient water for supplemental irrigation in this area of the state. Structures data provided with the application indicates that the capacity of the reservoir at principal spillway (normal pool elevation) is 44 acre-feet. The proposed storage quantity of 100 acre-feet, is equivalent to 2.3 times the capacity, well within the normal "rule of thumb" of 5 times capacity for reasonable storage quantity.

The applicant provided a list of landowners of the adjacent properties within one-half (½) mile upstream and downstream of his property. Notification letters were sent out on July 18, 2017. A letter was received from one of the landowners who was concerned about how the reservoir could impact stream flows in Spring Creek. A response letter was sent to Mr. Eitzen on August 1, 2017. There are no other surface water rights within a two-mile radius according to the WRIS database. No senior water rights will be impaired with approval of this application.

The proposed project was reviewed by DWR Water Structures Program staff, and the dam was found to be non-jurisdictional for structures permitting.

As allowed by K.S.A. 82a-706(c) an approved water flow meter shall be installed on the secondary diversion works (pump site) for this file. If any chemical or foreign substance is injected into the water pumped under this permit, a check valve will also need to be installed.

In an August 16, 2017 discussion, Katie Tietsort, Water Commissioner, Topeka Field Office, stated that the referenced new application should be approved. Based on the above discussion, that this area is open to new appropriations, the proposed appropriation of water is reasonable, the application complies with rules and regulations, and no senior rights will not be impacted, it is recommended that the referenced new application be approved.

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 19, 2017

FILE COPY

TROY WIEBE
12361 NW PRAIRIE CREEK RD
WHITEWATER KS 67154

Re: Appropriation of Water, File No. 49,838

Dear Mr. Wiebe:

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 re-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 this specific file, please have the file number ready so that we may help you more efficiently.

Sincerely,

Kristen A. Baum
NewApplication Unit Supervisor
Water Appropriation Program

KAB:dws
Enclosures

pc: Topeka Field Office
Gordon Wiebe

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. 49,838** of the applicant

TROY WIEBE
12361 NW PRAIRIE CREEK RD
WHITEWATER KS 67154

for a permit to appropriate water for beneficial use, together with the maps, plans and other submitted data, and that the application is hereby approved and the applicant is hereby authorized, subject to vested rights and prior appropriations, to proceed with the construction of the proposed diversion works (except those dams and stream obstructions regulated by K.S.A. 82a-301 through 305a, as amended), and to proceed with all steps necessary for the application of the water to the approved and proposed beneficial use and otherwise perfect the proposed appropriation subject to the following terms; conditions and limitations:

1. That the priority date assigned to such application is **May 8, 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	
31 21S 3E							40		40	40							120

3. That the appropriation sought shall be limited to all natural flows of an unnamed tributary to Doyle Creek, designated in the office of the Chief Engineer as Doyle Creek Trib 8A (Cottonwood), not needed to satisfy all vested rights and prior appropriation rights to be incrementally accumulated as reservoir storage space becomes available to a maximum extent of **100 acre-feet** per calendar year in one (1) reservoir created by a dam located in the Northeast Quarter of the Southeast Quarter of the Northwest Quarter (NE¼ SE¼ NW¼) of Section 31, more particularly described as being near a point 3,350 feet North and 2,700 feet West of the Southeast corner of said section, in Township 21 South, Range 3 East, Marion County, Kansas, to provide **100 acre-feet** of water as needed for direct irrigation use to be withdrawn, released or otherwise diverted from the reservoir at a re-diversion rate of approximately **1,000 gallons per minute (2.23 c.f.s.)**. A reasonable maximum re-diversion rate will be established during the perfection period and assigned at certification.

4. 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, which is currently \$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, which is currently \$100.00.

5. 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, which is currently \$100.00.

6. 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.

7. 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.

8. 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.

9. 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.

10. That all re-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 re-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.

11. That an acceptable water flow meter shall be installed and maintained on the re-diversion works authorized by this permit in accordance with the 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).

12. 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.

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

14. 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.

15. That the right to appropriate water under authority of this permit is subject to any minimum desirable streamflow requirements identified and established pursuant to K.S.A. 82a-703c for the source of supply to which this water right applies.

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 15th 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 15th 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 *19th* day of *September*, 2017, I hereby certify that the foregoing Approval of Application, File No. 49,838, dated *September 15, 2017* was mailed postage prepaid, first class, US mail to the following:

TROY WIEBE
12361 NW PRAIRIE CREEK RD
WHITEWATER KS 67154

With photocopies to:

GORDON WIEBE
12627 NW PRAIRIE CREEK RD
WHITEWATER KS 67154

Topeka Field Office



Division of Water Resources

APPLICATION COMPLETE

8/4/2017
Reviewer DWS

THE STATE OF KANSAS



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MAY 08 2017

12:54

KS DEPT OF AGRICULTURE

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:

1. Name of Applicant (Please Print): Toy Wiebe
Address: 12361 NW Prairie Creek Rd
City: Whitewater State KS Zip Code 67154
Telephone Number: (316) 619 5916

2. The source of water is: surface water in Pond Natural flows #3916 \$ (3919) Doyle Creek Trib 8 A (Cottonwood)
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.

3. The maximum quantity of water desired is 100 ~~100~~ acre-feet OR _____ gallons per calendar year, Redivert 100 AF @ 1000 gpm. DWS/DWR 7/18/17
to be diverted at a maximum rate of 1000/NF 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. GMD Meets K.A.R. 5-3-1 (YES/NO) Use IRR Source G(S) County MRZ By ADW Date 5/8/17
Code REG Fee \$ 300 TR # _____ Receipt Date 5/8/17 Check # 31041

* Per Site Map & Feet Distances.

DWS/DWR 7/18/17

File No. 49838

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 ~~SW~~^{NE*} quarter of the ~~SW~~^{SE*} quarter of the NW quarter of Section 31, more particularly described as being near a point ~~2800~~³³⁵⁰ feet North and ~~2690~~²⁷⁰⁰ 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)

WATER RESOURCES RECEIVED

MAY 08 2017

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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SCANNED

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):

Coonan Nite 12027 NW Prairie Creek Rd Whitewater KS 67154 316-799-2866
(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, Kansas, this 2 day of May, 2017.
Whitewater (month) (year)

[Signature]
(Applicant Signature)

By _____
(Agent or Officer Signature)

(Agent or Officer - Please Print)

Assisted by _____ Date: _____
(office/title)

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MAY 08 2017

KS DEPT OF AGRICULTURE

SCANNED

*Modified place of use per discussion with applicant on 8/16/17. DWS/DWR

49838

**IRRIGATION USE
SUPPLEMENTAL SHEET**

File No. 49,838

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 40

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																	80

Total = 90 acres
120 acres

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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MAY 08 2017

Schemm, Doug

From: Paulk, Bridget
Sent: Monday, August 14, 2017 3:13 PM
To: Schemm, Doug
Subject: RE: Troy Wiebe 49,838

Good afternoon Doug,

I am sorry it has taken me so long to get back to you about this structure. It has been assigned a WSN of DMN-0071. It is not jurisdictional and will not need permitting. There is a memo in the K-drive giving a bit more detail, but under our regulations it does not meet height or volume requirements to be considered jurisdictional.

Thanks for your patience,

Bridget Paulk
Dam Safety Engineering Associate
Kansas Department of Agriculture
Division of Water Resources
1320 Research Park Dr.
Manhattan, KS 66502
Office: (785) 564-6655
Bridget.Paulk@ks.gov
www.agriculture.ks.gov

From: Schemm, Doug
Sent: Wednesday, August 02, 2017 11:19 AM
To: Hunninghake, Kimberly <Kimberly.Hunninghake@ks.gov>
Cc: Paulk, Bridget <Bridget.Paulk@ks.gov>; Phillips, Janelle <Janelle.Phillips@ks.gov>
Subject: RE: Troy Wiebe 49,838

Thanks to all of you. Sorry to be a constant pain in the neck.

From: Hunninghake, Kimberly
Sent: Wednesday, August 2, 2017 11:08 AM
To: Schemm, Doug <Doug.Schemm@ks.gov>
Cc: Paulk, Bridget <Bridget.Paulk@ks.gov>; Phillips, Janelle <Janelle.Phillips@ks.gov>
Subject: FW: Troy Wiebe 49,838

Hey Doug! I will have Bridget review the hazard classification and verify the capacity/height of the dam. Using the capacity table and elevations provided by the owner, it would meet the definition of a dam. If it is found to be low hazard, it would qualify for an exemption. If it is not low hazard, it will require a permit.

From: Schemm, Doug
Sent: Monday, July 31, 2017 9:51 AM
To: Hunninghake, Kimberly <Kimberly.Hunninghake@ks.gov>; Phillips, Janelle <Janelle.Phillips@ks.gov>
Subject: Troy Wiebe 49,838

Good morning,

AMOUNT STATISTICS REPORT FOR POINTS OF DIVERSION UNDER A 49838 00

#####

AMOUNT STATISTICS REPORT FOR POINTS OF DIVERSION UNDER A 49838 00 IRR

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

2800 Feet North and 2640 Feet West of the Southeast Corner of Section 31 T 21S R 3E

SURFACE WATER ONLY

=====

File Number	Use	ST	SR	Dist (ft)	Q4	Q3	Q2	Q1	FeetN	FeetW	Sec	Twp	Rng	ID	Batt	Auth_Quan	Add_Quan	Unit
A__	49838 00	IRR	AY S	0	--	NW	NW	NW	2800	2640	31	21	3E	1		100.00	100.00	AF

=====

Total Net Quantities Authorized:	Direct	Storage
Total Requested Amount (AF) =	100.00	.00
Total Permitted Amount (AF) =	.00	.00
Total Inspected Amount (AF) =	.00	.00
Total Pro_Cert Amount (AF) =	.00	.00
Total Certified Amount (AF) =	.00	.00
Total Vested Amount (AF) =	.00	.00
TOTAL AMOUNT (AF) =	100.00	.00

An * after the source of supply indicates a pending application for change under the file number.
 An * after the ID indicates a 15 AF exemption was granted under the file number.
 A "G" in the Batt column indicates the GEO CTR of a battery. A "B" indicates a well in the battery.
 The number in the Batt column is the number of wells in the battery.

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

2800 Feet North and 2640 Feet West of the Southeast Corner of Section 31 T 21S R 3E

SURFACE WATER ONLY

WATER USE CORRESPONDENTS:

=====

File Number Use ST SR

A__ 49838 00 IRR AY S

- > TROY WIEBE
- >
- > 12361 NW PRAIRIE CREEK RD
- > WHITEWATER KS 67154
- >-----

=====

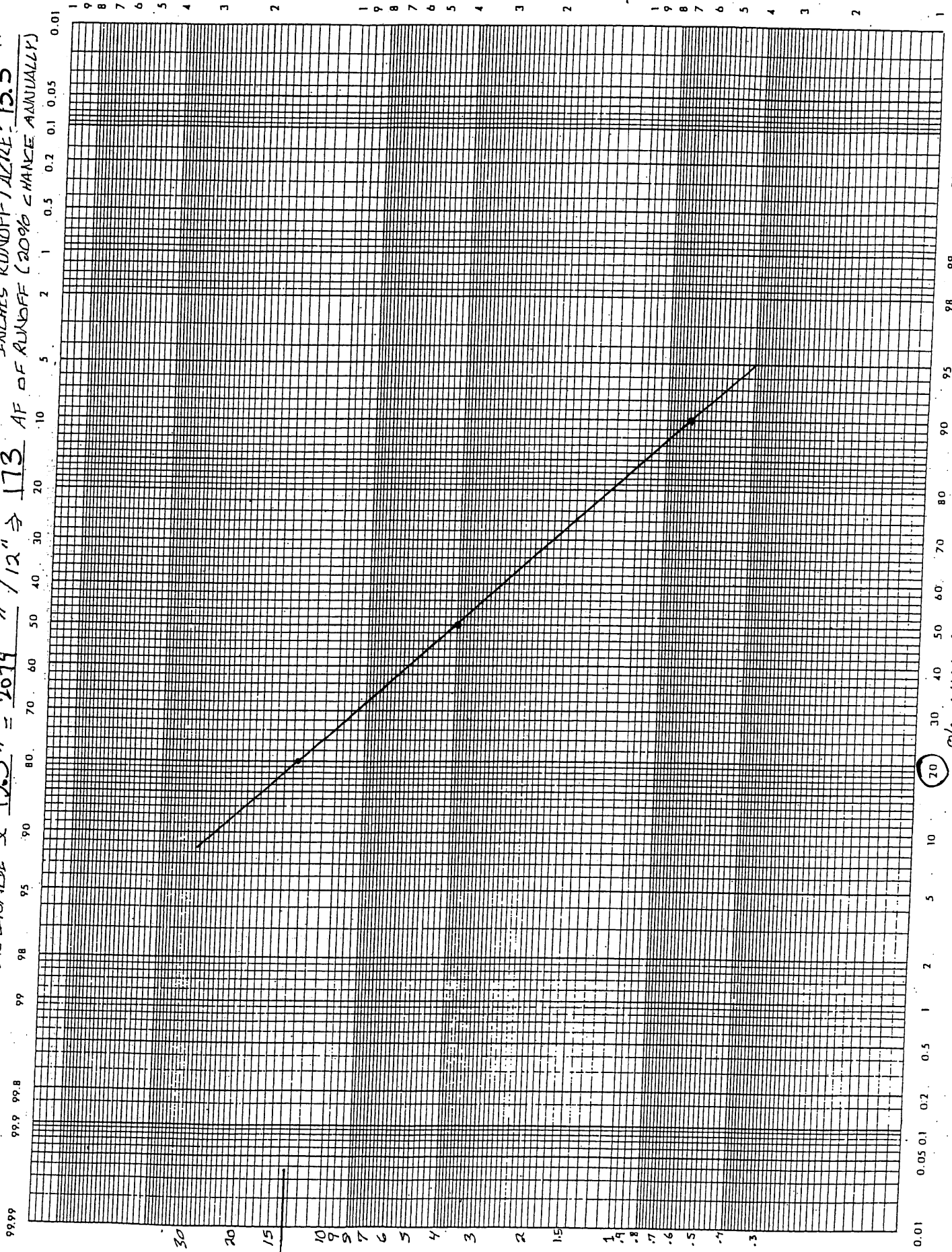
#####

FILE No. 49,838

SOIL: "80" PRECIP: 33"

154 ACRES IN DRAINAGE x 13.5" / 12" ⇒ 173 AF OF RUNOFF (20% CHANCE ANNUALLY)

Probability (Long-axis) by 3 Cycle Log



20 100 CHANCE

PREPARED BY:


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
Sam Brownback, Governor

August 1, 2017

RANDY EITZEN
1224 100TH ST
PEABODY KS 66866-9444

Re: Pending Application, File No. 49,838

Dear Mr. Eitzen:

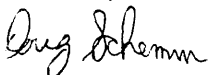
This will acknowledge receipt of your letter in our office on July 31, 2017, in which you expressed concern regarding the appropriation of surface water for irrigation use by Troy Wiebe under the above referenced application. Your objection to approval of this application was based on how it would affect Spring Creek, which is utilized for cattle watering. Due to the small drainage area for this reservoir, approval of this application would not significantly affect stream flows. We are in the process of thoroughly reviewing Application, File No. 49,838 to ensure that it complies with the Kansas Water Appropriations Act and applicable rules and regulations. The Chief Engineer is required to approve applications for water appropriations unless the proposed appropriation will impair existing water rights or prejudicially and unreasonably affect the public interest per K.S.A. 82a-711.

Your comments will be considered, and approval of the application if granted, will authorize diversion of water only when it does not impair existing rights. Additionally, the rules and regulations (K.A.R. 5-4-1) require the Chief Engineer to investigate any complaint that a prior right to the use of water is being impaired. If such impairment is found, the Chief Engineer must secure water to satisfy prior water rights. Therefore, if this permit application is approved by the Chief Engineer and you believe the diversion of water is impairing an existing water right, you should notify Katie Tietsort, Water Commissioner, Topeka Field Office, as follows, so that an investigation can be made.

Division of Water Resources
Topeka Field Office
6531 SE Forbes Ave., Suite B
Topeka, KS 66619
Telephone: (785) 296-5733

If an applicant without cause fails to comply with the provisions of the permit and its terms, conditions and limitations, it could result in the forfeiture of the priority date, revocation of the permit and dismissal of the application. If you have any further questions, please contact me at 785-296-3495. If you wish to discuss a specific file, please have the file number ready so that I may help you more efficiently.

Sincerely,



Douglas W. Schemm
Environmental Scientist
Topeka Field Office

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

7-28-17

RECEIVED

JUL 31 2017

Topeka Field Office
DIVISION OF WATER RESOURCES

Randy Eitzen
1224 100th St.
Peabody, KS 66866

Pending Application,
File No. 49,838

Dear Sir:

I feel diverting water from Spring Creek that is used for watering cattle should not be permitted, since it will take water away from them to drink.

I am against this pending application:
File No. 49,838.

W W
Randy Eitzen

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


Kansas
Department of Agriculture
Division of Water Resources

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

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

Sam Brownback, Governor

July 18, 2017

RANDY EITZER
1224 100TH STREET
PEABODY KS 66866

Re: Pending Application, File No. 49,838

Dear Sir or Madam:

This is to advise you that Troy Wiebe has filed the application referred to above for a permit to appropriate 100 acre-feet of surface water per calendar year to be stored in a proposed reservoir, and re-divert 100 acre-feet of the stored water for irrigation use. The proposed point of diversion (where the structure crosses the centerline of the stream) is located in the Northeast Quarter of the Southeast Quarter of the Northwest Quarter (NE $\frac{1}{4}$ SE $\frac{1}{4}$ NW $\frac{1}{4}$) of Section 31, in Township 21 South, Range 3 East, Marion 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 this application in order that you may be fully informed of the proposed location of the applicant's point 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 application and site map posted by the file number 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: Troy Wiebe


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
Sam Brownback, Governor

July 18, 2017

SHANE RIVES
810 LIMESTONE ROAD
PEABODY KS 66866

Re: Pending Application, File No. 49,838

Dear Sir or Madam:

This is to advise you that Troy Wiebe has filed the application referred to above for a permit to appropriate 100 acre-feet of surface water per calendar year to be stored in a proposed reservoir, and re-divert 100 acre-feet of the stored water for irrigation use. The proposed point of diversion (where the structure crosses the centerline of the stream) is located in the Northeast Quarter of the Southeast Quarter of the Northwest Quarter (NE $\frac{1}{4}$ SE $\frac{1}{4}$ NW $\frac{1}{4}$) of Section 31, in Township 21 South, Range 3 East, Marion County, Kansas.

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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: Troy Wiebe


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
Sam Brownback, Governor

July 18, 2017

BEN BUSENITZ
542 MUSTANG ROAD
PEABODY KS 66866

Re: Pending Application, File No. 49,838

Dear Sir or Madam:

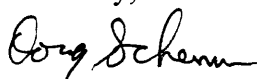
This is to advise you that Troy Wiebe has filed the application referred to above for a permit to appropriate 100 acre-feet of surface water per calendar year to be stored in a proposed reservoir, and re-divert 100 acre-feet of the stored water for irrigation use. The proposed point of diversion (where the structure crosses the centerline of the stream) is located in the Northeast Quarter of the Southeast Quarter of the Northwest Quarter (NE $\frac{1}{4}$ SE $\frac{1}{4}$ NW $\frac{1}{4}$) of Section 31, in Township 21 South, Range 3 East, Marion County, Kansas.

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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: Troy Wiebe


Kansas
Department of Agriculture
Division of Water Resources

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

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

July 18, 2017

DONNA MORRISON
3143 HIAWATHA DRIVE
LOVELAND CO 80538

Re: Pending Application, File No. 49,838

Dear Sir or Madam:

This is to advise you that Troy Wiebe has filed the application referred to above for a permit to appropriate 100 acre-feet of surface water per calendar year to be stored in a proposed reservoir, and re-divert 100 acre-feet of the stored water for irrigation use. The proposed point of diversion (where the structure crosses the centerline of the stream) is located in the Northeast Quarter of the Southeast Quarter of the Northwest Quarter (NE $\frac{1}{4}$ SE $\frac{1}{4}$ NW $\frac{1}{4}$) of Section 31, in Township 21 South, Range 3 East, Marion 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 this application in order that you may be fully informed of the proposed location of the applicant's point 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 application and site map posted by the file number 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: Troy Wiebe


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
Sam Brownback, Governor

July 18, 2017

TERRIL EBERHARD
1234 90TH ST
PEABODY KS 66866

Re: Pending Application, File No. 49,838

Dear Sir or Madam:

This is to advise you that Troy Wiebe has filed the application referred to above for a permit to appropriate 100 acre-feet of surface water per calendar year to be stored in a proposed reservoir, and re-divert 100 acre-feet of the stored water for irrigation use. The proposed point of diversion (where the structure crosses the centerline of the stream) is located in the Northeast Quarter of the Southeast Quarter of the Northwest Quarter (NE $\frac{1}{4}$ SE $\frac{1}{4}$ NW $\frac{1}{4}$) of Section 31, in Township 21 South, Range 3 East, Marion County, Kansas.

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You can find the application and site map posted by the file number 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: Troy Wiebe

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. This~~

- (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 ~~not~~ 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.

WATER RESOURCES RECEIVED

MAY 08 2017

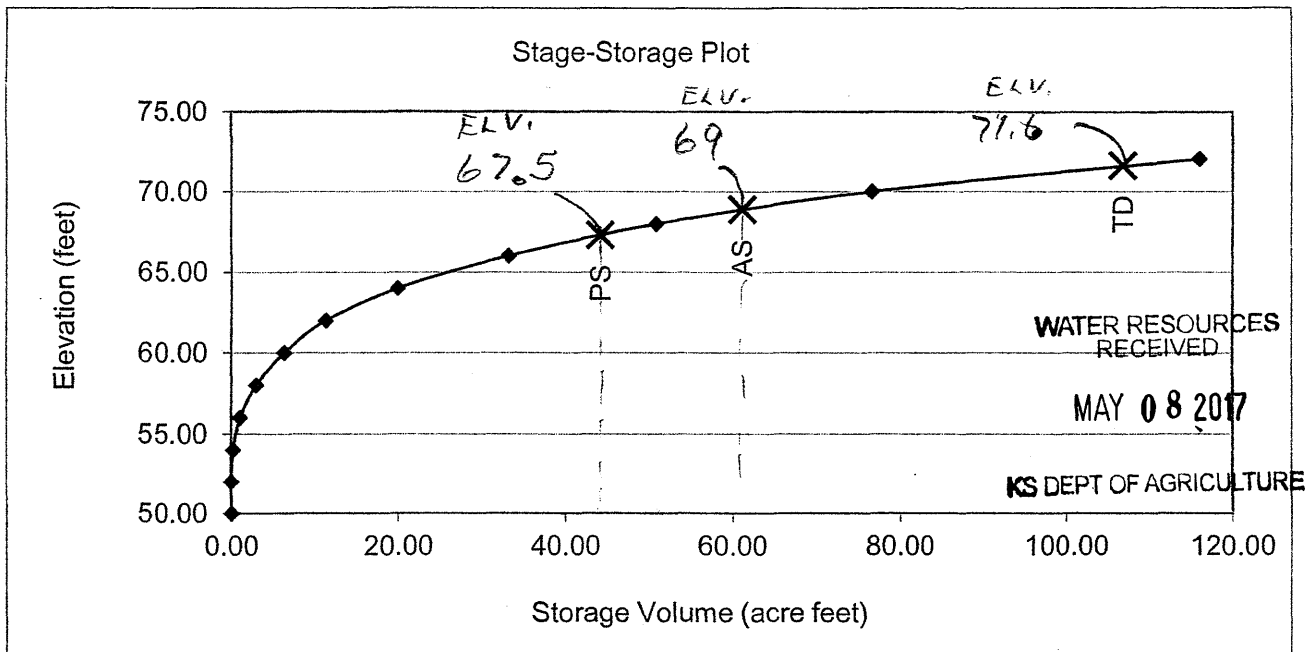
Pond - Stage Storage Calculations

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.



49838

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. 49,838

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 Wilke
(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



WATER RESOURCES
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MAY 08 2017

49838

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%

WATER RESOURCES
RECEIVED

MAY 08 2017



SCANNED

**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

WATER RESOURCES
RECEIVED

MAY 08 2017

KS DEPT OF AGRICULTURE
SCANNED



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,

Kristen A. Baum
New Applications Unit Supervisor
Water Appropriation Program

BAT: dlw
pc: TOPEKA Field Office
GMD

SCANNED

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 Am

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

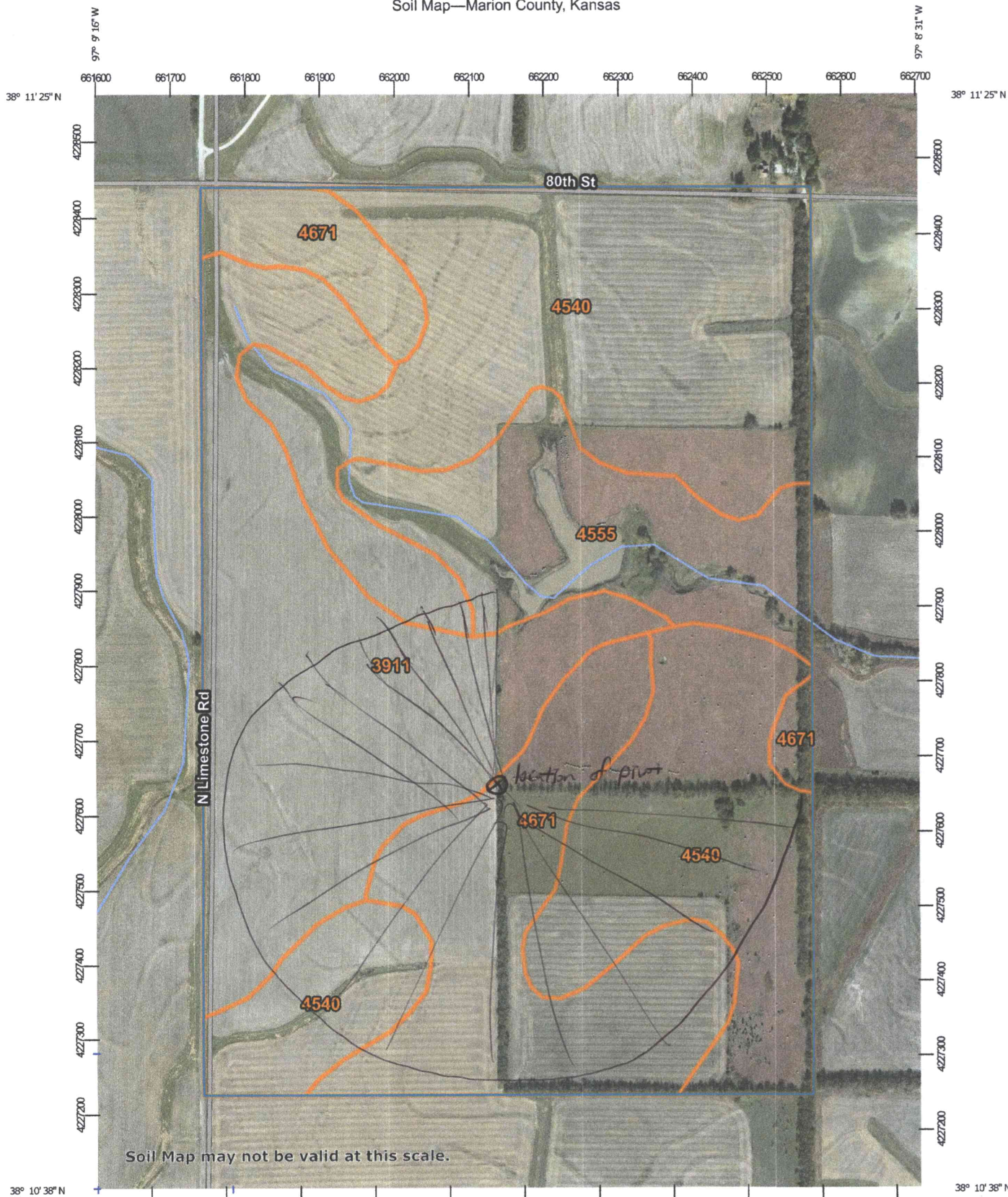
Unnamed Trib to Unnamed Trib to Unnamed Trib (1, 2, 3, etc.) - Purple

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

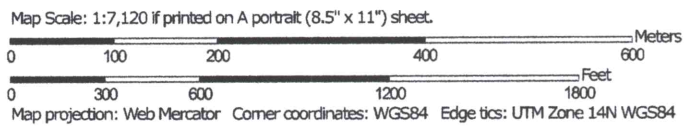
Date Entered 5/10/2012 By UM

49838

Soil Map—Marion County, Kansas



Soil Map may not be valid at this scale.



WATER RESOURCES RECEIVED
MAY 08 2017

SCANNED

S 31 T 21 S R 3 E

49838

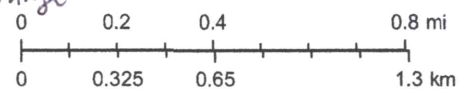
Map



May 2, 2017

section 31 is highlighted in orange

1:24,626



WATER RESOURCES RECEIVED

MAY 08 2017

KS DEPT OF AGRICULTURE

Esri, HERE, DeLorme, MapmyIndia, © OpenStreetMap contributors
 Esri, HERE, DeLorme, MapmyIndia, © OpenStreetMap contributors, and the
 GIS user community
 Source: Esri, DigitalGlobe, GeoEye, Earthstar Geographics, CNES/Airbus
 DS, USDA, USGS, AeroGRID, IGN, and the GIS User Community

SCANNED

ESRI

TROY WIEBE - FILE NO. 49,838
PROPOSED PLACE OF USE &
POINT OF DIVERSION MAP

modified per
Discussion with
Applicant. DWS/DWR
8/16/2017



1:12,000

● Proposed Point of Diversion



Proposed Place of Use

