

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



Project Permit

KANSAS DEPARTMENT OF AGRICULTURE
Jackie McClaskey, Secretary of Agriculture

DIVISION OF WATER RESOURCES
David W. Barfield, Chief Engineer

File Number 49995
This item to be completed by the Division of Water Resources.

Water Resources
Received

APPLICATION FOR PERMIT TO
APPROPRIATE WATER FOR BENEFICIAL USE

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

FEB 20 2018
1:41
KS Dept Of Agriculture

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): CORNEJO & SONS INC. L.L.C.
Address: 2060 E. TULSA PO BOX 16204
City: WICHITA State KS Zip Code: 67216
Telephone Number: (316) 201-1681

2. The source of water is: surface water in _____ (stream)
OR groundwater in ARKANSAS RIVER (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.

Offset water provided by senior file and File No. 46,003-D2.

3. The maximum quantity of water desired is 203.3 acre-feet OR _____ gallons per calendar year, to be diverted at a maximum rate of NE gallons per minute OR _____ cubic feet per second.

Once your application has been assigned a priority, the requested maximum rate of diversion and maximum requested quantity of water under that priority number can **NOT** be increased. Please be certain your requested maximum rate of diversion and maximum quantity of water are appropriate and reasonable for your proposed project and are in agreement with the Division of Water Resources' requirements.

4. The water is intended to be appropriated for (Check use intended):
(a) Artificial Recharge (b) Irrigation (c) Recreational (d) Water Power
(e) Industrial (f) Municipal (g) Stockwatering (h) Sediment Control
(i) Domestic (j) Dewatering (k) Hydraulic Dredging (l) Fire Protection
(m) Thermal Exchange (n) Contamination Remediation

YOU **MUST** COMPLETE AND ATTACH ADDITIONAL DIVISION OF WATER RESOURCES FORM(S) PROVIDING INFORMATION TO SUBSTANTIATE YOUR REQUEST FOR THE AMOUNT OF WATER FOR THE INTENDED USE REFERENCED ABOVE.

For Office Use Only:
F.O. 2 GMD Meets K.A.R. 5-3-1 (YES / NO) Use IND Source S County SG By AW Date 2/20/18
Code BEG REZ Fee \$ 500 TR # _____ Receipt Date 2/20/18 Check # 10516

\$200 Applied from File #49,868

3/8/2018 LCM

5. The location of the proposed wells, pump sites or other works for diversion of water is:

Note: For the application to be accepted, the point of diversion location must be described to at least a 10 acre tract, unless you specifically request a 60 day period of time in which to locate the site within a specifically described, minimal legal quarter section of land.

(A) One in the SW quarter of the NE quarter of the SW quarter of Section 35, more particularly described as being near a point 1586 feet North and 3800 feet West of the Southeast corner of said section, in Township 26 South, Range 1 WEST, SEDGWICK County, Kansas. **(PIT GEO CTR)**

(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):

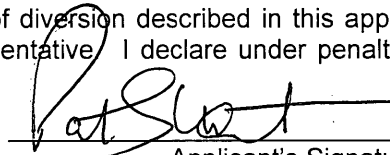
(name, address and telephone number)

(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 _____, 2018.



Applicant's Signature

7. The proposed project for diversion of water will consist of GROUNDWATER PIT
(number of wells, pumps or dams, etc.)

and (was)(will be) completed (by) Spring 2019
(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 Spring 2019
(Mo/Day/Year)

9. Will pesticide, fertilizer, or other foreign substance be injected into the water pumped from the diversion works?

Yes No If "yes", a check valve shall be required.

All chemigation safety requirements must be met including a chemigation permit and reporting requirements.

10. If you are planning to impound water, please contact the Division of Water Resources for assistance, prior to submitting the application. Please attach a reservoir area capacity table and inform us of the total acres of surface drainage area above the reservoir.

Have you also made an application for a permit for construction of this dam and reservoir with the Division of Water Resources? Yes No

- If yes, show the Water Structures permit number here _____
- If no, explain here why a Water Structures permit is not required _____
Not building impoundment, GROUNDWATER PIT

11. The application must be supplemented by a U.S.G.S. topographic map, aerial photograph or a detailed plat showing the following information. On the topographic map, aerial photograph, or plat, identify the center of the section, the section lines or the section corners and show the appropriate section, township and range numbers. Also, please show the following information:

- (a) The location of the proposed point(s) of diversion (wells, stream-bank installations, dams, or other diversion works) should be plotted as described in Paragraph No. 5 of the application, showing the North-South distance and the East-West distance from a section line or southeast corner of section.
- (b) If the application is for groundwater, please show the location of any existing water wells of any kind within 1/2 mile of the proposed well or wells. Identify each existing well as to its use and furnish the name and mailing address of the property owner or owners. If there are no wells within 1/2 mile, please advise us.
- (c) If the application is for surface water, the names and addresses of the landowner(s) 1/2 mile downstream and 1/2 mile upstream from your property lines must be shown.
- (d) The location of the proposed place of use should be shown by crosshatching on the topographic map, aerial photograph or plat.
- (e) Show the location of the pipelines, canals, reservoirs or other facilities for conveying water from the point of diversion to the place of use.

A 7.5 minute U.S.G.S. topographic map may be obtained by providing the section, township and range numbers to: Kansas Geological Survey, 1930 Constant, Campus West, University of Kansas, Lawrence, Kansas 66047.

12. List any application, appropriation of water, water right, or vested right file number that covers the same diversion points or any of the same place of use described in this application. Also list any other recent modifications made to existing permits or water rights in conjunction with the filing of this application.

FILE NO. 47,635-D2 authorizes a portion of the proposed pit (75 acres); however it will be dismissed upon approval of the new application. Pending application File No. 49,868 was to cover the expanded portion of the groundwater pit. It will also be dismissed and the filing fee applied to this new Project Permit Application.

~~Water Resources~~

Received

FEB 20 2018

13. Furnish the following well information if the proposed appropriation is for the use of groundwater. If the well has not been completed, give information obtained from test holes, if available.

Information below is from: Test holes Well as completed Drillers log attached

Well location as shown in paragraph No.	(A)	(B)	(C)	(D)
Date Drilled	_____	_____	_____	_____
Total depth of well	_____	_____	_____	_____
Depth to water bearing formation	_____	_____	_____	_____
Depth to static water level	_____	_____	_____	_____
Depth to bottom of pump intake pipe	_____	_____	_____	_____

14. The relationship of the applicant to the proposed place where the water will be used is that of Owner
(owner, tenant, agent or otherwise)

15. The owner(s) of the property where the water is used, if other than the applicant, is (please print):

(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 _____, Kansas, this _____ day of _____, _____
(month) (year)



(Applicant Signature)

APPLICANT(S) SOCIAL SECURITY IDENTIFICATION NUMBER(S)

By _____
(Agent or Officer Signature)

and/or
APPLICANT(S) TAXPAYER I.D. NO.(S)

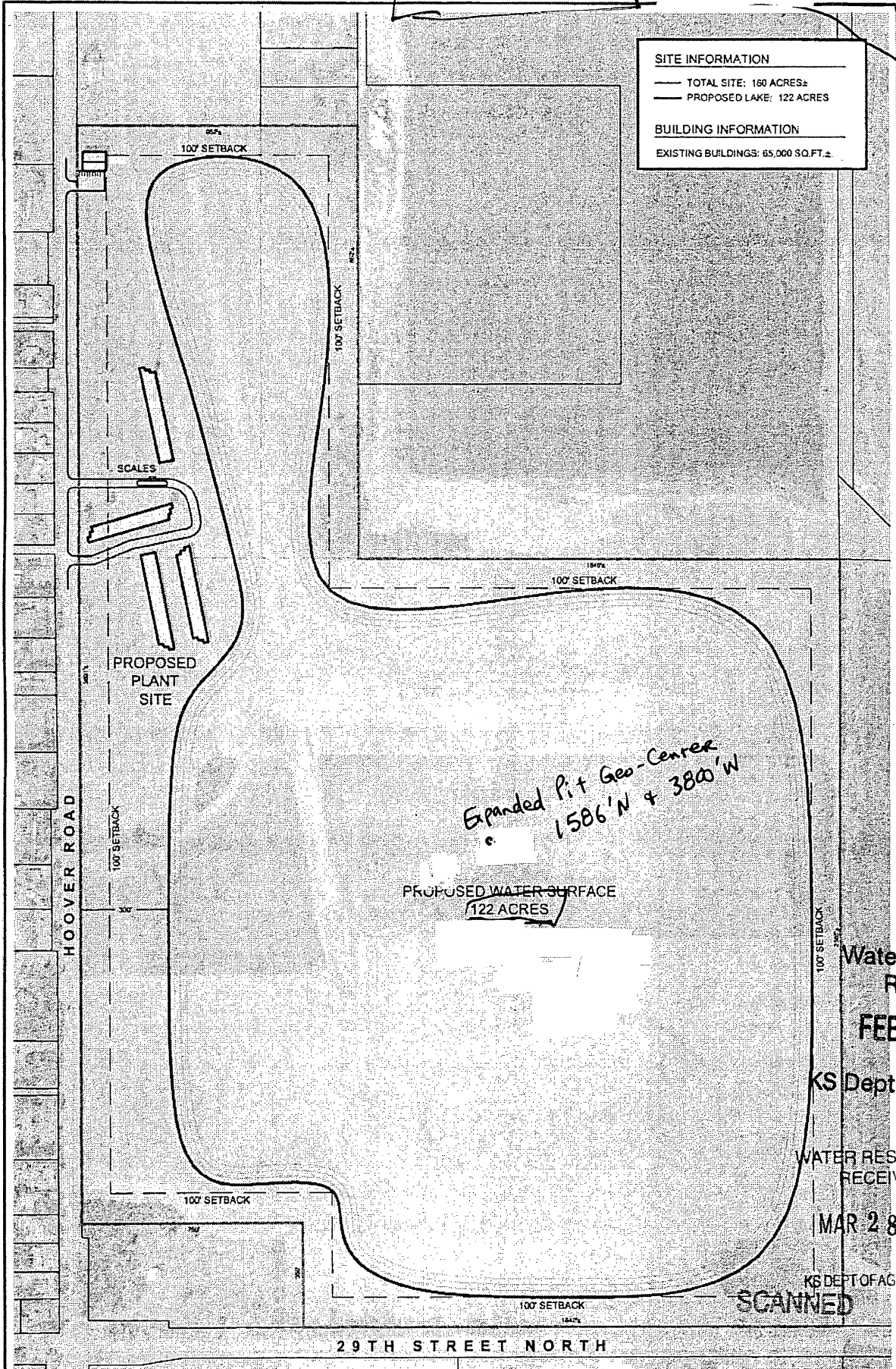
(Agent or Officer - Please Print)

Assisted by: DWS _____ TOPEKA FO _____ Date: 1/25/2018 _____
(office/title)

RECEIVED
DIVISION
JAN 25 2018
TOPEKA, KANSAS

CORNEJO

49995



SITE INFORMATION	
—	TOTAL SITE: 180 ACRES±
—	PROPOSED LAKE: 122 ACRES
BUILDING INFORMATION	
—	EXISTING BUILDINGS: 65,000 SQ.FT.±

Expanded Pit Geo-Centre
1506' N x 380' W

PROPOSED WATER SURFACE
122 ACRES

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FEB 20 2010

KS Dept Of Agriculture

WATER RESOURCES
RECEIVED
MAR 28 2014

KS DEPT OF AGRICULTURE

SCANNED

SCALE: 1" = 300'

REVISED SITE PLAN - PUD2011-03
RIVERSIDE AIRPORT - 29TH STREET N. & HOOVER

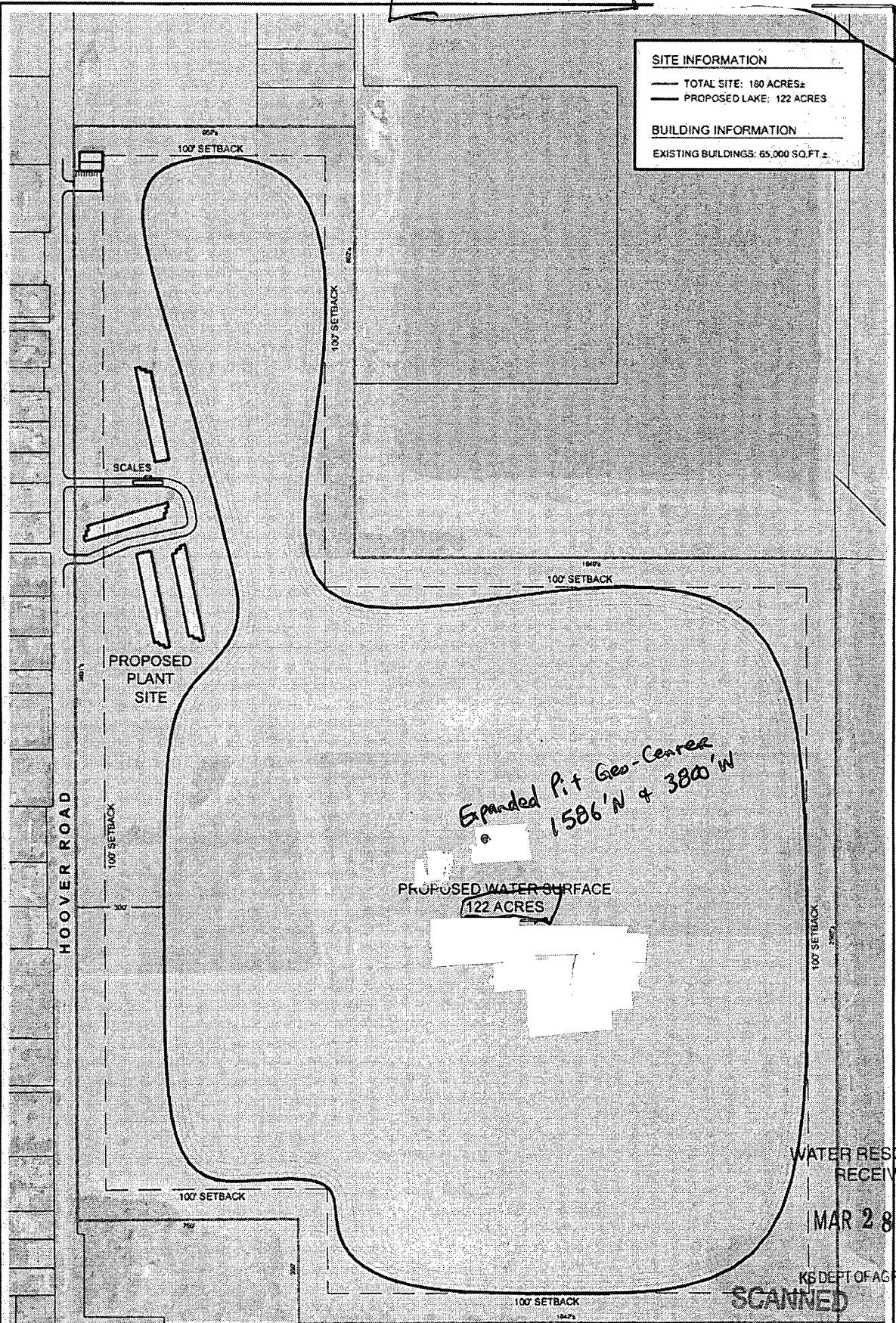


1" = 500'

CORNEJO

49995

SITE INFORMATION	
—	TOTAL SITE: 180 ACRES±
—	PROPOSED LAKE: 122 ACRES
BUILDING INFORMATION	
—	EXISTING BUILDINGS: 65,000 SQ.FT.±



*Expanded Pit Geo-Center
1586' N x 380' W*

PROPOSED WATER SURFACE
122 ACRES

PROPOSED PLANT SITE

SCALES

HOOVER ROAD

29TH STREET NORTH

WATER RESOURCES RECEIVED

MAR 28 2014

KS DEPT OF AGRICULTURE

SCANNED

Water Resources Received



SCALE: 1" = 300'

REVISED SITE PLAN - PUD2011-03
RIVERSIDE AIRPORT - 29TH STREET N. & HOOVER

FEB 20 2018



KS Dept Of Agriculture

1" = 500'

**INDUSTRIAL USE
SUPPLEMENTAL SHEET**

File No. 49995

Name of Applicant (Please Print): CORNEJO & SONS, L.L.C.

1. Please describe type of industry or product produced: SAND & GRAVEL
 _____ Standard Industrial Classification Code Number: 9994

2. Please complete the following table to show your past and present water requirements:

PAST PRODUCT PRODUCTION AND WATER DIVERTED, IF APPLICABLE

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

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

ESTIMATED FUTURE PRODUCT PRODUCTION AND WATER DIVERTED

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

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

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

122 Acres of Exposed Groundwater x 20" evaporation / 12 = 203.3 Acre-Feet

**Water Resources
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FEB 20 2018

KS Dept Of Agriculture

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

S	T	R	NE¼				NW¼				SW¼				SE¼				TOTAL
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
35	26	1W	SAND AND GRAVEL PIT IN THE WEST HALF																

You may attach any additional information you believe will assist in informing the Division of Water Resources request.

WATER RESOURCES RECEIVED

(Date)

Kansas Department of Agriculture
Division of Water Resources
David W. Barfield, Chief Engineer
1320 Research Park Drive
Manhattan, Kansas 66502

Re: Application
File No. 49995

Minimum Desirable Streamflow

Dear Sir:

I understand that a Minimum Desirable Streamflow requirement has been established by the legislature for the source of supply to which the above referenced application applies.

I understand that diversion of water pursuant to this application will be subject to regulation any time Minimum Desirable Streamflow requirements are not being met.

I also understand that if this application is approved, there could be times, as determined by the Division of Water Resources, when I would not be allowed to divert water. I realize that this could affect the economics of my decision to appropriate water.

I am aware of the above factors, and with the knowledge thereof, request that the Division of Water Resources proceed with processing and approval, if possible, of the above referenced application.



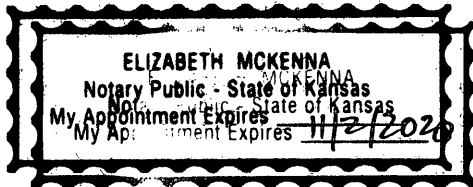
Signature of Applicant


State of Kansas)
County of Sedgwick) ss

PAT SHORT

(Print Applicant's Name)

I hereby certify that the foregoing instrument was signed in my presence and sworn to before me this 13th day of February, 2018.





Notary Public

My Commission Expires:
11-2-2020

Water Resources
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FEB 20 2018

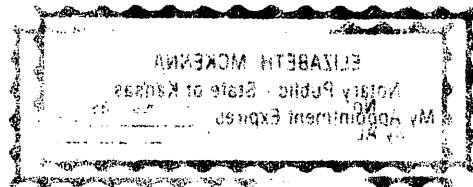
KS Dept Of Agriculture

**MINIMUM DESIRABLE STREAMFLOW FORM TO BE USED WHEN
APPLICABLE WHEN FILING AN APPLICATION FOR PERMIT
TO APPROPRIATE WATER FOR BENEFICIAL USE**

The Kansas Legislature has established minimum desirable streamflows for the streams listed below. If your proposed diversion of water is going to be from one of these watercourses or adjacent alluvial aquifers, please complete the back side of this page and submit it along with your application for permit to appropriate water.

Arkansas River
Big Blue River
Chapman Creek
Chikaskia River
Cottonwood River
Delaware River
Little Arkansas River
Little Blue River
Marais des Cygnes River
Medicine Lodge River
Mill Creek (Wabaunsee Co. area)
Neosho River

Ninnescah River
North Fork Ninnescah River
Rattlesnake Creek
Republican River
Saline River
Smoky Hill River
Solomon River
South Fork Ninnescah
Spring River
Walnut River
Whitewater River



Water Resources
Division

KS-100-1000

KS Dept. of Agriculture


Kansas
Department of Agriculture
Division of Water Resources

49995

Topeka Field Office
6531 SE Forbes Ave., Suite B
Topeka, Kansas 66619

Jackie McClaskey, Secretary
David W. Barfield, Chief Engineer
Katherine A. Tietsort, Water Commissioner

Phone: (785) 296-5733
Fax: (785) 296-8298
www.agriculture.ks.gov
Sam Brownback, Governor

January 26, 2018

KOON LAW FIRM LLC
% MORGAN B KOON
800 EAST 21ST STRET NORTH
WICHITA KS 67214

COPY

RE: New Project Permit Application – Cornejo & Sons, Inc.
Riverside Airport Project

Dear Morgan:

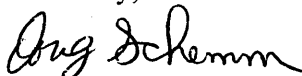
Enclosed is a new application form for a Project Permit which will effectively cover the entire 122 acre pit at the Riverside Airport location. Upon approval of this Project Permit, **hydraulic dredging and sand washing** will be authorized as secondary uses of water (i.e. no additional permitting required) if such secondary uses are located within the same source of supply and are associated with the operation. Any secondary uses shall use water in a manner in which there is no significant net consumptive use.

The Project Permit application **must be signed at both Paragraph Nos. 6 and 16**. We are going to apply \$200 that you previously submitted for Application, File No. 49,868 toward this Project Permit, so we need an additional filing fee of **\$300**. In addition, the enclosed Minimum Desirable Streamflow form must be signed and notarized, and please sign the site map where indicated at the bottom.

Finally, enclosed are Voluntary dismissal forms for Application, File No. 49,868, and Appropriation of Water, File No. 47,635-D2. The Project Permit will essentially replace both of these files. Please sign and notarize these forms as necessary.

Please submit the application and filing fee, and dismissal forms to the **Kansas Department of Agriculture, Division of Water Resources, 1320 Research Park Drive, Manhattan, KS 66502**. You may contact the Topeka Field Office at (785)-296-5733, or myself at (785)-296-3495, for any additional assistance in completing these application forms.

Sincerely,



Douglas Schemm
Environmental Scientist
Topeka Field Office

Enclosures

Water Resources
Received

FEB 20 2018

KS Dept Of Agriculture

* Contingent Upon Approval of New Project Permit.

Voluntary Dismissal of an Application for Permit to Appropriate Water

(Date)

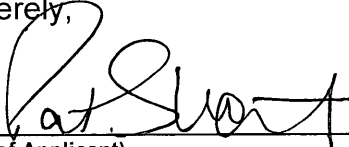
Kansas Department of Agriculture
Division of Water Resources
1320 Research Park Drive
Manhattan, Kansas 66502

RE: Application File No. 49,868

Chief Engineer:

We are submitting this statement in regard to Application for Permit to Appropriate Water, File No. 49,868. We are the applicant who filed this application. We now wish to voluntarily withdraw said application. We realize such withdrawal means the application will be dismissed and whatever priority it may have had will be forfeited. Please withdraw Application File No. 49,868. By signing below, We also acknowledge the waiver of any right to a hearing or appeal that We may have had in regards to this Application.

Sincerely,



(Signature of Applicant)

CORNEJO & SONS, INC. L.L.C.

(Please print name here)

2060 E TULSA PO BOX 16204

(Mailing Address)

WICHITA KS 67216

(City, State, Zip)

(Signature of Applicant)

(Please print name here)

(Mailing Address)

(City, State, Zip)

Water Resources
Received

FEB 20 2018

KS Dept Of Agriculture

*Contingent Upon Approval of New Project Permit.

VOLUNTARY WAIVER OF HEARING & DISMISSAL OF WATER RIGHT

To: Kansas Department of Agriculture
Division of Water Resources (DWR)
1320 Research Park Drive
Manhattan, Kansas 66502
<http://agriculture.ks.gov/dwr>

Re: Appropriation of Water
Water Right
Vested Right
Term Permit
(Check Appropriate Box Above)
File No. 47,635-D2

The undersigned owner(s) and/or authorized agent(s) of the above referenced water right, or permit, freely and voluntarily request that the file be dismissed and its priority forfeited. By signing this waiver, I am indicating my understanding and agreement that I am relinquishing all right, title and interest in said water right.

The signature(s) below represent all present owners (or an authorized agent) for the file number shown above (attach duplicate copies of this document as necessary).

The signature(s) below also indicate(s) a waiver of any right to a hearing or an appeal that I/we may have had regarding the dismissal and termination of the above referenced file. I/we recognize that if this closure request is submitted to the Division of Water Resources, it will terminate this water right and forfeit any priority associated with it forever.

Indicate here if you wish to retain the well(s) for domestic use (DWR water right not required):

Pat Short

(Signature of Owner or Authorized Agent)

(Signature of Spouse or Title of Authorized Agent)

CORNEJO & SONS, INC L.L.C.
(Please print name here)

(Please print name here)

2060 E TULSA PO BOX 16204
(Mailing Address)

(Mailing Address) **Water Resources Received**

WICHITA KS 67216
(City, State, Zip)

(City, State, Zip) **FEB 20 2018**

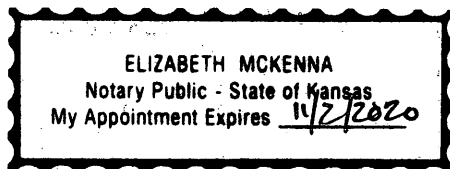
KS Dept Of Agriculture

ACKNOWLEDGMENT

State of Kansas)
County of Sedgwick)

This instrument was acknowledged before me this 13th day of February, 2018 by
(owners:) Pat Short for Cornejo & Sons, LLC.

(Seal)



My appointment expires:
11/2/2020

Elizabeth McKenna

Notary Public

DWS
DWR Initials

Koon Law Firm, LLC

800 East 21st Street North ■ Wichita, Kansas 67214
316.201.1681 ■ 316.201.1686 (Fax) ■ 316.558.9919 (Direct)
beth@cornejocompanies.com (Email)

February 19, 2018

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

VIA FEDERAL EXPRESS

*Re: Cornejo & Sons, LLC
New Project Application—Riverside Airport Project*

Dear Sir or Madam:

Enclosed please find the following documents:

1. Copy of the January 26, 2018 letter of Douglas Schemm of the Topeka Field Office;
2. Original Application for Permit to Appropriate Water for Beneficial Use (with attachments);
3. Original Voluntary Dismissal of an Application for Permit to Appropriate Water (File No. 49,868);
4. Original Voluntary Waiver of Hearing & Dismissal of Water Right (File No. 47,635-D2); and
5. Our check in the amount of \$300 for the remainder of the application/filing fee(s).

If you have any questions, please feel free to contact our office.

Very truly yours,



Elizabeth McKenna
Legal Assistant to Morgan B. Koon

/eim
Enclosures
cc w/encl.:

Douglas Schemm
Environmental Scientist
Kansas Department of Agriculture
Division of Water Resources
Topeka Field Office
6531 SE Forbes Ave., Suite B
Topeka, KS 66619
Via Federal Express

Water Resources
Received

FEB 20 2018

KS Dept Of Agriculture

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

CORNEJO & SONS
2060 E TULSA
WICHITA KS 67216

RE: Application
File No. 49995

Dear Sir or Madam:

Your application for permit to appropriate water in 35-26S-1W 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) 564-6637. If you wish to discuss a specific file, please have the file number ready so that we may help you more efficiently.

Sincerely,

Kristen A. Baum
New Applications Unit Supervisor
Water Appropriation Program

BAT: dlw
pc: STAFFORD Field Office
GMD

CORNEJO & SONS INC
PROJECT PERMIT APPLICATION SITE MAP
SEC. 35, T26S, R1W

49995



● Proposed Point of Diversion

1:12,000



Proposed Place of Use

Request A Public Notice Due to Large Number of Potential Domestic Well Owners Within 1/2 mile of Proposed Point of Diversion.

Pat Sloan

FEB 20 2018

KS Dept Of Agriculture

