



File No. **50,025**      15. Formation Code:      Drainage Basin: VERMILLION CREEK      County: NM      Special Use:      Stream: WOLF CREEK TRIB 1 (VERMILLION)

16. Points of Diversion										17. Rate and Quantity								
MOD	DEL	ENT	PDIV	Qualifier	S	T	R	ID	'N	'W	Authorized		Additional		Overlap PD Files			
											Rate gpm	Quantity af	Rate gpm	Quantity af				
√				84494	SW	SW	NE	25	5	12E	1	2698	2203	1000	100	1000	100	49,425

18. Storage: Rate \_\_\_\_\_ NF      Quantity **112** ac/ft      Additional Rate \_\_\_\_\_ NF      Additional Quantity **112** 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 **12/31/2019**      Date Acceptable Meter Installed \_\_\_\_\_

21. Place of Use							NE¼				NW¼				SW¼				SE¼				Total	Owner	Chg? NO	Overlap Files			
MOD	DEL	ENT	PUSE	S	T	R	ID	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		
√				67058	25	5	12E	1		40	40		40	36	24	40	40	40	40	39					379	7a.	No	49,425	

Comments: PERMIT IS CONDITIONED TO REQUIRE DRAWDOWN TUBE TO ENABLE BYPASS OF NATURAL FLOWS.  
*special condition*

**KANSAS DEPARTMENT OF AGRICULTURE**  
**Division of Water Resources**  
**M E M O R A N D U M**

**TO:** Files

**DATE:** May 7, 2018

**FROM:** Doug Schemm

**RE:** Application, File No. 50,025

Wayne Heinen has filed the application referred to above for a permit to appropriate 112 acre-feet of surface water at the rate of natural flows to be stored in an existing reservoir located in the Northeast Quarter of Section 25, in Township 5 South, Range 12 East, Nemaha County, Kansas, within the Vermillion Creek drainage basin. The dam is located on Wolf Creek Trib 1 (Vermillion). 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 entire place of use is also owned by the applicant, and it comprises 379 acres. Appropriation of Water, File No. 49,425 overlaps in point of diversion and place of use (after change in place of use is approved).

Appropriation of Water, File No. 49,425 is authorized 250 acre-feet of storage and 242 acre-feet of direct use. Runoff computations determined that the 334 acres of drainage area will generate a runoff quantity in 1 out of every five (5) years (a 20% chance), of 362 acre-feet. The 112 acre-feet of storage requested on the new application is the difference between the calculated runoff of 362 acre-feet, and the authorized storage under File No. 49,425 (362 AF – 250 AF). The requested quantity of water for direct use (rediversion) of 100 acre-feet, plus the quantity authorized under the senior file of 242 acre-feet, provides a direct use total quantity of 342 acre-feet. This quantity applied to 379 acres, provides 0.9 acre-feet per acre, which is less than the maximum allowable of 1.1 acre-feet per acre in Nemaha County, Kansas, per K.A.R. 5-3-24, but is still reasonable.

The applicant provided the names and addresses of landowners within one-half (½) mile upstream and downstream of the property boundaries, and notification letters were sent out on April 11, 2018. A telephone call was received from downstream landowner (Kyle Coe). Note that during processing of the senior file, Mr. Coe had expressed concerns that the proposed project would impact stream flow, and asked how the applicant would bypass inflows. Mr. Coe runs cattle on his pasture (typically 50 to 60 head). Regarding this pending application, Mr. Coe just wanted to confirm that it would have the same conditioning as the senior file, and he was informed that it would be conditioned the same. File No. 49,425 was conditioned to require a drawdown tube to bypass natural flows if required. There are no other surface water rights within a two-mile radius according to the WRIS database.

The proposed structure was reviewed by DWR Water Structures Program staff, during processing of the senior file under File No. DNM-0379, and they determined that it qualifies for the hazard class A permit exemption specified in K.S.A. 82a-301(d)(1) (see September 18, 2015 letter from Kimberly Hunninghake). The applicant has submitted the required registration form. 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 a May 3, 2018 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 applicant has submitted the necessary registration form to the DWR Water Structures Program, and senior rights will not be impacted, it is recommended that the referenced new application be approved in conjunction with the change in Place of Use under File No. 49,425.

Doug Schemm  
Environmental Scientist  
Topeka Field Office

# STATE OF KANSAS

DEPARTMENT OF AGRICULTURE  
1320 RESEARCH PARK DRIVE  
MANHATTAN, KS 66502  
PHONE: (785) 564-6700  
FAX: (785) 564-6777



900 SW JACKSON, ROOM 456  
TOPEKA, KS 66612  
PHONE: (785) 296-3556  
www.agriculture.ks.gov

GOVERNOR JEFF COLYER, M.D.  
JACKIE McCLASKEY, SECRETARY OF AGRICULTURE

July 5, 2018

WAYNE HEINEN  
1441 96TH RD  
GOFF KS 66428-8233

RE: Appropriation of Water, File No. 50,025

**FILE COPY**

Dear Mr. Heinen:

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, with specific reference to **Paragraph No. 16 requiring the proposed dam to be equipped with a controlled outlet with a minimum diameter of four inches, and this outlet shall be placed to allow water to pass through the dam at or near streambed elevation.** 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 a specific file, please have the file number ready so that we may help you more efficiently.

Sincerely,

Kristen A. Baum  
New Application Unit Supervisor  
Water Appropriation Program

KAB:dws

Enclosures

pc: Topeka Field Office  
Todd & Lucy Heinen



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. 50,025** of the applicant

**WAYNE HEINEN  
1441 96TH RD  
GOFF KS 66428-8233**

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

1. That the priority date assigned to such application is **March 26, 2018**.
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	
25	5S	12E		40	40		40	36	24	40	40	40	40	39					379

3. That the appropriation sought shall be limited to all natural flows of an unnamed tributary to Wolf Creek, designated in the office of the Chief Engineer as Wolf Creek Trib 1 (Vermillion), 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 **112 acre-feet** per calendar year in one (1) reservoir created by a dam located in the Southwest Quarter of the Southwest Quarter of the Northeast Quarter (SW¼ SW¼ NE¼) of Section 25, more particularly described as being near a point 2,698 feet North and 2,203 feet West of the Southeast corner of said section, in Township 5 South, Range 12 East, Nemaha 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, 2019** 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, 2023** 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.



**CERTIFICATE OF SERVICE**

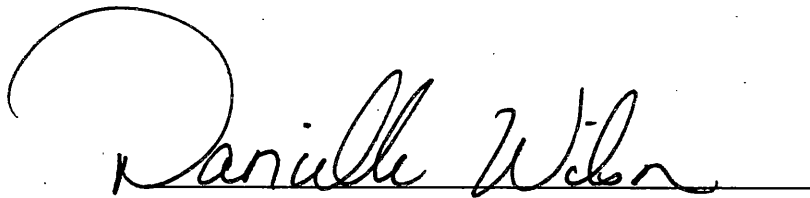
On this 5<sup>th</sup> day of July, 2018, I hereby certify that the foregoing Approval of Application, File No. 50,025, dated July 2nd, 2018 was mailed postage prepaid, first class, US mail to the following:

WAYNE HEINEN  
1441 96TH RD  
GOFF KS 66428-8233

With photocopies to:

TODD P & LUCY C HEINEN  
1410 96TH ROAD  
GOFF KS 66428-8233

Topeka Field Office

A handwritten signature in black ink, reading "Danielle Wilson", written over a horizontal line. The signature is cursive and includes a large, decorative flourish at the beginning.

Division of Water Resources



THE STATE OF KANSAS



KANSAS DEPARTMENT OF AGRICULTURE  
Jackie McClaskey, Secretary of Agriculture

DIVISION OF WATER RESOURCES  
David W. Barfield, Chief Engineer

APPLICATION COMPLETE  
5/3/18  
Reviewer KAB for DWS

File Number 50025  
This item to be completed by the Division of Water Resources.

Water Resources  
Received  
MAR 26 2018  
2:36  
KS Dept Of Agriculture

**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, KS 66502:

1. Name of Applicant (Please Print): WAYNE HEINEN  
Address: 1441 96<sup>TH</sup> ROAD  
City: GOFF State: KS Zip Code 66428  
Telephone Number: (785) 336-1073

2. The source of water is:  surface water in WOLF CREEK TRIB 1 (VERMILLION)  
(stream)  
OR  groundwater in VERMILLION 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. Redivert 100 acre-feet at 1,000 gpm for IRR use

3. The maximum quantity of water desired is 112 (storage) acre-feet OR \_\_\_\_\_ gallons per calendar year, to be diverted at a maximum rate of 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. <u>1</u> GMD <input type="checkbox"/> Meets K.A.R. 5-3-1 (YES/NO) Use <u>IRR</u> Source <u>G</u> County <u>NM</u> By <u>AW</u> Date <u>3/27/18</u>	
Code	<u>REG</u>	Fee \$ <u>200</u>	TR # _____ Receipt Date <u>3/20/18</u> Check # <u>2192</u>

SCANNED  
4/2/2018 LCM

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 Quarter of the SW quarter of the NE quarter of Section 25, more particularly described as being near a point 2698 feet North and 2203 feet West of the Southeast corner of said section, in Township 5 South, Range 12 EAST, NEMAHA County, Kansas. (PDIV ID: 84494)
- (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):

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 March 20<sup>th</sup>, 2018. Wayne Helms  
 Applicant's Signature

7. The proposed project for diversion of water will consist of ONE DAM AND RESERVOIR  
 (number of wells, pumps or dams, etc.)  
 and (was)(will be) completed (by) EXISTING  
 (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 SUMMER 2018

Water Resources (Ms/Day/Year)  
 Received

MAR 26 2018

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 DNM-0379
- If no, explain here why a Water Structures permit is not required DAM QUALIFIED FOR HAZARD CLASS A PERMIT EXEMPTION. It has been registered.

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.

FILE NO. 49,425 - COMPLETE OVERLAP IN PU AND PD (After Change in Place of Use is Approved)

\*Calculated Runoff (20% chance) from 334 acres of drainage = 362 acre-feet.

File No 49,425 is authorized 250 AF of Storage and 242 AF of Direct Use

New Application requested Storage Quantity based on Runoff – Authorized (362 AF – 250 AF) = 112 AF of storage, and divert 100 AF. No limitations to senior file are required.

Water Resources  
Received  
MAR 26 2018

KS Dept Of Agriculture

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):

\_\_\_\_\_ (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 Seneca, Kansas, this 20<sup>th</sup> day of March, 2018.  
(month) (year)

Wayne Sen  
(Applicant Signature)

\_\_\_\_\_  
APPLICANT(S) SOCIAL SECURITY IDENTIFICATION NUMBER(S)

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

\_\_\_\_\_  
and/or  
APPLICANT(S) TAXPAYER I.D. NO.(S)

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

Assisted by DWS TOPEKA FO Date: 1/31/2018  
(office/title)

Water Resources  
Received  
MAR 26 2018  
KS Dept Of Agriculture  
SCANNED

**IRRIGATION USE  
SUPPLEMENTAL SHEET**

File No. 50,025

Name of Applicant (Please Print): WAYNE HEINEN

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: WAYNE HEINEN

ADDRESS: 1441 96<sup>TH</sup> ROAD GOFF, KS 66428

S	T	R	NE¼				NW¼				SW¼				SE¼				TOTAL
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
25	5S	12E		40	40		40	36	24	40	40	40	40	39					379

TOTAL = 379 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	

**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	

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.

AMOUNT STATISTICS REPORT FOR POINTS OF DIVERSION UNDER A

50025 00

#####

AMOUNT STATISTICS REPORT FOR POINTS OF DIVERSION UNDER A 50025 00 IRR

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

2698 Feet North and 2203 Feet West of the Southeast Corner of Section 25 T 5S R 12E

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__ 49425 00 IRR KE S*          0 -- SW SW NE 2698 2203 25 5 12E 1          242.00 242.00 AF
A__ 50025 00 IRR AY S          0 -- SW SW NE 2698 2203 25 5 12E 1          100.00 100.00 AF
=====

```

```

=====
Total Net Quantities Authorized:   Direct           Storage
Total Requested Amount (AF) =      100.00           112.00
Total Permitted Amount (AF) =      242.00           250.00
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) =                 342.00           362.00
=====

```

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:

2698 Feet North and 2203 Feet West of the Southeast Corner of Section 25 T 5S R 12E

SURFACE WATER ONLY

WATER USE CORRESPONDENTS:

```

=====
File Number      Use ST SR
A__ 49425 00 IRR KE S
> TODD P & LUCY C HEINEN
>
> 1410 96TH ROAD
> GOFF KS 66428
>-----
A__ 50025 00 IRR AY S
> TODD P & LUCY C HEINEN
>
> 1410 96TH ROAD
> GOFF KS 66428
>-----
=====

```

#####

# 50,025

**Schemm, Doug**

---

**From:** Keith Grimm <keith@mwivalley.com>  
**Sent:** Thursday, October 08, 2015 8:11 AM  
**To:** Schemm, Doug  
**Subject:** RE: Wayne Heinen File No. 49,425

Ok thanks

---

**From:** Schemm, Doug [<mailto:Doug.Schemm@KDA.KS.GOV>]  
**Sent:** Thursday, October 08, 2015 8:04 AM  
**To:** Keith Grimm <[mwivalley@gmail.com](mailto:mwivalley@gmail.com)>  
**Subject:** RE: Wayne Heinen File No. 49,425

There are downstream landowners who have expressed concerns regarding having adequate streamflow for watering cattle. We just want to make sure that Mr. Heinen has a convenient method for bypassing natural flows if necessary.

---

**From:** Keith Grimm [<mailto:mwivalley@gmail.com>]  
**Sent:** Thursday, October 08, 2015 7:58 AM  
**To:** Schemm, Doug  
**Subject:** Re: Wayne Heinen File No. 49,425

Yes I have received this. Why is this condition being requested

Sent from myiPhone

Keith Grimm  
MWI,LLC  
O 785-288-1783  
C 785-547-7556  
[Keith@mwivalley.com](mailto:Keith@mwivalley.com)

On Oct 8, 2015, at 7:49 AM, Schemm, Doug <[Doug.Schemm@KDA.KS.GOV](mailto:Doug.Schemm@KDA.KS.GOV)> wrote:

Keith,

This file is for a proposed reservoir in the NE Quarter of Section 25, T5S, R12E, in Nemaha Co. This is to inform you that, if approved, the permit will be conditioned as follows:

"That the proposed dam shall be equipped with a controlled outlet with a minimum diameter of four inches. The controlled outlet shall be placed to allow water to pass through the dam at or near streambed elevation."

Please confirm that you have received this e-mail.

Thanks, Doug



**Kopp, Kenneth**

---

**From:** Tietsort, Katie  
**Sent:** Monday, October 12, 2015 9:31 AM  
**To:** Schemm, Doug  
**Cc:** Kopp, Kenneth  
**Subject:** Re: Wayne Heinen 49,425

Thanks I like using this condition to make sure they can bypass

Sent from Katie's iPhone

On Oct 12, 2015, at 8:49 AM, Schemm, Doug <[Doug.Schemm@KDA.KS.GOV](mailto:Doug.Schemm@KDA.KS.GOV)> wrote:

Ken,  
The permit has been conditioned to require a tube to bypass natural flows if necessary. Keith agreed to this in e-mail.  
Thanks, Doug

---

**From:** Tietsort, Katie  
**Sent:** Tuesday, October 06, 2015 11:10 AM  
**To:** Schemm, Doug  
**Subject:** RE: Wayne Heinen 49,425

Additionally, there needs to be a paragraph in the cover letter specifically pointing this out and if this is a Grimm file I need you to email Keith to let him be aware of the condition.

Katie Tietsort, Water Commissioner

Kansas Department of Agriculture  
Division of Water Resources, Topeka Field Office  
6531 SE Forbes Ave., Suite B  
Topeka, KS 66619  
(785) 296-5733  
FAX (785) 296-8298

[Katie.Tietsort@kda.ks.gov](mailto:Katie.Tietsort@kda.ks.gov)  
<http://agriculture.ks.gov/>

---

**From:** Tietsort, Katie  
**Sent:** Tuesday, October 06, 2015 11:08 AM  
**To:** Schemm, Doug  
**Subject:** RE: Wayne Heinen 49,425

Doug- I think this one needs to have the condition that says about ensuring that downstream domestic users use is satisfied by use of bypassing flow over, through, or past the dam, whatever that language was....

Katie Tietsort, Water Commissioner

#49,425  
50,025



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 18, 2015

Wayne Heinen  
1441 96<sup>th</sup> Rd  
Goff, KS 66428

RE: Low Hazard Dam Registration  
WSN: DNM-0379

Dear Mr. Heinen:

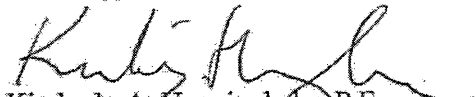
Please accept this letter as confirmation that your proposed dam is exempt from the dam safety permit requirements specified in K.S.A. 82a-301(a), and its location has been registered in our records.

You reported that your proposed dam is located in the SW1/4 of the SW1/4 of the NE1/4 of Section 25, Township 5 South, Range 12 East in Nemaha County. You also reported it would have a height of 27.66 feet, and a storage volume of 122.20 acre-feet at the emergency spillway elevation. We verified that it qualifies for the hazard class A permit exemption specified in K.S.A. 82a-301(d)(1).

Please note your dam may be reclassified to a hazard class B or C in the future as a result of improvements or changes on downstream properties. If that occurs, you will be required to obtain a dam permit. This may require redesign and partial reconstruction of the dam to meet applicable dam safety standards.

Please contact me at 785-564-6652 if you have any questions.

Sincerely,

  
Kimberly A. Hunninghake, P.E.  
Dam Safety Team Leader

Pc: Topeka Field Office

STATE OF KANSAS

DEPARTMENT OF AGRICULTURE  
DIVISION OF WATER RESOURCES  
TOPEKA FIELD OFFICE  
6531 SE FORBES AVE., SUITE B  
TOPEKA, KS 66619



PHONE: (785) 296-5733  
FAX: (785) 296-8298  
www.agriculture.ks.gov

GOVERNOR JEFF COLYER, M.D.  
JACKIE McCLASKEY, SECRETARY OF AGRICULTURE

April 11, 2018

TIMOTHY C EISENBARTH  
1265 8<sup>TH</sup> ROAD  
SOLDIER KS 66540

Re: Pending Application, File No. 50,025 and  
Appropriation of Water, File No. 49,425 Change Application (Place of Use)

Dear Sir or Madam:

This is to advise you that Wayne Heinen has filed the new application referred to above for a permit to appropriate surface water at the rate of natural flows to be stored in an existing reservoir. The application is requesting to appropriate 112 acre-feet of surface water per calendar year, and re-divert 100 acre-feet of the stored water for irrigation use. Please note that the proposed point of diversion is an existing dam and reservoir currently authorized under Appropriation of Water, File No. 49,425. The pending change application for File No. 49,425 will increase the place of use to match the new application irrigation project. The proposed point of diversion (where the dam crosses the centerline of the stream) is located as follows:

in the Southwest Quarter of the Southwest Quarter of the Northeast Quarter (SW<sup>1</sup>/<sub>4</sub> SW<sup>1</sup>/<sub>4</sub> NE<sup>1</sup>/<sub>4</sub>) of  
Section 25, in Township 5 South, Range 12 East, Nemaha 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 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 new and change 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: Wayne Heinen

STATE OF KANSAS



DEPARTMENT OF AGRICULTURE  
DIVISION OF WATER RESOURCES  
TOPEKA FIELD OFFICE  
6531 SE FORBES AVE., SUITE B  
TOPEKA, KS 66619

PHONE: (785) 296-5733  
FAX: (785) 296-8298  
www.agriculture.ks.gov

GOVERNOR JEFF COLYER, M.D.  
JACKIE McCLASKEY, SECRETARY OF AGRICULTURE

April 11, 2018

KYLE & GLENDA COE  
1127 286<sup>TH</sup> ROAD  
SOLDIER KS 66540

Re: Pending Application, File No. 50,025 and  
Appropriation of Water, File No. 49,425 Change Application (Place of Use)

Dear Sir or Madam:

This is to advise you that Wayne Heinen has filed the new application referred to above for a permit to appropriate surface water at the rate of natural flows to be stored in an existing reservoir. The application is requesting to appropriate 112 acre-feet of surface water per calendar year, and re-divert 100 acre-feet of the stored water for irrigation use. Please note that the proposed point of diversion is an existing dam and reservoir currently authorized under Appropriation of Water, File No. 49,425. The pending change application for File No. 49,425 will increase the place of use to match the new application irrigation project. The proposed point of diversion (where the dam crosses the centerline of the stream) is located as follows:

in the Southwest Quarter of the Southwest Quarter of the Northeast Quarter (SW<sup>1</sup>/<sub>4</sub> SW<sup>1</sup>/<sub>4</sub> NE<sup>1</sup>/<sub>4</sub>) of  
Section 25, in Township 5 South, Range 12 East, Nemaha 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 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 new and change 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: Wayne Heinen

STATE OF KANSAS



DEPARTMENT OF AGRICULTURE  
DIVISION OF WATER RESOURCES  
TOPEKA FIELD OFFICE  
6531 SE FORBES AVE., SUITE B  
TOPEKA, KS 66619

PHONE: (785) 296-5733  
FAX: (785) 296-8298  
www.agriculture.ks.gov

GOVERNOR JEFF COLYER, M.D.  
JACKIE McCLASKEY, SECRETARY OF AGRICULTURE

April 11, 2018

EARL & BARBARA SOLT  
350 STATE HIGHWAY 63  
CORNING KS 66417

Re: Pending Application, File No. 50,025 and  
Appropriation of Water, File No. 49,425 Change Application (Place of Use)

Dear Sir or Madam:

This is to advise you that Wayne Heinen has filed the new application referred to above for a permit to appropriate surface water at the rate of natural flows to be stored in an existing reservoir. The application is requesting to appropriate 112 acre-feet of surface water per calendar year, and re-divert 100 acre-feet of the stored water for irrigation use. Please note that the proposed point of diversion is an existing dam and reservoir currently authorized under Appropriation of Water, File No. 49,425. The pending change application for File No. 49,425 will increase the place of use to match the new application irrigation project. The proposed point of diversion (where the dam crosses the centerline of the stream) is located as follows:

in the Southwest Quarter of the Southwest Quarter of the Northeast Quarter (SW<sup>1</sup>/<sub>4</sub> SW<sup>1</sup>/<sub>4</sub> NE<sup>1</sup>/<sub>4</sub>) of  
Section 25, in Township 5 South, Range 12 East, Nemaha 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 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 new and change 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: Wayne Heinen

DEPARTMENT OF AGRICULTURE  
DIVISION OF WATER RESOURCES  
TOPEKA FIELD OFFICE  
6531 SE FORBES AVE., SUITE B  
TOPEKA, KS 66619

# STATE OF KANSAS



PHONE: (785) 296-5733  
FAX: (785) 296-8298  
www.agriculture.ks.gov

GOVERNOR JEFF COLYER, M.D.  
JACKIE McCLASKEY, SECRETARY OF AGRICULTURE

April 11, 2018

STEVEN & CONNIE HOLTHAUS  
1528 120<sup>TH</sup> RD  
SENECA KS 66538

Re: Pending Application, File No. 50,025 and  
Appropriation of Water, File No. 49,425 Change Application (Place of Use)

Dear Sir or Madam:

This is to advise you that Wayne Heinen has filed the new application referred to above for a permit to appropriate surface water at the rate of natural flows to be stored in an existing reservoir. The application is requesting to appropriate 112 acre-feet of surface water per calendar year, and re-divert 100 acre-feet of the stored water for irrigation use. Please note that the proposed point of diversion is an existing dam and reservoir currently authorized under Appropriation of Water, File No. 49,425. The pending change application for File No. 49,425 will increase the place of use to match the new application irrigation project. The proposed point of diversion (where the dam crosses the centerline of the stream) is located as follows:

in the Southwest Quarter of the Southwest Quarter of the Northeast Quarter (SW $\frac{1}{4}$  SW $\frac{1}{4}$  NE $\frac{1}{4}$ ) of Section 25, in Township 5 South, Range 12 East, Nemaha 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 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 new and change 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: Wayne Heinen

## FEE SCHEDULE

1. The fee for an application for a permit to appropriate water for beneficial use, except for domestic use, shall be (see paragraph No. 2 below if requesting storage):

ACRE-FEET	FEE
<del>0-100</del>	<del>\$200.00</del>
101-320	\$300.00
More than 320	\$300.00 plus \$20.00 for each additional 100 acre-feet or any part thereof.

2. The fee for an application in which storage is requested, except for domestic use, shall be:

ACRE-FEET	FEE
0-250	\$200.00
More than 250	\$200.00 plus \$20.00 for each additional 250 acre-feet of storage or any part thereof.

Note: If an application requests both direct use *and* storage, the fee charged shall be as determined under No. 1 or No. 2 above, whichever is greater, but not both fees.

3. The fee for an application for a permit to appropriate water for water power or dewatering purposes shall be \$100.00 plus \$200.00 for each 100 cubic feet per second, or part thereof, of the diversion rate requested.

Note: The applicant shall notify the Chief Engineer and pay the statutorily required field inspection fee of \$400.00 when construction of the works for diversion has been completed, except that for applications filed on or after July 1, 2009, for works constructed for sediment control use and for evaporation from a groundwater pit for industrial use shall be accompanied by a field inspection fee of \$200.00.

### MAKE CHECKS PAYABLE TO THE KANSAS DEPARTMENT OF AGRICULTURE

#### ATTENTION

A Water Conservation Plan may be required per K.S.A. 82a-733. A statement that your application for permit to appropriate water may be subject to the minimum desirable streamflow requirements per K.S.A. 82a-703a, b, and c may also be required from you. After the Division of Water Resources has had the opportunity to review your application, you will be notified whether or not you will need to submit a Water Conservation Plan. You also may be required to install a water flow meter or water stage measuring device on your diversion works prior to diverting water. There may be other special conditions or Groundwater Management District regulations that you will need to comply with if this application is approved.

#### CONVERSION FACTORS

1 acre-foot equals 325,851 gallons

1 million gallons equal 3.07 acre-feet

Water Resources  
Received

**MAR 26 2018**

KS Dept Of Agriculture  
SCANNED

## IRRIGATION USE SUPPLEMENTAL SHEET

File No. 50025

Name of Applicant (Please Print): \_\_\_\_\_

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: \_\_\_\_\_

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	
25	5S	12E		40	40		40	36	24	40	40	40	40	39					379

**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	

\* Copied from Change in PU for 49,425 ADW/DWR



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.

# STATE OF KANSAS

DEPARTMENT OF AGRICULTURE  
1320 RESEARCH PARK DRIVE  
MANHATTAN, KS 66502  
PHONE: (785) 564-6700  
FAX: (785) 564-6777



900 SW JACKSON, ROOM 456  
TOPEKA, KS 66612  
PHONE: (785) 296-3556  
www.agriculture.ks.gov

GOVERNOR JEFF COLYER, M.D.  
JACKIE MCCLASKEY, SECRETARY OF AGRICULTURE

April 2, 2018

WAYNE HEINEN  
1441 96TH RD  
GOFF KS 66428

RE: Application  
File No. 50025

Dear Sir or Madam:

Your application for permit to appropriate water in 25-5S-12W in Nemaha 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) 564-6637. 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

WAYNE HEINEN - NEW APPLICATION SITE MAP  
 SEC. 25, T5S, R12E

50025



Earl & Barbara Solt  
 350 State Highway 63  
 Combing, KS 66417

Steven & Connie Holthaus  
 1528 120th Road  
 Seneca, KS 66538

Proposed Point of Diversion - Dam  
 2,698' N & 2,203' W

Timothy C. Eisenbarth  
 1265 8th Road  
 Soldier, KS 66540

Kyle & Glenda Coe  
 1127 286th Road  
 Soldier, KS 66540

Southeast Corner of Section 25  
 Township 5 South  
 Range 12 East



1:24,000



Proposed Place of Use



Proposed Point of Diversion

All landowners adjacent to the stream within  
 1/2 mile of the property lines shown on this map.

Water Resources  
 Received

MAR 26 2018

KS Dept Of Agriculture  
 SCANN