

THE STATE OF KANSAS



**KANSAS DEPARTMENT OF AGRICULTURE**  
Dale A. Rodman, Secretary of Agriculture

**DIVISION OF WATER RESOURCES**  
David W. Barfield, Chief Engineer

File Number 48967  
This item to be completed by the Division of Water Resources.

WATER RESOURCES  
RECEIVED

**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.)

FEB 17 2014  
8:22am  
KS DEPT OF AGRICULTURE

To the Chief Engineer of the Division of Water Resources, Kansas Department of Agriculture,  
109 SW 9<sup>th</sup> Street, Second Floor, Topeka, KS 66612-1283:

1. Name of Applicant (Please Print): John H. Stutzman  
Address: 229 Chestnut Street  
City: Halstead State KS Zip Code 67056  
Telephone Number: (316) 772-6900

2. The source of water is:  surface water in \_\_\_\_\_ (stream)  
OR  groundwater in Little Arkansas River Basin - Equus Beds Aquifer (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 15 acre-feet OR \_\_\_\_\_ gallons per calendar year, to be diverted at a maximum rate of 500 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. <input checked="" type="checkbox"/>	GMD <input type="checkbox"/>	Meets K.A.R. 5-3-1 (YES/NO)	Use <u>IR</u>	Source <u>G/S</u>	County <u>HJ</u>	By <u>AGL</u>	Date <u>2/17/14</u>
Code <u>FO 2</u>	REG	Fee \$ <u>20</u>	TR # _____	Receipt Date <u>2/17/14</u>	Check # <u>6189</u>		

aca  
2/18/2014

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 NE quarter of the NW quarter of the SW quarter of Section 14, more particularly described as being near a point 2580 feet North and 4078 feet West of the Southeast corner of said section, in Township 24 South, Range 2 West, Harvey 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):

John H. Stutzman Trust, 229 Chestnut Street, Halstead, KS 67056. 316-772-6900  
(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 2-6, 2014. John H. Stutzman  
Applicant's Signature

7. The proposed project for diversion of water will consist of One well  
(number of wells, pumps or dams, etc.)

and was completed (by) 4/20/1979 under No. 32333  
(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 6/1/2015  
(Mo/Day/Year)

\* for well location under 32, 333  
pdiv ID: 20265

- 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 NA
- If no, explain here why a Water Structures permit is not required NA

- 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 ½ 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 ½ mile, please advise us.
- (c) If the application is for surface water, the names and addresses of the landowner(s) ½ mile downstream and ½ 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.

None. Water Right No. 32333 previously authorized the proposed point of diversion. The proposed place of use was previously authorized partly by No. 32333 and partly by No. 32712. Change applications approved in 2012 removed any overlap. The proposed point of diversion and place of use do not currently overlap any water right.

WATER RESOURCES  
RECEIVED

FEB 17 2014

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	<u>4-20-79</u>	_____	_____	_____
Total depth of well	<u>138'</u>	_____	_____	_____
Depth to water bearing formation	<u>20'</u>	_____	_____	_____
Depth to static water level	<u>32'</u>	_____	_____	_____
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 - Trustee  
(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):

John H. Stutzman Trust, 229 Chestnut Street, Halstead, KS 67056. 316-772-6900  
(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 Halstead, Kansas, this 6<sup>th</sup> day of February, 2014.  
(month) (year)

John H. Stutzman  
(Applicant Signature)

510-34-7111  
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 T. Boese GMD2/Manager Date: 1-28-2014  
(office/title)

**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
0-100	\$200.00
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

FEB 17 2014

KS DEPT OF AGRICULTURE

# IRRIGATION USE SUPPLEMENTAL SHEET

File No. \_\_\_\_\_

Name of Applicant (Please Print): John H. Stutzman

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: John H. Stutzman

ADDRESS: 229 Chestnut Street, Halstead, KS 67056

S	T	R	NE¼				NW¼				SW¼				SE¼				TOTAL
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
14	24S	2W							6	6								12	

**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	

WATER RESOURCES  
RECEIVED

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
<u>Farnum &amp; Funmar, 0-1%</u>	<u>28</u>	<u>0.20- 0.60</u>	<u>5</u>
<u>Farnum &amp; Funmar, 1-3%</u>	<u>72</u>	<u>0.20-0.60</u>	<u>5</u>
_____	_____	_____	_____
_____	_____	_____	_____
_____	_____	_____	_____
Total:	100 %		

b. Estimate the average land slope in the field(s): Less than 1 %

Estimate the maximum land slope in the field(s): 1 %

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: Will schedule and apply irrigation to eliminate run-off

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.

*NOT available at this time*

e. Crop(s) you intend to irrigate. Please note any planned crop rotations: Corn, Soybeans, Milo, Wheat

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). Will contract with crop consultant

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

# Application Map - File No. \_\_\_\_\_



I declare that all water wells or diversion sites using the same source of supply and within 1/2 mile of the proposed point of diversion have been plotted on the application map.

John H. Stutzman  
Signature

2-6-2014  
Date

- New Application**  
 **Application No. \_\_\_\_\_ To Change:**

- Point of Diversion
- Place of Use
- Use Made of Water
- Proposed Point of Diversion
- Existing Points of Diversion
- Proposed Place of Use
- Authorized Place of Use

Water wells within 1/2 mile of proposed point of diversion include: (type use, owner, address)

- 1) *See Attached*
- 2) **WATER RESOURCES RECEIVED**  
**FEB 17 2014**
- 3) **KS DEPT OF AGRICULTURE**



Wells Within ½ Mile

1. Irrigation Well – Water Right No. 32333  
John H. Stutzman Trust  
229 Chestnut Street, Halstead, KS 67056
2. Irrigation Well – Water Right No. 32712  
John H. Stutzman Trust  
229 Chestnut Street, Halstead, KS 67056
3. Domestic Well  
Daniel & Carol Holle  
6600 S. Halstead Road, Halstead, KS 67056
4. Irrigation Well – Water Right No. 32594  
Niles Family Resources LLC  
c/o Teresa McGinn  
4427 N. Edgemoor Ct., Belaire, KS 67220  
&  
Rodney & Rhonda Mueller  
820 S. Halstead Road, Halstead, KS 67056
5. Irrigation Well – Water Right No. 15803  
John H. Stutzman Trust  
229 Chestnut Street, Halstead, KS 67056

WATER RESOURCES  
RECEIVED

FEB 17 2014

KS DEPT OF AGRICULTURE

USE TYPEWRITER OR BALL POINT PEN-PRESS FIRMLY, PRINT CLEARLY.

WATER WELL RECORD  
KSA 82a-1201-1215

Kansas Department of Health and Environment-Division of Environment  
(Water well Contractors)  
Topeka, Kansas 66620

1. Location of well:		County <b>HARVEY</b>	Fraction <b>NW 1/4 NE 1/4 SW 1/4</b>	Section number <b>14</b>	Township number T <b>24</b> S R <b>2</b> W	Range number
2. Distance and direction from nearest town or city: <b>2 1/2 mi South</b>			3. Owner of well: <b>John Stutzman</b>			
Street address of well location if in city: <b>OF HALSTEAD, Ks.</b>			R.R. or street: <b>R.R. # 2</b> City, state, zip code: <b>HALSTEAD, Ks. 67056</b>			
4. Locate with "X" in section below:		Sketch map:			6. Bore hole dia. <b>30 1/2</b> in. Completion date Well depth <b>138</b> ft. <b>4-30-79</b>	
					7. Cable tool <input type="checkbox"/> Rotary <input type="checkbox"/> Driven <input type="checkbox"/> Dug <input type="checkbox"/> Hollow rod <input type="checkbox"/> Jetted <input type="checkbox"/> Bored <input checked="" type="checkbox"/> Reverse rotary	
5. Type and color of material		From	To	8. Use: <input type="checkbox"/> Domestic <input type="checkbox"/> Public supply <input type="checkbox"/> Industry <input checked="" type="checkbox"/> Irrigation <input type="checkbox"/> Air conditioning <input type="checkbox"/> Stock <input type="checkbox"/> Lawn <input type="checkbox"/> Oil field water <input type="checkbox"/> Other		
Top Soil		0	3	9. Casing: Material <b>PVC</b> Height <u>Above</u> or below Threaded <input type="checkbox"/> Welded <input type="checkbox"/> Surface <b>12</b> in. RMP <input type="checkbox"/> PVC <input checked="" type="checkbox"/> Weight _____ lbs./ft. Dia <b>1 1/2</b> in. to <b>99</b> ft. depth Wall Thickness: inches or Dia. _____ in. to _____ ft. depth gage No. <b>0.5 in.</b>		
Brown Sandy Clay		3	12	10. Screen: Manufacturer's name <b>JET STREAM PLASTICS</b> Type <b>PVC</b> Dia. <b>1 1/2</b> Slot/gauze <b>1/16</b> Length <b>40 ft</b> Set between <b>99</b> ft. and <b>139</b> ft. _____ ft. and _____ ft. Gravel pack? <b>YES</b> Size range of material <b>1/4 in</b>		
Very Fine Sand		12	20	11. Static water level: _____ mo./day/yr. <b>32</b> ft. below land surface Date <b>4-20-79</b>		
Fine and Medium Sand		20	25	12. Pumping level below land surfaces: _____ ft. after _____ hrs. pumping _____ g.p.m. _____ ft. after _____ hrs. pumping _____ g.p.m. Estimated maximum yield <b>1400</b> g.p.m.		
Medium Course Sand		25	37	13. Water sample submitted: _____ mo./day/yr. <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No Date <b>4-30-79</b>		
Medium Gray Sand		37	55	14. Well head completion: <input type="checkbox"/> Pitless adapter <b>12</b> Inches above grade		
Gray Clay		55	62	15. Well grouted? <b>YES Purple Clay</b> With: <input type="checkbox"/> Neat cement <input type="checkbox"/> Bentonite <input type="checkbox"/> Concrete Depth: From <b>0</b> ft. to <b>15</b> ft.		
Medium Gray Sand		62	75	16. Nearest source of possible contamination: ft. <b>NONE</b> Direction <b>1 mi</b> Type _____ Well disinfected upon completion? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No		
Fine Sand & Clay		75	91	17. Pump: _____ Not installed Manufacturer's name <b>Western Land Packer</b> Model number <b>877</b> HP <b>40</b> Volts _____ Length of drop pipe <b>100</b> ft. capacity <b>600</b> g.p.m. Type: <input type="checkbox"/> Submersible <input checked="" type="checkbox"/> Turbine <input type="checkbox"/> Jet <input type="checkbox"/> Reciprocating <input type="checkbox"/> Centrifugal <input type="checkbox"/> Other		
Fine Sand		91	112	20. Water well contractor's certification: This well was drilled under my jurisdiction and this report is true to the best of my knowledge and belief. <b>PETERSON IRRIGATION 138</b> Business name _____ License No. _____ Address <b>Box 150 Lindsborg Ks</b> Signed <b>Mike Peterson</b> Date <b>5-11-79</b> Authorized representative		
Green Clay		112	118			
Medium Equas Sands		118	138			
Blue Shale		138	139			
18. Elevation:		19. Remarks:				
Topography: <input type="checkbox"/> Hill <input type="checkbox"/> Slope <input checked="" type="checkbox"/> Upland <input type="checkbox"/> Valley		WATER RESOURCES RECEIVED FEB 17 2014				

T 24 R 2 S 14 W NE SW

2-6-2014

(Date)

Kansas Department of Agriculture  
Division of Water Resources  
David W. Barfield, Chief Engineer  
109 SW 9<sup>th</sup> Street, 2nd Floor  
Topeka, Kansas 66612-1283

Re: Application  
File No. \_\_\_\_\_

Minimum Desirable Streamflow

Dear Sir:

I understand that a Minimum Desirable Streamflow requirement has been established by the legislature for the source of supply to which the above referenced application applies.

I understand that diversion of water pursuant to this application will be subject to regulation any time Minimum Desirable Streamflow requirements are not being met.

I also understand that if this application is approved, there could be times, as determined by the Division of Water Resources, when I would not be allowed to divert water. I realize that this could affect the economics of my decision to appropriate water.

I am aware of the above factors, and with the knowledge thereof, request that the Division of Water Resources proceed with processing and approval, if possible, of the above referenced application.

John H. Stutzman  
Signature of Applicant

State of Kansas )  
County of Harvey ) ss

John H. Stutzman  
(Print Applicant's Name)

I hereby certify that the foregoing instrument was signed in my presence and sworn to before me this 6 day of February, 2014.



Dorinda Benton  
Notary Public

My Commission Expires: 1-3-18

WATER RESOURCES  
RECEIVED

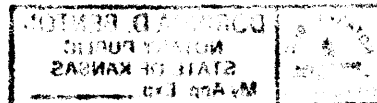
FEB 17 2014

**MINIMUM DESIRABLE STREAMFLOW FORM TO BE USED WHEN  
APPLICABLE WHEN FILING AN APPLICATION FOR PERMIT  
TO APPROPRIATE WATER FOR BENEFICIAL USE**

The Kansas Legislature has established minimum desirable streamflows for the streams listed below. If your proposed diversion of water is going to be from one of these watercourses or adjacent alluvial aquifers, please complete the back side of this page and submit it along with your application for permit to appropriate water.

Arkansas River  
Big Blue River  
Chapman Creek  
Chikaskia River  
Cottonwood River  
Delaware River  
Little Arkansas River  
Little Blue River  
Marais des Cygnes River  
Medicine Lodge River  
Mill Creek (Wabaunsee Co. area)  
Neosho River

Ninnescah River  
North Fork Ninnescah River  
Rattlesnake Creek  
Republican River  
Saline River  
Smoky Hill River  
Solomon River  
South Fork Ninnescah  
Spring River  
Walnut River  
Whitewater River





UNITED STATES  
POSTAL SERVICE

1000



66612

70  
U.S. POSTAGE  
PAID  
HALSTEAD, KS  
67056  
FEB 13, 14  
AMOUNT

**\$0.70**  
00034218-03

David W. Barfield, Chief Engineer  
Division of Water Resources  
KS Dep't of Agriculture  
109 SW 9th St., 2nd Flr.  
Topeka, KS 66612-1283



109 SW 9th Street, 2nd Floor  
Topeka, Kansas 66612-1283

Department of Agriculture  
*Division of Water Resources*

phone: (785) 296-3717  
fax: (785) 296-1176  
<http://agriculture.ks.gov/dwr>

Jackie McClaskey, Acting Secretary  
David W. Barfield, Chief Engineer

Sam Brownback, Governor

February 17, 2014

JOHN H. STUTZMAN  
229 CHESTNUT STREET  
HALSTEAD KS 67056

RE: Application  
File No. 48,967

Dear Sir or Madam:

Your application for permit to appropriate water in 14-24S-2W, in Harvey 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 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,

Douglas W. Schemm  
New Application Unit Supervisor  
Water Appropriation Program

DWS: al  
pc: Topeka Field Office