

# 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.

THE STATE OF KANSAS



**KANSAS DEPARTMENT OF AGRICULTURE**  
Jackie McClaskey, Secretary of Agriculture

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

File Number 49,724  
This item to be completed by the Division of 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.)

NOV 01 2016  
11:45  
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): Philip A Harden  
Address: 602 W 5<sup>th</sup> PO Box 746  
City: Ashland State KS Zip Code 67831  
Telephone Number: (641) 777-9876

2. The source of water is:  surface water in \_\_\_\_\_ (stream)  
OR  groundwater in Bluff Creek (Cimarron) South-Central KS DUA-BLC38 (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 \_\_\_\_\_ gallons per calendar year, to be diverted at a maximum rate of Nat Evap 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. <u>2</u>	GMD <u>0</u>	Meets K.A.R. 5-3-1 (YES/NO) <u>(YES)</u>	Use <u>FAD</u>	Source <u>CS</u>	County <u>CA</u>	By <u>ASW</u>	Date <u>11/1/16</u>
Code <u>REG</u>	Fee \$ <u>200</u>	TR # <u>17010454</u>	Receipt Date <u>11/1/16</u>	Check # <u>2329</u>			

11/3/2016 LUM

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 SW quarter of the NW quarter of Section 36, more particularly described as being near a point 3,799 feet North and 4,118 feet West of the Southeast corner of said section, in Township 31 South, Range 22 West, Clark 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 14 October, 2016.

Philip D. Harden  
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 sand & gravel pit

(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)

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 May need permit, contacting structures program to verify. Permit not required per email from Janelle Phillips

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 Rights. Requesting 5 AF exemption to cover evaporation use caused by exposing groundwater during sand extraction operations.

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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	N.A.	_____	_____	_____
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.

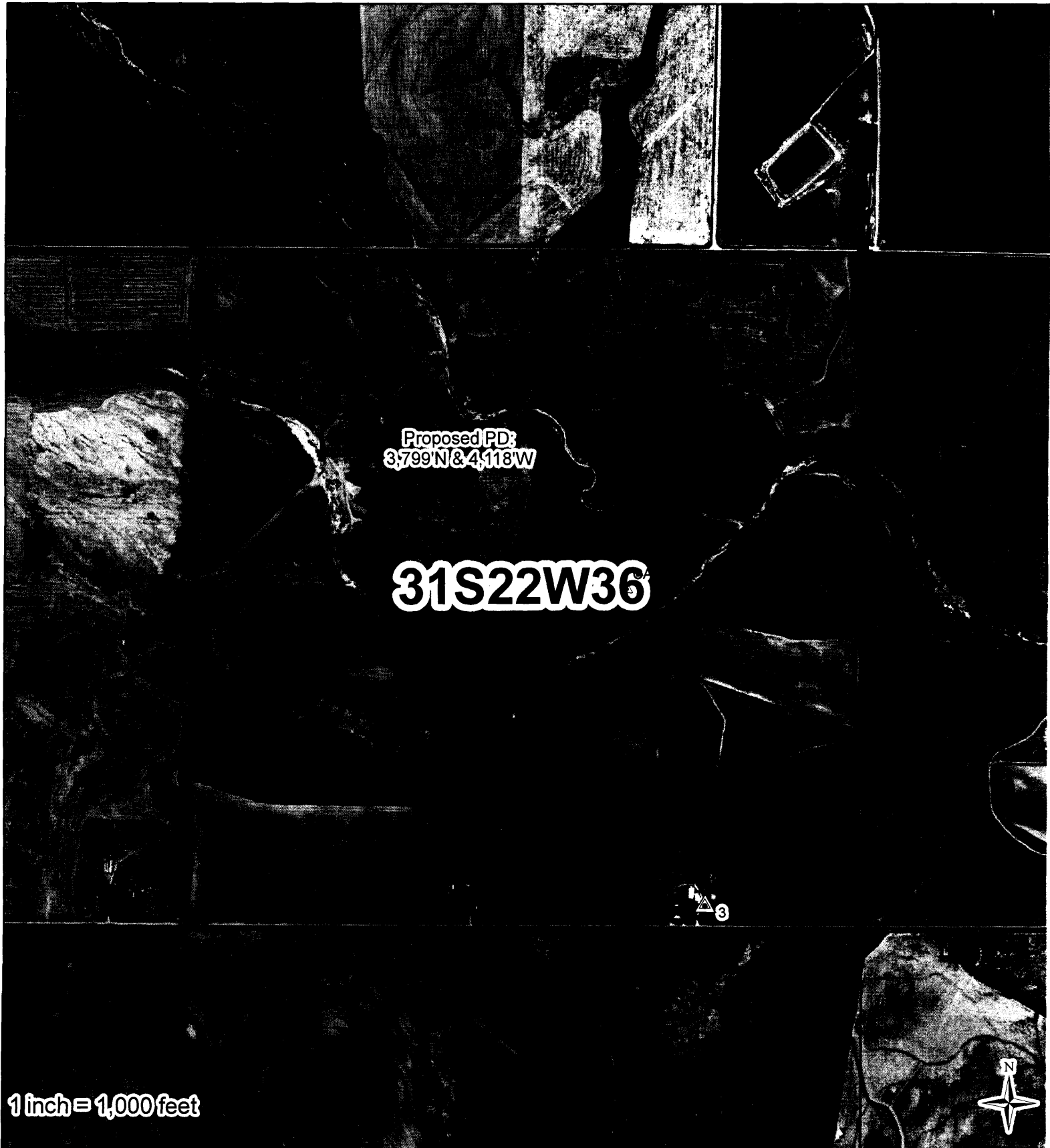
Dated at Stafford, Kansas, this 14<sup>th</sup> day of October, 2016.  
(month) (year)

  
(Applicant Signature)

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

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

Assisted by MSM/SEFO ESII \_\_\_\_\_ Date: 10/14/2016  
(office/title)



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.

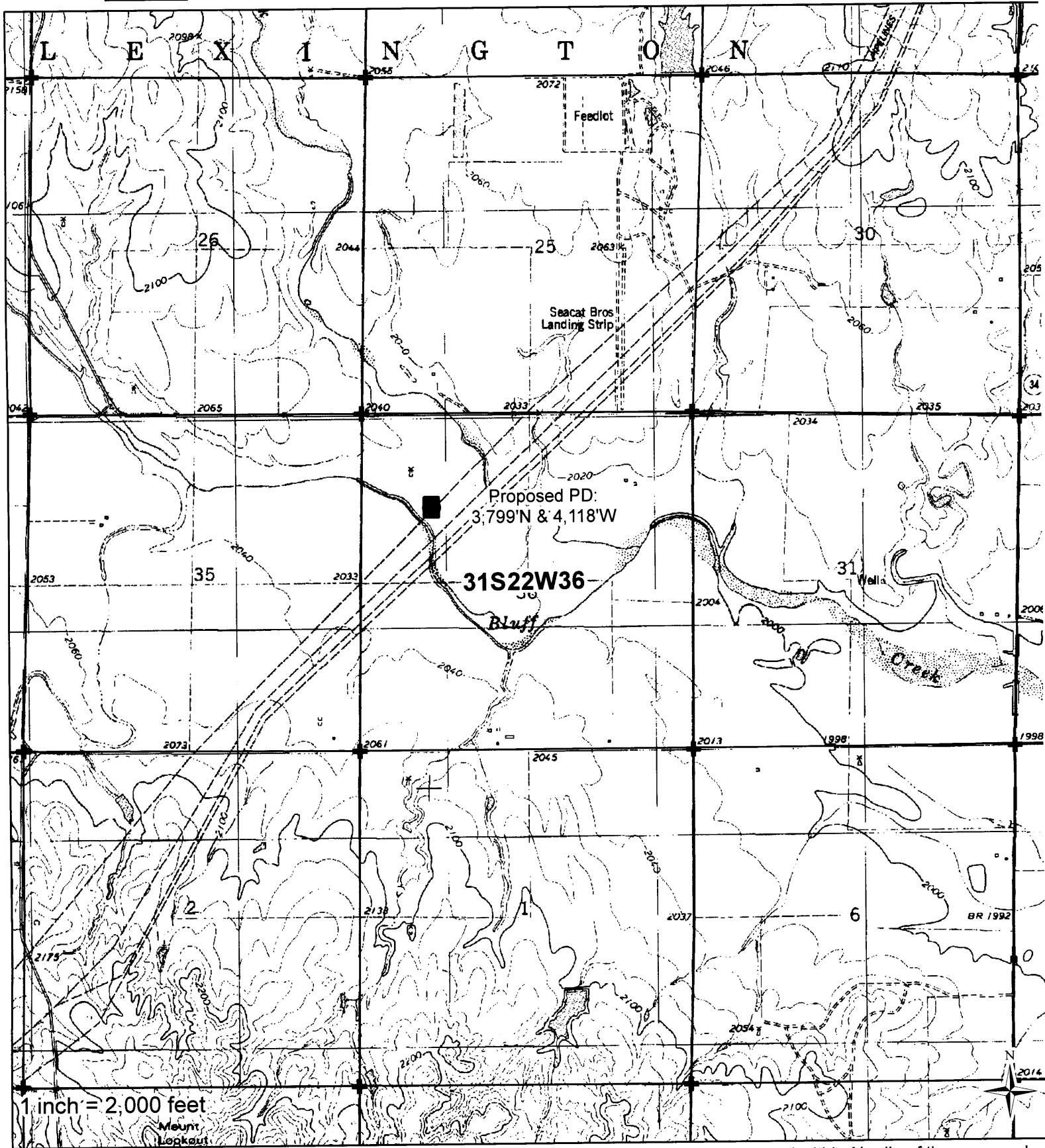
- ★ Domestic Wells
- Proposed PD
- △ Water Rights
- ⊕ SFFOsec\_corners
- ▨ ProposedPlaceOfUse

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Signature \_\_\_\_\_ Date NOV 01 2016

0 400 800 1,600 2,400 3,200

Created By: Matt Meier  
F.O. 2  
Date: 10/14/2016

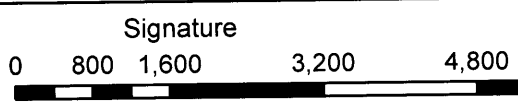


1 inch = 2,000 feet

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.

- ★ Domestic Wells
- Proposed PD
- △ Water Rights
- ⊕ SFFOsec\_corners
- ▨ ProposedPlaceOfUse

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Date **NOV 01 2016**  
 Created By: Matt Meier  
 F.O. 2  
 Date: 10/14/2016

THE STATE  OF KANSAS

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

DIVISION OF WATER RESOURCES  
David W. Barfield, Chief Engineer

NOTICE OF INTENT TO OPEN OR EXPAND A  
SAND AND GRAVEL PIT OPERATION  
(In accordance with K.S.A. 82s-734(c), K.A.R. 5-13-1, and amendments thereto)

File No. 49 (Office Use Only)

1. Operator Name (Please Print) Philip A Harden  
Address 602 W 5th PO Box 746  
Ashland, KS 67931  
Telephone (641)777-9876

2. Please designate the legal description of the pit. 1.46 acres in the      1/4 of the      1/4 of the NW 1/4 of Section 36, Township 31 South, Range 22 West, Clark County, Kansas.

3. Outline on an aerial photograph or topographical map the current and FINAL outline of the proposed pit, and attach it to the Notice of Intent. The photograph or map shall indicate the legal description of the location of the proposed pit and the scale of the map or photograph.

4. What year did, or will, the excavation of the pit begin? 2016

5. Indicate the proposed final size of the pit in acres. 1.46 acres.

6. Estimate the year the pit will be completed? 2025

7. By what method will the pit be excavated?  
Hydraulic      Mechanical X Other     

8. Will you have any other diversions of water at the pit site besides hydraulic dredging, such as pumpsites or wells? Yes      No X. If yes, please specify the type of diversion and use to be made of the water.     

9. Attach a copy of the Reclamation Plan you have on file with the State Conservation Commission.



10. Please specify the measures you plan to use to protect groundwater from pollution, such as berms or vegetative strips. existing berms, vegetative strips,  
will fill pit with dirt when excavation completed

11. Please complete the following table showing the estimated pit size at the end of each of the next five years.

Size of the Pit	Projected Pit Size in Acres
Current size of pit	0
Year 1	0.3 ac
Year 2	0.6 ac
Year 3	0.9 ac
Year 4	1.2 ac
Year 5	1.4 ac

12. Owner's Name (Please Print) Philip A Harden

Address 602 W 5th PO Box 746

Ashland, KS 67931

Telephone (641)777-9876

13. Please attach any additional information you believe will assist the Division in understanding the nature of your proposed pit or the expansion of your existing pit.

Philip A. Harden 14 Oct '16  
 Name (Please Print) Date

Philip A. Harden  
 Signature

owner  
 Title/Relationship to Owner

**INDUSTRIAL USE  
SUPPLEMENTAL SHEET**

File No. 49,724

Name of Applicant (Please Print): Philip A Harden

1. Please describe type of industry or product produced: Sand & Gravel Pit

Standard Industrial Classification Code Number: 1442

2. 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	-	N.A - Evap only	-
Last year	-	-	-
Present year	1000 yd <sup>3</sup>	-	-

3. 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	4000 yd <sup>3</sup>	N.A - Evap only	-
Year 2	4000 yd <sup>3</sup>	''	-
Year 3	4000 yd <sup>3</sup>	''	-
Year 4	4000 yd <sup>3</sup>	''	-
Year 5	4000 yd <sup>3</sup>	''	-

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Number of days of operation of the industry per year is 100 days.

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

4. 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	
36	31S	22W	1.46 Acre Sand & Gravel Pit in NW ¼ of Section																1.46

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

$$\text{Evap} = 1.46 \text{ acres} \times 41''/12 = 5 \text{ acre-feet per year}$$



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

November 1, 2016

PHILIP A HARDEN  
602 W 5TH PO BOX 746  
ASHLAND KS 67831

**FILE COPY**

RE: Application  
File No. 49724

Dear Sir or Madam:

Your application for permit to appropriate water in 36-31S-22W in Clark 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: dlw  
pc: STAFFORD Field Office  
GMD