



File No. **49,636**      15. Formation Code: **113**      Drainage Basin: **South Fork Ninescah River**      County: **Kingman**      Special Use: **SNI-25**      Stream:

16. Points of Diversion										17. Rate and Quantity					
MOD	DEL	ENT	PDIV	Qualifier	S	T	R	ID	'N	'W	Authorized		Additional		
											Rate gpm	Quantity mgy	Rate gpm	Quantity mgy	Overlap PD Files
√			<b>66361</b>	<b>SE NW NW</b>	<b>4</b>	<b>28S</b>	<b>19W 2</b>	<b>4558</b>	<b>4531</b>		<b>50GPM</b>	<b>1.629 MGY</b>	<b>50GPM</b>	<b>1.629 MGY</b>	<b>NONE</b>

18. Storage: Rate \_\_\_\_\_ NF      Quantity \_\_\_\_\_ ac/ft      Additional Rate \_\_\_\_\_ NF      Additional Quantity \_\_\_\_\_ 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 **12/31/2017**      Date Acceptable Meter Installed \_\_\_\_\_

21. Place of Use										NE¼								NW¼				SW¼				SE¼				Total	Owner	Chg?	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	NE ¼	NW ¼	SW ¼	SE ¼						
√			<b>67768</b>	<b>4</b>	<b>28S</b>	<b>10W 2</b>																									<b>7a</b>	<b>NO</b>	<b>NONE</b>

Comments:

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

**MEMORANDUM**

**TO:** Files

**DATE:** August 4, 2016

**FROM:** Erin McGrogan

**RE:** Application File No. 49,636

The referenced application has been filed by Skyland Grain of Cunningham, Kansas to appropriate 1.629 mg/y (5.0 acre-feet) of groundwater per calendar year for industrial use at a diversion rate not to exceed 50 gallons per minute. The proposed quantity will be used in a new co-op for mixing fertilizer for sprayers. The proposed point of diversion is located within the South Fork Ninnescah River and within the South Central Kansas Designated Unit Area SNI-25 which is fully appropriated and closed. The proposed quantity meets the criteria of K.A.R. 5-3-16a Closed area; exemptions for up to five acre-feet of groundwater.

The proposed point of diversion is located in the Southeast Quarter of the Northwest Quarter of the Northwest Quarter of Section 4, Township 28 South, Range 10 West, Kingman County. The proposed place of use is located in the Northwest Quarter of Section 4, Township 28 South Range 10 West, Kingman County. The applicant provided information that the coo-op has yet to be constructed.

The well spacing criteria is based on K.A.R. 5-4-4 which states that the spacing to non-domestic wells is 1,320 feet and domestic wells 660 feet from the proposed point of diversion. There are no non-domestic wells located within one-half mile of the existing well and the applicant has a domestic well located within 200 feet of the proposed point of diversion which was installed in May 2016. In order to address all potential well owners located within the area a public notice was published in the Cunningham Courier for three consecutive weeks during June and July 2016. No responses were received within the established comment period. There are three domestic well owners located within 1,000 feet of the proposed point of diversion with all the wells located outside the required 660 feet radius. No comments have been received from the well owners within the stated comment period. The domestic well owned by the applicant meets the criteria of K.A.R. 5-4-4 (C) (2).

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 and K.A.R. 5-1-12. 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 an e-mail correspondence dated August 2, 2016 from Jeff Lanterman Water Commissioner of the Stafford Field Office, Mr. Lanterman indicated he had no objection to the approval of the referenced application.

Based on the above discussion, and that no water rights will be effected with the approval, it is recommended that the referenced application be approved.

*Erin McGrogan*

Erin McGrogan  
Environmental Scientist  
Permits Unit



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

SKYLAND GRAIN  
ATTN AARON MURPHY  
115 S MAIN ST  
CUNNINGHAM KS 67035

August 15, 2016

**FILE COPY**

Re: Appropriation of Water, File No. 49,636

Dear Mr. Murphy:

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.

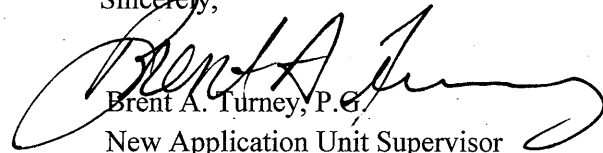
Your attention is directed to the enclosures and to the terms, conditions, and limitations specified in this permit. A water meter is required and you must install it prior to water being put to beneficial use in order for you to maintain accurate records of water use. The meter should be used to provide 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,



Brent A. Turney, P.E.  
New Application Unit Supervisor  
Water Appropriation Program

BAT: emc  
Enclosures  
pc: Stafford Field Office

THE STATE



OF KANSAS

**FILE COPY**

**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. 49,636** of the applicant

**Skyland Grain  
115 S Main St  
Cunningham Ks 67035**

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 **May 16, 2016**.
2. That the water sought to be appropriated shall be used for industrial use located in the Northwest Quarter (NW $\frac{1}{4}$ ) of Section 4, Township 28 South, Range 10 West, Kingman County, Kansas.
3. That the authorized source from which the appropriation shall be made is groundwater from the alluvial aquifer, to be withdrawn by means of one (1) well located in the Southeast Quarter of the Northwest Quarter of the Northwest Quarter (SE $\frac{1}{4}$  NW $\frac{1}{4}$  NW $\frac{1}{4}$ ) of Section 4, more particularly described as being near a point 4,558 feet North and 4,531 feet West of the Southeast corner of said section, in Township 28 South, Range 10 West, Kingman 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 **50 gallons per minute (0.11 c.f.s.)** and to a quantity not to exceed **1.629 million gallons (5.0 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, 2017** or within any authorized extension thereof. The applicant shall notify the Chief Engineer and pay the statutorily required field inspection fee of \$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 of \$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, 2021** 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 and maintained 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 end 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 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.

This Order shall become a final agency action, as defined by K.S.A. 77-607 (b), without further notice to the parties, if a request for hearing or a petition for administrative review is not filed as set forth below.

Request for Hearing. According to K.A.R. 5-14-3(c), any party who desires a hearing must submit a request within 15 days after the date shown on the Certificate of Service attached to this Order. Filing a request for a hearing will give you the opportunity to submit additional facts for consideration, contest any findings made by the Chief Engineer or present any other information you believe should be considered in this matter. A timely-filed request for hearing will stay the deadline for requesting administrative review of this Order pending the outcome of the hearing.

Petition for Review. The applicant, if aggrieved by this Order, may petition for administrative review, pursuant to K.S.A. 82a-711(c) and K.S.A. 82a-1901 (a). The petition must be filed within 30 days after the date shown on the Certificate of Service attached to this Order and must set forth the basis for the review, unless stayed by the timely filing of a request for hearing.

Any request for hearing or petition for administrative review shall be in writing and shall be submitted to the attention of: Chief Legal Counsel, Kansas Department of Agriculture, 1320 Research Park Drive, Manhattan, Kansas 66502, Fax: (785) 564- 6777.

Ordered this 11<sup>th</sup> day of August, 2016, in Topeka, Shawnee County, Kansas.

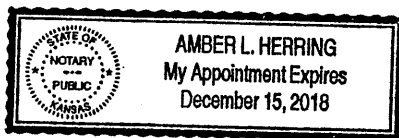
*Lane P. Letourneau*

Lane P. Letourneau, P.G.  
Water Appropriation Program Manager  
Division of Water Resources  
Kansas Department of Agriculture

State of Kansas            )  
                                          ) SS  
County of Riley            )

The foregoing instrument was acknowledged before me this 11<sup>th</sup> day of August, 2016, by Lane P. Letourneau, P.G., Water Appropriation Program Manager, Division of Water Resources, Kansas Department of Agriculture.

*Amber L. Herring*  
Notary Public



**CERTIFICATE OF SERVICE**

On this 15<sup>th</sup> day of August, 2016, I hereby certify that the foregoing Approval of Application and Permit to Proceed, for File No. 49,636, dated August 11, 2016 was mailed postage prepaid, first class, US mail to the following:

SKYLAND GRAIN  
ATTN AARON MURPHY  
115 S MAIN ST  
CUNNINGHAM KS

WITH PHOTOCOPIES TO  
STAFFORD FIELD OFFICE

  
DIVISION OF WATER RESOURCES



## McGrogan, Erin

---

**From:** Lanterman, Jeff  
**Sent:** Tuesday, August 02, 2016 11:03 AM  
**To:** McGrogan, Erin  
**Cc:** Conant, Cameron  
**Subject:** RE: Skyland Grain Cunningham SNI 25; 4-28S-10W; Kingman County; IND; GW; 5AF (1.629mg/y) @ 50gpm; new co-op; fertilizer sprayer

Erin;

I don't have any problem at all with this 5 AF exemption being approved at 50 GPM. Looks like they have over 75' of workable saturated thickness.

Go ahead and approve it.

Jeff

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**From:** McGrogan, Erin  
**Sent:** Thursday, July 28, 2016 11:18 AM  
**To:** Lanterman, Jeff <[Jeff.Lanterman@ks.gov](mailto:Jeff.Lanterman@ks.gov)>  
**Cc:** Conant, Cameron <[Cameron.Conant@ks.gov](mailto:Cameron.Conant@ks.gov)>  
**Subject:** FW: Skyland Grain Cunningham SNI 25; 4-28S-10W; Kingman County; IND; GW; 5AF (1.629mg/y) @ 50gpm; new co-op; fertilizer sprayer

Well log for domestic.

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**From:** McGrogan, Erin  
**Sent:** Thursday, July 28, 2016 10:43 AM  
**To:** Lanterman, Jeff  
**Cc:** Conant, Cameron  
**Subject:** Skyland Grain Cunningham SNI 25; 4-28S-10W; Kingman County; IND; GW; 5AF (1.629mg/y) @ 50gpm; new co-op; fertilizer sprayer

Jeff and Cameron; This is located within the closed SNI-25 DUA. It meets the criteria for K.A.R. 5-3-16a for 5AF exemptions. PN and NBWO no comments. Applicant has domestic drilled in May 2016 within 200 feet of proposed well for the co-op. Please note this is the second co-op located in Cunningham and outside the GMD 5. Please review with recommendations. Thank you.

Erin McGrogan

Erin McGrogan, Environmental Scientist  
Division of Water Resources  
1320 Research Park Drive  
Manhattan, Kansas 66502  
(785) 564-6640  
[erin.mcrogan@ks.gov](mailto:erin.mcrogan@ks.gov)

THE STATE



OF KANSAS

APPLICATION COMPLETE  
8/2/2016  
Reviewer amc

KANSAS DEPARTMENT OF AGRICULTURE  
Jackie McClaskey, Secretary of Agriculture

DIVISION OF WATER RESOURCES  
David W. Barfield, Chief Engineer

File Number 49,636  
This item to be completed by the Division of Water Resources.

WATER RESOURCES  
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**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.)

MAY 16 2016  
12:54  
KS DEPT OF AGRICULTURE

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): Skyland Grain (Attention of Aaron Murphy)  
Address: 115 S. Main St.  
City: Cunningham State KS Zip Code 67035  
Telephone Number: (620) 770-9110

2. The source of water is:  surface water in \_\_\_\_\_ (stream)  
OR  groundwater in South Fork Ninnescah River (S.C. - KS D.U.A. : SNI25) (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 5 acre-feet OR 1,629,255 gallons per calendar year, to be diverted at a maximum rate of 50 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. 2 GMD 0 Meets K.A.R. 5-3-1 (YES/NO) Use IND Source  S County KM By ASW Date 5/16/16  
Code REG Fee \$ 200 TR # \_\_\_\_\_ Receipt Date 5/16/16 Check # 91326

SCANNED  
\* emc/duke 7/29/2016  
5/18/2016 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 SE quarter of the NW quarter of the NW quarter of Section 4, more particularly described as being near a point 4,558 feet North and 4,531 feet West of the Southeast corner of said section, in Township 28 South, Range 10 West, Kingman 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 as 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 5-4, 2016. [Signature]  
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 1 well & Pump

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

and will be completed (by) ASAP

(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 ASAP

(Mo/Day/Year)

WATER RESOURCES  
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MAY 16 2016

SCANNED

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 N.A.

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.

No overlapping water appropriations/rights.

South Central Kansas Designated Unit Area - SNI25 is currently fully appropriated and closed to new water

right applications. Application is requesting 5 acre-feet exemption for closed areas (Per K.A.R. 5-3-16a).

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MAY 16 2016

**INDUSTRIAL USE  
SUPPLEMENTAL SHEET**

File No. 49,636

Name of Applicant (Please Print): Skyland Grain

- Please describe type of industry or product produced: Mixing chemicals, fertilizer, and washing containers  
Standard Industrial Classification Code Number: 2874
- Please complete the following table to show your past and present water requirements:

**PAST PRODUCT PRODUCTION AND WATER DIVERTED, IF APPLICABLE**

LAST 5 YEARS	AMOUNT OF PRODUCT	WATER DIVERTED (GALLONS)	GALLONS PER PRODUCT PER DAY
5 years ago			
Last year			
Present year			

- Please complete the following table to show your future water requirements:

**ESTIMATED FUTURE PRODUCT PRODUCTION AND WATER DIVERTED**

NEXT 5 YEARS	AMOUNT OF PRODUCT	WATER TO BE DIVERTED (GALLONS)	GALLONS PER PRODUCT PER DAY
Year 1		1,629,255	
Year 2		1,629,255	
Year 3		1,629,255	
Year 4		1,629,255	
Year 5		1,629,255	

Number of days of operation of the industry per year is 365 days.

Please attach any tables, curves or additional information showing past, present and estimated future water requirements to substantiate the amount of water requested.

- Please designate the legal description of the location where the water is to be used. Show in the space provided below the Section (S), Township (T), and Range (R), and the number of acres in each forty acre tract or fractional portion thereof.

S	T	R	NE¼				NW¼				SW¼				SE¼				TOTAL
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
4	28S	10W					Industrial Facility in NW 1/4												

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

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**MAY 16 2016**

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):

Same as applicant  
(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 Cuningham, Kansas, this 4 day of May, 2016.  
(month) (year)

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

By [Signature]  
(Agent or Officer Signature)

GUY MARTIN  
(Agent or Officer - Please Print)

Assisted by MJM/SFFO ESII Date: 5/3/2016  
(office/title)

WATER RESOURCES  
RECEIVED

MAY 16 2016

### Proof of Publication

State of Kansas, Kingman County, ss:

David Steffen, of lawful age, being duly sworn, says on his oath that he is the publisher of

#### THE CUNNINGHAM COURIER

a weekly newspaper published at 209 E. First St., Cunningham, Kingman County, Kansas, of general paid circulation on a daily, weekly, yearly basis in Kingman County, Kansas, and not a trade, religious nor fraternal publication; that said newspaper has been published at least fifty (50) times a year and has been so published for at least five years prior to the first publication of the attached notice; and that said newspaper has been entered as periodicals matter in the United States Post Office, Cunningham, Kansas.

Publication of the notice, of which a true copy is hereto attached, was published in 3 consecutive issues of said newspaper, the first publication being in the issue of

June 23, 2016

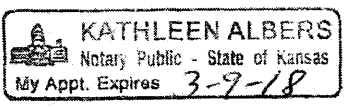
and the last publication being in the issue of

July 7, 2016

David Steffen

PUBLISHER

Subscribed and sworn to before me this 14<sup>th</sup> day of July 2016  
(SEAL)



Kathleen Albers

NOTARY PUBLIC

My Commission Expires 3-9-18

#### Public Notice

(First published in THE CUNNINGHAM COURIER, Thursday, June 23, 2016) 3t

File No. 49636  
Page 2

Skyland Grain has filed with the Division of Water Resources, Kansas Department of Agriculture, one application for a permit to appropriate ground water for beneficial use, identified as File No. 49,636. The following is a description of the application's proposed point of diversion (groundwater well) and place of use:

One (1) well located in the Southeast Quarter of the Northwest Quarter of the Northwest Quarter of Section 4, Township 28 South, Range 10 West, Kingman County, Kansas.

The water will be used for industrial use for the proposed quantity of 5 acre-feet (1.629 million gallons per year) located in the Northwest Quarter of Section 4, Township 28 South, Range 10 West, Kingman County, Kansas. This is a new Co-Op facility located in Cunningham, Kansas.

Any interested party is invited to submit to this office on or before July 25, 2016 written comments as to whether Application File No. 49,636 should be approved or not approved. Persons submitting comments should specifically indicate their interest in the application in a clear and concise manner.

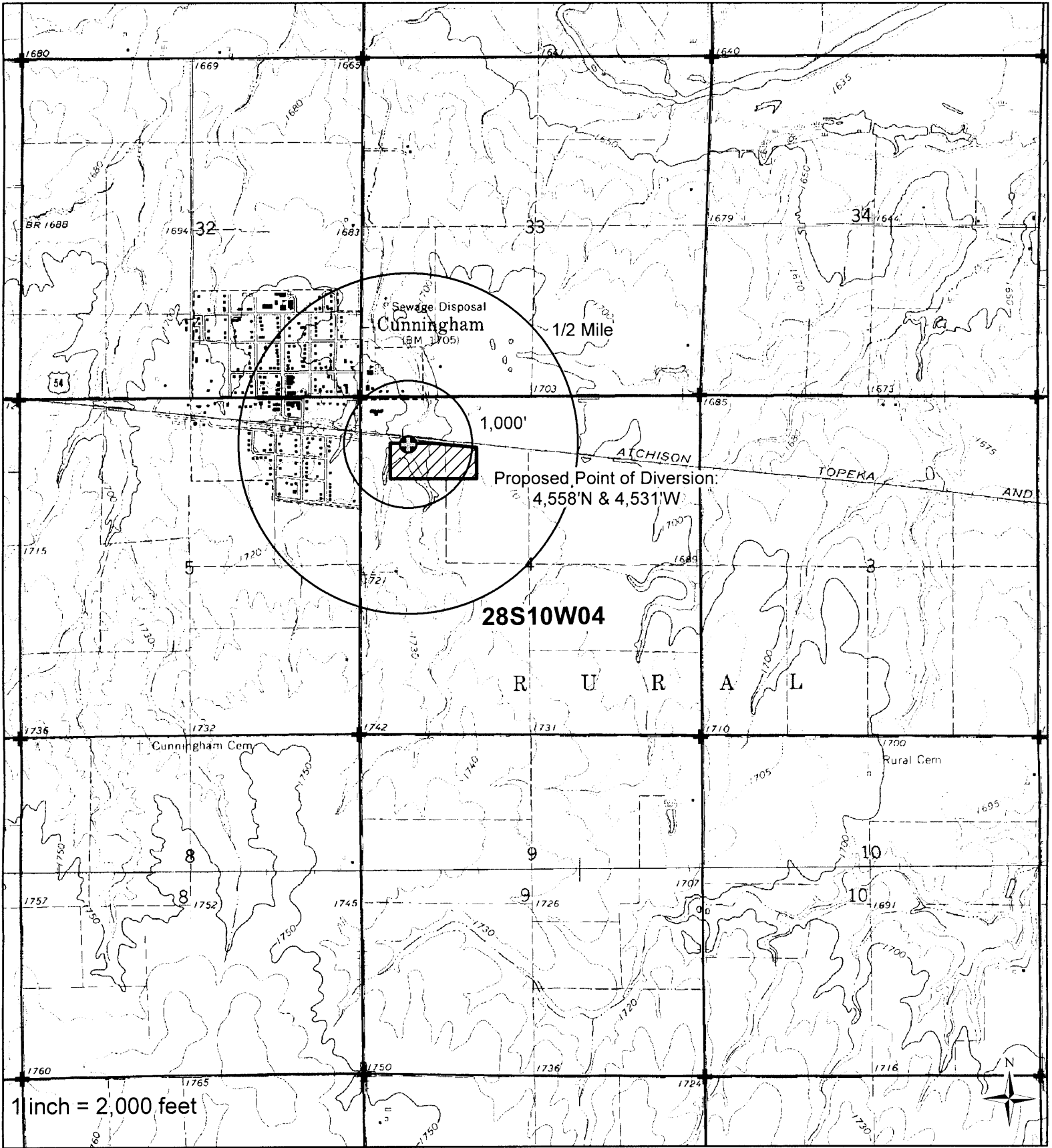
Application File No. 49,636 is on file and available for public inspection in the office of the Chief Engineer, Division of Water Resources, Kansas Department of Agriculture, 1320 Research Park Drive, Manhattan, Kansas 66502.

WATER RESOURCES RECEIVED

JUL 18 2016

KS DEPT OF AGRICULTURE

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.

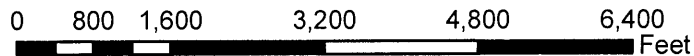
- ⊕ Proposed PD
- △ Water Rights
- ★ Domestic Wells
- ⊕ SFFOsec\_corners
- ▨ Proposed Place of Use

Signature

SCANNED  
Date

MAY 16 2016

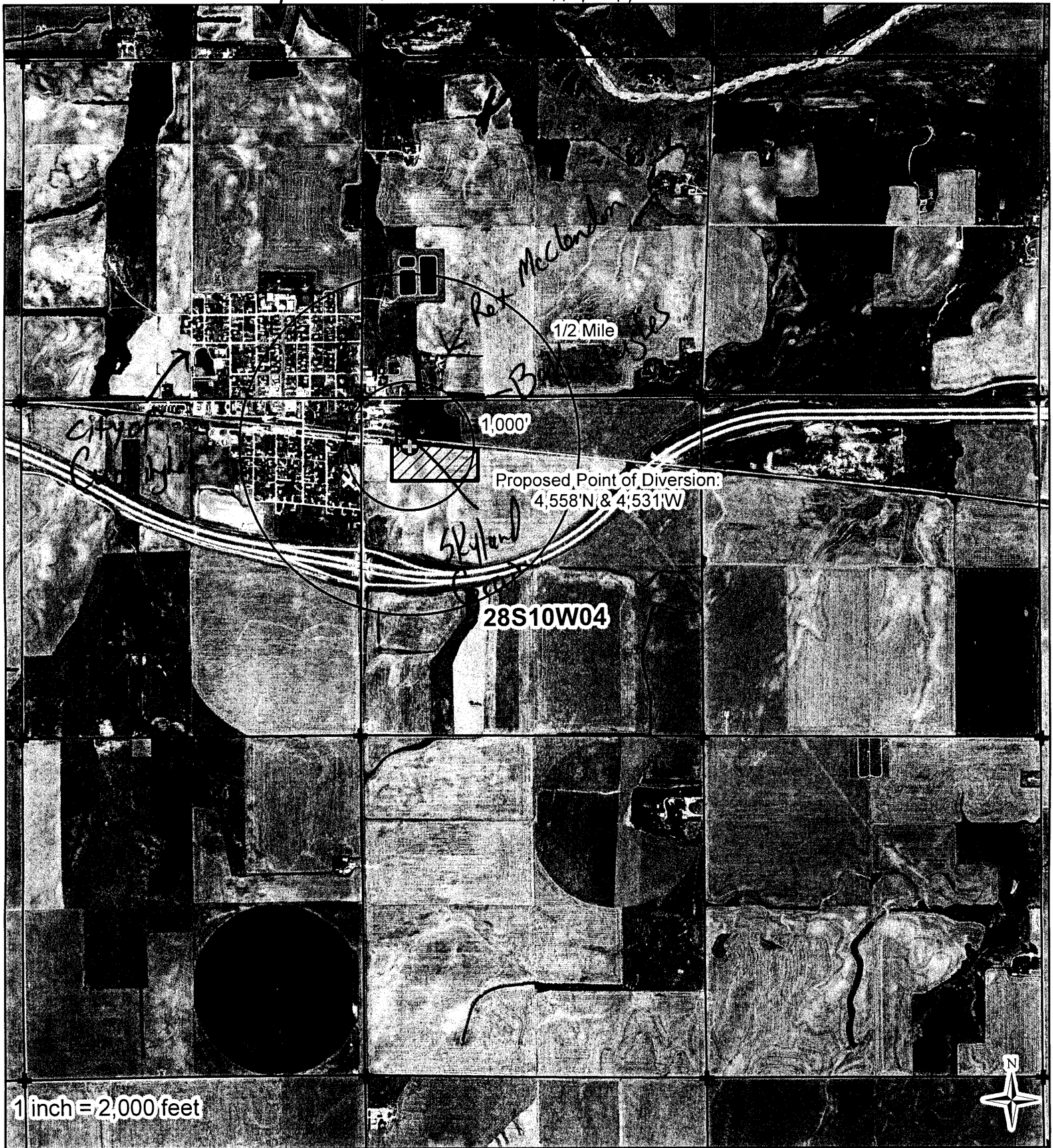
Created By: Matt Meier  
FO. 2  
Date: 5/3/2016



KS DEPT OF AGRICULTURE

WATER RESOURCES RECEIVED



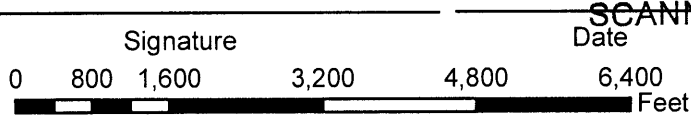


1 inch = 2,000 feet

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.

WATER RESOURCES RECEIVED

- ⊕ Proposed PD
- △ Water Rights
- ★ Domestic Wells
- ⊕ SFFOsec\_corners
- ▨ Proposed Place of Use



SCANNED  
Date

Created by: Meier  
 F.O. 2  
 Date: 5/3/2016  
 KS DEPT OF AGRICULTURE

5-4-16

(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. 49,036

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.

Guy Martin  
Signature of Applicant

State of Kansas )  
County of Kingsman ) ss

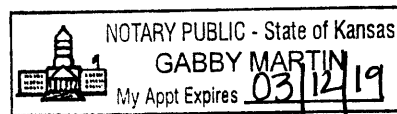
GUY MARTIN  
(Print Applicant's Name)

I hereby certify that the foregoing instrument was signed in my presence and sworn to before me this 4 day of May, 2016.

Gabby Martin  
Notary Public

My Commission Expires:

03/12/19



WATER RESOURCES RECEIVED

MAY 16 2016

✓ 6-16

Baker Hughes  
C/o Jason Ruckle  
PO Box 152  
Cunningham KS 67035

Skylend Grant  
114 S. Valley  
Cunningham KS 67035

Rex Mc Clelland  
730 E 1<sup>st</sup> St  
Cunningham, KS 67035

WATER RESOURCES  
RECEIVED

MAY 16 2016

KS DEPT OF AGRICULTURE

**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

**WATER RESOURCES  
RECEIVED**

**MAY 16 2016**

**KS DEPT OF AGRICULTURE**

**SCANNED**

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

June 16, 2016

SKYLAND GRAIN  
ATTN AARON MURPHY  
115 S MAIN ST  
CUNNINGHAM KS

**FILE COPY**

Re: Application File No. 49,636

Dear Mr. Murphy:

Upon reviewing the referenced application for permit to appropriate groundwater for industrial use, it was determined that notification of potential nearby well owners would be best accomplished by publication of a public notice.

Enclosed is a copy of a notice to be published in a local newspaper once per week for three consecutive weeks at the applicant's expense. Copies of the notice as published are to be submitted within two weeks of the final publication date, or you may arrange for the newspaper to provide an affidavit of publication, which should be forwarded to us.

If the date given in paragraph no. 3 of the notice does not allow at least 15 days for public comment following the final publication date, this office should be contacted for permission to revise the date in the notice to allow adequate time for comments.

Should you have any questions regarding your application, please feel free to contact me at (785) -564-6640.

Sincerely

A handwritten signature in cursive script that reads "Erin McGrogan".

Erin McGrogan  
Environmental Scientist  
Water Appropriation Program

Enc: EMC  
PC: Stafford Field Office

SCANNED

PUBLIC NOTICE

File No. 49,636

Page 2

Skyland Grain has filed with the Division of Water Resources, Kansas Department of Agriculture one application for a permit to appropriate groundwater for beneficial use, identified as File No. 49,636. The following is a description of the application's proposed point of diversion (groundwater well) and place of use:

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Any interested party is invited to submit to this office on or before **July 25, 2016** written comments as to whether Application File No. 49,636 should be approved or not approved. Persons submitting comments should specially indicate their interest in the application in a clear and concise manner.

Application File No. 49,636 is on file and available for public inspection in the office of the Chief Engineer, Division of Water Resources, Kansas Department of Agriculture 1320 Research Park Drive, Manhattan, Kansas 66502.

SCANNED



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

**FILE COPY**

June 16, 2016

BAKER HUGHES  
ATTN JASON RUCKLE  
PO BOX 152  
CUNNINGHAM KS 67035

Re: Application File No. 49,636

Dear Sir or Madam:

This is to advise you that Skyland Grain of Cunningham, Kansas has filed the application referred to above for a permit to appropriate 5 acre-feet (1.629 million gallons) of ground water per calendar year for industrial use to be diverted at a maximum rate of 50 gallons per minute, from one well at the following location:

one (1) well located at the Southeast Quarter of the Northwest Quarter of the Northwest Quarter of Section 4, Township 28 South, Range 10 West, Kingman County, Kansas.

Records in this office indicate that you may have a well or wells in this vicinity and you are being notified of receipt of this application 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. If you have any questions about the referenced application please contact me at 1-785-564- 6640.

Sincerely,

Erin McGrogan  
Environmental Scientist  
Permits Unit

Enclosure: emc  
pc: Stafford Field Office  
Skyland Grain

**SCANNED**

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

June 16, 2016

REX MCCLENDON  
730 E 1<sup>ST</sup> ST  
CUNNINGHAM KS 67035

Re: Application File No. 49,636

Dear Sir or Madam:

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Sincerely,

Erin McGrogan  
Environmental Scientist  
Permits Unit

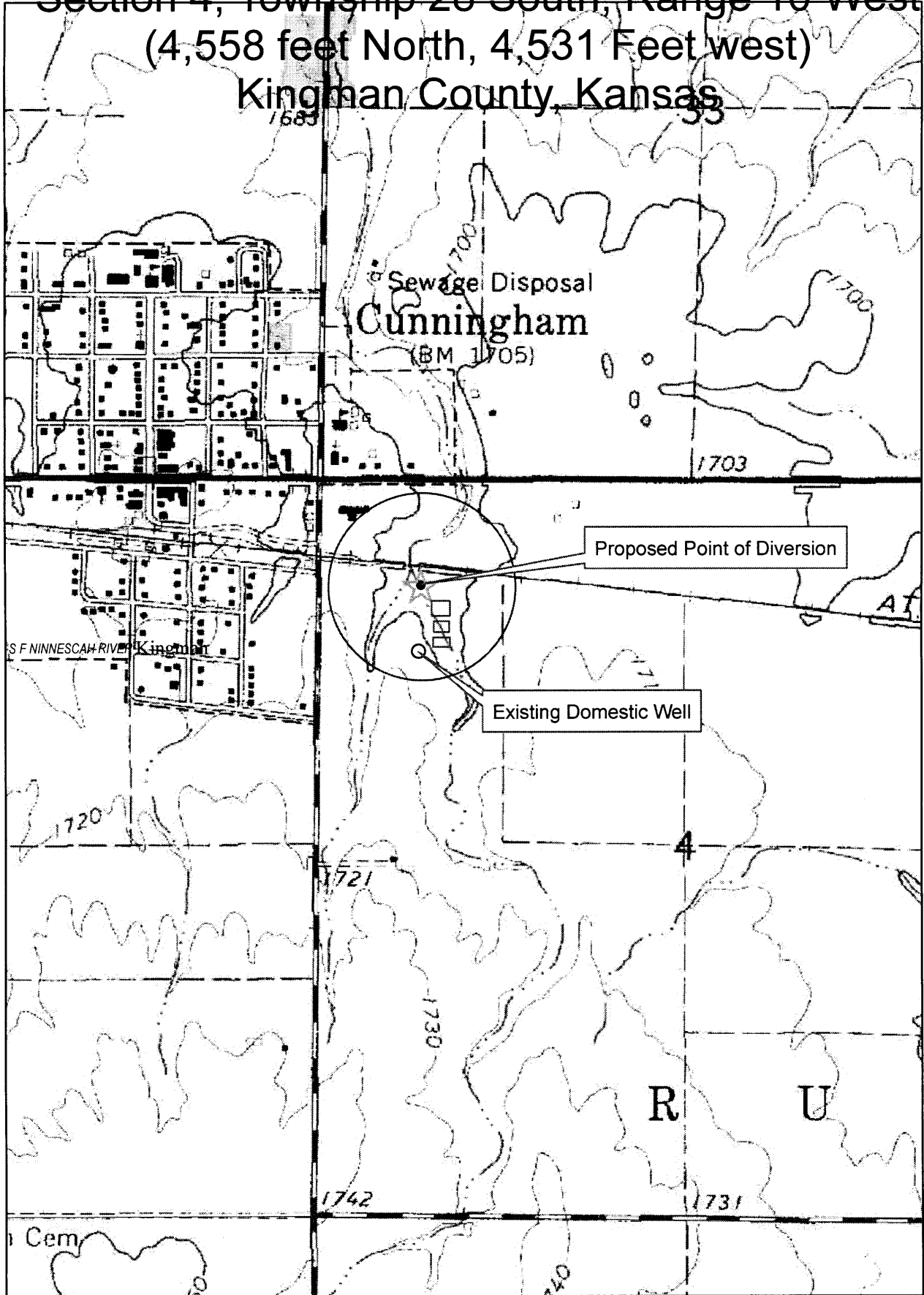
Enclosure: emc  
pc: Stafford Field Office  
Skyland Grain

**FILE COPY**

**SCANNED**



File No. 49,636 Skyland Grain Cunningham  
Section 4, Township 28 South, Range 10 West  
(4,558 feet North, 4,531 Feet west)  
Kingman County, Kansas



0 275 550 1,100 1,650 2,200  
Feet

7/28/ 2016 DWR

**WATER WELL RECORD Form WWC-5**

Original Record  Correction  Change in Well Use

Division of Water Resources App. No.

Well ID

**1 LOCATION OF WATER WELL:** County: Kingman Fraction: 1/4 SW 1/4 NE 1/4 NW 1/4 Section Number: 4 Township Number: T 28 S Range Number: R 10 E W

**2 WELL OWNER:** Last Name: SKY-LAND GRAM First: SKY-LAND GRAM Street or Rural Address where well is located (if unknown, distance and direction from nearest town or intersection): If at owner's address, check here:   
 Business: SKY-LAND GRAM Address: 115 S. MAIN ST IN CUNNINGHAM EAST OF SW 170 AVE  
 Address: 115 S. MAIN ST AND E. SANTA FE ST. WEST OF BUILDING.  
 City: Cunningham State: KS ZIP: 67035

**3 LOCATE WELL WITH "X" IN SECTION BOX:**

NW	NE
SW	SE

**4 DEPTH OF COMPLETED WELL:** 110 ft.  
 Depth(s) Groundwater Encountered: 1) ..... ft.  
 2) ..... ft. 3) ..... ft., or 4)  Dry Well  
 WELL'S STATIC WATER LEVEL: 26 ft.  
 below land surface, measured on (mo-day-yr).....  
 above land surface, measured on (mo-day-yr) 5-6-16  
 Pump test data: Well water was ..... ft.  
 after ..... hours pumping ..... gpm  
 Well water was ..... ft.  
 after ..... hours pumping ..... gpm  
 Estimated Yield: 120 gpm  
 Bore Hole Diameter: 12 3/8 in. to 110 ft. and  
 ..... in. to ..... ft.

**5 Latitude:** ..... (decimal degrees)  
**Longitude:** ..... (decimal degrees)  
 Datum:  WGS 84  NAD 83  NAD 27  
 Source for Latitude/Longitude:  
 GPS (unit make/model: .....)  
 (WAAS enabled?  Yes  No)  
 Land Survey  Topographic Map  
 Online Mapper: .....

**6 Elevation:** ..... ft.  Ground Level  TOC  
 Source:  Land Survey  GPS  Topographic Map  
 Other .....

**7 WELL WATER TO BE USED AS:**

1. Domestic:  Household  Lawn & Garden  Livestock  
 Irrigation  
 Feedlot  
 Industrial

2.  Public Water Supply: well ID .....

3.  Dewatering: how many wells? .....

4.  Aquifer Recharge: well ID .....

5.  Monitoring: well ID .....

6.  Environmental Remediation: well ID .....

7.  Air Sparge  Soil Vapor Extraction  
 Recovery  Injection

8.  Oil Field Water Supply: lease .....

9.  Test Hole: well ID .....

10.  Cased  Uncased  Geotechnical

11.  Geothermal: how many bores? .....

12. a)  Closed Loop  Horizontal  Vertical  
 b)  Open Loop  Surface Discharge  Inj. of Water

13.  Other (specify): .....

Was a chemical/bacteriological sample submitted to KDHE?  Yes  No If yes, date sample was submitted: .....

Water well disinfected?  Yes  No

**8 TYPE OF CASING USED:**  Steel  PVC  Other ..... CASING JOINTS:  Glued  Clamped  Welded  Threaded  
 Casing diameter 5 in. to 90 ft., Diameter ..... in. to ..... ft., Diameter ..... in. to ..... ft.  
 Casing height above land surface 18 in. Weight 160 lbs./ft. Wall thickness or gauge No. ....  
 TYPE OF SCREEN OR PERFORATION MATERIAL:  
 Steel  Stainless Steel  Fiberglass  PVC  Other (Specify) .....  
 Brass  Galvanized Steel  Concrete tile  None used (open hole)  
 SCREEN OR PERFORATION OPENINGS ARE:  
 Continuous Slot  Mill Slot  Gauze Wrapped  Torch Cut  Drilled Holes  Other (Specify) .....  
 Louvered Shutter  Key Punched  Wire Wrapped  Saw Cut  None (Open Hole)  
 SCREEN-PERFORATED INTERVALS: From 90 ft. to 110 ft., From ..... ft. to ..... ft., From ..... ft. to ..... ft.  
 GRAVEL PACK INTERVALS: From 110 ft. to 21 ft., From ..... ft. to ..... ft., From ..... ft. to ..... ft.

**9 GROUT MATERIAL:**  Neat cement  Cement grout  Bentonite  Other .....  
 Grout Intervals: From 21 ft. to 0 ft., From ..... ft. to ..... ft., From ..... ft. to ..... ft.  
 Nearest source of possible contamination:  
 Septic Tank  Lateral Lines  Pit Privy  Livestock Pens  Insecticide Storage  
 Sewer Lines  Cess Pool  Sewage Lagoon  Fuel Storage  Abandoned Water Well  
 Watertight Sewer Lines  Seepage Pit  Feedyard  Fertilizer Storage  Oil Well/Gas Well  
 Other (Specify) .....  
 Direction from well? 999 Distance from well? 999 ft.

10 FROM	TO	LITHOLOGIC LOG	FROM	TO	LITHO. LOG (cont.) or PLUGGING INTERVALS
0	3	Tan Clay			
3	94	Fine Tan Sand			
94	108	Coarse Sand			
108	110	Red Clay			

Notes:

**11 CONTRACTOR'S OR LANDOWNER'S CERTIFICATION:** This water well was  constructed,  reconstructed, or  plugged under my jurisdiction and was completed on (mo-day-year) 5-6-16 and this record is true to the best of my knowledge and belief. Kansas Water Well Contractor's License No. 677 This Water Well Record was completed on (mo-day-year) 5-13-16 under the business name of Crowdis Water Well Sur.

AMOUNT STATISTICS REPORT FOR POINTS OF DIVERSION UNDER A 49636 00

#####

AMOUNT STATISTICS REPORT FOR POINTS OF DIVERSION UNDER A 49636 00 IND

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

4558 Feet North and 4531 Feet West of the Southeast Corner of Section 4 T 28S R 10W

GROUNDWATER 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__ 5995 00 IRR NK G      3889 -- NW NW SE 2628 2628 5 28 10W 1      180.00 180.00 AF
A__ 15907 00 MUN NK G     3712 -- NW SW SE 842 2607 32 27 10W 1      146.53 91.29 AF
Same          3612 -- NW SW SE 838 2497 32 27 10W 2
A__ 21878 00 IRR NK G     6574 -- SW NE NE ----- 9 28 10W 1      140.00 140.00 AF
A__ 31581 00 IRR NK G     6052 -- NE NW NE 4650 1500 9 28 10W 2      105.00 33.00 AF
A__ 41772 00 IRR NK G     9042 -- CE SE SE 785 115 8 28 10W 1      168.00 168.00 AF
A__ 49636 00 IND AY G      0 -- SE NW NW 4558 4531 4 28 10W 2      5.00 5.00 AF
T__20127477 MF IRR GY G   3889 -- NW NW SE 2628 2628 5 28 10W 1      700.70 .00 AF
VKM 4 00 MUN AA G      3712 -- NW SW SE 842 2607 32 27 10W 1      55.24 55.24 AF
Same          3612 -- NW SW SE 838 2497 32 27 10W 2
=====

```

```

=====
Total Net Quantities Authorized:   Direct      Storage
Total Requested Amount (AF) =      5.00          .00
Total Permitted Amount (AF) =      .00           .00
Total Inspected Amount (AF) =      .00           .00
Total Pro_Cert Amount (AF) =      .00           .00
Total Certified Amount (AF) =     612.29         .00
Total Vested Amount (AF) =      55.24         .00
TOTAL AMOUNT (AF) =     672.53         .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:

4558 Feet North and 4531 Feet West of the Southeast Corner of Section 4 T 28S R 10W

GROUNDWATER ONLY

WATER USE CORRESPONDENTS:

```

=====
File Number    Use ST SR
A__ 5995 00 IRR NK G
> STERNEKER BROTHERS
> % ROBERT STERNEKER
> 2118 SW 170 AVE
> CUNNINGHAM KS 67035
>-----
A__ 15907 00 MUN NK G
> CITY OF CUNNINGHAM
>
> PO BOX 188
> CUNNINGHAM KS 67035
>-----
A__ 21878 00 IRR NK G
> STERNEKER BROTHERS

```

> % ROBERT STERNEKER  
> 2118 SW 170 AVE  
> CUNNINGHAM KS 67035

-----  
A\_\_ 31581 00 IRR NK G  
> STERNEKER BROTHERS  
> % ROBERT STERNEKER  
> 2118 SW 170 AVE  
> CUNNINGHAM KS 67035

-----  
A\_\_ 41772 00 IRR NK G  
> ALLAN A & LOUISE SCHNITTKER  
>  
> 10161 COUNTRY CLUB RD  
> PRATT KS 67124

-----  
A\_\_ 49636 00 IND AY G  
> SKYLAND GRAIN  
> AARON MURPHY  
> 115 S MAIN ST  
> CUNNINGHAM KS 67035

-----  
T\_\_20127477 MF IRR GY G  
> STERNEKER BROTHERS  
> % ROBERT STERNEKER  
> 2118 SW 170 AVE  
> CUNNINGHAM KS 67035

-----  
VKM 4 00 MUN AA G  
> CITY OF CUNNINGHAM  
>  
> PO BOX 188  
> CUNNINGHAM KS 67035

-----  
=====

#####

**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**

**MAY 16 2016**

**KS DEPT OF AGRICULTURE**

**SCANNED**



1320 Research Park Drive  
Manhattan, Kansas 66502

Jackie McClaskey, Secretary

Phone: (785) 564-6700

Fax: (785) 564-6777

Email: ksag@kda.ks.gov

www.agriculture.ks.gov

Sam Brownback, Governor

May 16, 2016

SKYLAND GRAIN  
115 S MAIN ST  
CUNNINGHAM KS 67035

**FILE COPY**

RE: Application  
File No. 49636

Dear Sir or Madam:

Your application for permit to appropriate water in 4-28S-10W in Kingman 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) 564-6645. If you wish to discuss a specific file, please have the file number ready so that we may help you more efficiently.

Sincerely,

Brent A Turney, P.G.  
Change Application Unit Supervisor  
Water Appropriation Program

BAT: ALH  
pc: STAFFORD Field Office  
GMD

SCANNED