

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

1. File Number: <b>50,164</b>	2. Status Change Date: <b>5/8/2019</b>	3. Field Office: <b>01</b>	4. GMD: <b>0</b>
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5. Status:  Approved  Denied by DWR/GMD  Dismiss by Request/Failure to Return

6. Enclosures:  Check Valve  N of C Form  Water Tube  Driller Copy  Meter

7a. Applicant(s)  New to system  Person ID **59162**  
Add Seq# \_\_\_\_\_

**BRUCE E & KIMBERLEE A HEIMAN**  
**2421 EAGLE RD**  
**SUMMERFIELD KS 66541**

7b. Landowner(s)  New to system  Person ID \_\_\_\_\_  
Add Seq# \_\_\_\_\_

**7a.**

7c. Landowner(s)  New to system  Person ID **66499**  
Add Seq# \_\_\_\_\_

**RONALD BURNTON**  
**685 HWY 99**  
**SUMMERFIELD KS 66541**

7d. Misc  New to system  Person ID \_\_\_\_\_  
Add Seq# \_\_\_\_\_

**MIDWEST IRRIGATION**  
**% KEITH GRIMM**  
**1215 OREGON ST**  
**HIAWATHA KS 66434**

8. WUR Correspondent  New to system  Person ID \_\_\_\_\_  
Add Seq# \_\_\_\_\_  
Overlap File (s) WUC Notarized WUC Form   
Agree  Yes  No

**7a.**

9. Use of Water: Changing?  Yes  No

Groundwater  Surface Water

IRR  REC  DEW  MUN

STK  SED  DOM  CON

HYD DRG  WTR PWR  ART RECHRG

IND SIC: \_\_\_\_\_  OTHER: \_\_\_\_\_

10. Completion Date: **12/31/2020**      11. Perfection Date: **12/31/2024**      12. Exp Date: \_\_\_\_\_

13. Conservation Plan Required?  Yes  No Date Required: \_\_\_\_\_ Date Approved: \_\_\_\_\_ Date to Comply: \_\_\_\_\_

14. Water Level Measuring Device?  Yes  No Date to Comply: \_\_\_\_\_ Date WLMD Installed: \_\_\_\_\_

Date Prepared: **4/22/2019** By: **DWS**  
Date Entered: **5/9/2019** By: **UM**

File No. **50,164**      15. Formation Code:      Drainage Basin: **Black Vermillion River**      County: **MS**      Special Use:      Stream: **Robidoux Creek (Black Vermillion River)**

16. Points of Diversion										17. Rate and Quantity <b>MOD ADDL QTY</b>				
MOD DEL ENT	PDIV	Qualifier	S	T	R	ID	'N	'W		Authorized	Additional			
										Rate gpm	Quantity af	Rate gpm	Quantity af	Overlap PD Files
√	87173	SE NW NE	35	1	9E	3	4090	1490		1500	440	1500	401.5	NONE

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

19. Limitation: **484** af/yr at \_\_\_\_\_ gpm ( \_\_\_\_\_ cfs) when combined with file number(s): **50,163 (ON THE PLACE OF USE)**  
 Limitation: \_\_\_\_\_ af/yr at \_\_\_\_\_ gpm ( \_\_\_\_\_ cfs) when combined with file number(s) \_\_\_\_\_

20. Meter Required?  Yes  No      To be installed by **12/31/2020**      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								
√	22361	35	1	9E	1	40	40	40	40														160	7a.	NO	50,163			
√	69197	35	1	9E	2					40				40	40	40	40	40	40	40	5	205	7c.	NO	50,163				
√	69195	36	1	9E	1						5											5	7a.	NO	50,163				
√	69196	36	1	9E	2					35	35											70	7c.	NO	50,163				

Comments:

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

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

**TO:** Files

**DATE:** April 22, 2019

**FROM:** Doug Schemm

**RE:** Applications, File Nos. 50,163 and 50,164  
Water Right, File No. 23,889

Bruce Heimen has filed the above referenced new applications proposing to appropriate surface water by both the collection and storage of natural flows in an existing reservoir (File No. 50,163) and the direct diversion of surface water from a pump site (File No. 50,164). Both applications are located within the Black Vermillion River basin. The files will be used for the same irrigation project (i.e. overlap in place of use). Application, File No. 50,164 will allow water to be pumped directly from Robidoux Creek (when flows are adequate and permission has been granted) either directly to the place of use or into the reservoir requested under Application, File No. 50,163, to be stored for subsequent re-diversion for irrigation use. The points of diversion are located in the Northeast Quarter of Section 35, Township 1 South, Range 9 East, Marshall County, Kansas. The applications' place of use comprises a total of 440 acres, a portion owned by the applicant, and the other portion owned by Ronald Burnton. The applicant has signed the application forms stating that he has legal access to the points of diversion.

Note that the applicant also owns Water Right, File No. 23,889, which authorizes a nearby pump site on Robidoux Creek. The owner has submitted a "Voluntary Waiver of Hearing & Dismissal of Water Right" form for this senior file. A Findings and Order has been prepared to dismiss this file as requested.

Application, File No. 50,163 is requesting 82.5 acre-feet of surface water storage, and the re-diversion of 82.5 acre-feet of the stored water for irrigation use at 1,500 gallons per minute. Runoff computations have determined that the 90 acre drainage area will result in only 82.5 acre-feet of runoff in 1 out of every five (5) years (11", a 20% chance). Therefore, per K.A.R. 5-6-5, this quantity **IS** the limiting factor, and the initial application quantity was reduced to reflect this allowable maximum. Keith Grimm agreed to the reduced quantity in a January 2, 2019 e-mail. The total direct use quantity of 82.5 acre-feet, is equivalent to 2.8 times the capacity (30 AF), which is well within the normal "rule of thumb" of direct use quantity being no more than 5 times capacity for reasonable storage quantity. The reservoir is existing and currently storing water, so no initial fill quantity is required in the permit. The reservoir is located on Robidoux Creek Trib 18.

Application, File No. 50,164 is requesting 440 acre-feet of surface water at a diversion rate of 1,500 gallons per minute. Per K.A.R 5-3-15, Application, File No. 50,164 will be subject to specific conditions, which stipulate strict requirements for direct surface water diversion. These conditions include the stipulation that no diversion shall occur unless there is water available to satisfy all demands by senior water rights and permits, written or verbal permission from the Chief Engineer, or an authorized representative is required prior to diverting water, and streamflow cannot be stopped at the first riffle below the point of diversion while diversion is taking place. The application also complies with K.A.R 5-3-15 (c)(5) because the proposed off-stream reservoir will provide adequate water storage, and there is no need for direct diversion of water from July 1 through September 30. There is no established Minimum Desirable Streamflow (MDS) for the Black Vermillion River Basin.

A quantity of 484 acre-feet is the maximum allowable to irrigate the proposed 440 acres, since 1.1 acre-feet per acre is allowable in Marshall County, Kansas. Therefore, a quantity limitation is required on the junior application (File No. 50,164) when combined with the senior file for direct IRR use on the proposed place of use (limited to 484 acre-feet on the place of use). The junior file will provide for 401.5 acre-feet of additional water (484 AF – 82.5 AF).

Memorandum

File Nos. 50,163 and 50,164, and 23,889

Page 2

Notification letters for both applications were sent to upstream and downstream landowners on December 13, 2018. No responses of any kind were received. The WRIS database indicates there are only three other surface water rights within a two (2) mile radius of either file, two are sediment control reservoirs located on different tributaries, and the third file (23,889) is to be dismissed. Therefore, approval of these applications will not impact any senior water rights. As noted above, the direct diversion of water under File No. 50,164 will generally be limited to off-season, and only when there is sufficient water to satisfy all senior water rights.

The existing structure (dam) was approved by DWR Structures Program staff under File No. DMS-0047 in 1969.

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

Katie Tietsort, Water Commissioner, Topeka Field Office, recommended the referenced applications be approved in a discussion on January 3, 2019. Based on the above discussion, Black Vermillion River is open to new appropriations meeting specific criteria, and approval of the applications will not impair senior water rights nor prejudicially or unreasonably affect the public interest, it is recommended that the referenced applications be approved, with the conditions discussed above, and with the dismissal of Water Right, File No. 23,889.

Doug Schemm  
Environmental Scientist  
Topeka Field Office

1320 Research Park Drive  
Manhattan, KS 66502  
785-564-6700  
www.agriculture.ks.gov



900 SW Jackson, Room 456  
Topeka, KS 66612  
785-296-3556

Mike Beam, Secretary

Laura Kelly, Governor

May 13, 2019

BRUCE E & KIMBERLEE A HEIMAN  
2421 EAGLE RD  
SUMMERFIELD KS 66541

FILE COPY

Re: Appropriation of Water, File Nos. 50,163 and 50,164; and  
Water Right, File No. 23,889

Dear Mr. and Mrs. Heiman:

Enclosed are permits (File Nos. 50,163 and 50,164) authorizing you to proceed with construction of the proposed diversion works and to appropriate water for beneficial use as set forth in these permits. Your attention is directed to the enclosures and to the terms, conditions, and limitations specified in these permits, with specific reference to **Paragraph Nos. 19 and 20 for File No. 50,164 requiring you to obtain permission prior to diverting water at your pump site.**

Notices must be filed on the enclosed forms once the diversion works have been completed. Failure to complete the diversion works within the time allowed, or within any authorized extension of time thereof, will result in dismissal of these permits. If you need an extension of time, you must request it before the deadline for completion set forth in these permits. Any request for an extension of time must be accompanied by the statutorily required fee, which is currently \$100.00 per file number.

Acceptable water flowmeters must be installed on the diversion works authorized by these permits prior to using water. An annual water use report must be filed with the Chief Engineer by March 1, following the end of each calendar year for each file. If complete annual water use reports are not received by the deadline, then a fine may be assessed and all water use under such permit or right may be suspended. Reports submitted in paper form will be assessed a \$20 per file number paper filing fee. In order to avoid this filing fee, you may submit your report online at [www.kswateruserreport.org](http://www.kswateruserreport.org).

The approvals of your applications constitute permits to appropriate water. It does not give authority to construct any dam or other stream obstruction regulated by K.S.A. 82a-301 through 305a. It does not give authority to access any right-of-way or authorize trespassing upon or injury to public or private property. It may also be necessary for you to comply with other local, state or federal requirements.

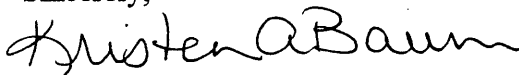
Enclosed is an informational sheet that sets forth the procedure to obtain Certificates of Appropriation which will establish the extent of your perfected water rights. Additional information and applicable forms may be found on our website at [agriculture.ks.gov/divisions-programs/dwr](http://agriculture.ks.gov/divisions-programs/dwr).

Bruce & Kimberlee Heiman  
File Nos. 50,163; 50,164; and 23,889  
Page 2

In addition, enclosed is the Findings and Order by the Chief Engineer, Division of Water Resources, Kansas Department of Agriculture, dismissing Water Right, File No. 23,889 as you requested in the "Voluntary Waiver of Hearing & Dismissal of Water Right" form received in our office on April 15, 2019.

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  
Ronald Burnton  
MWI LLC

THE STATE OF KANSAS



**KANSAS DEPARTMENT OF AGRICULTURE**  
Mike Beam, 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. 50,164 of the applicant

**BRUCE E & KIMBERLEE A HEIMAN**  
**2421 EAGLE RD**  
**SUMMERFIELD KS 66541**

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 **November 15, 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	
35	1S	9E	40	40	40	40					40			40	40	40	40	5	365
36	1S	9E					35	40											75

3. That the authorized source from which the appropriation shall be made is surface water from Robidoux Creek (Blk Verm) to be withdrawn by means of one (1) pump site located in the Southeast Quarter of the Northwest Quarter of the Northeast Quarter (SE¼ NW¼ NE¼) of Section 35, more particularly described as being near a point 4,090 feet North and 1,490 feet West of the Southeast corner of said section, in Township 1 South, Range 9 East, Marshall County, Kansas, located substantially as shown on the topographic map accompanying the application.

4. That the appropriation sought shall be limited to a maximum diversion rate not in excess of **1,500 gallons per minute (3.34 c.f.s.)** and to a quantity not to exceed **440 acre-feet** of water for any calendar year.

5. That installation of works for diversion of water shall be completed on or before **December 31, 2020** 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.

6. That the proposed appropriation shall be perfected by the actual application of water to the proposed beneficial use on or before **December 31, 2024** 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.

7. That the applicant shall not be deemed to have acquired a water appropriation for a quantity in excess of the amount approved herein nor in excess of the amount found by the Chief Engineer to have been actually used for the approved purpose during one calendar year subsequent to approval of the application and within the time specified for perfection or any authorized extension thereof.

8. That the use of water herein authorized shall not be made so as to impair any use under existing water rights nor prejudicially and unreasonably affect the public interest.

9. That the right of the appropriator shall relate to a specific quantity of water and such right must allow for a reasonable raising or lowering of the static water level and for the reasonable increase or decrease of the streamflow at the appropriator's point of diversion.

10. That this permit does not constitute authority under K.S.A. 82a-301 through 305a to construct any dam or other obstruction; nor does it grant any right-of-way, or authorize entry upon or injury to, public or private property.

11. That all diversion works constructed under the authority of this permit into which any type of chemical or other foreign substance will be injected into the water pumped from the diversion works shall be equipped with an in-line, automatic quick-closing, check valve capable of preventing pollution of the source of the water supply. The type of valve installed shall meet specifications adopted by the Chief Engineer and shall be maintained in an operating condition satisfactory to the Chief Engineer.

12. That an acceptable water flow meter shall be installed on the 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 ending of the report year).

13. That the applicant shall maintain accurate and complete records from which the quantity of water diverted during each calendar year may be readily determined and the applicant shall file an annual water use report with the Chief Engineer by March 1 following the end of each calendar year. Failure to file the annual water use report by the due date shall cause the applicant to be subject to a civil penalty.

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

15. That failure without cause to comply with provisions of the permit and its terms, conditions and limitations will result in the forfeiture of the priority date, revocation of the permit and dismissal of the application.



16. That the stream flow shall not be stopped at the first riffle below the point of diversion while diversion is taking place under the authority of this water right or permit.

17. That diversion of natural flows shall not take place unless there is water available to satisfy all demands by senior water rights and permits.

18. 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.

19. That during the period October 1 through June 30, the verbal or written permission of the Chief Engineer, or an authorized representative of the Chief Engineer, shall be obtained in order to divert water each time the applicant desires to divert water.

20. That during the period July 1 through September 30 each calendar year, no direct diversions of surface water shall be permitted unless written permission is obtained from the Chief Engineer, or the Chief Engineer's authorized representative.

21. That the quantity of water approved under this permit is further limited to the quantity which combined with Appropriation of Water, File No. 50,163, will provide a **total not to exceed 484 acre-feet** of water per calendar year for direct irrigation use on the authorized place of use described herein.

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

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

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

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

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

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



THE STATE OF KANSAS



KANSAS DEPARTMENT OF AGRICULTURE
Jackie McClaskey, Secretary of Agriculture

DIVISION OF WATER RESOURCES
David W. Barfield, Chief Engineer

APPLICATION COMPLETE
4/15/18
Reviewer LAB

File Number 50164
This item to be completed by the Division of Water Resources.

Water Resources
Received
NOV 15 2018
1:31
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, Kansas 66502:

1. Name of Applicant (Please Print): Bruce Heimen
Address: 2421 Eagle Rd
City: Summerfield State ks Zip Code 66541
Telephone Number: (785) 713-1438

2. The source of water is: [X] surface water in Surface water in Robidoux Creek Black Vermillion Basin (stream)
OR [ ] groundwater in (drainage basin)

Certain streams in Kansas have minimum target flows established by law or may be subject to administration when water is released from storage for use by water assurance district members. If your application is subject to these regulations on the date we receive your application, you will be sent the appropriate form to complete and return to the Division of Water Resources.

3. The maximum quantity of water desired is 440 acre-feet OR gallons per calendar year, to be diverted at a maximum rate of 1500 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) [X] Irrigation (c) [ ] Recreational (d) [ ] Water Power
(e) [ ] Industrial (f) [ ] Municipal (g) [ ] Stockwatering (h) [ ] Sediment Control
(i) [ ] Domestic (j) [ ] Dewatering (k) [ ] Hydraulic Dredging (l) [ ] Fire Protection
(m) [ ] Thermal Exchange (n) [ ] Contamination Remediation

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

For Office Use Only:
F.O. 1 GMD Meets K.A.R. 5-3-1 (YES/NO) Use 122 Source G/S County MS By DAW Date 11/15/18
Code BE3 Fee \$ 340 TR # Receipt Date 11/15/18 Check # 1108

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

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

- (A) One in the SE quarter of the NW quarter of the NE quarter of Section 35, more particularly described as being near a point 4090 feet North and 1490 feet West of the Southeast corner of said section, in Township 1 South, Range 9E East/West (circle one), Marshall 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

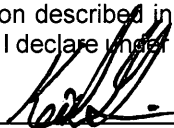
\_\_\_\_\_  
(name, address and telephone number)

\_\_\_\_\_  
(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 11-8, 2018.



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 pump from creek

(number of wells, pumps or dams, etc.)

and (was)(will be) completed (by) Jan 1st 2019

(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 june 1st 2019

(Mo/Day/Year)

Water Resources

Received

NOV 15 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 \_\_\_\_\_
- If no, explain here why a Water Structures permit is not required \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

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.

Old file getting dismissed 23889  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Water Resources  
Received

NOV 15 2018

KS Dept Of Agriculture **SCANNED**

13A 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 /tenant  
(owner, tenant, agent or otherwise)

15. The owner(s) of the property where the water is used, if other than the applicant, is (please print):

Ronald Burton 685 Hwy 99 Summerfield KS 66541 785-244-6233  
(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 Hiawatha, Kansas, this 8 day of Nov, 2018.  
(month) (year)

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

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

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

Assisted by Keith Grimm MWI, LLC Date: 11/8/18  
(office/title)

Water Resources  
Received

**NOV 15 2018**

**SCANNED** KS Dept Of Agriculture

## IRRIGATION USE SUPPLEMENTAL SHEET

File No. 50164

Name of Applicant (Please Print): Bruce Heimen

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: Bruce Heimen

ADDRESS: 2421 Eagle Rd Summerfield, KS 66541

S	T	R	NE¼				NW¼				SW¼				SE¼				TOTAL
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
35	1S	9E	40	40	40	40													160
36	1S	9E						5											5

**Landowner of Record** NAME: Ronald Burnton

ADDRESS: 685 HWY 99 Summerfield KS 66541

S	T	R	NE¼				NW¼				SW¼				SE¼				TOTAL
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
36	1S	9E					35	35											70
35	1S	9E									40			40	40	40	40	5	205

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

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

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

Water Resources  
Received

# 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

December 13, 2018

JANET HOWE GARDNER RAVILLE  
FARMERS NATIONAL COMPANY  
11516 NICHOLAS STREET STE 100  
OMAHA NE 68154-4427

Re: Pending Applications, File Nos. 50,163 and 50,164

Dear Sir or Madam:

This is to advise you that Bruce Heimen has filed the applications referred to above for permits to appropriate surface water for irrigation use. Application, File No. 50,163 is requesting to appropriate 100 acre-feet of surface water per calendar year at the rate of natural flows to be stored in a proposed reservoir, and re-divert 100 acre-feet of the stored water for irrigation use. Application, File No. 50,164 is requesting to appropriate 440 acre-feet of surface water per calendar year from Robidoux Creek, to be diverted at a maximum rate of 1,500 gallons per minute. Please note that the direct diversion of surface water is subject to specific permit conditions including requesting permission prior to diverting, and not stopping flow in the stream.

The proposed point of diversion for File No. 50,163 (where the dam crosses the centerline of the stream) is located in the Southeast Quarter of the Northwest Quarter of the Northeast Quarter (SE $\frac{1}{4}$  NW $\frac{1}{4}$  NE $\frac{1}{4}$ ) of Section 35; and the proposed point of diversion for File No. 50,164 is one pump site located in the Southeast Quarter of the Northwest Quarter of the Northeast Quarter (SE $\frac{1}{4}$  NW $\frac{1}{4}$  NE $\frac{1}{4}$ ) of Section 35, both in Township 1 South, Range 9 East, Marshall 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 locations of the applicant's points of diversion and proposed use of water. Consideration will be given to comments or other information which you desire to submit to this office **within 15 days** from the date of this letter.

You can find the 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: Bruce Heimen  
MWI, LLC



STATE OF KANSAS



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

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www.agriculture.ks.gov

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

December 13, 2018

TEGETHOFF FAMILY TRUST  
% RICHARD L TEGETHOFF  
PO BOX 128  
BEATTIE KS 66406

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Douglas W. Schemm  
Environmental Scientist  
Topeka Field Office

pc: Bruce Heimen  
MWI, LLC

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  
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www.agriculture.ks.gov

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

December 13, 2018

CHARLES A GURTLER TRUST  
PATRICIA B GURTLER  
1602 PATRIOTS COLONY DRIVE  
WILLIAMSBURG VA 23188-1341

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Sincerely,

Douglas W. Schemm  
Environmental Scientist  
Topeka Field Office

pc: Bruce Heimen  
MWI, LLC

AMOUNT STATISTICS REPORT FOR POINTS OF DIVERSION UNDER A

50164 00

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AMOUNT STATISTICS REPORT FOR POINTS OF DIVERSION UNDER A 50164 00 IRR

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

4090 Feet North and 1490 Feet West of the Southeast Corner of Section 35 T 1S R 9E

SURFACE WATER ONLY

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File Number   Use ST SR Dist (ft) Q4 Q3 Q2 Q1 FeetN FeetW Sec Twp Rng ID Batt Auth_Quan Add_Quan Unit
A__ 23889 00 IRR NK S      194 NC S2 N2 NE 4250 1370 35 1 9E 1          56.00   56.00 AF
A__ 44894 00 SED NK S      7103 -- SE SW NW 2833 4051 1 2 9E 1           .00    .00 AF
A__ 46415 00 SED NK S      9728 -- SE NW SE 1774 1591 24 1 9E 1           .00    .00 AF
***** Authorized storage =      24.35 AF Additional storage =      24.35 AF
Same          5449 -- SE NE NE 4144 234 26 1 9E 1
***** Authorized storage =      10.76 AF Additional storage =      10.76 AF
Same          8956 -- NW NW SW 2056 4949 34 1 9E 1
***** Authorized storage =      16.58 AF Additional storage =      16.58 AF
Same          2776 -- NE SW NW 3326 4111 36 1 9E 1
***** Authorized storage =      32.50 AF Additional storage =      32.50 AF
A__ 50163 00 IRR AY S       449 -- SE NE NE 4250 1910 35 1 9E 2          100.00  100.00 AF
A__ 50164 00 IRR AY S        0 -- SE NW NE 4090 1490 35 1 9E 3          440.00  440.00 AF
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Total Net Quantities Authorized:   Direct      Storage
Total Requested Amount (AF) =      540.00      .00
Total Permitted Amount (AF) =         .00      .00
Total Inspected Amount (AF) =         .00      .00
Total Pro_Cert Amount (AF) =         .00      .00
Total Certified Amount (AF) =         56.00     111.91
Total Vested Amount (AF) =          .00      .00
TOTAL AMOUNT (AF) =          596.00     111.91
=====

```

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:

4090 Feet North and 1490 Feet West of the Southeast Corner of Section 35 T 1S R 9E

SURFACE WATER ONLY

WATER USE CORRESPONDENTS:

```

=====
File Number   Use ST SR
A__ 23889 00 IRR NK S
> BRUCE E & KIMBERLEE A HEIMAN
>
> 2421 EAGLE RD
> SUMMERFIELD KS 66541
>-----
A__ 44894 00 SED NK S
> VERMILLION CREEK WATERSHED DIST #70
> KING ENGINEERING AGENT
> 24400 M RD
> HOLTON KS 66436
>-----

```

A\_\_ 46415 00 SED NK S  
> VERMILLION CREEK WATERSHED DIST #70  
> KING ENGINEERING AGENT  
> 24400 M RD  
> HOLTON KS 66436

>-----

A\_\_ 50163 00 IRR AY S  
> BRUCE E & KIMBERLEE A HEIMAN  
>  
> 2421 EAGLE RD  
> SUMMERFIELD KS 66541

>-----

A\_\_ 50164 00 IRR AY S  
> BRUCE E & KIMBERLEE A HEIMAN  
>  
> 2421 EAGLE RD  
> SUMMERFIELD KS 66541

>-----

=====

#####

50164

Bruce Hiemen

Upstream landowners

TEGETHOFF FAMILY TRUST  
Attn: Richard L. Tegethoff PO BOX 128 BEATTIE, KS 66406

RAVILLE, JANET HOWE GARDNER  
Attn: Farmers National Company 11516 Nicholas ST #STE 100 OMAHA, NE 68154-4427

GURTLER, CHARLES A TRUST  
Attn: Patricia B. Gurtler 1602 PATRIOTS COLONY DR WILLIAMSBURG, VA 23188-1341

Downstream all on user

Water Resources  
Received

**NOV 15 2018**

KS Dept Of Agriculture

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# 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

November 16, 2018

BRUCE HEIMEN  
2421 EAGLE RD  
SUMMERFIELD, KS 66541

RE: Application, File No. **50164**

Dear Sir or Madam:

The Division of Water Resources (Division) has received your application for a permit to appropriate water for beneficial use. Your application has been assigned the file number referenced above. Please be aware that the Division may have a large number of pending applications on hand at times and makes every attempt to process them in the order in which they are received. You will be contacted if additional information is required.

Please note, this letter only acknowledges receipt of your application and does not guarantee approval. In accordance with the provisions of the Kansas Water Appropriation Act, the use of water as proposed prior to approval of the application is unlawful.

Additional information about the process may be found on our website at [agriculture.ks.gov/divisions-programs/dwr](http://agriculture.ks.gov/divisions-programs/dwr). If you have any other questions, please contact our office at 785-564-6640 or your local Topeka Field Office at 785-296-5733. If you call, please reference the file number so we can help you more efficiently.

Sincerely,

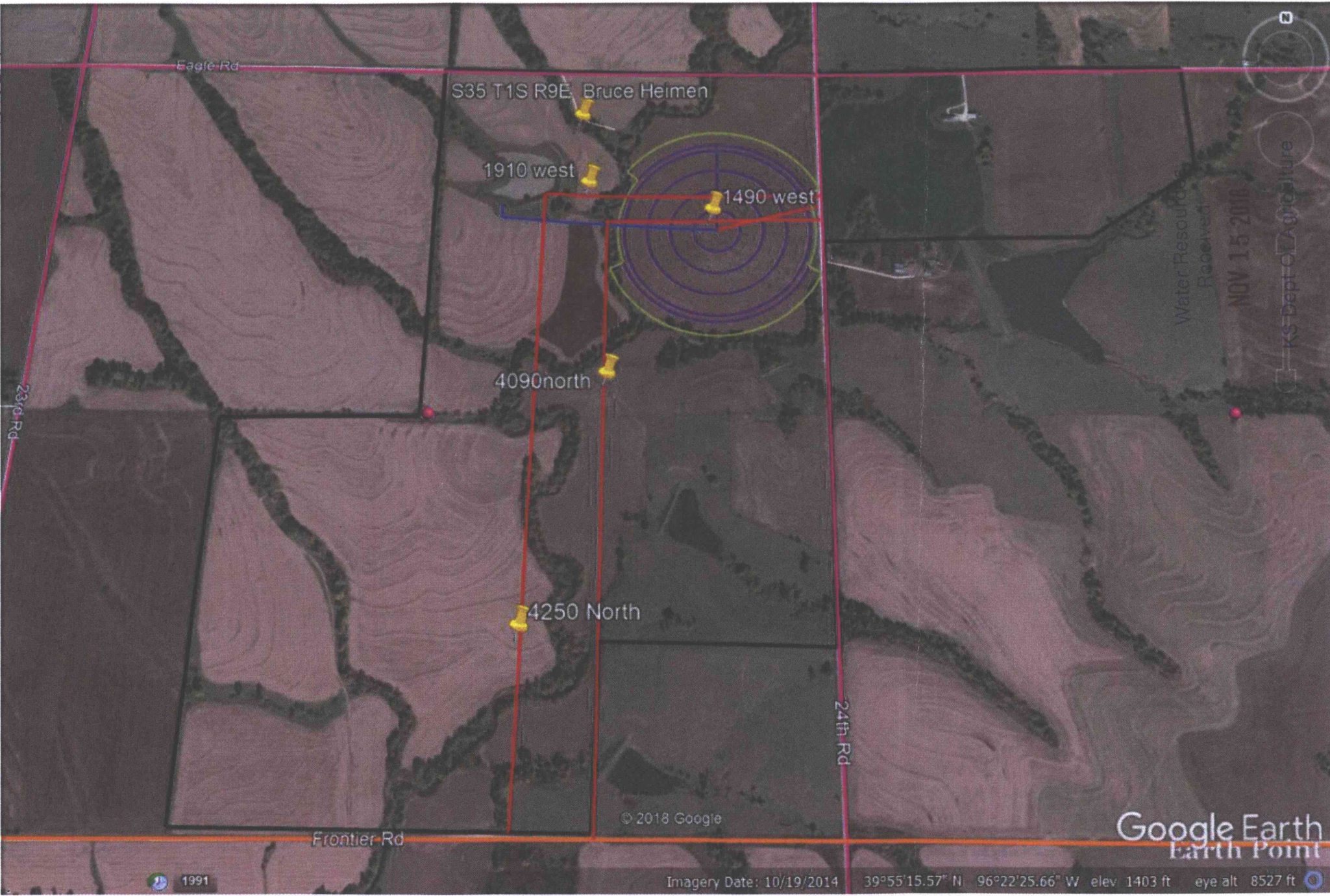
A handwritten signature in cursive script that reads "Brent A. Tourney".

Brent Tourney, L.G.  
Change Applications Unit Supervisor  
Water Appropriation Program

SCANNED



70105



Eagle Rd

S35 T1S R9E Bruce Heimen

1910 west

1490 west

4090 north

4250 North

23rd Rd

24th Rd

Frontier Rd

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Water Resources  
Received  
NOV 15 2018  
KS Dept of Agriculture

Google Earth  
Earth Point

1991

Imagery Date: 10/19/2014

39°55'15.57" N 96°22'25.66" W elev 1403 ft eye alt 8527 ft

SCANNED



50104

Eagle Rd

S35 T1S R9E Bruce Heinlen

1910 west

1490 west

4990 north

4250 North

23rd Rd

24th Rd

Frontier Rd

Water Resour  
Received  
NOV 15 2016

KS Dept of Agriculture

1991

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Imagery Date: 10/19/2014

39°55'15.57" N 96°22'25.66" W elev 1403 ft eye alt 8527 ft

Google Earth  
Earth Point

