



STATE BOARD OF AGRICULTURE
W. W. Duitsman, Secretary

DIVISION OF WATER RESOURCES
Guy E. Gibson, 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 No. **32,334** of the applicant
Mr. and/or Mrs. John Stutzman
Route 2
Halstead, Kansas 67056

for a permit to appropriate water to 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 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 7, 1978.**
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	NE $\frac{1}{4}$				NW $\frac{1}{4}$				SW $\frac{1}{4}$				SE $\frac{1}{4}$				Total
			NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$	NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$	NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$	NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$	
23	24S	2W	26	4	35	40	4		30	30									169

3. That the source from which the appropriation is made shall be from **groundwater in the drainage basin of the Little Arkansas River to be withdrawn by means of one (1) well in the Northwest Quarter of the Southwest Quarter of the Northeast Quarter (NW $\frac{1}{4}$ SW $\frac{1}{4}$ NE $\frac{1}{4}$) of Section 23, Township 24 South, Range 2 West, in Harvey County, Kansas, located substantially as shown on the aerial photograph accompanying the application.**

4. That the appropriation sought shall be limited to a maximum diversion rate not in excess of **1100 gallons per minute (2.45 c.f.s.)**

and to a quantity of not to exceed

140 acre-feet

JUL 09 1979
for any calendar year.

FIELD OFFICE
DIVISION OF WATER RESOURCES

(OVER)

STAMPED
MICROFILMED

5. That installation of works for diversion of water shall be completed on or before December 31, 1980 . The applicant shall notify the Chief Engineer of the Division of Water Resources when construction of the works has been completed.

6. That the proposed appropriation shall be perfected by the actual application of water to the proposed beneficial use on or before December 31, 19 84.

7. That the applicant shall maintain records from which the quantity of water actually diverted during each calendar year may be readily determined. Such records shall be furnished to the Chief Engineer as soon as practicable after the close of each calendar year.

8. 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 or any authorized extension thereof.

9. That the use of water herein authorized shall not impair any use under existing water rights nor prejudicially and unreasonably affect the public interest.

10. 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.

11. That this permit does not constitute authority under K. S. A. 82a-301 to ^{305a} ~~305~~ to construct any dam or other obstruction; it does not give any right-of-way, or authorize any injury to, or trespass upon, public or private property; it does not obviate the necessity of obtaining assent from Federal or Local Governmental authorities when necessary.

12. 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.

13. That the quantity of water approved under this application is further limited to the quantity which combined with Application No. 12,880 will provide a total of not more than 254 acre-feet of water per calendar year for irrigation on the land described in the application.

Dated this 27th day of June 19 79



Guy E. Gibson by *Daniel Lopez*
Guy E. Gibson, Chief Engineer
Division of Water Resources
Kansas State Board of Agriculture