

# 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.

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

- Place of Use  
 Point of Diversion  
 Use Made of Water

(Check one or more)

Water Resources  
Received  
MAR 18 2019  
1:10  
KS Dept Of Agriculture

File No. 48114

2. Name of applicant: White Iron Inc

Address: 3170 N Ohio St

City, State and Zip: Wichita KS 67219

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

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

Name of water use correspondent: White Iron Inc

Address: 3170 N Ohio St

City, State and Zip: Wichita KS 67219

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

3. The change(s) proposed herein are desired for the following reasons (please be specific): To modify the authorized place of use to cover the groundwater pit. The pit was expanded outside of the currently authorized place of use a few years ago.

The change(s) were completed by 12/31/2014 (Date)

For Office Use Only:					
F.O. <u>2</u>	GMD <u>0</u>	Meets K.A.R. 5-5-1 (YES / NO)	Use <u>IND</u>	Source G / S County <u>HP</u>	By <u>DAW</u> Date <u>3/15/19</u>
Code <u>CAU</u>	Fee \$ <u>200</u>	TR # _____	Receipt Date <u>3/18/19</u>	Check # <u>1428</u>	

Stafford Field Office  
300 S. Main Street  
Stafford, KS 67578-1521



Phone: 620-234-5311  
Fax: 620-234-6900  
www.agriculture.ks.gov

Mike Beam, Interim Secretary

Laura Kelly, Governor

March 13, 2019

White Iron Inc  
3170 N Ohio St  
Wichita KS 67219  
[lori@andalereadymix.com](mailto:lori@andalereadymix.com)

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MAR 18 2019  
KS Dept Of Agriculture

RE: Water Appropriation, File No. 48114

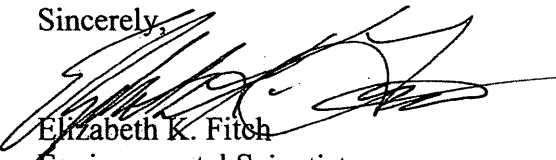
Dear Water Appropriation Owners,

You will find enclosed with this letter an application to change the place of use for the referenced file number. This change application proposes to modify the authorized place of use for a groundwater pit located near Harper, Kansas.

The application and the associated maps will need to be carefully reviewed. Feel free to make corrections as needed. A notarized signature from an authorized representative of White Iron Inc is needed on the application. The map will also need to be signed.

The fee for the enclosed application is \$200. Please include a check made payable to the Kansas Department of Agriculture with the signed application when it is submitted to the Division of Water Resources' headquarters in Manhattan for processing. If I can be of any further assistance, or if you have any questions regarding the enclosed application, please give me a call at 620.234.5311.

Sincerely,



Elizabeth K. Fitch  
Environmental Scientist  
[elizabeth.fitch@ks.gov](mailto:elizabeth.fitch@ks.gov)

Enclosures

4. The presently authorized place of use is:

Owner of Land — NAME: White Iron Inc

ADDRESS: 3170 N Ohio St, Wichita KS 67219

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	
6	32	6W	A sand and gravel pit with a projected surface area not to exceed 12.3 acres in the NW1/4 of the NE1/4																

List any other water rights that cover this place of use. 41305

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:

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Owner of Land — NAME: White Iron Inc

ADDRESS: 3170 N Ohio St, Wichita KS 67219

MAR 18 2019

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	
6	32	6W	A sand and gravel pit with a projected surface area not to exceed 12.3 acres in the NW1/4 of the NE1/4																

List any other water rights that cover this place of use. 41305

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 a groundwater pit  
(Provide description and number of points)
7. The proposed point(s) of diversion (is) (are) no change  
(Provide description and number of points)

**List all presently authorized point(s) of diversion:**

8. **Presently authorized point of diversion:**  
 One in the SW Quarter of the NW Quarter of the NE Quarter of Section 6, Township 32 South, Range 6 W, in Harper County, Kansas, 4,472 feet North 2,080 feet West of Southeast corner of section.  
 Authorized Rate evaporation Authorized Quantity 8.7 mgy  
**(DWR use only: Computer ID No. 5 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): Correction/Shift with P/U change (GW Pit)**  
 One in the NW Quarter of the NW Quarter of the NE Quarter of Section 6, Township 32 South, Range 6 W, in Harper County, Kansas, 4,782 feet North 2,118 feet West of Southeast corner of section.  
 Proposed Rate no change Proposed Quantity no change  
 This point is:  Additional Well  Geo Center List other water rights that will use this point none

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 for any point(s) of diversion which will no longer be used. N/A

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

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

It is proposed that the use be changed to --- purposes.

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

The total surface acres of the groundwater pit are not changing, just the authorized location.

(Please show any calculations here.)

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

15. It is requested that the maximum rate of diversion of water be reduced to --- 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.

File No. 41305 is within 1/2 mile of the proposed/modified point of diversion. However, it is a surface water right and it serves the same place of use.

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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MAR 18 2019

KS Dept Of Agriculture

**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 Wichita, Kansas, this 13<sup>TH</sup> day of March, 2019.

Peter J. Maltor  
(Owner)

(Spouse)

Peter J. Maltor  
(Please Print)

(Please Print)

(Owner)

(Spouse)

(Please Print)

(Please Print)

(Owner)

(Spouse)

(Please Print)

(Please Print)

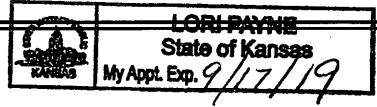
State of Kansas  
County of Sedgwick } SS

I hereby certify that the foregoing application was signed in my presence and sworn to before me this 13<sup>TH</sup> day of March, 2019.

Lori Payne  
Notary Public

My Commission Expires 9/17/19.

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.**

1320 Research Park Drive  
Manhattan, KS 66502  
785-564-6700  
www. agriculture.ks.gov



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

Mike Beam, Interim Secretary

Laura Kelly, Governor

WHITE IRON, INC  
3170 N OHIO ST  
WICHITA, KS 67219

March 19, 2019

RE: File No 48114

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,

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

BAT: DLW



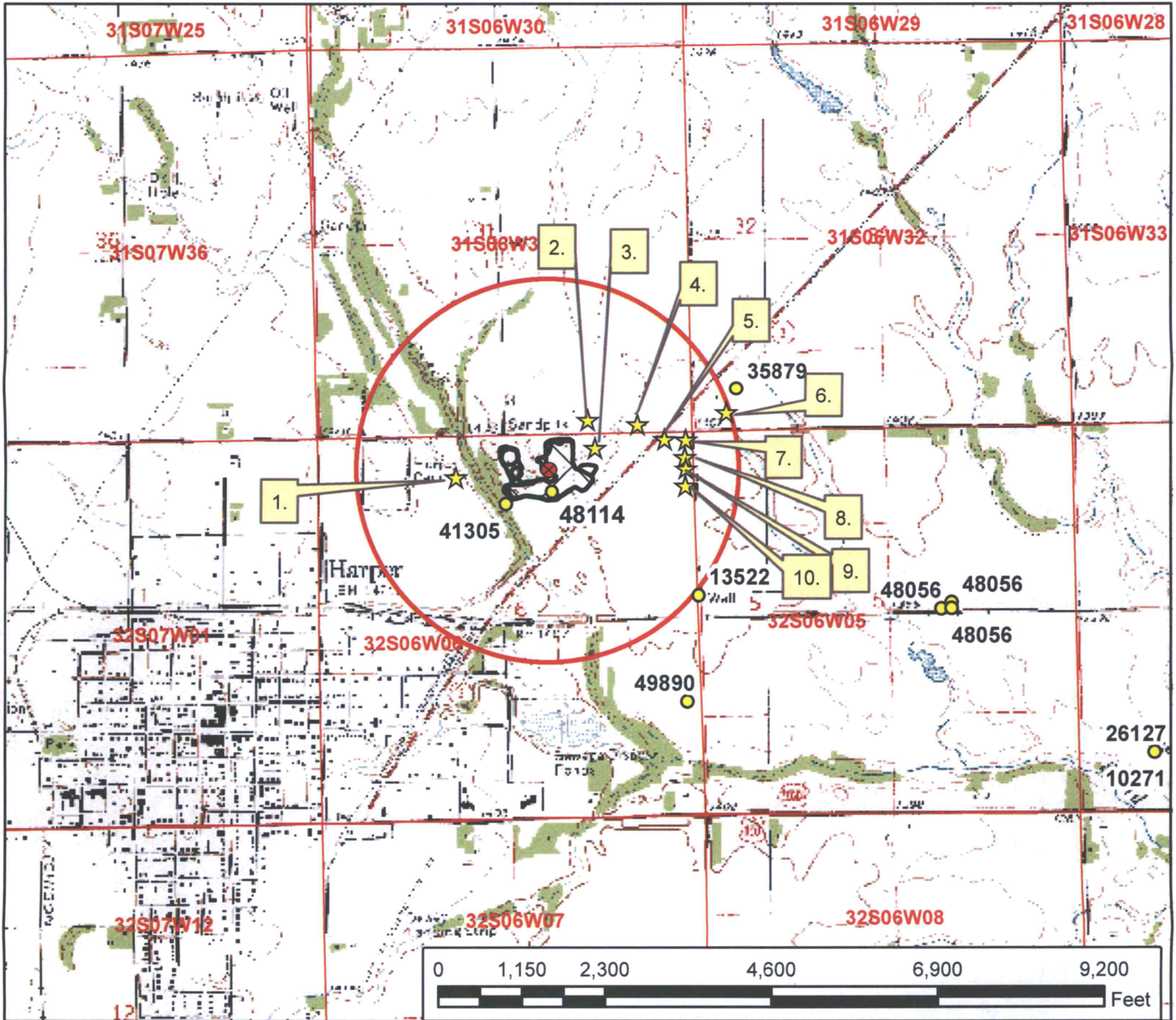
File No. 48114 Change Application  
Near-by Domestic Well Owners

1. DESERT SPRINGS INC  
1018 CENTRAL  
HARPER, KS 67058
2. HARDING, SETH T & HEATHER D  
172 NE 100 RD  
HARPER, KS 67058
3. FALLIS, JAMES M & PAMELA A  
1104 PINE  
HARPER, KS 67058
4. STONEBRAKER, ARDYS  
PO POX 436  
HARPER, KS 67058-0436
5. STANSBURY, DUSTIN  
995 NE KS HWY 2  
HARPER, KS 67058
6. STONEBRAKER, ARDYS  
PO POX 436  
HARPER, KS 67058-0436
7. HIBBARD, MACK W  
1 97A NE 100 RD  
HARPER, KS 67058
8. DONOHO, GARVIN D JR & MICHELE A  
197B NE 100 RD  
HARPER, KS 67058-8400
9. HOSTETLER, DELBERT L REV TR  
460 E US HWY 160  
HARPER, KS 67058-8205
10. KISER, KENNETH D JR & SHERRI A  
197D NE 100 RD  
HARPER, KS 67058

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MAR 18 2019

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**Legend**

- Water Appropriations
- Proposed Geographic Center
- Section Line
- Half Mile Circle

**Place of Use**

- Authorized
- Proposed

## Water Appropriation, File No. 48114

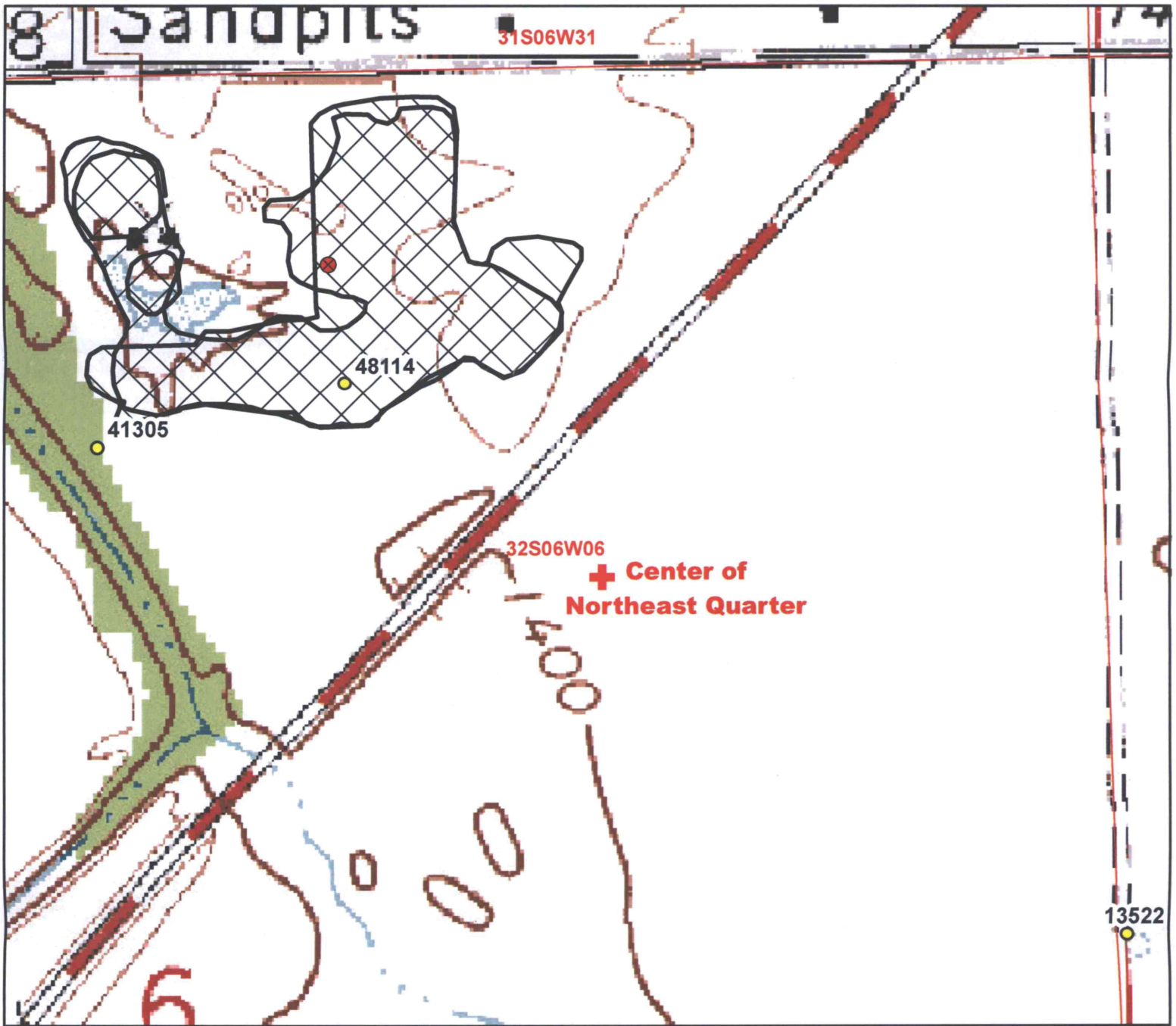
Change in Place of Use Application Map  
6-32S-6W // Harper County



To the best of my knowledge, all groundwater well/pits within 1/2 mile of the proposed point of diversion have been shown.

*Pete J. Malto*  
Signature

3/13/19 EKF-SFFO 1:24,000 scale

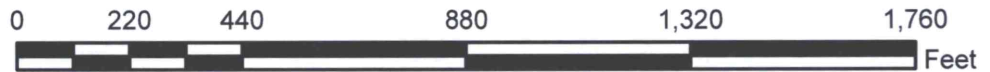


**Legend**

- Water Appropriations
- Proposed Geographic Center
- Section Line

**Place of Use**

- Authorized
- Proposed



# Water Appropriation, File No. 48114

Change in Place of Use Map--Zoomed In  
6-32S-6W

Harper County

Water Resources  
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KS Dept Of Agriculture

