

KANSAS DEPARTMENT OF AGRICULTURE
Division of Water Resources

MEMORANDUM

TO: Files

DATE:

August 3, 2018

FROM: Alex Whitesell

RE:

Term Permit, File No. 20189005

Darren Booth filed the above referenced Term Permit, proposing the appropriation of 23.657 million gallons (72.6 acre-feet) of groundwater at a rate of 40 gallons per minute for contamination remediation use in the Walnut River Basin in Butler County. The quantity has been reduced to **21.024 mgy (64.52 AF)** to reflect the rate of 40 gpm pumped 24/7/365.

The applicant noted term permit file no. 889008-B, which expired in 1992, as an overlapping point of diversion. Term permit file no. 939095 expired in July 22, 2017 and has the same place of use as the proposed permit and this new permit has more accurate feet distances for the point of diversion. The remediation project uses one well that is processed through an air stripper. The treated wastewater then flows into a series of ponds before finally discharging into Brush Creek.

The quantity was calculated as follows: 40 gpm X 60 min X 24 hours per day X 365 days = 21.024 mgy or 64.5 AF

The application originally requested a five year period of use but has modified to reflect a 20 year period of use, until February 6, 2038. The application is now subject to safe yield. There is only 189.68 acre-feet of water appropriated within two miles of the point of diversion; therefore, it appears that there will be no problem meeting safe yield.

The application is subject to well spacing, as required by K.A.R. 5-4-4. There are no other appropriated wells within 1,320 feet, nor domestic wells reported within 660 feet of the proposed well. WWC-5 records indicate two domestic wells that are within 660 feet of the proposed point of diversion, however, they are owned by the applicant. Therefore, the application complies with well spacing requirements.

In an email message dated August 3, 2018, Jeff Lanterman, Water Commissioner of the Stafford Field Office recommended approval of the application.

Based on the above discussion and the available information, it is recommended that the referenced application be approved.



Alex Whitesell
Environmental Scientist
Division of Water Resources

STATE OF KANSAS

DEPARTMENT OF AGRICULTURE
1320 RESEARCH PARK DRIVE
MANHATTAN, KS 66502
PHONE: (785) 564-6700
FAX: (785) 564-6777



900 SW JACKSON, ROOM 456
TOPEKA, KS 66612
PHONE: (785) 296-3556
www.agriculture.ks.gov

GOVERNOR JEFF COLYER, M.D.
JACKIE McCLASKEY, SECRETARY OF AGRICULTURE

LUBRICATION ENGINEERS INC
V P MANUFACTURING OPER
PO BOX 16447/1919 E TULSA
WICHITA KS 67216

September 6, 2018

FILE COPY

Re: Term Permit, File Nos. 20189004 and 20189005

Dear Sir or Madam:

Your applications for a term permits to appropriate water for beneficial use have been examined, approved, and are being returned herewith for your records. Your attention is directed to the enclosures and to the terms, conditions, and limitations specified in Exhibit A of these permits.

The approval of your applications constitutes term permits to appropriate water for beneficial use as set forth in the applications. It does not constitute authority under K.S.A. 82a-301 through 305a, to construct any dam or other obstruction. It does not give authority to access any right-of-way, or authorize injury to, or trespass upon, public or private property, nor does it obviate the necessity of obtaining assent from Federal or Local Governmental authorities, when necessary. Please be advised that K.S.A. 82a-728 sets forth, in essence, that it is unlawful to divert or threaten to divert water for the type of use you propose without first acquiring approval of the Chief Engineer of the Division of Water Resources.

An acceptable water meter is required and shall be installed on the diversion works authorized by these term permits in accordance with Kansas Administrative Regulations 5-1-4 through 5-1-12, and it shall be installed prior to water being put to beneficial use. Notification of installation of the meters must be received in the office of the Chief Engineer within thirty (30) days of installation of the meter. A form for this purpose and for your convenience is enclosed. Accurate and complete records from which the quantity of water diverted during each calendar year may be readily determined, shall be maintained by the applicant, and the applicant shall file an annual water use report with the Chief Engineer by March 1, following the end of each calendar year. Failure to file the annual water use report by the due date, shall cause the applicant to be subject to a civil penalty.

If you have any questions, please contact our office. If you wish to discuss this specific file, please have the file number ready so that we may help you more efficiently.

Sincerely,

Kristen A. Baum
New Application Unit Supervisor
Water Appropriation Program

KAB:ajw

Enclosures

pc: Stafford Field Office

APPLICATION COMPLETE
 8/3/18
 Reviewer ADW

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 TERM PERMIT Water Resources
 Received
 GROUNDWATER
 SURFACE WATER
 (check one)



FEB 20 2018 1:01
 State of Kansas

STATUTORY FILING FEE MUST ACCOMPANY THIS APPLICATION
 (Make check payable to the Kansas Department of Agriculture)

20189005

1. Applicant: (Please print or type)
 Name Darren Booth Lubrication Engineers Inc
 Street 1919 E Tulsa St.
 City and State Wichita, KS
 Zip Code 67215 Telephone No. (316) 529-6800
 E-Mail Address d.booth@le-inc.com
 Social Security I.D. No. _____
 and/or Taxpayer I.D. No. 75-0817172

4. Water is to be used for (briefly describe proposed use and explain the rate and quantity requested):
Groundwater remediation. An air stripper is in use to treat hydrocarbon contaminated groundwater.

5. Location of place of use:
203 Anita Potwin, KS Butler County

6. Period of use:
 Commencing date: 2/6/2018
 Ending Date: 2/6/2023 2/6/30 Also enter on Item 12

Geo center of 2 wells
 ↓

Location of Point of Diversion:
 Sec. 30, Twp. 24 South, Rng. 4 East, (E/W),
Butler County, Kansas.

Distance from Southeast Corner of Section:
2442.05 2492 feet North from Southeast Corner
2150.61 2160 feet West from Southeast Corner
 NOTE: If point of diversion is not site specific (i.e. groundwater pit) show the approximate geographic center.

2962
 2117

3. Water Use Data:
 Proposed Max. Pumping Rate (gpm) 40
 Amount Requested (acre-feet) 72.6 64.52 (21,024 mg) per calendar year
 Depth of Well (feet) 83
 Date (completed) (will be completed) 3-9-88
 Drainage Basin Brush Creek via Walnut Basin (Walnut River)
 Name of Stream Walnut River via Whitewater River via Brush Creek

If off-stream pit, check here .
 Will pit floor intersect water table? Yes No

7. Location of the proposed point of diversion and those of other water users within 1/2 mile shall be indicated on the diagram to the lower-left, scale 1 inch = 2,000 feet. If surface water, indicate on the diagram the course of the stream, and its name. List other D.W.R. permit numbers that cover the requested point(s) of diversion or place of use here:
889008-B RE-3

FEE SCHEDULE

- The filing fee for an application is based on the maximum amount of water use proposed within a year. Except for storage, the fee is:

Acre-feet	Fee
0-100	\$200.00
101-320	\$300.00
More than 320	\$300.00

 plus \$20 for each additional 100 acre-feet or any part thereof.
- The fee for an application in which storage is requested, is:

Acre-feet	Fee
0-250	\$200.00
More than 250	\$200.00

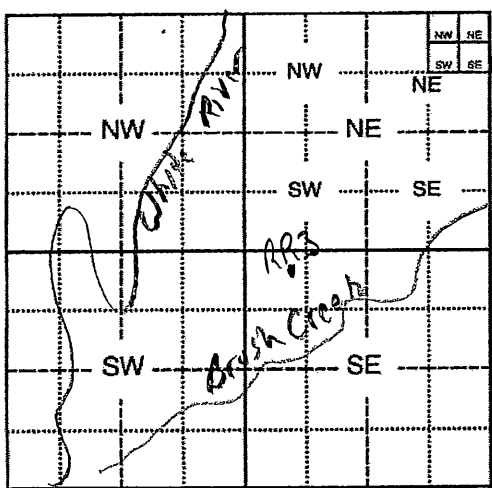
 plus \$20.00 for each additional 250 acre-feet of storage or any part thereof.

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.

- 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.
- A request for an extension of time to extend the term of a term permit shall be accompanied by a fee of \$100.00.
- There is a separate application form for domestic use. Do not use this form for domestic use.

CONVERSION FACTORS

1 acre-foot equals 325,851 gallons
 1 million gallons equal 3.07 acre-feet



* see 7/11/16 email. ADW

Assisted by _____

For Office Use Only:
 F.O. 2 GMD 0 Meets K.A.R. 5-3-1 (YES/NO) Use CON Source GS County BU By ADW Date 2/20/18
 Code TRP Fee \$ 200 TR # _____ Receipt Date 2/20/18 Check # 74066

SCANNED

3/8/2018 CCH

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

Other wells –

Well A Owner(s): None
Address: _____

Well B Owner(s): None
Address: _____

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

Tract A Owner(s): NA
Address: _____

Tract B Owner(s): NA
Address: _____

10. The owner of the point of diversion, if other than the applicant is (please print):

(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 February 8, 2018.

Darren Booth
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.

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

12. The applicant agrees to waive any right to a hearing on the matter of abandonment of this appropriation right and further agrees that this appropriation right may be dismissed and terminated upon completion of the proposed project, said dismissal date to be on February 6, 2023 or within any extension of time authorized by the Chief Engineer, Division of Water Resources, Kansas Department of Agriculture.

13. The applicant agrees to provide water to nearby water users, at no charge to said users, should their rights to use water become impaired by the project proposed by this application.

14. Water use contact person (in event emergency contact is needed):

Name: Darren Booth Telephone No. (316) 529-6800

Darren Booth
Signature of Applicant

or

Authorized Representative

2-8-18
Date

Darren Booth
Applicant's Name Printed

VP of Manufacturing Operations
Title

DO NOT WRITE BELOW THIS LINE

CONDITIONS OF APPROVAL:

The applicant shall maintain accurate and complete records from which the quantity of water diverted during each calendar year may be readily determined. Accurate and complete records shall be furnished to the Chief Engineer by March 1 following the end of each calendar year. Failure to file the annual water use report by the due date, shall cause the applicant to be subject to a civil penalty.

The use of water herein authorized shall not be made so as to impair any use under existing water rights nor prejudicially and unreasonably affect the public interest.

The Chief Engineer specifically retains jurisdiction in this matter with authority to make such reasonable reductions in the approved rate of diversion and quantity authorized, and such changes in other terms, conditions, and limitation set forth in this approval and permit to proceed as may be deemed to be in the public interest.

See Exhibit "A" for Additional Conditions of Term Permit File No. 20189005

APPLICATION APPROVED
PERMIT NUMBER: 20189005
DATE ISSUED: 8/30/18
EXPIRATION DATE: 02/06/2038
WATER METER REQUIRED: YES NO

CERTIFICATE OF SERVICE

On this 10th day of September, 2018, I hereby certify that the foregoing Approval of Term Permit, File No. 20189005, dated August 30th, 2018 was mailed postage prepaid, first class, US mail to the following:

LUBRICATION ENGINEERS INC
V P MANUFACTURING OPER
PO BOX 16447/1919 E TULSA
WICHITA KS 67216

With photocopies to:

Stafford Field Office



Division of Water Resources

Whitesell, Alex [KDA]

From: Lanterman, Jeff [KDA]
Sent: Friday, August 03, 2018 1:03 PM
To: Whitesell, Alex [KDA]
Cc: Conant, Cameron [KDA]
Subject: FW: Recomendation 20189004_05
Attachments: Memo to File 20189004.docx; Memo to File 20189005.docx

Alex. I approve of these contamination remediation terms.

Lets get that water cleaned up!

Do you know what they are cleaning up at this site? Since its and air stripper im guessing fuel or some kind of LNAPL?

From: Conant, Cameron [KDA]
Sent: Friday, August 3, 2018 11:36 AM
To: Lanterman, Jeff [KDA] <Jeff.Lanterman@ks.gov>
Subject: FW: Recomendation 20189004_05

Jeff, these are two 20 year term periods for remediation. This is an ongoing project that pulls water, utilizes an air stripper, then puts the treated water into a series of ponds before it discharges into Brush Creek. The original permits go back to the 1989 or so. There is only 66AF and 190 AF appropriated in these 2 terms 2 mile circles. Alex indicated SY should be good to go. Spacing is met to all nearby wells as far as we know so the applications have been modified to request 20 year term periods and Alex has revised the applications to show the correct quantity of water based on 24/7/365 operation with the applicant submitted rate of diversion.

Basically, this is just re-upping existing terms to clean up the water. One is requesting 202 AF (past 5 year average use is ~170 AF). The other is requesting ~65 AF (past 5 year average use is 64 AF when you throw out 1 year that reported 111AF??). We have had no complaints from area landowners and this project has been ongoing for nearly 30 years now, I think we can recommend them for approval. Please pass on to Alex if you agree.

Cameron

From: Whitesell, Alex [KDA]
Sent: Friday, August 3, 2018 10:35 AM
To: Conant, Cameron [KDA] <Cameron.Conant@ks.gov>
Subject: RE: Recomendation 20189004_05

Cameron,

I think this are a little cleaned up and modified for a 20 year period of use. The applicant was okay with that and safe yield was figure out and added to the memo.

Let me know what you think.

Alex

From: Conant, Cameron [KDA]
Sent: Thursday, August 02, 2018 1:08 PM

To: Whitesell, Alex [KDA]
Subject: RE: Recomendation 20189004_05

Bummer, forgot we needed SY if going over 5 years. What exactly would we say to justify it and do you think we would need a waiver and if so, do you think David/Kristen would be ok with a waiver?

We could say this remediation has been ongoing for 25 years with no complaints about localized impairment from any surrounding wells (domestic or permitted). There are 7 permitted wells within 2 miles of the remediation project, all of which are used for stock purposes at 2 different stock facilities. There are no permitted wells within 1 mile of the remediation project however the city of Potwin is within ½ mile of the remediation wells but it appears spacing of at least 660' is maintained to any nearby domestic wells. This may be sourced in kind of a very localized alluvium or perhaps Wellington??

You can call if you want and we can discuss it a bit. I'm not sure if it's better to just say oops and roll with 5 years or try to justify the 20 year term or just run a SY and see how that goes.

Cameron

From: Whitesell, Alex [KDA]
Sent: Thursday, August 2, 2018 12:16 PM
To: Conant, Cameron [KDA] <Cameron.Conant@ks.gov>
Subject: RE: Recomendation 20189004_05

Cameron,

They are okay with going to 20 years for these terms. I just realized that means safe yield considerations. There is really not a lot to go off, would you be okay with me mentioning that safe yield is required but not of consequence as this project is for remediation in the public interest?

From: Conant, Cameron [KDA]
Sent: Wednesday, August 01, 2018 4:25 PM
To: Whitesell, Alex [KDA]
Subject: RE: Recomendation 20189004_05

That works great!!

From: Whitesell, Alex [KDA]
Sent: Wednesday, August 1, 2018 4:24 PM
To: Conant, Cameron [KDA] <Cameron.Conant@ks.gov>
Subject: RE: Recomendation 20189004_05

Sorry I didn't see this earlier! Mind if I call you tomorrow morning?

From: Conant, Cameron [KDA]
Sent: Wednesday, August 01, 2018 2:20 PM
To: Whitesell, Alex [KDA]
Subject: FW: Recomendation 20189004_05

Alex, can you give me a call about these when you have a moment?

Where does 939094 and 939095 fit in to this remediation project? The footages from the SE corner on the 2018 terms don't match up with the old terms referenced on the application (889008-A & 889008-B) which expired in 1993, nor do they match up with the 939 terms that just expired last year.

I feel like this is going to be fine to approve these after a bit of clarification, but I want to make sure we are all on the same page with what is authorized, what is being replaced and what is overlapped...Maybe just call and we can discuss it a bit more. Thanks,

Cameron

From: Whitesell, Alex [KDA]
Sent: Thursday, July 12, 2018 2:50 PM
To: Lanterman, Jeff [KDA] <Jeff.Lanterman@ks.gov>; Conant, Cameron [KDA] <Cameron.Conant@ks.gov>
Subject: Recommendation 20189004_05

Good afternoon, could you please provide a recommendation on these term permits?

Thanks!

Alex Whitesell
Division of Water Resources
Kansas Department of Agriculture
1320 Research Park Drive
Manhattan, KS
(785) 564 - 6631

My email has changed alex.whitesell@ks.gov

Whitesell, Alex [KDA]

From: James Overheul <JOverheul@isienvironmental.com>
Sent: Thursday, August 02, 2018 11:16 AM
To: Whitesell, Alex [KDA]
Subject: RE: Term Permit - Darren Booth

Ok. Please proceed with the 20 year.

James Overheul
iSi Environmental
Manager, Safety and Industrial Hygiene
(o) 316-264-7050
(m) 316-706-1195
Email: joverheul@isienvironmental.com

From: Whitesell, Alex [KDA] [<mailto:Alex.Whitesell@ks.gov>]
Sent: Thursday, August 2, 2018 11:04 AM
To: James Overheul <JOverheul@isienvironmental.com>
Subject: RE: Term Permit - Darren Booth

Not for the area that these permits are located in.

From: James Overheul [<mailto:JOverheul@isienvironmental.com>]
Sent: Thursday, August 02, 2018 10:18 AM
To: Whitesell, Alex [KDA]
Subject: RE: Term Permit - Darren Booth

Are there any additional requirements if they opted for the 20 year?

James Overheul
iSi Environmental
Manager, Safety and Industrial Hygiene
(o) 316-264-7050
(m) 316-706-1195
Email: joverheul@isienvironmental.com

From: Whitesell, Alex [KDA] [<mailto:Alex.Whitesell@ks.gov>]
Sent: Thursday, August 2, 2018 9:10 AM
To: James Overheul <JOverheul@isienvironmental.com>
Subject: RE: Term Permit - Darren Booth

James, as the field office was reviewing these applications for approval, it was noted that these term permits could request a period of use of 20 years. Is that something that you would like to do for these two terms?

From: James Overheul [<mailto:JOverheul@isienvironmental.com>]
Sent: Wednesday, July 11, 2018 3:54 PM

To: Whitesell, Alex [KDA]
Subject: RE: Term Permit - Darren Booth

That will work.

James Overheul
iSi Environmental
Manager, Safety and Industrial Hygiene
(o) 316-264-7050
(m) 316-706-1195
Email: joverheul@isienvironmental.com

From: Whitesell, Alex [KDA] [<mailto:Alex.Whitesell@ks.gov>]
Sent: Monday, July 9, 2018 12:00 PM
To: James Overheul <JOverheul@isienvironmental.com>
Subject: RE: Term Permit - Darren Booth

James,

I hadn't looked closely enough at the second permit but have now noticed that the rate that you propose, 40 gpm, could not reach the quantity requested of 72.6 AF if pumped 24/7/365. Are you okay with me reducing the quantity to **64.52 AF (21.024 million gallons)?** That quantity is the 40 gpm x 60 min/hour x 24 hours/day x 365 days/year.

Please let me know if that will work.

From: James Overheul [<mailto:JOverheul@isienvironmental.com>]
Sent: Tuesday, July 03, 2018 2:11 PM
To: Whitesell, Alex [KDA]
Subject: RE: Term Permit - Darren Booth

Alex,
Here is the NPDES permit that describes how the water is discharged from the stripper.
Please let me know if you have any additional questions.

James Overheul
iSi Environmental
Manager, Safety and Industrial Hygiene
(o) 316-264-7050
(m) 316-706-1195
Email: joverheul@isienvironmental.com

From: Whitesell, Alex [KDA] [<mailto:Alex.Whitesell@ks.gov>]
Sent: Monday, July 2, 2018 1:01 PM
To: James Overheul <JOverheul@isienvironmental.com>
Subject: RE: Term Permit - Darren Booth

James,

I forgot to ask one question about the contamination remediation term permits. What is done with the water after it is run through the air stripper?

Thanks,

Alex

From: James Overheul [<mailto:JOverheul@isienvironmental.com>]
Sent: Monday, June 25, 2018 4:05 PM
To: Whitesell, Alex [KDA]
Subject: RE: Term Permit - Darren Booth

That will work just fine. I will call you.

James Overheul
iSi Environmental
Manager, Safety and Industrial Hygiene
(o) 316-264-7050
(m) 316-706-1195
Email: joverheul@isienvironmental.com

From: Whitesell, Alex [KDA] [<mailto:Alex.Whitesell@ks.gov>]
Sent: Monday, June 25, 2018 4:05 PM
To: James Overheul <JOverheul@isienvironmental.com>
Subject: RE: Term Permit - Darren Booth

I am really free all day, except between 1 and 2. Would 9am work?

From: James Overheul [<mailto:JOverheul@isienvironmental.com>]
Sent: Monday, June 25, 2018 3:58 PM
To: Whitesell, Alex [KDA]
Subject: RE: Term Permit - Darren Booth

What time tomorrow would work best?

James Overheul
iSi Environmental
Manager, Safety and Industrial Hygiene
(o) 316-264-7050
(m) 316-706-1195
Email: joverheul@isienvironmental.com

From: Whitesell, Alex [KDA] [<mailto:Alex.Whitesell@ks.gov>]
Sent: Monday, June 25, 2018 3:44 PM
To: James Overheul <JOverheul@isienvironmental.com>
Subject: RE: Term Permit - Darren Booth

James,

Sorry it has taken me some time to get back to you, I was out of the office last week. I also received your voicemail. I would be available for a call some time tomorrow. Sorry today has not worked out.

From: James Overheul [<mailto:JOverheul@isienvironmental.com>]
Sent: Friday, June 22, 2018 8:17 AM
To: Whitesell, Alex [KDA]
Subject: RE: Term Permit - Darren Booth

Alex,
Do you have time for a call this morning?

James Overheul
iSi Environmental
Manager, Safety and Industrial Hygiene
(o) 316-264-7050
(m) 316-706-1195
Email: joverheul@isienvironmental.com

From: Whitesell, Alex [KDA] [<mailto:Alex.Whitesell@ks.gov>]
Sent: Monday, June 18, 2018 2:44 PM
To: James Overheul <JOverheul@isienvironmental.com>
Subject: RE: Term Permit - Darren Booth

Mr. Overheul,

I am emailing to follow up on the information that I requested for the term permits.

Alex Whitesell
Division of Water Resources
Kansas Department of Agriculture
1320 Research Park Drive
Manhattan, KS
(785) 564 - 6631

My email has changed alex.whitesell@ks.gov

From: James Overheul [<mailto:JOverheul@isienvironmental.com>]
Sent: Wednesday, May 02, 2018 10:35 AM
To: Whitesell, Alex [KDA]; d.booth@le-inc.com
Subject: RE: Term Permit - Darren Booth

Alex,
I am working on getting you the information you have requested. I should have it for you next week.

Regards,

James Overheul
iSi Environmental
Project Manager
(o) 316-264-7050
(m) 316-706-1195
Email: joverheul@isienvironmental.com

From: Whitesell, Alex [KDA] [<mailto:Alex.Whitesell@ks.gov>]
Sent: Wednesday, April 25, 2018 10:31 AM
To: James Overheul <JOverheul@isienvironmental.com>; d.booth@le-inc.com
Subject: Term Permit - Darren Booth

Good morning,

I am working the contamination remediation term for Lubrication Engineers have a couple of questions.

Is the quantity based on pumping both wells 24/7/365 at a combined rate of 125gpm? Is the location of the well that you provided the geographic center of the two wells mentioned in the cover letter or for one of the wells? Could you please provide feet distances for both wells?

Thank you,

Alex Whitesell
Division of Water Resources
Kansas Department of Agriculture
1320 Research Park Drive
Manhattan, KS
(785) 564 - 6631

My email has changed alex.whitesell@ks.gov

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



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

Secretary Jackie McClaskey

Governor Jeff Colyer, M.D.

February 28, 2018

DARREN BOOTH
1919 E TULSA ST
WICHITA KS 67215

RE: Application
File No. 20189005

Dear Sir or Madam:

Your application for permit to appropriate water in 30-24S-4E in Butler 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) 564-6637. 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 "Kristen A. Baum".

Kristen A. Baum
New Applications Unit Supervisor
Water Appropriation Program

BAT: dlw
pc: STAFFORD Field Office
GMD

SCANNED