

NOTICE

This scan only represents the application as filed. The information contained herein meets the requirements of K.A.R. 5-3-1 or K.A.R. 5-5-1, and has been found acceptable for filing in the office of the Chief Engineer. The application should not be considered to be a complete application as per K.A.R. 5-3-1b or K.A.R. 5-5-2a.

**Kansas Department of Agriculture
Division of Water Resources**

TEMPORARY PERMIT WORKSHEET

1. File No.: 20200168	2. Field Office: 4	3. GMD: 3
<p>4. Applicant/WUC PID 25976 or New <input type="checkbox"/></p> <p>CRAIG ADAM</p> <hr/> <p>4715 W TENNIS RD</p> <hr/> <p>GARDEN CITY KS 67846</p> <hr/> <p>275 GPM</p> <p>500,000</p>	<p>5. Point of Diversion PDIV ID 47671 or New <input type="checkbox"/></p> <p>Source: <input checked="" type="checkbox"/> GW <input type="checkbox"/> SW</p> <p>Basin: ARKANSAS RIVER</p> <p>Qualifier: CS SW SW 3 22S 33W</p> <p>Feet Dist.: 63 ' N 4531 ' W</p> <p>County: FI</p> <p>Meter Required? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No</p>	
<p>6. Place of Use PUSE ID 69997 or New <input checked="" type="checkbox"/></p> <p>Use: <input checked="" type="checkbox"/> IND <input type="checkbox"/> DEW <input type="checkbox"/> Other:</p> <p>Qualifier: CONSTRUCTION ON MEAD RD, WEST OF BIG LOWE RD THROUGHOUT 21S 33W & 34W</p>	<p>7. Other</p> <p>Priority Date: 6/1/2020</p> <p>Effective Date: 6/1/2020</p> <p>Expiration Date: 12/1/2020</p>	<div style="border: 1px solid red; padding: 5px; width: fit-content; margin: auto;"> <p>6/3/2020 KJN</p> </div>

6/4/2020
LMoody

JUN 01 2020

12:38

KS Dept Of Agriculture State of Kansas



Submit To:

CHIEF ENGINEER
Division of Water Resources
Kansas Department of Agriculture
1320 Research Park Drive
Manhattan, Kansas 66502
http://agriculture.ks.gov/dwr

APPLICATION FOR
TEMPORARY PERMIT

- GROUNDWATER
 - SURFACE WATER
- (check one)

STATUTORY FILING FEE OF \$200.00 MUST ACCOMPANY THIS APPLICATION

(Make check payable to the Kansas Department of Agriculture)

20200168

1. Applicant: (Please print or type)
Name Craig Adam
Mailing Address 4715 W Tennis Rd
City and State Garden City Ks 67846
Zip Code 67846 Telephone No. (620) 521-3369
E-mail Address _____
6. Period of Use (6 months maximum):
Commencing Date: 6-1-20
Ending Date: 12-1-20
7. Location of the proposed point of diversion shall be indicated on the diagram below. Use the center section.

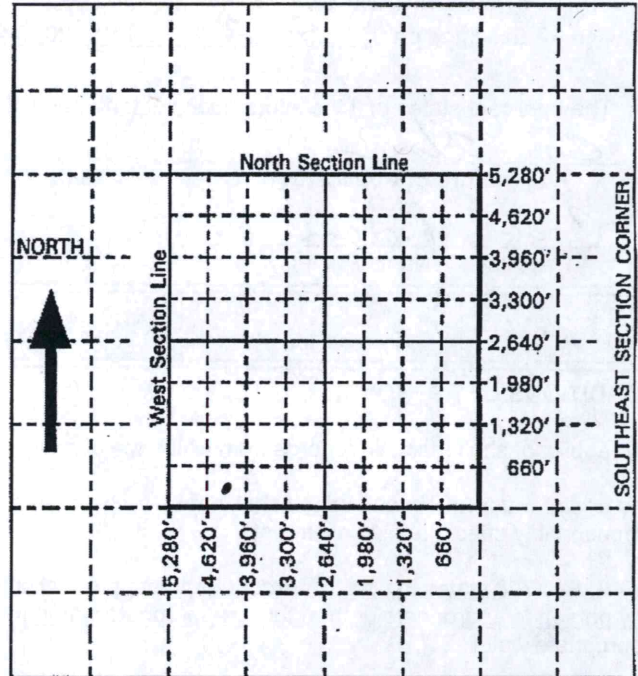
If surface water, indicate on the diagram the course of the stream, and its name.

The scale of the diagram is 2 inches = 1 mile
Each small square represents 10 acres

2. Location of Point of Diversion:
Sec. ~~5413~~ 225, Twp. 22S, Rng. 33W, (EW),
Finn County, Kansas.
Distance from Southeast Corner of Section:
63 feet North from Southeast Corner (FSL)
4531 feet West from Southeast Corner (FEL)
Existing well? Yes No
Existing permit or water right? Yes No
If yes, File No. 11386

3. Water Use Data:
Proposed Max. Pumping Rate (gpm) 275
Amount Requested (gallons) 500,000
(not to exceed four million gallons unless for dewatering)
Depth of Well (feet) 200 ft, OR
Name of Stream _____

4. Water is to be used for (briefly describe proposed use):
Road construction
Please note that K.A.R. 5-9-4 limits temporary permits to one (1) project per application.



5. Location of Place of Use: **33W & 34W**
Sec. _____, Twp. 21S, Rng. _____, (EW),
Project name and description:

6/3/2020
KJN

Mead Rd West of
Big Lower Rd

RECEIVED

MAY 27 2020

Garden City Field Office
Division of Water Resources

For Office Use Only:
F.O. 4 GMD 3 Meets K.A.R. 5-9-1 (YES/NO) Use IND Source G S County FI By KJN Date 6/3/2020
Code TMP Fee \$ 200.00 TR # _____ Receipt Date 5-27-20 Check # 6762

8. For groundwater use, list below all wells within 1/2 mile of the proposed well, and plot locations upon the diagram on reverse side. If additional space is needed, attach sheet.

Other wells -

Well A Owner(s): _____
Address : _____

Well B Owner(s): _____
Address : _____

9. For surface water use, list below the names and addresses of all landowners from a point 1/2 mile upstream to a point 1/2 mile downstream of the tract of land upon which the point of diversion is located. If additional space is needed, attach sheet.

Tract A Owner(s): _____
Address : _____

Tract B Owner(s): _____
Address : _____

10. The landowner at the location of the point of diversion and water source is (please print):

CRAIG ADAM "

(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 5-27, 2020.

x [Signature]
Signature of Applicant

11. The applicant states that the information set forth herein is true and accurate to the best of his/her knowledge.

x [Signature]
Signature of Applicant

or

Authorized Representative 5-27-20
Date

Craig Adam
Applicant's Name Printed

Title

DO NOT WRITE BELOW THIS LINE

CONDITIONS OF APPROVAL:

The applicant shall maintain records from which the quantity of water actually diverted may be readily determined.

The use of water herein authorized shall not be made so as to impair any use under existing water rights or prejudicially and unreasonably affect the public interest.

K.S.A. 82a-728 states in part "(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 . . ."

Water wells must be properly constructed by the well driller to comply with Article 30 of the Rules and Regulations as adopted by the Kansas Department of Health and Environment.

All applications filed after April 12, 1984, are subject to minimum desirable streamflow (MDS) requirements identified and established by the Kansas Legislature pursuant to K.S.A. 82a-703c. There may be times, as determined by the Division of Water Resources, when you would be required to cease diversion of water in order to satisfy MDS requirements.

RECEIVED

MAY 27 2020

Division of Water Resources
Garden City 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

CRAIG ADAM
4715 W TENNIS RD
GARDEN CITY, KS 67846

June 3, 2020

FILE COPY

RE: Temporary Permit
File No. 20200168

Dear Sir or Madam:

Your application for temporary permit to appropriate water for beneficial use has been examined, approved, and a permit is enclosed. Please note this is an overlap in point of diversion described in the permit under existing Water Right, File No. 11,386.

The approval of your application constitutes a temporary permit to appropriate water for beneficial use, as set forth in the application. This permit does not give authority to any right-of-way, or authorize injury to, or trespass upon public or private property, does not constitute authority under K.S.A. 82a 301 through 305 to construct any dam or other obstruction; nor does it obviate the necessity of assent from Federal or Local Governmental authorities, when necessary. An acceptable water flowmeter must be installed on the water well. Records must be maintained from which the quantity of water actually diverted may be readily determined.

K.S.A. 82a-728 sets forth, in essence, that it is unlawful to divert or threaten to divert water for the type of use you propose without first acquiring approval of the Chief Engineer of the Division of Water Resources. K.S.A. 82a-737 sets forth that violation of the Kansas Water Appropriation Act, any adopted rule or regulation, or any order of the Chief Engineer, may be subject to a civil penalty of up to \$1,000 per violation. Each day that any such violation occurs can be considered a separate offense.

If you have any questions, please contact me at Kris.Neuhauser@ks.gov.

Sincerely,

Kris Neuhauser
Environmental Scientist
Water Appropriation Program

Enclosure(s)

pc: Southwest Kansas GMD No. 3

**RIGHT TO PETITION FOR REVIEW
UNDER THE KANSAS JUDICIAL REVIEW ACT**

This is a final agency action as defined in K.S.A. 77-607(b). You may pursue judicial review of this Order as provided in the Kansas Judicial Review Act, K.S.A. 77-601 et seq. A petition for judicial review must be filed in a Kansas court of competent jurisdiction within 30 days after service of this Order as provided in K.S.A. 77-613. The agency officer designated to receive service of a petition for judicial review on behalf of the Kansas Department of Agriculture is the Chief Legal Counsel, Kansas Department of Agriculture, 1320 Research Park Dr. Manhattan, KS 66502.

CERTIFICATE OF SERVICE

On this 3rd day of June, 2020 I hereby certify that the attached Approval of Application for Temporary Permit, File No. 20200168, dated June 3, 2020 was mailed postage prepaid, first class, US mail to the following:

CRAIG ADAM
4715 W TENNIS RD
GARDEN CITY, KS 67846

with photocopies to:

GMD 3



Staff

THE STATE OF KANSAS



KANSAS DEPARTMENT OF AGRICULTURE
Mike Beam, Secretary of Agriculture

DIVISION OF WATER RESOURCES
Christopher W. Beightel, Acting Chief Engineer

APPROVAL OF APPLICATION
FOR
TEMPORARY PERMIT

This is to certify that I have examined Application, File No. 20200168, of the applicant

CRAIG ADAM
4715 W TENNIS RD
GARDEN CITY, KS 67846

for a **temporary 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 subject to the following terms, conditions and limitations:

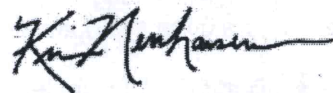
1. That the priority date assigned to such application is **June 1, 2020**.
2. That the water sought to be appropriated shall be used for industrial use for road construction on Mead Road, west of Big Lowe Road, throughout Township 21 South, Range 33 West and Range 34 West, Finney County, Kansas.
3. That the authorized source from which the appropriation shall be made is groundwater to be withdrawn by means of one (1) well located Near the Center of the South side of the Southwest Quarter of the Southwest Quarter (SW $\frac{1}{4}$ SW $\frac{1}{4}$) of Section 3, more particularly described as being near a point 63 feet North and 4,531 feet West of the Southeast corner of said section, in Township 22 South, Range 33 West, Finney County, Kansas.
4. That the appropriation sought shall be limited to a maximum diversion rate not in excess of **275 gallons per minute** and to a quantity not to exceed **500,000 gallons of water**.
5. That the applicant shall not be deemed to have acquired a water appropriation for a quantity in excess of the amount approved herein.
6. 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.
7. That the temporary permit shall relate to a specific quantity of water and 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 authorized point of diversion.
8. That this temporary permit does not constitute authority under K.S.A. 82a 301 to 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.

(over)

9. That all diversion works constructed under the authority of this temporary 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.
10. That the applicant shall maintain accurate and complete records from which the quantity of water diverted for the duration of the temporary permit may be readily determined.
11. That no water user shall engage in nor allow the waste of any water diverted under the authority of this temporary permit.
12. That failure without cause to comply with provisions of this temporary 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 this temporary permit is subject to any minimum desirable streamflow requirements identified and established pursuant to K.S.A. 82a-703c.
14. That the effective date of this temporary permit is **June 1, 2020**.
15. **That this temporary permit shall expire on December 1, 2020 and its priority forfeited, in accordance with K.S.A. 82a-727.**
16. **That an acceptable water flowmeter is required and must be installed prior to using water, records of the quantity of water used must be maintained and must also be made available to Chief Engineer or his agents, upon request. Additional information about water meter requirements, including a current list of acceptable meters and installation criteria is available on our website at: <http://agriculture.ks.gov/meters>.**

This is a final agency action. If you choose to appeal this decision or any finding or part thereof, you must do so by filing a petition for review in the manner prescribed by the Kansas Act for Judicial Review and Civil Enforcement of Agency Actions (KJRA K.S.A. 77-601 et seq.) within 30 days of service of this order. Your appeal must be made with the appropriate district court for the district of Kansas. The Chief Legal Counsel for the Kansas Department of Agriculture, 1320 Research Park Drive, Manhattan, Kansas 66502, is the agency officer who will receive service of a petition for judicial review on behalf of the Kansas Department of Agriculture, Division of Water Resources. If you have questions or would like clarification concerning this order, you may contact the Chief Engineer.

Ordered this 3rd day of June, 2020, in Manhattan, Riley County, Kansas.



FOR: Christopher W. Beightel, P.E.
Acting Chief Engineer
Division of Water Resources
Kansas Department of Agriculture