

Kansas Department of Agriculture  
 Division of Water Resources  
**CHANGE: P/U WORKSHEET**

Document Signature \_\_\_\_\_

1. File Number: <b>44515</b>	2. Status Change Date: <b>12/11/2017</b>	3. Change Num: <b>C1</b>	4. Field Office: <b>02</b>	5. GMD: <b>05</b>
6. Status: <input type="checkbox"/> Approved <input type="checkbox"/> Denied by DWR/GMD <input type="checkbox"/> Dismiss by Request/Failure to Return				7. Filing Date of Change: <b>20-OCT-2016</b>
8a. Applicant(s) New to system <input type="checkbox"/>  <b>KINSLEY READY MIX INC PRESIDENT 220 W 10TH ST KINSLEY KS 67547</b>		Person ID <u><b>31265</b></u> Add Seq# <u><b>1</b></u>	8d. Landowner(s) New to system <input type="checkbox"/>  <b>KINSLEY READY MIX INC PRESIDENT 220 W 10TH ST KINSLEY KS 67547</b>	
8b. Landowner(s) New to system <input type="checkbox"/>  <b>KINSLEY READY MIX INC PRESIDENT 220 W 10TH ST KINSLEY KS 67547</b>		Person ID <u><b>31265</b></u> Add Seq# <u><b>1</b></u>	8e. Landowner(s) New to system <input type="checkbox"/>  <b>KINSLEY READY MIX INC PRESIDENT 220 W 10TH ST KINSLEY KS 67547</b>	
8c. Landowner(s) New to system <input type="checkbox"/>  <b>KINSLEY READY MIX INC PRESIDENT 220 W 10TH ST KINSLEY KS 67547</b>		Person ID _____ Add Seq# _____	8f. WUC New to system <input type="checkbox"/>  <b>KINSLEY READY MIX INC PRESIDENT 220 W 10TH ST KINSLEY KS 67547</b>	
9. Documents and Enclosure(s): <input type="checkbox"/> DWR Meter(s) Date to Comply: _____ <input type="checkbox"/> N & P Date to Comply: _____				
<input type="checkbox"/> Anti-Reverse Meter <input type="checkbox"/> Meter Seal <input checked="" type="checkbox"/> Check Valve <input type="checkbox"/> N & P Form <input type="checkbox"/> Water Tube <input type="checkbox"/> Driller Copy <input type="checkbox"/> H & E Letter				
<input type="checkbox"/> Conservation Plan Date Required: _____ Date Approved: _____ Date to Comply: _____				
10. Use Made of Water From: _____ To: _____				
Date Prepared: <b>12/06/17</b> By: <b>RAK</b> Date Entered: <b>12/11/2017</b> By: <b>AM</b>				

File No. **44515**      11. County: **ED**      Basin: **ARKANSAS RIVER**      Stream:      Formation Code: **113**      Special Use:

12. Points of Diversion										Rate and Quantity				
MOD DEL ENT	PDIV	Qualifier	S	T	R	ID	'N	'W	Comment	Authorized		Additional		
										Rate gpm	Quantity mgy	Rate gpm	Quantity mgy	Overlap PD Files
✓		<b>SE¼ NW¼ NE¼</b>	<b>35</b>	<b>24</b>	<b>19W</b>	<b>6</b>	<b>4500</b>	<b>1500</b>		<b>0 g.p.m.</b>	<b>45.6 m.g.y.</b>	<b>0 g.p.m.</b>	<b>45.6 mgy</b>	<b>NO</b>
<b>KEEP PD COMMENT GEO CTR - 38 IN NET EVAP</b>														

13. Storage: Rate \_\_\_\_\_ NF      Quantity \_\_\_\_\_ ac/ft      Additional Rate \_\_\_\_\_ NF      Additional Quantity \_\_\_\_\_ ac/ft

14. Limitation: \_\_\_\_\_  
 Limitation: \_\_\_\_\_

15. 5YR Allocation: Allocation Type \_\_\_\_\_ Start Year \_\_\_\_\_ 5 YR Amount \_\_\_\_\_ Amount Unit \_\_\_\_\_ Base Acres \_\_\_\_\_ Comment \_\_\_\_\_

16. Place of Use MOD DEL ENT	PUSE	S	T	R	ID	NE¼				NW¼				SW¼				SE¼				Total	Owner	Chg?	Overlap Files			
						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>MOD</b>	<b>8391</b>	<b>35</b>	<b>24</b>	<b>19W</b>	<b>4</b>																		<b>8b</b>	<b>NO</b>	<b>41051</b>			
						<b>EVAPORATIVE LOSSES FROM SAND &amp; GRAVEL PIT - NE¼ OF SECT</b>																						

Comments:

**KANSAS DEPARTMENT OF AGRICULTURE**  
**Division of Water Resources**  
**M E M O R A N D U M**

**TO:** Files

**DATE:** December 7, 2017

**FROM:** Richelle A. Krueger

**RE:** Appropriation of Water  
File No. 44,515

Russell Strate, on behalf of Kinsley Ready Mix, Inc., owner of the referenced file number, filed an application for approval to change the place of use.

The referenced file number does not appear abandoned as per K.S.A. 82a-718. The perfection period expires December 31, 2032.

The referenced file number is authorized for 45.6 million gallons (140 acre-feet) of water per calendar year for industrial use for evaporative loss from a sand and gravel pit located in the North Half (N½) of Section 35, Township 24 South, Range 19 West, Edwards County, Kansas. The place of use, which covers 44 acres based on evaporation quantity, is incompletely overlapped by Water Right, File No. 41,051. Paragraph No. 3 of the application indicates that the sand pit was excavated into an area not authorized on the original place of use map, so the referenced change was filed to cover the currently unauthorized area. A reduction in place of use was also filed for File No. 44,515 reducing the place of use from 44 acres to 43 acres pending approval of Application, File No. 49,717 for industrial use which requires an offset. Matt Meier of the Stafford Field Office is processing the referenced reduction request and new application.

Since the referenced file number is still in the perfection period, it does not appear that consumptive use will increase pursuant to K.A.R. 5-5-3 *Change in consumptive use*.

All known water right owners with a point of diversion within half a mile of the authorized point of diversion of File No. 44,515 were notified by letters dated October 27, 2017 of the proposed change in order to comply with Senate Bill 337 enacted by the Kansas State Legislature on July 1, 2016.

In a letter dated November 3, 2017, Orrin Feril, Manager of Big Bend Groundwater Management District No. 5 indicated that the Board recommended approval of the application.

The same local source of supply will not change, previously determined to be Main Stem Alluvium (113).

In an e-mail dated December 6, 2017, Jeff Lanterman, Water Commissioner of the Stafford Field Office recommended approval of the referenced change application.

Based on the above discussion, that the change is reasonable, that impairment to existing water rights is unlikely, and that no change in the local source of supply will occur, it is recommended that the referenced application be approved.

  
Richelle A. Krueger  
Environmental Scientist

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

December 13, 2017

**FILE COPY**

KINSLEY READY MIX INC  
ATTN RUSSELL STRATE  
220 W 10TH ST  
KINSLEY KS 67547

RE: Appropriation of Water, File No. 44,515

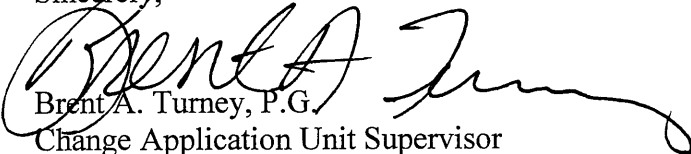
Dear Mr. Strate:

Enclosed is the order executed by the Chief Engineer, Division of Water Resources, Kansas Department of Agriculture, approving the application for change under the above referenced file number.

Your attention is directed to the enclosures and to the terms, conditions, and limitations specified in this approval for change.

If you have any questions, please contact this office. If you call, please reference the file number so we can help you more efficiently.

Sincerely,



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

Enclosures

pc: Stafford Field Office  
Groundwater Management District No. 5



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

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

**APPROVAL OF APPLICATION  
FOR  
CHANGE IN PLACE OF USE  
APPROPRIATION OF WATER  
FILE NO. 44,515**

The Chief Engineer, Division of Water Resources, Kansas Department of Agriculture, after due consideration of the written application of Russell Strate, on behalf of Kinsley Ready Mix Incorporated, 220 West 10<sup>th</sup> Street, Kinsley, Kansas, 67547, received in this office on October 20, 2016, for approval of a change in the location of the place of use under the Approval of Application, File No. 44,515, for permit to appropriate water for beneficial use, finds that the change is reasonable and will not impair existing rights, and that the application should be and is hereby approved.

The effective date of the change shall be the date this order is executed by the Chief Engineer, after which the authorized location of the place of use shall be:

a sand and gravel pit located in the Northeast Quarter (NE $\frac{1}{4}$ ) of Section 35, Township 24 South Range 19 West, Edwards County, Kansas,

located substantially as shown on the map accompanying the application to change the place of use.

In all other respects, the Approval of Application, File No. 44,515, for permit to appropriate water for beneficial use, is as stated and set forth in the approval dated March 23, 2001.

**RIGHT TO A HEARING AND TO ADMINISTRATIVE REVIEW**

If you are aggrieved by this Order, then pursuant to K.S.A. 82a-1901, you may:

- 1) request an evidentiary hearing before the Chief Engineer, or
- 2) request administrative review by the Secretary of Agriculture.

Failure to request an evidentiary hearing before the Chief Engineer does not preclude your right to administrative review by the Secretary.

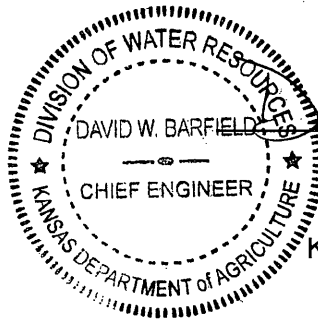
To obtain an evidentiary hearing before the Chief Engineer, a written request for hearing must be filed within 15 days after service of this Order as provided in K.S.A. 77-531 (i.e., within a total of 18 days after this Order was mailed to you), with the Kansas Department of Agriculture, Attn: Legal Section, 1320 Research Park Drive, Manhattan, Kansas 66502, or by FAX (785) 564-6777.

If you do not file a request for an evidentiary hearing before the Chief Engineer, you may petition for administrative review of the Order by the Secretary of Agriculture. A petition for review shall be in writing and state the basis for requesting administrative review. The request for review may be denied if the request fails to clearly establish factual or legal issues for review. See K.S.A. 77-527. The petition must be filed within 30 days after service of this Order as provided in K.S.A. 77-531 (i.e., within a total of 33 days after this Order was mailed to you), and be filed with the Secretary of Agriculture, Attn: Legal Division, Kansas Department of Agriculture, 1320 Research Park Drive, Manhattan, Kansas 66502, or by FAX (785) 564-6777.

If neither a request for an evidentiary hearing nor a petition for administrative review is filed as set forth above, then this Order shall be effective and become a final agency action as defined in K.S.A. 77-607(b). Failure to timely request either an evidentiary hearing or administrative review may preclude further judicial review under the Kansas Judicial Review Act.

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 December, 2017, in Topeka, Shawnee County, Kansas.



*David W. Barfield*  
\_\_\_\_\_  
David W. Barfield, P.E.  
Chief Engineer  
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 December, 2017, by David W. Barfield, P.E., Chief Engineer, Division of Water Resources, Kansas Department of Agriculture.



*Karen Hunter*  
\_\_\_\_\_  
Notary Public

**CERTIFICATE OF SERVICE**

On this 13<sup>th</sup> day of December, 2017, I hereby certify that the attached Approval of Application for the Change in Place of Use, File No. 44,515, dated Dec. 11<sup>th</sup> 2017 was mailed postage prepaid, first class, US mail to the following:

KINSLEY READY MIX INC  
ATTN RUSSELL STRATE  
220 W 10TH ST  
KINSLEY KS 67547

With photocopies sent to:

Stafford Field Office  
Groundwater Management District No. 5

*Danielle Wilson*  
\_\_\_\_\_  
Division of Water Resources

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

**APPLICATION FOR APPROVAL TO  
CHANGE THE PLACE OF USE, THE  
POINT OF DIVERSION OR THE USE  
MADE OF THE WATER UNDER AN  
EXISTING WATER RIGHT**



State of Kansas

**Filing Fee Must Accompany the Application**  
(Please refer to Fee Schedule on signature page of application form.)

Paragraph Nos. 1, 2, 3, 4 & 8 must be completed. Complete all other applicable portions. A topographic map or detailed plat showing the authorized and proposed points(s) of diversion and /or place of use must accompany this application.

1. Application is hereby made for approval of the Chief Engineer to change the \_\_\_\_\_
- (Check one or more)  Place of Use  
 Point of Diversion  
 Use Made of Water

WATER RESOURCES RECEIVED  
OCT 20 2016 12:00  
KS DEPT OF AGRICULTURE  
WATER RESOURCES RECEIVED  
OCT 20 2016 12:42  
KS DEPT OF AGRICULTURE  
**UNACCEPTABLE FOR PRIORITY**

File No. 44,515

2. Name of applicant: KINSLEY READY MIX INC

Address: 220 W 10TH ST

City, State and Zip: KINSLEY, KS 67547

Phone Number: (620)659-2251 E-mail address: STRATECONST@SBLGLOBAL.NET

What is your relationship to the water right;  owner  tenant  agent  other? If other, please explain. \_\_\_\_\_

Name of water use correspondent: Same as applicant

Address: \_\_\_\_\_

City, State and Zip: \_\_\_\_\_

Phone Number: ( ) \_\_\_\_\_ E-mail address: \_\_\_\_\_

3. The change(s) proposed herein are desired for the following reasons (please be specific): Sand pit excavated into area not authorized on original Place of Use Map. Change needed to cover currently un-authorized area.

A reduction will be completed on Place of Use (Reducing area from 44 to 43 acres) pending approval of new industrial application which requires an offset. Reduction request being filed seperately.

The change(s) (was) (will be) completed by ASAP (Date)

For Office Use Only:															
F.O.	<u>2</u>	GMD	<u>5</u>	Meets K.A.R. 5-5-1	(YES / NO)	Use	<u>IND</u>	Source	<u>G/S</u>	County	<u>ED</u>	By	<u>KAB</u>	Date	<u>10/17/16</u>
Code	<u>CPU</u>	Fee \$	<u>200</u>	TR #	<u>17009862</u>	Receipt Date	<u>10/20/16</u>	Check #	<u>33518</u>						

APPROVED BY  
11/3/17  
RAC

4. The presently authorized place of use is:

Owner of Land — NAME: KINSLEY READY MIX INC

ADDRESS: 220 W 10TH ST KINSLEY, KS 67547

Sec.	Twp.	Range	NE¼				NW¼				SW¼				SE¼				TOTAL ACRES
			NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	
35	24S	19W	Sand and gravel pit located in the North Half (1/2) of Section 35																44

List any other water rights that cover this place of use. Partial PU overlap with File No. 41,051

Owner of Land — NAME: \_\_\_\_\_

ADDRESS: \_\_\_\_\_

Sec.	Twp.	Range	NE¼				NW¼				SW¼				SE¼				TOTAL ACRES
			NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	

List any other water rights that cover this place of use. \_\_\_\_\_

(If there are more than two landowners, attach additional sheets as necessary.)

5. It is proposed that the place of use be changed to:

Owner of Land — NAME: KINSLEY READY MIX INC

ADDRESS: 220 W 10TH ST KINSLEY, KS 67547

Sec.	Twp.	Range	NE¼				NW¼				SW¼				SE¼				TOTAL ACRES
			NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	
35	24S	19W	Sand and gravel pit located in the Northeast Quarter (NE 1/4) of Section 35																44

List any other water rights that cover this place of use. Partial PU overlap with File No. 41,051

Owner of Land — NAME: \_\_\_\_\_

ADDRESS: \_\_\_\_\_

Sec.	Twp.	Range	NE¼				NW¼				SW¼				SE¼				TOTAL ACRES
			NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	

List any other water rights that cover this place of use. \_\_\_\_\_

**IF MORE SPACE IS NEEDED, ATTACH ADDITIONAL SHEETS AS NECESSARY**



- 6. The presently authorized point(s) of diversion is 1 sand and gravel pit  
(Provide description and number of points)
- 7. The proposed point(s) of diversion (is) (are) N.A.  
(Provide description and number of points)

List all presently authorized point(s) of diversion:

8. **Presently authorized point of diversion:**  
 One in the SE Quarter of the NW Quarter of the NE Quarter of Section 35, Township 24 South, Range 19 W, in Edwards County, Kansas, 4500 feet North 1500 feet West of Southeast corner of section.  
 Authorized Rate Nat. Evap. Authorized Quantity 45.6 Mil G  
 (DWR use only: Computer ID No. \_\_\_\_\_ GPS \_\_\_\_\_ feet North \_\_\_\_\_ feet West)  
 This point will not be changed     This point will be changed as follows:  
**Proposed point of diversion: (Complete only if change is requested)**  
 One in the \_\_\_\_\_ Quarter of the \_\_\_\_\_ Quarter of the \_\_\_\_\_ Quarter of Section \_\_\_\_\_, Township \_\_\_\_\_ South, Range \_\_\_\_\_ (E/W), in \_\_\_\_\_ County, Kansas, \_\_\_\_\_ feet North \_\_\_\_\_ feet West of Southeast corner of section.  
 Proposed Rate \_\_\_\_\_ Proposed Quantity \_\_\_\_\_  
 This point is:  Additional Well     Geo Center    List other water rights that will use this point \_\_\_\_\_

9. **Presently authorized point of diversion:**  
 One in the \_\_\_\_\_ Quarter of the \_\_\_\_\_ Quarter of the \_\_\_\_\_ Quarter of Section \_\_\_\_\_, Township \_\_\_\_\_ South, Range \_\_\_\_\_ (E/W), in \_\_\_\_\_ County, Kansas, \_\_\_\_\_ feet North \_\_\_\_\_ feet West of Southeast corner of section.  
 Authorized Rate \_\_\_\_\_ Authorized Quantity \_\_\_\_\_  
 (DWR use only: Computer ID No. \_\_\_\_\_ GPS \_\_\_\_\_ feet North \_\_\_\_\_ feet West)  
 This point will not be changed     This point will be changed as follows:  
**Proposed point of diversion: (Complete only if change is requested)**  
 One in the \_\_\_\_\_ Quarter of the \_\_\_\_\_ Quarter of the \_\_\_\_\_ Quarter of Section \_\_\_\_\_, Township \_\_\_\_\_ South, Range \_\_\_\_\_ (E/W), in \_\_\_\_\_ County, Kansas, \_\_\_\_\_ feet North \_\_\_\_\_ feet West of Southeast corner of section.  
 Proposed Rate \_\_\_\_\_ Proposed Quantity \_\_\_\_\_  
 This point is:  Additional Well     Geo Center    List other water rights that will use this point \_\_\_\_\_

10. **Presently authorized point of diversion:**  
 One in the \_\_\_\_\_ Quarter of the \_\_\_\_\_ Quarter of the \_\_\_\_\_ Quarter of Section \_\_\_\_\_, Township \_\_\_\_\_ South, Range \_\_\_\_\_ (E/W), in \_\_\_\_\_ County, Kansas, \_\_\_\_\_ feet North \_\_\_\_\_ feet West of Southeast corner of section.  
 Authorized Rate \_\_\_\_\_ Authorized Quantity \_\_\_\_\_  
 (DWR use only: Computer ID No. \_\_\_\_\_ GPS \_\_\_\_\_ feet North \_\_\_\_\_ feet West)  
 This point will not be changed     This point will be changed as follows:  
**Proposed point of diversion: (Complete only if change is requested)**  
 One in the \_\_\_\_\_ Quarter of the \_\_\_\_\_ Quarter of the \_\_\_\_\_ Quarter of Section \_\_\_\_\_, Township \_\_\_\_\_ South, Range \_\_\_\_\_ (E/W), in \_\_\_\_\_ County, Kansas, \_\_\_\_\_ feet North \_\_\_\_\_ feet West of Southeast corner of section.  
 Proposed Rate \_\_\_\_\_ Proposed Quantity \_\_\_\_\_  
 This point is:  Additional Well     Geo Center    List other water rights that will use this point \_\_\_\_\_

- 11. Describe the current condition of and future ~~plans~~ plans for any point(s) of diversion which will no longer be used. N.A.

IF MORE SPACE IS NEEDED, ATTACH ADDITIONAL SHEETS AS NECESSARY

WATER RESOURCES  
 RECEIVED  
 UNACCEPTABLE FOR PRIORITY SCANNED  
 OCT 1 2016  
 KS DEPT OF AGRICULTURE

12. The presently authorized use of water is for Industrial purposes.

It is proposed that the use be changed to N.A. purposes.

13. If changing the place of use and/or use made of water, describe how the consumptive use will not be increased.

Authorized size of pit not increasing, change is to cover currently un-authorized area of pit.

(Please show any calculations here.)

14. It is requested that the maximum annual quantity of water be reduced to N.A. (acre-feet or million gallons).

15. It is requested that the maximum rate of diversion of water be reduced to N.A. gallons per minute (\_\_\_\_ c.f.s.).

16. The application must include either a topographic map or detailed plat. A U.S. Geological Survey Topographic Map, scale 1:24,000, is available through the Kansas Geological Survey, 1930 Constant Avenue, University of Kansas, Lawrence, Kansas 66047-3726 ([www.usgs.gov](http://www.usgs.gov)). The map should show the location of the presently authorized point(s) of diversion. Distances North and West of the Southeast corner of the section must be shown. The presently authorized place of use should also be shown. Identify the center of the section, the section lines and the section corners and show the appropriate section, township, and range numbers on the map. In addition the following information must also be shown on the map.

a. If a change in the location of the point(s) of diversion is proposed, show:

- 1) The location of the proposed point(s) of diversion. Distances North and West of the Southeast corner of the section must be shown. Please be certain that the information shown on the map agrees with the information shown in Paragraph Nos. 9, 10 and 11 of the application.
- 2) If the source of supply is groundwater, please show the location of existing water wells of any kind, including domestic wells, within 1/2 mile of the proposed well or wells. Identify each well as to its use and furnish name and mailing address of the property owner or owners. If there are no wells within 1/2 mile, please indicate so on the map.
- 3) If the source of supply is surface water, the names and mailing addresses of all landowner(s) 1/2 mile downstream and 1/2 mile upstream from your property lines must be shown.

b. If a change in the place of use is desired, show the proposed place of use by crosshatching on the map. Please be certain that the information shown on the map agrees with the information shown in Paragraph No. 5 of the application.

17. Attach documentation to show the change(s) proposed herein will not impair existing water rights and relates to the same local source of supply as to which the water right relates. This information may include statements, plats, geology reports, well logs, test hole logs, and other information as necessary information to show the above. Additional comments may be made below.

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18. If the proposed change(s) does not meet all applicable rules and regulations of the Kansas Water Appropriation Act, please identify the rules and regulations for which you request a waiver. State the reason why a waiver is needed and why the request should be granted. Attach documentation showing that granting the request will not impair existing water rights and will not prejudicially and unreasonably affect the public interest.

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**IF MORE SPACE IS NEEDED, ATTACH ADDITIONAL SHEETS AS NECESSARY**

Any use of water that is not as authorized by the water right or permit to authorize water **before** the chief engineer approves this application is a violation of the Kansas Water Appropriation Act for which criminal or civil penalties may be assessed. Such violation is a class C misdemeanor, punishable by a fine not to exceed \$500 and/or a term of confinement not to exceed one month in the county jail. K.S.A. 82a-728(b). Civil penalties shall be not less than \$100 nor more than \$1,000 per violation. In the case of a continuing violation, each day such violation continues may be deemed a separate violation. In addition to these penalties the water right may be modified or suspended. K.S.A. 82a-737, as amended.

The application must be signed by all owners of the place of use authorized under the water right and his or her spouse, if married. Please indicate if there is no spouse. If land is being purchased under contract, the seller must sign as landowner until such time as the contract is completed.

In the event that all applicants cannot appear before one notary public, they may as necessary sign separate copies of the application before any notary public conveniently available to them. All copies signed in this manner shall be considered to be valid parts of the application.

If the request is signed on behalf of any Owner by someone with legal authority to do so (for example, an agent, one who has power of attorney, or an executor, executrix, conservator), it will be necessary to attach proper documents showing such authority.

I declare that I am an owner of the currently authorized place of use as identified herein, or that I represent all such owners and am authorized to make this application on their behalf, and declare further that the statements contained herein are true, correct, and complete. By filing this application I authorize the chief engineer to permanently reduce the quantity of water and/or rate of diversion as specified in sections 14 and 15 of this application.

Dated at KINSLEY, Kansas, this 7 day of OCTOBER, 2016.

KINSLEY READY MIX INC  
(Owner)

(Please Print)

Tweed Smith  
(Owner)

RUSSELL STRATE  
(Please Print)

(Owner)

(Please Print)

NA  
(Spouse)

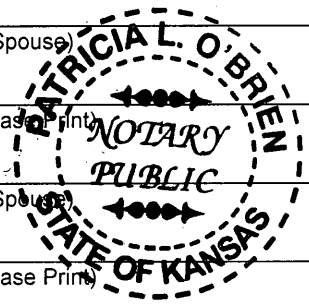
(Please Print)

(Spouse)

(Please Print)

(Spouse)

(Please Print)



State of Kansas }  
County of Edwards } SS

I hereby certify that the foregoing application was signed in my presence and sworn to before me this 7<sup>TH</sup> day of October, 2016.

Patricia L. O'Brien  
Notary Public

My Commission Expires 10-16-2017

FEE SCHEDULE

Each application to change the place of use, the point of diversion or the use made of the water under this section shall be accompanied by the application fee set forth in the schedule below:

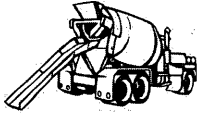
- (1) Application to change a point of diversion 300 feet or less ..... \$100
- (2) Application to change a point of diversion more than 300 feet ..... \$200
- (3) Application to change the place of use ..... \$200
- (4) Application to change the use made of the water ..... \$300

Make check payable to **Kansas Department of Agriculture WATER RESOURCES RECEIVED**

OCT 20 2016

KS DEPT OF AGRICULTURE

WATER RESOURCES RECEIVED  
UNACCEPTABLE FOR PRIORITY  
OCT 20 2016  
SCANNED DEPT OF AGRICULTURE



# KINSLEY READY MIX, INC.

Sand & Gravel Products  
Ready Mix Concrete



220 W. 10th St. • KINSLEY, KANSAS 67547 • 620-659-2251 • FAX 620-659-2999

10-17-2016

attention: Christian Bork  
Division of Water Resources

WATER RESOURCES  
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OCT 20 2016

KS DEPT OF AGRICULTURE

Enclosed is our check # 33518 in the amount of \$200.00 to replace our check # 33516 that was in the amount of \$300.00. Please destroy this check. If you have any questions, please call.

Patricia O'Brien  
Office Manager

## Krueger, Richelle

---

**From:** Lanterman, Jeff [KDA]  
**Sent:** Wednesday, December 6, 2017 10:10 AM  
**To:** Krueger, Richelle [KDA]; Conant, Cameron [KDA]  
**Subject:** FW: Request for Recommendation Change in PU File No. 44515 Kinsley Ready Mix, Inc.  
**Attachments:** 44515indpumempit.doc; 44515 app map.pdf

Richelle;

These are good to go. I was there at the GMD meeting they were discussed and they (amazingly for non irr rights) flew through.

Anyway I concur with this approve them.

Jeff

---

**From:** Conant, Cameron [KDA]  
**Sent:** Wednesday, December 6, 2017 9:55 AM  
**To:** Lanterman, Jeff [KDA] <Jeff.Lanterman@ks.gov>  
**Subject:** FW: Request for Recommendation Change in PU File No. 44515 Kinsley Ready Mix, Inc.

Jeff, this is the ED County sand pit operation that Matt worked closely with you on to get it all lined out. This p/u change was to cover a small bit of area that they dredged into without authorization. This change cleans that up and paves the way for the rest of the packet of applications...

Not 100% sure of the order here, but I think we have to get this P/U change approved first. Then the voluntary reduction can be approved, then the new app and dismissal can be approved. Matt has sent the reduction request, new app, and dismissal on to HQ so they should be ready to go once this p/u is done.

I think the p/u change can be recommended for approval. GMD has recommended approval on this and it cleans up an existing unauthorized p/u issue as well as sets up for the remainder of the applications to be approved.

Please pass on to Richelle if you agree. If you don't recall all this, let me know and we can look it over in a more detailed fashion.

Thanks, Cameron

---

**From:** Krueger, Richelle  
**Sent:** Tuesday, November 7, 2017 1:40 PM  
**To:** Lanterman, Jeff <Jeff.Lanterman@ks.gov>  
**Cc:** Conant, Cameron <Cameron.Conant@ks.gov>; Meier, Matt <Matt.Meier@ks.gov>; Baum, Kristen <Kristen.Baum@ks.gov>; Turney, Brent <Brent.Turney@ks.gov>  
**Subject:** Request for Recommendation Change in PU File No. 44515 Kinsley Ready Mix, Inc.

Hi Jeff,

Attached is the draft memo for the referenced change in place of use, do you recommend approval? I will put the approval documents for this change together with the reduction in pu for File No. 44515 and Application File No. 49717 when they arrive in MHK HQ.

## Krueger, Richelle

---

**From:** Orrin Feril <oferil@gmd5.org>  
**Sent:** Friday, November 3, 2017 11:35 AM  
**To:** Krueger, Richelle  
**Subject:** Application for Change, Water Right, File No. 44515  
**Attachments:** 44515 2017-11-03 Rec.pdf

Richelle,

I'm attaching the recommendation requested by your office in a letter dated October 27, 2017. Please let me know if you have any questions.

Thank you for your consideration in this matter,

Orrin

--

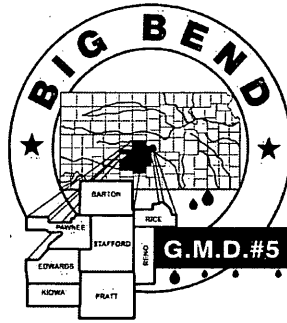
Orrin Feril  
Manager  
Big Bend GMD#5  
Email: oferil@gmd5.org  
Phone: (620) 234-5352  
Mobile: (620) 388-0172  
Fax: (620) 234-5718  
www.gmd5.org

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NOV 03 2017

KS DEPT OF AGRICULTURE

Darrell Wood - Edwards (Pres.)  
Fred Grunder - Pratt (V Pres.)  
John Janssen - Kiowa (Treas.)  
Jerry Cullop - Rice  
Justin Gatz - Reno  
Kent Lamb - Stafford  
Phil Martin - Barton  
Bob Standish - Pawnee  
Tom Taylor - At-Large



Orrin Feril, Manager  
125 South Main Street  
Stafford, Kansas 67578  
ph: (620) 234-5352  
fx: (620) 234-5718  
gmd5@gmd5.org  
www.gmd5.org

November 3, 2017

Richelle Krueger  
Division of Water Resources  
Kansas Department of Agriculture  
1320 Research Park Drive  
Manhattan, KS 66502

RE: Water Right File No. 44,515  
Change in the Place of Use

Dear Ms. Krueger,

Big Bend Groundwater Management District #5 has reviewed the above referenced application to change the place of use. It is the understanding of the District that the intent of this change is to better represent the current area of the sand pit. Therefore, the application appears to be consistent with 5-25-20(b) and is recommended for approval.

Please feel free to give me a call if you have any questions.

Sincerely,

Orrin Feril  
Manager

WATER RESOURCES  
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NOV 03 2017

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

October 27, 2017

**FILE COPY**

BIG BEND GROUNDWATER  
MANAGEMENT DISTRICT NO 5  
ATTN ORRIN FERIL  
125 S MAIN  
STAFFORD KANSAS 67578

Re: Water Right, File No. 44,515

Dear Orrin:

We are enclosing a copy of the application to change the place of use for File No. 44,515.

We are delaying further action for a period of 15 days from the date of this letter to allow you time to submit your recommendations concerning this application.

Please submit your recommendations within the allowed time, or any authorized extension of time thereof. If you have any questions, please contact me at (785) 564-6635. If you call, please reference the file number so we can help you more efficiently.

Sincerely,

Richelle A. Krueger  
Environmental Scientist  
Water Appropriation Program

Enclosures

pc: Stafford Field Office

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Manhattan, Kansas 66502  
(785) 564-6700



900 SW Jackson, Room 456  
Topeka, Kansas 66612  
(785) 296-3556

Jackie McClaskey, Secretary

Governor Sam Brownback

October 27, 2017

RODNEY G & TERESA L GARTUNG JT  
801 BRIGGS AVE  
KINSLEY KS 67547

**FILE COPY**

RE: Water Right, File No. 44,515

Dear Sir or Madam:

This is to advise you that Russell Strate, on behalf of Kinsley Ready Mix, Inc. has filed an application for approval of the Chief Engineer, Division of Water Resources, Kansas Department of Agriculture, to change the authorized place of use under the above referenced file number.

Effective July 1, 2016, Senate Bill No. 337 enacted by the Legislature of the State of Kansas requires the Division of Water Resources to notify all water right owners with a point of diversion within half a mile of a water right pending a request to change the water right. In order to comply with the statute, you are being notified of the above referenced application for change.

If you have any questions, please contact me at (785) 564-6635. If you call, please reference the file number so we can help you more efficiently.

Sincerely,

Richelle A. Krueger  
Environmental Scientist  
Water Appropriation Program

RAK

pc: Stafford Field Office  
Groundwater Management District No. 5  
Kinsley Ready Mix Inc., Attn Russell Strate

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

October 27, 2017

WILLIAM AND JANET STRAWN  
1231 US HIGHWAY 50  
KINSLEY KS 67547

RE: Water Right, File No. 44,515

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Sincerely,

Richelle A. Krueger  
Environmental Scientist  
Water Appropriation Program

RAK

pc: Stafford Field Office  
Groundwater Management District No. 5  
Kinsley Ready Mix Inc., Attn Russell Strate

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

October 27, 2017

JORGE AND MARIA HOLGUIN  
1209 US HIGHWAY 50  
KINSLEY KS 67547

RE: Water Right, File No. 44,515

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Sincerely,

Richelle A. Krueger  
Environmental Scientist  
Water Appropriation Program

RAK

pc: Stafford Field Office  
Groundwater Management District No. 5  
Kinsley Ready Mix Inc., Attn Russell Strate

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Manhattan, Kansas 66502  
(785) 564-6700



900 SW Jackson, Room 456  
Topeka, Kansas 66612  
(785) 296-3556

Jackie McClaskey, Secretary

Governor Sam Brownback

October 27, 2017

TROY AND TAMMI SIDEBOTTOM  
1218 US HIGHWAY 50  
KINSLEY KS 67547

RE: Water Right, File No. 44,515

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Sincerely,

Richelle A. Krueger  
Environmental Scientist  
Water Appropriation Program

RAK

pc: Stafford Field Office  
Groundwater Management District No. 5  
Kinsley Ready Mix Inc., Attn Russell Strate

SCANNED

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Topeka, Kansas 66612  
(785) 296-3556

Jackie McClaskey, Secretary

Governor Sam Brownback

October 27, 2017

RODNEY STRATE  
1229 120<sup>TH</sup> AVE  
KINSLEY KS 67547

RE: Water Right, File No. 44,515

Dear Sir or Madam:

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If you have any questions, please contact me at (785) 564-6635. If you call, please reference the file number so we can help you more efficiently.

Sincerely,

A handwritten signature in black ink that reads "Richelle A. Krueger".

Richelle A. Krueger  
Environmental Scientist  
Water Appropriation Program

RAK

pc: Stafford Field Office  
Groundwater Management District No. 5  
Kinsley Ready Mix Inc., Attn Russell Strate

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

October 21, 2016

KINSLEY READY MIX INC  
220 W 10TH ST  
KINSLEY, KS

RE: File No. 44515

Dear Sir or Madam:

An application for approval of the Chief Engineer to change the following condition or conditions of the file number referred to above has been received:

- place of use            PU
- point of diversion
- use made of water

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. You will be contacted regarding this application as soon as it has been examined.

In accordance with the provisions of the Kansas Water Appropriation Act, a portion of which is included below, the use of water prior to approval of the application is unlawful. You should not proceed and divert water as indicated by your plans in your application for a change for this file until you receive approval for this change from the Chief Engineer. 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,

A handwritten signature in cursive script that reads "Brent A. Turney".

Brent A Turney, L.G.  
Change Applications Unit Supervisor  
Water Appropriation Program

BAT: dlw

SCANNED



1320 Research Park Drive  
Manhattan, Kansas 66502  
(785) 564-6700

900 SW Jackson, Room 456  
Topeka, Kansas 66612  
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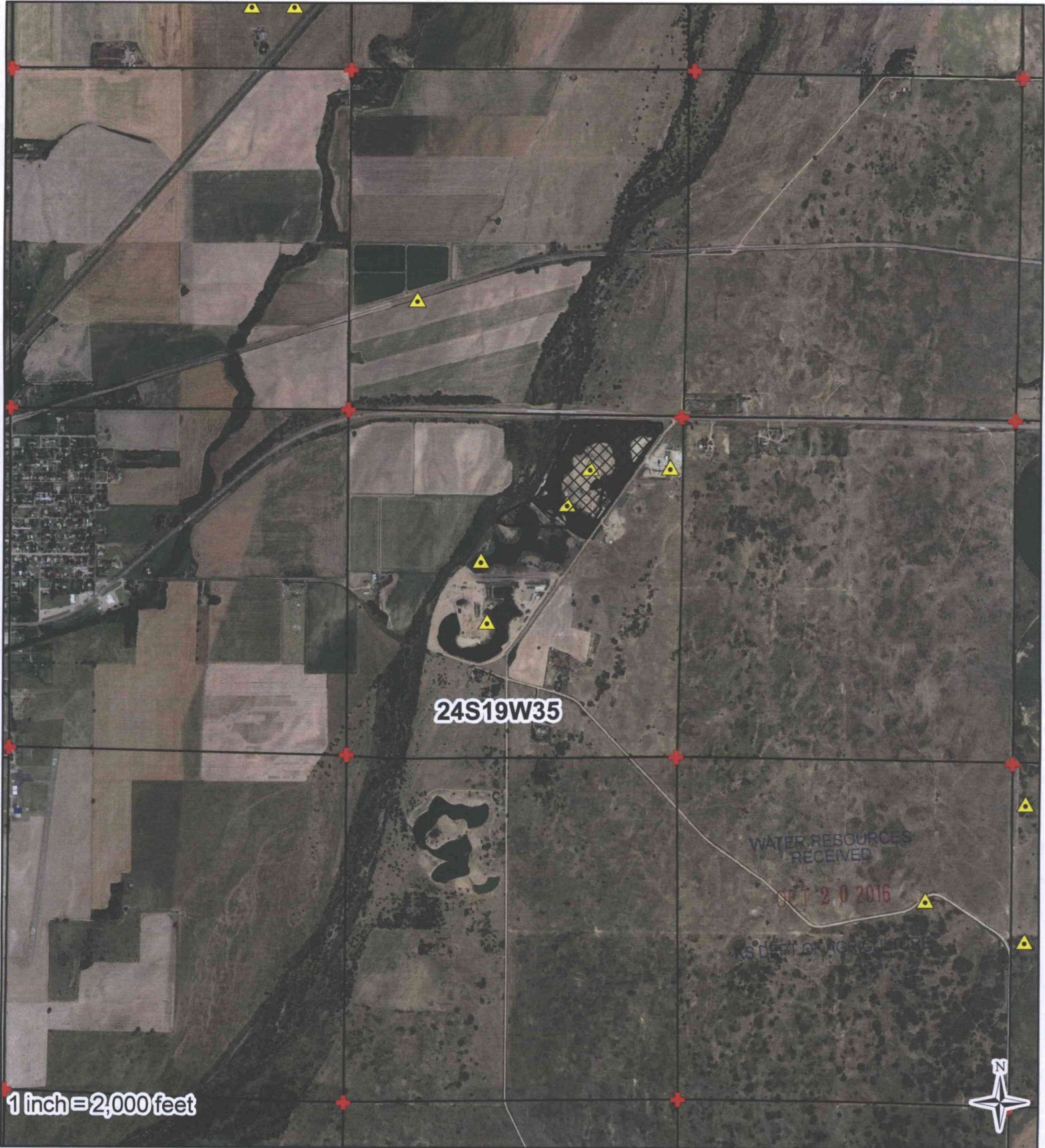
Jackie McClaskey, Secretary

Governor Sam Brownback

pc: STAFFORD Field Office GMD 5



**File No. 44,515 PU Change**



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
- SFFOsec\_corners
- Proposed Place Of Use
- Authorized Place Of Use

*Travel Scott* \_\_\_\_\_ 10-7-2016

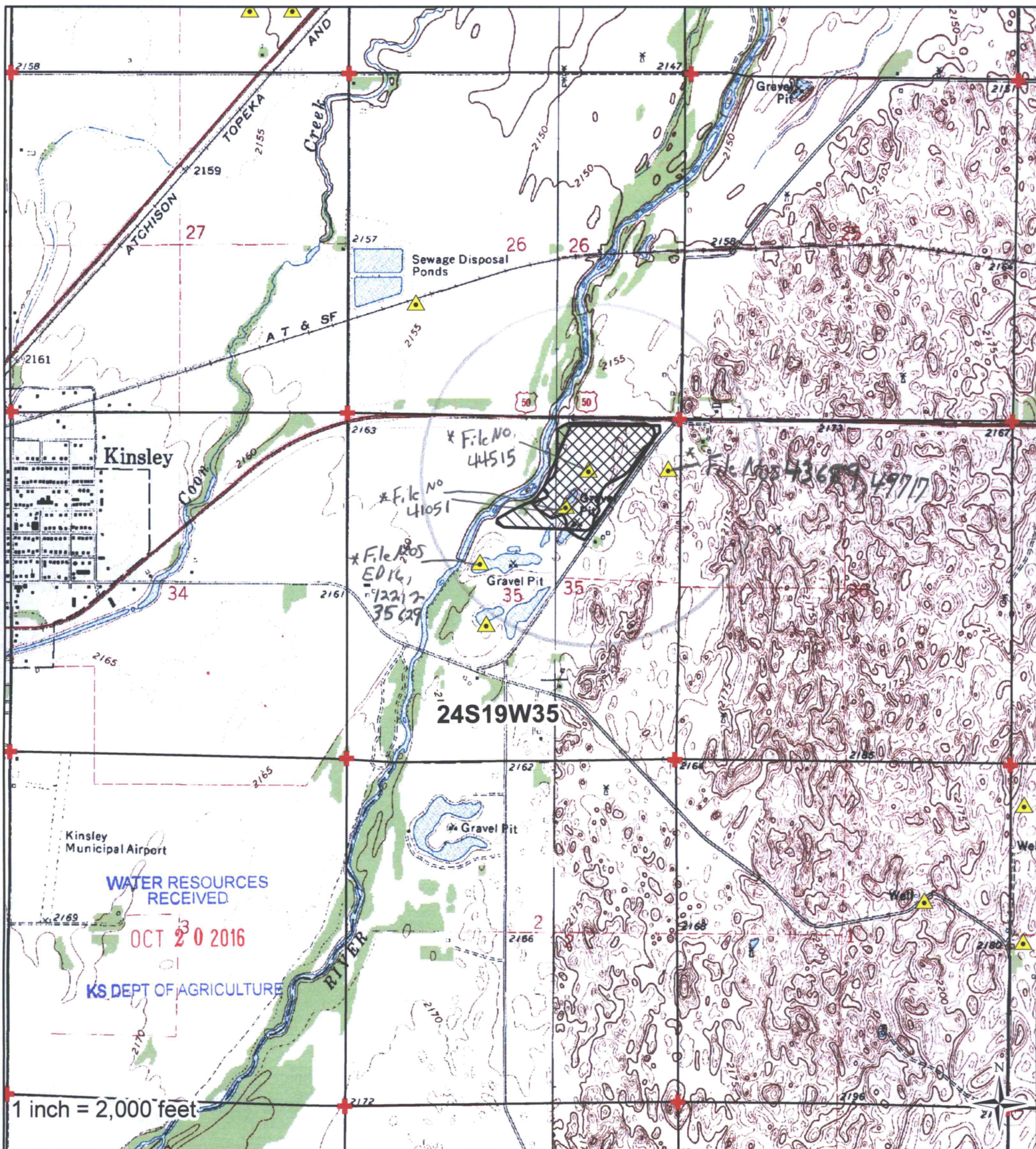
Signature Date  
 0 800 1,600 3,200 4,800 6,400 Feet

Created By: Matt Meier  
 F.O. 2016  
 Date: 9/16/2016  
**UNACCEPTABLE FOR PROPOSED**  
**WATER RESOURCES RECEIVED**  
**OCT 12 0 2016**  
**KS DEPT OF AGRICULTURE**

KS DEPT OF AGRICULTURE



**File No. 44,515 PU Change**



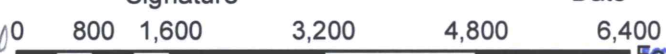
I declare that all water wells or diversion sites using the same source of supply and within 1/2 mile of the proposed point of diversion have been plotted on the application map.

- Proposed PD
- ▲ Water Rights
- + SFFOsec\_corners
- Proposed Place of Use
- Authorized Place of Use

*Truett Scott*  
Signature

10-7-2016  
Date

Created By: Matt Meier  
Date: 9/16/2016



UNACCEPTABLE

WATER RESOURCES RECEIVED

OCT 17 2016

PRIORITY

SCANNED

DEPT OF AGRICULTURE

*circle added per WAIS 1/2 mile*  
*\* ROK/own 10/26/17*