

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

WATER RESOURCES
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File Number 49,732

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

NOV 23 2016

10:25

APPLICATION FOR PERMIT TO
APPROPRIATE WATER FOR BENEFICIAL USE KS DEPT OF AGRICULTURE

Filing Fee Must Accompany the Application
(Please refer to Fee Schedule attached to this application form.)

To the Chief Engineer of the Division of Water Resources, Kansas Department of Agriculture,
1320 Research Park Drive, Manhattan, Kansas 66502:

1. Name of Applicant (Please Print): OWNER REPRESENTATIVE: JEFF LOWRANCE FOR IHL, LLC (PRESIDENT: JEFF LANGE)

Address: 4911 S MERIDIAN

City: WICHITA State KS Zip Code 67217

Telephone Number: (316) 529-3100

2. The source of water is: surface water in _____ (stream)

OR groundwater in ARKANSAS RIVER BASIN (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 35.6 acre-feet OR _____ gallons per calendar year, to be diverted at a maximum rate of 80 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. Code	<u>2</u>	GMD	<input checked="" type="checkbox"/>	Meets K.A.R. 5-3-1 (YES/NO)	Use	<u>FER</u>	Source
	<u>REG</u>						<u>S</u>
		Fee \$	<u>200</u>	TR #		Receipt Date	<u>11/23/16</u>
						By	<u>ASW</u>
						Date	<u>11/23/16</u>
						Check #	<u>42975</u>

12/1/2016 LLM

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 NE quarter of the NE quarter of Section 18, more particularly described as being near a point 5173' feet North and 326' feet West of the Southeast corner of said section, in Township 28S South, Range 1E East/West (circle one), SEDGWICK 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):

(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 November 18, 2016. _____
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 _____ (number of wells, pumps or dams, etc.) and (was)(will be) completed (by) _____ (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 _____ (Mo/Day/Year)

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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 _____

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.

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File No. 44732

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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	N/A			
Depth to water bearing formation	N/A			
Depth to static water level	N/A			
Depth to bottom of pump intake pipe	N/A			

14. The relationship of the applicant to the proposed place where the water will be used is that of
AGENT
(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):

(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 Wichita, Kansas, this 18th day of November, 2016.
(month) (year)

IHL, LLC



(Applicant Signature)

By _____
(Agent or Officer Signature)

JEFF LANGE, President

(Agent or Officer - Please Print)

Assisted by BRANDON K BOYDSTUN

(office/title)

Date: JUNE 2016

**IRRIGATION USE
SUPPLEMENTAL SHEET**

File No. 49,732

Name of Applicant (Please Print): IHL, LLC

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: IHL, LLC President: Jeff Lange
ADDRESS: 4911 S. Meridian, Wichita, KS 67217

S	T	R	NE¼				NW¼				SW¼				SE¼				TOTAL
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
18	28s	1E	10.9																10.9

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	

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
_____	_____	_____	_____
_____	_____	_____	_____
_____	_____	_____	_____
Total:	100 %	_____	_____

b. Estimate the average land slope in the field(s): _____ %

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

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: Commercial irrigation system.

d. System design features:

i. Describe how you will control tailwater:

ii. For sprinkler systems:

(1) Estimate the operating pressure at the distribution system: 80 psi

(2) What is the sprinkler package design rate? 80 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.

e. Crop(s) you intend to irrigate. Please note any planned crop rotations:

Irrigation system to irrigate landscape beds and turf areas.

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).

Irrigation will be controlled by commercial grade controller clock with rain sensor shutt-off.

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



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KANSAS SPECIAL WARRANTY DEED

THIS INDENTURE is made as of November 3, 2016 by and between **TCRS, LLC**, a Kansas limited liability company ("Grantor"), with an address of 4911 S. Meridian Avenue, Wichita, Kansas 67217, and **IHL, LLC**, a Delaware limited liability company ("Grantee"), with an address of 4900 Main Street, Suite 950, Kansas City, Missouri 64112.

WITNESSETH, that Grantor, for and in consideration of the sum of TEN DOLLARS (\$10.00) and other good and valuable consideration, to Grantor paid by Grantee (the receipt of which is hereby acknowledged) does by these presents, CONVEY AND GRANT, unto Grantee and Grantee's successors and assigns, the following described lots, tracts or parcels of land, lying, being and situate in the County of Sedgwick and State of Kansas (the "Property"), to wit:

See **Exhibit A**

SUBJECT TO: Any and all Permitted Exceptions as set forth on **Exhibit B** attached hereto.

Grantor, for Grantor and Grantor's successors and assigns, covenants that Grantor is lawfully seized of Grantor's interest in the Property and has good right to convey its interest in the Property and guarantees quiet possession of the Property against the claims of those claiming any right, interest or title through Grantor, except as provided herein, and further covenants that the Property is free from all encumbrances created by Grantor, except as provided herein, and Grantor will warrant and defend the Property against all lawful claims of those claiming any right, interest or title through Grantor, except as provided herein; but Grantor does not warrant title against those claiming a right, interest or title that arose prior to, or separate from, Grantor's interest in the Property.

[Signature Appears on Following Page]

IN WITNESS WHEREOF, Grantor has caused this instrument to be executed as of the day and year first above written.

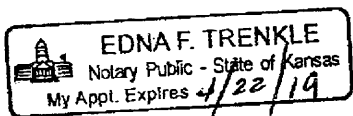
GRANTOR:

TCRS, LLC,
a Kansas limited liability company

By: [Signature]
Name: JEFF M. LANGE
Title: MANAGING MEMBER

STATE OF Kansas)
COUNTY OF Sedgwick) ss.

This instrument was acknowledged before me on November 3rd 2016, by Jeff M. Lange, as the Managing Member of TCRS, LLC, a Kansas limited liability company.



Edna F. Trenkle
Print Name: Edna F. Trenkle
Notary Public in and for said
County and State

My Appointment Expires:
April 22, 2019

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Exhibit A to Special Warranty Deed

Legal Description

Parcel B:

That part of Lot 1, Block A, Cross Gate Addition, Wichita, Sedgwick County, Kansas described as follows: Commencing at the most easterly corner common to said Lot 1 and Reserve "B" in said Cross Gate Addition; thence N00°54'28"W along the east line of said Lot 1, 102.09 feet for a point of beginning; thence S89°05'32"W perpendicular to the east line of said Lot 1, 202.00 feet; thence N00°54'28"W parallel with the east line of said Lot 1, 271.47 feet; thence S89°05'32"W perpendicular to the east line of said Lot 1, 520.54 feet; thence N00°54'28"W parallel with the east line of said Lot 1, 892.18 feet to a point on the north line of said Lot 1; thence N89°05'47"E along the north line of said Lot 1, 357.54 feet to a deflection corner in said north line; thence S82°22'22"E along the north line of said Lot 1, 101.12 feet to a deflection corner in said north line; thence N89°05'47"E along the north line of said Lot 1, 93.98 feet to a point 131.02 feet west of the most northerly northeast corner of said Lot 1; thence S00°54'28"E parallel with the east line of said Lot 1, 111.01 feet; thence N89°05'32"E perpendicular to the east line of said Lot 1, 156.02 feet to a point on the east line of said Lot 1; thence S00°54'28"E along the east line of said Lot 1, 139.00 feet to a deflection corner in said east line; thence S09°26'19"E along the east line of said Lot 1, 101.12 feet to a deflection corner in said east line; thence S00°54'28"E along the east line of said Lot 1, 798.60 feet to the point of beginning.

Parcel C:

That part of Lot 1, Block A, Cross Gate Addition, Wichita, Sedgwick County, Kansas described as follows: Commencing at the most easterly corner common to said Lot 1 and Reserve "B" in said Cross Gate Addition; thence N00°54'28"W along the east line of said Lot 1, 102.09 feet; thence S89°05'32"W perpendicular to the east line of said Lot 1, 202.00 feet; thence N00°54'28"W parallel with the east line of said Lot 1, 271.47 feet; thence S89°05'32"W perpendicular to the east line of said Lot 1, 520.54 feet for a point of beginning; thence continuing S89°05'32"W perpendicular to the east line of said Lot 1, 30.00 feet; thence N00°54'28"W parallel with the east line of said Lot 1, 892.19 feet to a point on the north line of said Lot 1; thence N89°05'47"E along the north line of said Lot 1, 30.00 feet to a point 357.54 feet west of the most westerly deflection corner in the north line of said Lot 1; thence S00°54'28"E parallel with the east line of said Lot 1, 892.18 feet to the point of beginning.

Parcel D:

That part of Lot 1, Block A, Cross Gate Addition, Wichita, Sedgwick County, Kansas described as follows: Commencing at the most southerly corner common to said Lot 1 and Reserve "B" in said Cross Gate Addition; thence S89°06'10"W along the south line of said Lot 1, 570.04 feet for a point of beginning; thence continuing S89°06'10"W along the south line of said Lot 1, 413.56 feet to a deflection corner in said south line; thence N05°08'17"W along the south line of said Lot 1, 28.65 feet to a deflection corner in said south line; thence S89°03'35"W along the south line of said Lot 1, 97.37 feet to the southwest corner of said Lot 1; thence N00°54'17"W along the west line of said Lot 1, 1432.05 feet to the northwest corner of said Lot 1; thence N89°05'47"E along the north line of said Lot 1, 535.46 feet to a point 387.54 feet west of the most westerly deflection corner in the north line of said Lot 1; thence S00°54'28"E parallel with the east line of said Lot 1, 892.19 feet; thence S89°05'32"W perpendicular to the east line of said Lot 1, 22.50 feet; thence S00°54'28"E parallel with the east line of said Lot 1, 568.42 feet to the point of beginning.

Parcel E:

That part of Lot 1, Block A, Cross Gate Addition, Wichita, Sedgwick County, Kansas described as follows: Beginning at the most easterly northeast corner of said Lot 1; thence S00°54'28"E along the east line of said Lot 1, 86.00 feet to a point 139.00 feet north of the most northerly deflection corner in the east line of said Lot 1; thence S89°05'32"W perpendicular to the east line of said Lot 1, 156.02 feet; thence N00°54'28"W parallel with the east line of said Lot 1, 111.01 feet to a point on the north line of said Lot 1; thence N89°05'47"E along the north line of said Lot 1, 131.02 feet to the most northerly northeast corner of said Lot 1; thence S45°54'20"E along the northeast line of said Lot 1, 35.36 feet to the point of beginning.

Reserve A, CROSS GATE ADDITION, Wichita, Sedgwick County, Kansas.

Reserve B, CROSS GATE ADDITION, Wichita, Sedgwick County, Kansas.

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Exhibit B to Special Warranty Deed

Permitted Exceptions

1. Mortgage from IHL, LLC, a Delaware limited liability company, to Academy Bank, N.A., dated November 4, 2016, filed November ____, 2016 and recorded as Doc.#/FLM-PG _____, in the original amount of \$1,668,530.00.
2. The lien of all general and special taxes for the year 2016 and thereafter, not yet delinquent.
3. Easement for pipeline right of way in favor of Cities Service Gas Company, as condemned in Case No. 93210 and recorded in Misc. Book 122 Page 512, as affected by Restriction of Right of Way Agreement recorded as Doc.#/FLM-PG 29590458, and shown on the recorded plat.
4. Right of Way Easement in favor of Kansas Gas and Electric Company recorded in Misc. Book 284 Page 251.
5. Pipe Line Order in favor of Cities Service Gas Company as taken in Case No. C-12078.
6. Easement for pipeline in favor of Cities Service Oil Company recorded in Misc. Book 627 Page 475, last assigned in favor of Koch Pipelines Inc. by Assignment, Conveyance and Bill of Sale recorded on Film 1356 Page 1906, as amended by Amendment of Right of Way Agreement recorded as Doc.#/FLM-PG 29586810 and refiled as Doc.#/FLM-PG 29589817, and shown on the recorded plat.
7. Easement for Pipeline in favor of Cities Service Gas Company recorded in Misc. Book 632 Page 458, and shown on the recorded plat.
8. Sewer easement as taken in Case No. C-19528, and shown on the recorded plat.
9. Memorandum of Transfer and Contribution of Telecommunication Rights in favor of Sea Breeze Communication Company recorded on Film 2333 Page 11.
10. Assignment (of "Minor Street Privilege") in favor of Seminole Transportation and Gathering Inc. recorded as Doc.#/FLM-PG 28592030.
11. Right of Way Contract in favor of ConocoPhillips Pipe Line Company recorded as Doc.#/FLM-PG 28924243.
12. Private Drainage Easement in favor of Southlake Village Apartments LLC recorded as Doc.#/FLM-PG 29594411.
13. Drive Approach Closure Certificate recorded as Doc.#/FLM-PG 29599258.

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14. Restrictive Covenant (as to maintenance of Reserve A and B) recorded as Doc.#/FLM-PG 29599259.
15. Notice of Planned Unit Development recorded as Doc.#/FLM-PG 29599261.
16. Water Line Easement in favor of the City of Wichita recorded as Doc.#/FLM-PG 29606089.
17. Utility Easement in favor of the City of Wichita recorded as Doc.#/FLM-PG 29606090.
18. Sanitary Sewer Easement in favor of the City of Wichita recorded as Doc.#/FLM-PG 29606091.
19. Lot Split recorded as Doc.#/FLM-PG 29639140.
20. Easement Use Permit Application (to install private storm sewer pipes) recorded as Doc.#/FLM-PG 29644102.
21. Described property may be and/or is subject to special assessments as disclosed by the following: Doc.#/FLM-PG 29599257, Doc.#/FLM-PG 29617136.
22. Matters including but not limited to easements, building set-back lines, minimum elevations and access controls, if any, established by the recorded plat of Cross Gate Addition, filed April 19, 2016, as Document No. 29602448, in Plat Drawer PC 256-5, as affected by Certificate of Correction to Include Pipeline Right-of-Way Easement recorded as Doc.#/FLM-PG 29644664.
23. Assignment of Leases and Rents from IHL, LLC, a Delaware limited liability company, to Academy Bank, N.A., dated November 4, 2016, filed November ____, 2016 and recorded as Doc.#/FLM-PG _____.
24. UCC Financing Statement by and between IHL, LLC, as Debtor, and Academy Bank, N.A., as Secured Party, filed November ____, 2016 and recorded as Doc.#/FLM-PG _____.

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

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IHL, LLC

Kansas

Department of Agriculture
agriculture.ks.gov

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

October 31, 2016

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KS DEPT OF AGRICULTURE

JEFF LOWRANCE
TRCS LLC
4911 S MERIDIAN
WICHITA KS 67217

Re: Unacceptable Application

Dear Mr. Lowrance:

Returned herewith is your Application for Permit to Appropriate Water for Beneficial Use received by the Division of Water Resources on October 28, 2016 with Check No. 42973 in the amount of \$300. This application is not acceptable for filing in its present form.

Effective July 1, 2009, K.S.A. 82a-709 requires all applicants for new appropriation rights for the beneficial use of water in the State of Kansas to provide evidence of legal access to or control of the point of diversion from the landowner or the landowner's authorized representative. Applicants may provide a copy of a recorded deed, lease, easement or other document with the application. **In lieu of providing this documentary evidence, you may sign Paragraph No. 6 of the original permit application (where indicated), which constitutes a sworn statement.** Please note that the enclosed new application must bear an **original signature**. Photocopies or fax signatures are not acceptable.

Paragraph No. 13 of the application requests well information so the source of supply of the proposed well may be determined. Pursuant to K.A.R. 5-3-4d, this office requires a stratigraphic log of a well or test hole within 300 feet of the proposed point of diversion. Please supply the indicated information and a test hole log or a driller's log with the returned application. Additionally, please complete the "Irrigation Use Supplemental Sheet" that was submitted with the application.

Upon return of the acceptable application with required original signatures and information, it will be assigned a priority based upon the date and time it is received in the office of the Chief Engineer. If you have any questions, please contact me at (785) 564-6631 or alex.whitesell@kda.ks.gov.

Sincerely,



Alex Whitesell
Environmental Scientist
Water Appropriation Program

COPY

enclosure



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 23, 2016

JEFF LWRANCE
4911 S MERIDIAN
WICHITA KS 67217

FILE COPY

RE: Application
File No. 49732

Dear Sir or Madam:

Your application for permit to appropriate water in 18-28S-1E in Sedgwick 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 . . .

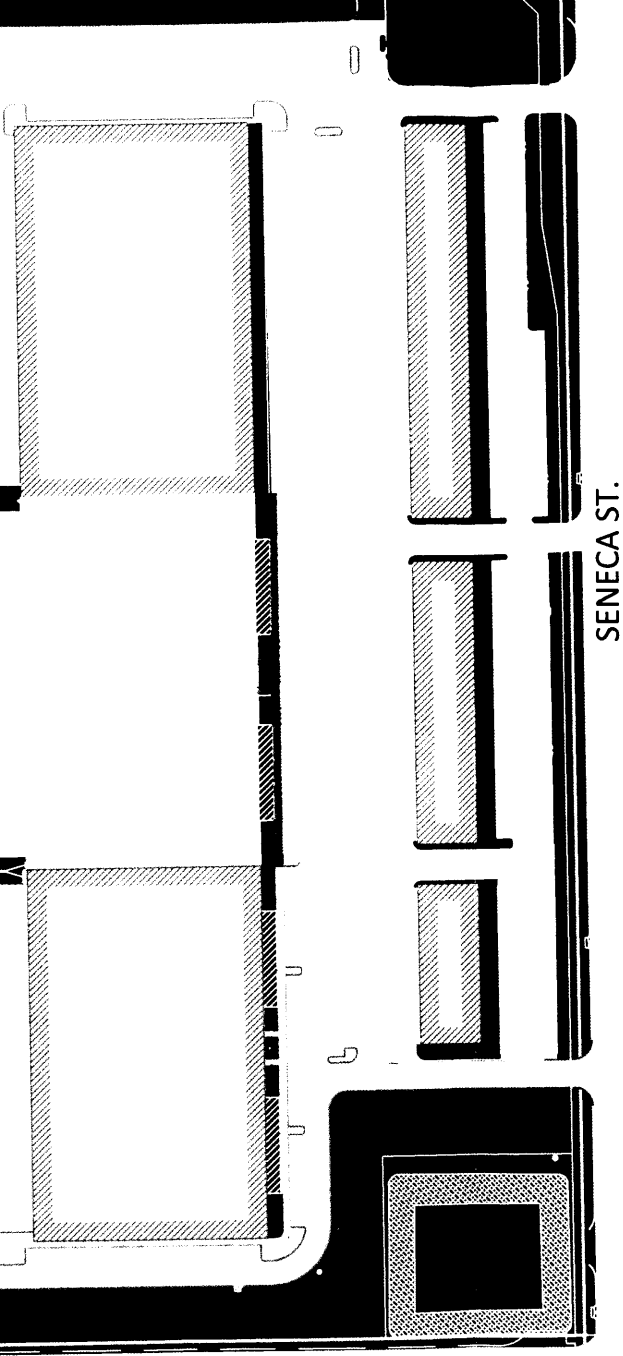
A class C misdemeanor is punishable by a fine not to exceed \$500 and/or a term of confinement not to exceed one month in the county jail. Each day that the violation occurs constitutes a separate offense.

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



W. 41ST ST. S.

SENECA ST.

WATER RESOURCES
RECEIVED

NOV 23 2016

KS DEPT OF AGRICULTURE

Scale 1"=200'



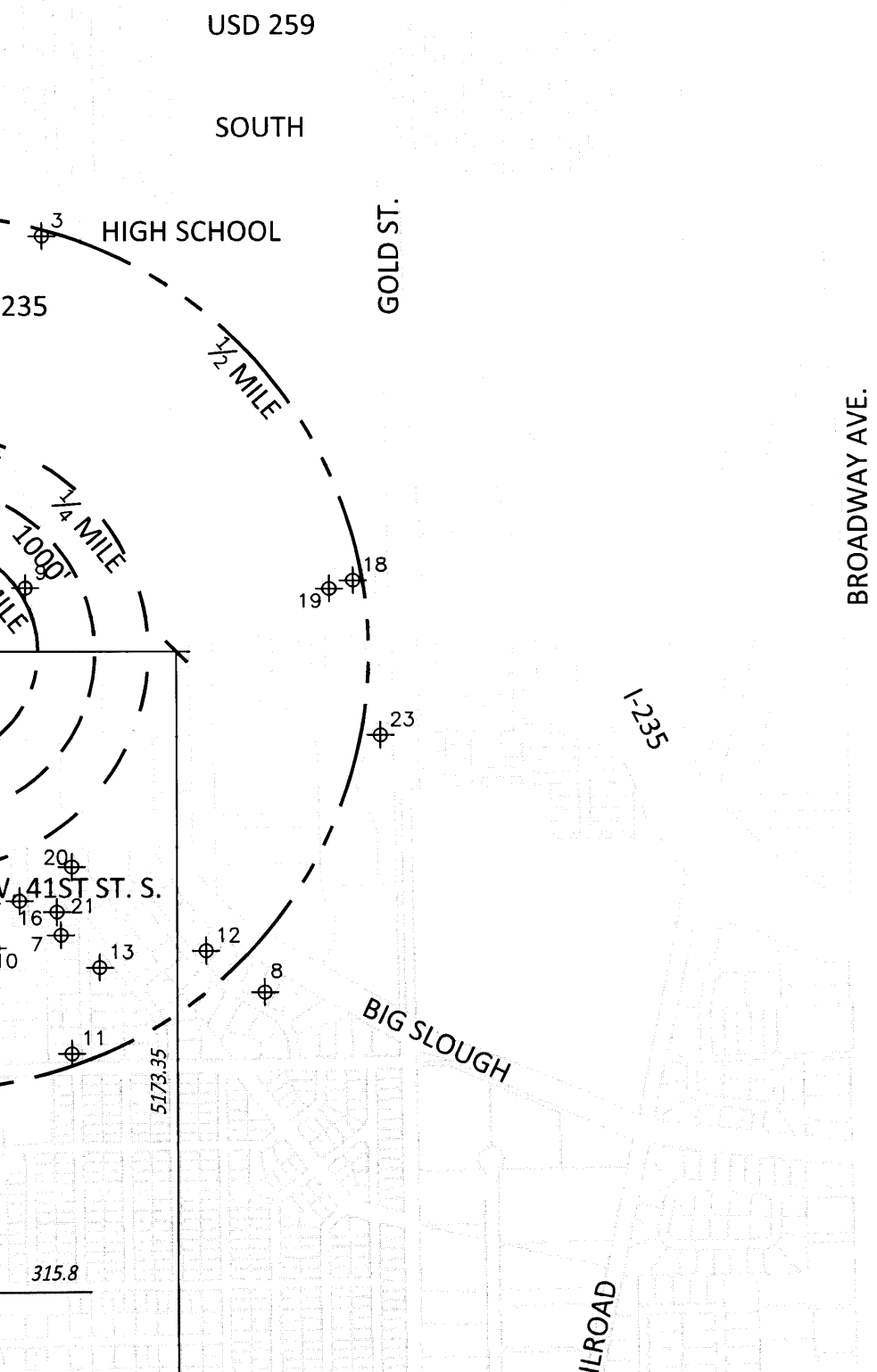
wells. Wells labeled as plugged or any type of monitoring well are not included.

County, Kansas

Arkansas River Basin

NORTHING/EASTING POINT SCHEDULE

<u>POINT</u>	<u>DESCRIPTION</u>	<u>NORTHING</u>	<u>EASTING</u>
1	NEW WELL	N 1662275.1817	E 1644474.1769
2	NE CORNER OF SEC. 18	N 1662406.8204	E 1644702.9237
3	USD 259 WATER WELL	N 1664782.2981	E 1645167.9404
4	4LC LLC	N 1662552.9297	E 1643937.8861
5	4LC LLC	N 1662555.447	E 1643783.765
6	MICHAEL E BELT	N 1659487.6682	E 1643848.6258
7	KAYLA L CAIN	N 1660567.1987	E 1645266.5601
8	CRAIG FAMILY LIVING TRUST	N 1660223.4509	E 1646487.0304
9	LARRY F CROZIER	N 1662657.2799	E 1645061.7174
10	RICHARD C ENGLEDDOW	N 1660489.8104	E 1644859.0591
11	DALE R FUNKE	N 1659851.5551	E 1645329.7327
12	WILLIAM M HESS	N 1660473.0505	E 1646135.1655
13	WILLIAM H MADEN	N 1660371.9982	E 1645497.1985
14	GERADO G MENDEZ	N 1662543.3121	E 1641992.542
15	GERARDO G MENDEZ	N 1662520.1689	E 1642181.6389
16	GRAY J MILLER	N 1660772.2753	E 1645020.3372
17	GRAY J MILLER	N 1660757.3528	E 1644822.4174
18	RANDY PAULEY	N 1662703.6745	E 1647021.8334
19	RANDY PAULEY	N 1662652.9986	E 1646879.8875
20	RUNTE ERNEST REVOCABLE TRUST	N 1660977.4757	E 1645331.6092
21	DANIEL L WILLIAMS	N 1660707.1519	E 1645242.5816
22	WINGERT SUSAN REVOCABLE TRUST	N 1659473.1608	E 1644635.2652
23	MARK YSIDRO	N 1661769.0392	E 1647183.2581



Scale 1"=1000'

WATER RESOURCES RECEIVED