Kansas Department of Agriculture Division of Water Resources PERMIT OF NEW APPLICATION WORKSHEET

1. File Number:	2. Status Change Date:	3. Field Office:	4. GMD:
50,044	7/1/2019	02	0
5. Status: ☐ Approved ☐ Denied b	by DWR/GMD	Dismiss by Request/Failur	e to Return
6. Enclosures: ☐ Check Valve ☒ N of C Form	m	☐ Driller Copy	☐ Meter
7a. Applicant(s) Person ID New to system ☐ Add Seq#	7c. Landown New to sy	er(s) /stem	Person IDAdd Seq#
J R D LLC JAY RUSSELL - PRESIDENT PO BOX 75337 WICHITA KS 67275			
7b. Landowner(s) Person ID New to system ☐ Add Seq#	7d. Misc.	vstem □	Person ID
7a.			
8. WUR Correspondent Person ID New to system Add Seq# Overlap File (s) WUC Notarized WUC Fo	9. Use of Wat	⊠ Groundwater □	Yes 🖾 No Surface Water DEW 🔲 MUN
7a.	☐ STK ☐ HYD DRG	•	DOM ☐ CON ART RECHRG
	☑ IND SIC:	1442	:R:
10. Completion Date: 12/31/2024 11. P	erfection Date: 12/31/2	2 039 12. Exp [Date:
13. Conservation Plan Required? ☐ Yes ☒ No Date F	Required: Date	e Approved:	Date to Comply:
14. Water Level Measuring Device? ☐ Yes ☒ No □	Date to Comply:	Date WLMD Ins	italled:
		Date Prepared: 6/13/	•

File No.	50,044	4		15	5. Formati	on Code	e: 113			Drain	age Ba	asin: /	ARKA	NSAS	RIVE	R C	ounty:	SG		Sp	ecial U	se:		Stream:	
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Limi	tation:				af/yr a	<u> </u>				gpm (<u>.</u>			cfs) w	hen co	ombine	ed with	file nu	ımber(s)				<u> </u>	
20. Mete	er Require	d? [] Yes	⊠ No	D	Tol	oe inst	alled b	оу							D	ate Ac	ceptab	ole Mei	ter Inst	alled _				
21. Plac	ce of Use						NE	1 /4			NW	11/4			sv	V1/4			SI	E1/4		Total	Owner	Chg? N	Overlap Files
MOD DEL	PUSE	c	т	D	ID	NE 1/4	NW 1/4	SW 1/4	SE ¼	NE ¼	NW ¼	SW 1/4	SE ¼	NE 1/4	NW 1/4	SW ¼	SE ¼	NE 1⁄4	NW ¼	SW ¼	SE ¼	,			
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KANSAS DEPARTMENT OF AGRICULTURE Division of Water Resources

<u>M E M O R A N D U M</u>

TO: Files

DATE: June 13, 2019

FROM: Doug Schemm

RE: Application, File No. 50,044

The referenced application has been filed by JRD, LLC to appropriate groundwater for industrial use. File No. 50,044 is requesting 78.5 acre-feet of water to cover natural evaporative loss from the surface of a groundwater pit with a projected exposed surface area size of 47.1 acres. The owner has indicated that he is going to mechanically excavate the pit and use the material as fill on the rest of the property. Therefore, no term permit will be required for hydraulic dredging, and the application was not processed as a Project Permit. The pit is located in the Northwest Quarter of Section 26, and the Northeast Quarter of Section 27, both in Township 28 South, Range 1 East, Sedgwick County, Kansas. The geographic center of the pit is represented by a point 3,600 feet north and 40 feet west of the Southeast corner of Section 27. Note that the point of diversion was modified to better reflect distance from the south section line. The pit is located within the Arkansas River basin. The applicant has signed the application form stating he has legal access to the point of diversion.

In 2004 the United States Geological Survey (USGS) completed a hydrologic model of a portion of the Arkansas River and associated drainage basins (Ninnescah River), generally bounded by Ranges 2 West to 3 East and Townships 26 South to 34 South (near state line). The USGS model indicated that the aquifer in this area receives more recharge from precipitation than DWR has historically used in safe yield calculations. The data and analyses are detailed in the USGS Scientific Investigations Report 2004-5204 entitled "Characterization and Simulation of Flow in the Lower Arkansas River Alluvial Aquifer, South-Central Kansas". DWR staff completed an evaluation of the USGS model and determined that the precipitation recharge value of 5.4 inches per year that is used in the USGS model is reasonable and appropriate. In order to reserve water in the alluvial aquifers that can contribute to base flow to area streams and for domestic use, it was determined that 75 percent of the 5.4 inches of precipitation recharge shall be available for appropriation. This is consistent with safe yield appropriation in many other basins across the state, and is the current percent available in for all applications in the Ninnescah River drainage basin.

Therefore, for all pending applications within the model area, safe yield will be evaluated using the standard methodology in K.A.R. 5-3-11, which is based on the extent of the unconfined aquifer (area of consideration), a Potential Annual Recharge value of 5.4 inches, and a percent of recharge available for appropriation of 75%. Current annual recharge across the model area is approximately 3 inches. Per the requirements in K.A.R. 5-3-11, safe yield is determined by the extent of the unconfined aquifer within a two-mile circle radius of the point of diversion, which establishes the area of consideration. For this application, the area of consideration (alluvial aquifer) provided an area of consideration of 5,589 acres, with a potential annual recharge of 5.4 inches, and 75% of recharge available for appropriation, safe yield was determined to be 1,886.13 acre-feet. Existing water rights have appropriated only 411.5 acre-feet, providing 1,474.6 acre-feet available, and the application requesting 78.5 acre-feet clearly meets safe yield.

The applicant identified multiple domestic wells located within one-half mile of the center of the proposed groundwater pit. Notification letters were sent out on April 25, 2019. Telephone calls were received from two domestic well owners who asked general questions about the application, but provided no specific concerns or evidence of impairment to senior water rights. We discussed that their domestic water rights had priority over this pending application. In addition, with the pit and domestic wells located near the Arkansas River, there will be more than adequate recharge to maintain water levels in the alluvial aquifer.

JRD, LLC File No. 50,044 Page 2

Note that a nearby domestic well owner (Megan Miller) had previously contacted the Stafford Field Office with concerns about groundwater pollution and impact to her domestic well from the proposed pit. Attempts to locate Ms. Miller's mailing address were unsuccessful. As typical with these operations, a groundwater pit does not cause lowering of the water level, because no pumping is occurring. In addition, the permit will be conditioned as follows: "That the area around the groundwater pit shall be bermed or graded, and maintained to prohibit any surface drainage or storm water runoff from entering the aquifer through the excavated pit." This should minimize potential groundwater contamination issues.

In addition, a public notice referencing the new application was published for three consecutive weeks (May 1st, 8th, and 15th, 2019) in The Wichita Eagle. The last date to receive comments is June 7, 2019, which is more than 15 days after the last publication date. No comments of any kind were received regarding this public notice.

It appears that the nearest domestic well is over 750 feet from the geographic center of the groundwater pit, which exceeds the minimum spacing distance of 660 feet from all domestic wells. The nearest non-domestic well is located over 3,200 feet from the geographic center and the proposed point of diversion (pit geo-ctr) complies with minimum well spacing criteria to all other wells.

In an e-mail dated June 12, 2019, Jeff Lanterman, Water Commissioner of the Stafford Field Office, recommended approval of the referenced application. Based on the above discussion, the area is open to new appropriations, the application complies with safe yield and minimum well spacing, and there is no indication that senior water rights will be impaired, it is recommended that the referenced application be approved.

Douglas W. Schemm Environmental Scientist Topeka Field Office 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

Laura Kelly, Governor

Mike Beam, Secretary

July 10, 2019

J R D LLC % JAY RUSSELL - PRESIDENT PO BOX 75337 WICHITA KS 67275

FILE COPY

RE: Appropriation of Water, File No. 50,044

Dear Mr. Russell:

Enclosed is a permit authorizing you to proceed with construction of the proposed diversion works and to appropriate water for beneficial use as set forth in the permit. Your attention is directed to the enclosures and to the terms, conditions, limitations, and requirements specified in this permit.

Notice must be filed on the enclosed form once the diversion works have been completed. Failure to complete the diversion works within the time allowed, or within any authorized extension of time thereof, will result in dismissal of this permit. If you need an extension of time, you must request it before the deadline for completion set forth in the permit. Any request for an extension of time must be accompanied by the statutorily required fee, which is currently \$100.00.

An annual water use report must be filed with the Chief Engineer by March 1, following the end of each calendar year. If a complete annual water use report is not received by the deadline, then a fine may be assessed and all water use under such permit or right may be suspended. Reports submitted in paper form will be assessed a \$20 per file number paper filing fee. In order to avoid this filing fee, you may submit your report online at www.kswaterusereport.org.

The approval of your application constitutes a permit to appropriate water. It does not give authority to construct any dam or other stream obstruction regulated by K.S.A. 82a-301 through 305a. It does not give authority to access any right-of-way or authorize trespassing upon or injury to public or private property. It may also be necessary for you to comply with other local, state or federal requirements.

Enclosed is an informational sheet that sets forth the procedure to obtain a Certificate of Appropriation which will establish the extent of your perfected water right. Additional information and applicable forms may be found on our website at <u>agriculture.ks.gov/divisions-programs/dwr</u>. If you have any questions or need assistance with any of these requirements, please contact our office at 785-564-6640 or your local Stafford Field Office at 620-234-5311. If you call, please reference the file number so we can help you more efficiently.

Sincerely,

Kristen A. Baum

New Application Unit Supervisor Division of Water Resources

KAB:dws Enclosure(s)

pc: Stafford Field Office

KANSAS DEPARTMENT OF AGRICULTURE

Mike Beam, Secretary of Agriculture

DIVISION OF WATER RESOURCESDavid W. Barfield, Chief Engineer

APPROVAL OF APPLICATION and PERMIT TO PROCEED

(This is not a Certificate of Appropriation)

This is to certify that I have examined Application, File No. 50,044 of the applicant

J R D LLC JAY RUSSELL - PRESIDENT PO BOX 75337 WICHITA KS 67275

for a permit to appropriate water for beneficial use, together with the maps, plans and other submitted data, and that the application is hereby approved and the applicant is hereby authorized, subject to vested rights and prior appropriations, to proceed with the construction of the proposed diversion works (except those dams and stream obstructions regulated by K.S.A. 82a-301 through 305a, as amended), and to proceed with all steps necessary for the application of the water to the approved and proposed beneficial use and otherwise perfect the proposed appropriation subject to the following terms, conditions and limitations:

- 1. That the priority date assigned to such application is April 24, 2018.
- 2. That the water sought to be appropriated shall be used for industrial use for evaporative loss from a groundwater pit with a projected total area of 47.1 acres located in the Northwest Quarter (NW¼) of Section 26, and the Northeast Quarter (NE¼) of Section 27, both in Township 28 South, Range 1 East, Sedgwick County, Kansas.
- 3. That the authorized source from which the appropriation shall be made is groundwater from the Arkansas River alluvium, to be withdrawn by means of a groundwater pit with a projected geographic center located in the Northeast Quarter of the Southeast Quarter of the Northeast Quarter (NE¼ SE¼ NE¾) of Section 27, more particularly described as being near a point 3,600 feet North and 40 feet West of the Southeast corner of said section, in Township 28 South, Range 1 East, Sedgwick County, Kansas, located substantially as shown on the topographic map accompanying the application.
- 4. That the appropriation sought shall be limited to a maximum diversion rate not in excess of **natural evaporation** and to a quantity not to exceed **78.5 acre-feet** of water for any calendar year, from a groundwater surface area exposure not greater than 47.1 acres.
- 5. That installation of works for diversion of water shall be completed on or before <u>December 31</u>, <u>2024</u> or within any authorized extension thereof. The applicant shall notify the Chief Engineer and pay the statutorily required field inspection fee of \$200.00 when construction of the works has been completed. Failure to timely submit the notice and the fee will result in revocation of the permit. Any request for an extension of time shall be submitted prior to the expiration of the deadline and shall be accompanied by the required statutory fee of \$100.00.

- 6. That the proposed appropriation shall be perfected by the actual application of water to the proposed beneficial use on or before <u>December 31, 2039</u> or any authorized extension thereof. Any request for an extension of time shall be submitted prior to the expiration of the deadline and shall be accompanied by the required statutory fee, which is currently \$100.00.
- 7. That the applicant shall not be deemed to have acquired a water appropriation for a quantity in excess of the amount approved herein nor in excess of the amount found by the Chief Engineer to have been actually used for the approved purpose during one calendar year subsequent to approval of the application and within the time specified for perfection or any authorized extension thereof.
- 8. That 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.
- 9. That the right of the appropriator shall relate to a specific quantity of water and such right must allow for a reasonable raising or lowering of the static water level and for the reasonable increase or decrease of the streamflow at the appropriator's point of diversion.
- 10. That this permit does not constitute authority under K.S.A. 82a-301 through 305a to construct any dam or other obstruction; nor does it grant any right-of-way, or authorize entry upon or injury to, public or private property.
- 11. That the applicant shall maintain accurate and complete records from which the quantity of water diverted during each calendar year may be readily determined 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.
- 12. That no water user shall engage in nor allow the waste of any water diverted under the authority of this permit.
- 13. That failure without cause to comply with provisions of the permit and its terms, conditions and limitations will result in the forfeiture of the priority date, revocation of the permit and dismissal of the application.
- 14. That the right to appropriate water under authority of this permit is subject to any minimum desirable streamflow requirements identified and established pursuant to K.S.A. 82a-703c for the source of supply to which this water right applies.
- 15. That the area around the groundwater pit shall be bermed or graded, and maintained to prohibit any surface drainage or storm water runoff from entering the aquifer through the excavated pit.

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: Kansas Department of Agriculture, Attn: Legal Section, 1320 Research Park Drive, Manhattan, Kansas 66502, 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 hearing 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: Secretary of Agriculture, Attn: Legal Division, Kansas Department of Agriculture, 1320 Research Park Drive, Manhattan, Kansas 66502, 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.

Ordered this 1st day of July

, 2019, in Manhattan, Riley County, Kansas.

Lane P. Letourneau, P.G.
Program Manager
Water Appropriation Program
Division of Water Resources
Kansas Department of Agriculture

State of Kansas

) SS

County of Riley

The foregoing instrument was acknowledged before me this day of up , 2019, by Lane P. Letourneau, P.G., Program Manager, Division of Water Resources, Kansas Department of Agriculture.

DANIELLE WILSON
My Appointment Expires
August 23, 2020

Notary Public

CERTIFICATE OF SERVICE

On this day of Application, File No. 50,044, dated 151 mail to the following:

, 2019, I hereby certify that the foregoing Approval of ູ້ 2ປ9 was mailed postage prepaid, first class, US

J R D LLC JAY RUSSELL - PRESIDENT PO BOX 75337 WICHITA KS 67275

With photocopies to:

Stafford Field Office

Division of Water Resources



File Number ____ APPLICATION COMPLETE This item to be completed by the Division of Water Resources.

OF KANSAS

WATER RESOURCES RECEIVED

APR 2 4 2018

Water Resources

Received APR 22 2018

KANSAS DEPARTMENT OF AGRICULTURE

Jackie McClaskey, Secretary of Agriculture

DIVISION OF WATER RESOURCES

David W. Barfield, Chief Engineer

1.	Name of Applicant (Please Pr	rint): JRD, LLC		
	Address: Po Box 1			
	City: WICHITA		State KS	_ Zip Code 61215
	Telephone Number: (316) 722.2417		
2.	The source of water is:	☐ surface water in _	/24	ream)
	OR	groundwater in	ARKANSAS PIVER	ge basin)
	when water is released from these regulations on the dat return to the Division of Wa	n storage for use by wate te we receive your appli ter Resources.	er assurance district member ication, you will be sent the a	nay be subject to administration s. If your application is subject to ppropriate form to complete and
3.	The maximum quantity of w	vater desired is <u>78.</u>	5 acre-feet OR	gallons per calendar year,
	to be diverted at a maximur	m rate of EVAP	gallons per minute OR	cubic feet per second.
	to be diverted at a maximum			
	Once your application has requested quantity of water maximum rate of diversion	been assigned a priori under that priority numb and maximum quantity	ty, the requested maximum ber can NOT be increased. F	rate of diversion and maximum Please be certain your requested d reasonable for your proposed
4.	Once your application has requested quantity of water maximum rate of diversion	been assigned a priori under that priority numb and maximum quantity nt with the Division of V	ty, the requested maximum ber can <u>NOT</u> be increased. F of water are appropriate an Vater Resources' requiremen	rate of diversion and maximum Please be certain your requested d reasonable for your proposed
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4.	Once your application has requested quantity of water maximum rate of diversion project and are in agreement. The water is intended to be (a) Artificial Recharge (e) Industrial	been assigned a priori under that priority number and maximum quantity nt with the Division of Vappropriated for (Check (b) Irrigation	ty, the requested maximum ber can NOT be increased. For of water are appropriate an Nater Resources' requirements use intended): (c)	rate of diversion and maximum Please be certain your requested d reasonable for your proposed nts. (d) □ Water Power (h) □ Sediment Control
4.	Once your application has requested quantity of water maximum rate of diversion project and are in agreement. The water is intended to be (a) Artificial Recharge (e) Industrial (i) Domestic (m) Thermal Exchange YOU MUST COMPLETE AND AT	been assigned a priori under that priority number and maximum quantity nt with the Division of Verappropriated for (Check (b) Irrigation (f) Municipal (j) Dewatering (n) Contamination	ty, the requested maximum ber can NOT be increased. For of water are appropriate an Nater Resources' requirements use intended): (c) Recreational (g) Stockwatering (k) Hydraulic Dredging Remediation	rate of diversion and maximum Please be certain your requested d reasonable for your proposed nts. (d) □ Water Power (h) □ Sediment Control ng (I) □ Fire Protection
4.	Once your application has requested quantity of water maximum rate of diversion project and are in agreement. The water is intended to be (a) Artificial Recharge (e) Industrial (i) Domestic (m) Thermal Exchange YOU MUST COMPLETE AND AT	been assigned a priori under that priority number and maximum quantity nt with the Division of Verappropriated for (Check (b) Irrigation (f) Municipal (j) Dewatering (n) Contamination	ty, the requested maximum ber can NOT be increased. For of water are appropriate an Nater Resources' requirements use intended): (c)	rate of diversion and maximum Please be certain your requested d reasonable for your proposed nts. (d) Water Power (h) Sediment Control RM(S) PROVIDING INFORMATION TO

t Per	Site	map,	and	dis	tance	from
		ection			DWS/	DUR
					5/29	2/19

File No. 50044

5.	The lo	ocation of the proposed wells, pump sites or other works for diversion of water is:
		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 $\frac{SE}{SE}$ quarter of the $\frac{NE}{SE}$ quarter of the $\frac{NE}{SE}$ quarter of Section $\frac{27}{SE}$, more particularly
	c	described as being near a point 4366 feet North and 40 feet West of the Southeast corner of said
		section, in Township 28 South, Range 1 East West (circle one), SEDGWICK County, Kansas.
	(B) (One in the quarter of the quarter of the quarter of Section, more particularly
	C	described as being near a point feet North and feet West of the Southeast corner of said
	5	section, in Township South, Range East/West (circle one), County, Kansas.
		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.
	A batt four w not to distrib	except that a single application may include up to four wells within a circle with a quarter (¼) mile radius in ame local source of supply which do not exceed a maximum diversion rate of 20 gallons per minute per well tery of wells is defined as two or more wells connected to a common pump by a manifold; or not more than wells in the same local source of supply within a 300 foot radius circle which are being operated by pumps a exceed a total maximum diversion rate of 800 gallons per minute and which supply water to a common oution system.
6.	The o	wher of the point of diversion, if other than the applicant is (please print):
		(name, address and telephone number)
		(name, address and telephone number)
	iando	nust provide evidence of legal access to, or control of, the point of diversion from the landowner or the wner's authorized representative. Provide a copy of a recorded deed, lease, easement or other document his 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 April 19, 2018.
	Failur	applicant must provide the required information or signature irrespective of whether they are the landowner. The to complete this portion of the application will cause it to be unacceptable for filing and the application will turned to the applicant.
7.	The p	proposed project for diversion of water will consist of GROUNDWATER PIT (number of wells, pumps or dams, etc.)
	and (v	was)(will be) completed (by) 2.025
8.	The fi	(Month/Day/Year - each was or will be completed) irst actual application of water for the proposed beneficial use was or is estimated to be
	\	WATER RESOURCES Water Resources
		UNACCEPTABLE FOR PRIORITY APR 2 4 2018 APR 2.3 2018

KS DEPT OF AGRICULTURE KS Dept Of Agriculture

OF KANSAS

WATER RESOURCES RECEIVED

ΔPR 2 4 2018

KANSAS DEPARTMENT OF AGRICULTURE

DIVISION OF WATER RESOURCES

David W. Barfield, Chief Engineer Jackie McClaskey, Secretary of Agriculture Water Resources File Number This item to be completed by the Division of Water Resources. Received **APPLICATION FOR PERMIT TO** APR 23 2018 APPROPRIATE WATER FOR BENEFICIAL USTACCEPTABLE FOR PRIORITY (Please refer to Fee Schedule attached to this application form.) To the Chief Engineer of the Division of Water Resources, Kansas Department of Agriculture, 1320 Research Park Drive, Manhattan Kansas 66502: JRD, LLC Name of Applicant (Please Print): PO Box Address: KS 61275 WICHITA State Zip Code City: Telephone Number: (316) The source of water is: ☐ surface water in (stream) ARKANSAS RIVER OR groundwater is 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. acre-feet OR gallons per calendar year, to be diverted at a maximum rate of _EVAP 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. The water is intended to be appropriated for (Check use intended): (d)

Water Power (a) ☐ Artificial Recharge (b) ☐ Irrigation (c) Recreational (h) Sediment Control (e) X Industrial (g) Stockwatering ☐ Fire Protection (i) □ Øomestic (j) Dewatering (k) ☐ Hydraulic Dredging (m) I 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, Source G/S County 56 By 110 Day 39 Receipt Date 4 24 8 Check # 44 By HW Date 424/19 Meets K.A.R. 5-3-1 (KES)/NO) Use NO GMD C

DWR 1-100 (Revised 06/16/2014)

F.O. Code

47.1 acres x 20" Evap /12 = 78.5 acre-feet DWS/DWR 6/13/19

4125/18 OAL

electronic

	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.
).	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
	If yes, show the Water Structures permit number here
	If no, explain here why a Water Structures permit is not required
١.	The application <u>must</u> be supplemented by a U.S.G.S. topographic map, aerial photograph or a detailed plat showing the following information. On the topographic map, aerial photograph, or plat, identify the center of the section, the section lines or the section corners and show the appropriate section, township and range numbers. Also, please show the following information:
	(a) The location of the proposed point(s) of diversion (wells, stream-bank installations, dams, or other diversion works) should be plotted as described in Paragraph No. 5 of the application, showing the North-South distance and the East-West distance from a section line or southeast corner of section.
-	(b) If the application is for groundwater, please show the location of any existing water wells of any kind within ½ mile of the proposed well or wells. Identify each existing well as to its use and furnish the name and mailing address of the property owner or owners. If there are no wells within ½ mile, please advise us.
	(c) If the application is for surface water, the names and addresses of the landowner(s) ½ mile downstream and ½ mile upstream from your property lines must be shown.
	(d) The location of the proposed place of use should be shown by crosshatching on the topographic map, aerial photograph or plat.
	(e) Show the location of the pipelines, canals, reservoirs or other facilities for conveying water from the point of diversion to the place of use.
	A 7.5 minute U.S.G.S. topographic map may be obtained by providing the section, township and range numbers to: Kansas Geological Survey, 1930 Constant, Campus West, University of Kansas, Lawrence, Kansas 66047.
•	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.
	Water Resources
	Water Resources WATER RESOURCE RECEIVED

UNACCEAPRIZE ZOTO RIORATOR 2 4 2018

	Information below is from:	☐ Test holes	□ Well	as completed	□ Drillers	log attache	d
	Well location as shown in p	aragraph No.	(A)	(B)	(C)	(D)	
	Date Drilled	_					
	Total depth of well	_					
	Depth to water bearing form	nation _					
	Depth to static water level	_					
	Depth to bottom of pump in	take pipe _		a			
	The relationship of the a	oplicant to the	proposed r	place where the	e water will	be used is	s tha
	OWNER	pphoant to the	p.opocou p	,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,	o water will	Do dood .	
	(owner, tenant, agent or otherwis	se) ·					
	The owner(s) of the propert	y where the wate	r is used, if	other than the a	applicant, is (p	olease print)	:
		(nama addı	ooo and tal	ephone number	\		
		(Hame, addi	ess and ter		,		
		·		ephone number			
	The undersigned states that	(name, addr	ress and tel	ephone number)	er knowledae	e and
	The undersigned states that this application is submitted	(name, addr	ress and tel	ephone number)	er knowledge	e and
	this application is submitted	(name, addr	ress and teleset forth abo	ephone number	best of his/he		2018
	this application is submitted	(name, addr t the information s in good faith.	ress and teleset forth abo	ephone number) best of his/he		e and
	this application is submitted	(name, addr t the information s in good faith.	ress and teleset forth abo	ephone number	best of his/he		2018
	this application is submitted	(name, addr t the information s in good faith.	ress and teleset forth abo	ephone number	best of his/he		2018
	this application is submitted	(name, addr t the information s in good faith. , Kansas	ress and teleset forth abo	ephone number	best of his/he		2018
	Dated at WICKITA (Applicant Signator)	(name, addr t the information s in good faith. , Kansas	ress and teleset forth abo	ephone number	best of his/he		2018
/ / // //	Dated at WICKITA (Applicant Signator)	(name, addr the information so in good faith. , Kansas	ress and teleset forth abo	ephone number	best of his/he		2018
/ / / 3y	Dated at WICKITA (Applicant Signator)	(name, addr the information so in good faith. , Kansas	ress and teleset forth abo	ephone number	best of his/he		2018
	Dated at WICKITA (Applicant Signator (Agent or Officer S	(name, address the information so in good faith. , Kansas	ress and teleset forth above, this	ephone number	best of his/he		2018
	Dated at WICKITA (Applicant Signator (Agent or Officer Signator)	(name, address the information so in good faith. , Kansas	ress and teleset forth above, this	ephone number	best of his/he		2018
<u>)</u>	Dated at WICKITA (Applicant Signator Officer Signator Officer - Please	(name, address the information so in good faith. , Kansas	ress and teleset forth above, this	ephone number	best of his/he	, Ž	2018
<u>)</u>	Dated at WICKITA (Applicant Signator (Agent or Officer S	(name, address the information so in good faith. , Kansas	ress and teleset forth about the set forth abo	ephone number ove is true to the day of	best of his/he		2018
<u>)</u>	Dated at WICKITA (Applicant Signator Officer Signator Officer - Please	(name, address the information so in good faith. , Kansas	ress and teleset forth about the set forth abo	ephone number ove is true to the day of	best of his/he	4.19.18	2018

APR 2 4 2018

UNACAPRIABLE TO THE PRIORITY

KS Dept Of Agriculture

KS DEPT OF AGRICULTURE

INDUSTRIAL USE SUPPLEMENTAL SHEET

		File No	50,044	
	1	Name of Applicant (Please Prin	nt): JRDLLC	
1.	Please describ	be type of industry or product p	oroduced: SAND AND GRAVEL	
			Standard Industrial Classifica	tion Code Number: 1442
2.	Please comple	ete the following table to show	your past and present water requir	ements:
	PA	ST PRODUCT PRODUCTION	ON AND WATER DIVERTED,	IF APPLICABLE
L	AST 5 YEARS	AMOUNT OF PRODUCT	WATER DIVERTED (GALLONS)	GALLONS PER PRODUCT PER DAY
5	years ago		,	

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 365 days.

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

47.1 ACRES X 20" EVAP / 12 = 78.5 ACRE-FEET

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.

-	Т	,		NI	E1/4			NV	W1/4		SV	V1/4			SE	Ε1/4		TOTAL
S	T R NE NW SW SE NE NW SW SE NE NW SW SE								NE	NW	sw	SE	TOTAL					
26	28	1E	NW	QTR														
27	28	1E	NE	QTR														

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

Last year
Present year

Schemm, Doug [KDA]

Subject:

FW: JRD LLC 50,044

Attachments:

Pub Not Aff Pub.pdf; 50044 Memo To File.docx; app map.pdf

From: Lanterman, Jeff [KDA]

Sent: Wednesday, June 12, 2019 3:50 PM

To: Schemm, Doug [KDA] <Doug.Schemm@ks.gov> **Cc:** Conant, Cameron [KDA] <Cameron.Conant@ks.gov>

Subject: FW: JRD LLC 50,044

Doug.

Approve this thing!.

Were you planning on adding in the normal GW pit conditions?

Thanks Jeff

From: Conant, Cameron [KDA]

Sent: Wednesday, June 12, 2019 3:08 PM

To: Lanterman, Jeff [KDA] < Jeff.Lanterman@ks.gov>

Subject: FW: JRD LLC 50,044

Jeff, this application is for 78.5 acre-feet to cover a 47 acre GW pit. They propose to mechanically excavate the pit and have not applied for a dredging permit as they are going to use the overburden for construction of an assumed/likely surrounding housing development. We don't have any drawings of that, hope if they need common ground/green space water rights they file for them. At this time though, they are just seeking to cover the proposed GW pit.

As Doug noted we did have a concerned nearby home owner call during the early stages of this process. They had began removing the overburden but did not expose GW so there was no issue at that time. The concerned lady was worried about water quality and water level concerns. Based on information in the application it appears the geo-center of the pit meets all applicable spacing.

I think we can recommend approval of this application for a GW pit.

Cameron

From: Schemm, Doug [KDA]

Sent: Wednesday, May 22, 2019 8:38 AM

To: Lanterman, Jeff [KDA] <Jeff.Lanterman@ks.gov>; Conant, Cameron [KDA] <Cameron.Conant@ks.gov>

Subject: JRD LLC 50,044

Good Morning Stafford,

I got 2 calls from nearby domestics with general comments, but no impairment issues. Jay also published a public notice and got no responses.

The application meets spacing and safe yield, no problem. I never heard from Megan, but these kind of operations don't cause well impairment due to drawdown issues.

According to Jay's consultant, there will be no dredging just mechanical digging. So this just boils down to Jay making a pit and building homes around it.

Please review,

Analysis Results

The selected PD is in an area OPEN to new appropriations.

The safe yield based on the variables listed below is 1,886.13 AF.

Total prior appropriations in the circle is 490.00 AF. -78.5 AF = 411.5 AF Total quantity of water available for appropriation is 1,396.13 AF.

1474.6AF

Safe Yield Variables

The area used for the analysis is set at 5,589 acres.

The potential annual recharge at the circle center is estimated to be 5.4 inches.

The percent of recharge available for appropriation is 75%.

Authorized Quantity values are as of 22-MAY-2019 and are based on Appropriated and Vested ground water right and possible stream nodes for GMD #2. Domestic, Term and Temporary water rights have been excluded.

There are 10 water rights and 9 points of diversion within the circle.

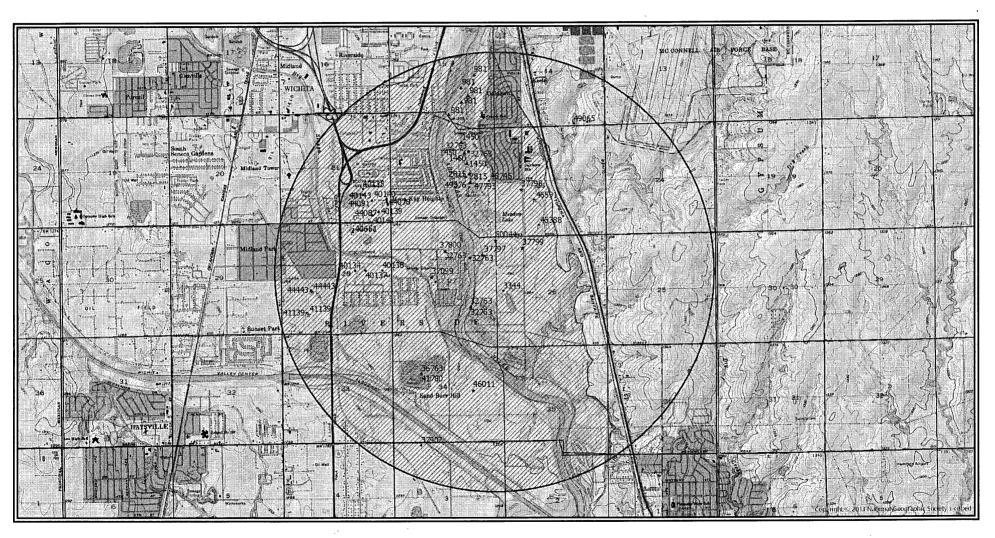
File Nu	ımber	Use	ST	SR	Q4	Q3	Q2	Q1	FeetN	FeetW	Sec	Twp	Rng	ID	Qind	Auth Quant	Add Quant	Tot Acres	Net Acres
A 36	5763 00	IRR	NK	G		NC	S2	NW	3300	3960	34	28	01E	1	WR	39.00	39.00	51.00	51.00
A 41	1139 00	REC	NK	G		NE	SW	SW	905	4000	28	28	01E	6	WR	40.00	40.00		•
A 41	1780 00	IRR	NK	G		NC	S2	NW	3300	3960	34	28	01E	1	WR	26.00	26.00	51.00	0.00
A 44	1443 00	REC	NK	G	-	NW	NE	SW	1990	3800	28	28	01E	8	WR	48.30	48.30		
A 46	5011 00	IND	KE	G		NE	NW	SE	2460	1460	34	28	01E	2	WR	217.00	217.00		
A 46	5591 00	REC	NK	G		SW	NE	SW	1637	3344	23	28	01E	3	WR	25.00	25.00		
A 46	6745 00	IRR	NK	G		SE	SE	NE	2722	279	22	28	01E	13	WR	3.20	3.20	1.50	1.50
A 47	7793 00	REC	LO	G					2320	1150	22	28	01E	14	WR	9.00	9.00		
A 49	9376 00	REC	KE	G					2820	1295	22	28	01E	15	WR	4.00	4.00		
A 50	0044 00	IND	AY	G		SE	NE	NE	4360	40	27	28	01E	31	WR	78.50	78, 5 0		

Limitations

File Number	Seq Num Limitations
A 41780 00	1 245GPM COM/W #36,763

#50,044 neets Soft Yield

Safe Yield Report Sheet Water Right- Proposed Point of Diversion Point of Diversion in 27-28S-01E Footages from SE corner- 3,600 feet North 40 feet West



59,044 Water Rights and Points of Diversion Within 2.00 miles of point defined as: dd 40 ft W of the SE Corner of Section 27, T 28S, R 1E
97.298249 West Longitude and 37.588805 North Latitude

NLY

Use ST SR Dist (ft) Q4 Q3 Q2 Q1 FeetN FeetW Sec Twp Rng ID Batt Auth_Quan Add_Quan Unit meets

IRR NK G 6649 -- NC S2 NW 3300 3960 34 28 15 1 3600 ft N and Located at: GROUNDWATER ONLY ______ 36763 00 IRR NK G 41139 00 REC NK G 9364 -- NE SW SW 905 4000 28 28 1E 40.00 40.00 AF A___ A__ 41780 00 IRR NK G 6649 -- NC S2 NW 3300 3960 34 28 1E 26.00 26.00 AF 1 44443 00 REC NK G 8917 -- NW NE SW 1990 3800 28 28 1E 8 48.30 48.30 AF A__ 46011 00 IND KE G 6528 -- NE NW SE 2460 1460 34 28 1E 2 217.00 217.00 AF A___ 46591 00 REC NK G 3293 -- SW NE SW 1637 3344 23 28 25.00 AF 1E 3 25.00 A 46745 00 IRR NK G 3672 -- SE SE NE 2722 279 22 28 3.20 3.20 AF 1E 13 3454 -- -- -- 2320 1150 22 28 9.00 47793 00 REC LO G 1E 14 9.00 AF 3973 -- -- -- 2820 1295 22 A__ 49376 00 REC KE G 28 1E 15 4.00 4.00 AF 760 -- SE NE NE 4360 40 27 28 1E 31 78.50 78.50 AF 50044 00 IND AY G T__ 979073 00 CON GY G 10532 -- NW SE NE 3348 999 14 28 1E 80.70 80.70 AF 4155 -- NW NW SE 2303 2607 22 28 190.91 190.91 AF P 20180028 00 DEW GY G 1E 16 169.70 169.70 AF P 20180029 00 DEW GY G 8880 -- NW SW NE 2303 2607 15 28 1E 27 ______ Total Net Quantities Authorized: Direct Storage 78.50 Total Requested Amount (AF) = 0.0 Total Permitted Amount (AF) = 662.31 . 00 0.0 Total Inspected Amount (AF) = 9.00 Total Pro_Cert Amount (AF) = .00 .00 Total Certified Amount (AF) = 181.50 .00 Amount (AF) = Total Vested .00 TOTAL AMOUNT (AF) = 931.31 .00 An * after the source of supply indicates a pending application for change for the file number. An \star after the ID indicates a 15 AF exemption was granted for the file number. A "G" in the Batt column indicates the GEO CTR of a battery. A "B" indicates a well in the battery. The number in the Batt column is the number of wells in the battery. Water Rights and Points of Diversion Within 2.00 miles of point defined as: 97.298249 West Longitude and 37.588805 North Latitude

GROUNDWATER ONLY

WATER USE CORRESPONDENTS:

Use ST SR File Number 36763 00 IRR NK G

PINE BAY GOLF COURSE INC

> RON MEYER

6615 S. GROVE ST

WICHITA KS 67216

41139 00 REC NK G

RECREATIONAL FILE

GROUNDWATER PIT

ALLSTATE MO 00000

>-----

A 41780 00 IRR NK G



LEGAL PROOF OF PUBLICATION

Account #	Ad Number	Identification	PO	Amount	Cols	Lines
564106	0004198701	PUBLIC NOTICE File No. 50,044 JRD LLC has f		\$ 610.35	1	35

Attention: Trevor Kurth

BAUGHMAN CO. **315 ELLIS** WICHITA, KS 67211

PUBLIC NOTICE
File No. 50,044
JRD LLC has filed Application for Permit to Appropriate Water for Beneficial
Use, File No. 50,044, with the Division of Water Resources, Kansas Department of Agriculture, requesting the appropriation of 78.5 acrefeet of groundwater to be diverted at the rate of natural evaporation for industrial use from a proposed groundwater pit. The geographic center of the groundwater pit is located in the Southeast Quarter of the Northeast Ouarter of Section 27, in Township 28 South, Range 1 East, Sedgwick County, Kansas.

Anyone, with existing wells in the immediate vicinity of the proposed geographic center, is invited to submit written comments regarding Application, file No. 50,044. Persons submitting comments should specifically indicate their interest in the proposed appropriation. Comments regarding the application will be accepted through June 7, 2019.

Written comments or questions regarding the application may be directed to the Office of the Chief Engineer, Division of Mater Resources, Kansas Department of Agriculture, 1320 Research Park Drive, Manhattan, Kansas Geost. If you wish more information concerning this application, you may also contact Douglas Schemm, Environmental Scientist, Topeka Field Office, at (785) 296-3495.

In The STATE OF KANSAS In and for the County of Sedgwick AFFIDAVIT OF PUBLICATION

Insertions

Beginning issue of:

05/01/2019

Ending issue of:

05/15/2019

STATE OF KANSAS)

SS

County of Sedgwick)

Dale Seiwert, of lawful age, being first duly sworn, deposeth and saith. That he is Record Clerk of The Wichita Eagle, a daily newspaper published in the City of Wichita, County of Sedgwick, State of Kansas, and having a general paid circulation on a daily said basis in County, which newspaper has been continuously and uninterruptedly published in said County for more than one year prior to the first publication of the notice hereinafter mentioned, and which said newspaper has been entered as second class mail matter at the United States Post Office in Wichita, Kansas, and which said newspaper is not a trade, religious or fraternal publication and that a notice of a true copy is hereto attached was published in the regular and entire Morning issue of said The Wichita Eagle from 5/1/2019 to 05/15/2019.

I certify (or declare) under the penalty of perjury that the foregoing is true and correct.

(Signature of Principal Clerk)

DATED: 5/15/2019

Notan Rublic Sedgwick County, Kansas

JENNIFER RAE BAILEY Notary Public - State of Kansas My Appt. Expires



Phone: 785-296-5733 Fax: 785-296-8298 www.agriculture.ks.gov

Mike Beam, Secretary

Laura Kelly, Governor

April 25, 2019

DEBORAH REEVES 5553 S CLIFTON AVE DERBY KS 67037

Re:

Pending Application, File No. 50,044

Dear Sir or Madam:

This is to advise you that JRD, LLC has filed the application referred to above for a permit to appropriate 78.5 acre-feet of groundwater per calendar year to be diverted at the rate of natural evaporation from a proposed groundwater pit for industrial use. The geographic center of the groundwater pit will be located as follows:

in the Southeast Quarter of the Northeast Quarter of the Northeast Quarter of Section 27, in Township 28 South, Range 1 East, Sedgwick County, Kansas.

Records in this office indicate that you may have a well or wells in this vicinity and you are being notified of receipt of this application in order that you may be fully informed of the proposed location of the applicant's point of diversion and proposed use of water. Consideration will be given to comments or other information which you desire to submit to this office within 15 days from the date of this letter.

You can find the application and site map posted by the file number referenced above under Stafford Field Office 2018, at: http://agriculture.ks.gov/divisions-programs/dwr/water-appropriation/notices

If you have any questions or comments, you may also contact me at (785) 296-3495. If you call, please reference the file number so I can help you more efficiently.

Sincerely,

Douglas W. Schemm Environmental Scientist

Topeka Field Office

Dug Dehamm

pc:



Phone: 785-296-5733 Fax: 785-296-8298 www.agriculture.ks.gov

Mike Beam, Secretary

Laura Kelly, Governor

April 25, 2019

PATRICK GREENWOOD 3114 E 55TH ST S DERBY KS 67037

Re:

Pending Application, File No. 50,044

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Sincerely,

Douglas W. Schemm

Dug Schemm

Environmental Scientist Topeka Field Office

pc:



Phone: 785-296-5733 Fax: 785-296-8298 www.agriculture.ks.gov

Mike Beam, Secretary

Laura Kelly, Governor

April 25, 2019

SEAN O'BRIEN 3116 E 55TH ST S DERBY KS 67037

Re:

Pending Application, File No. 50,044

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Sincerely,

Douglas W. Schemm Environmental Scientist

Long Schemm

Topeka Field Office

pc:



Phone: 785-296-5733 Fax: 785-296-8298 www.agriculture.ks.gov

Mike Beam, Secretary

Laura Kelly, Governor

April 25, 2019

DON KLAUSMEYER CONSTRUCTION 10008 W YORK WICHITA KS 67215

Re:

Pending Application, File No. 50,044

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Sincerely,

Douglas W. Schemm Environmental Scientist Topeka Field Office

Dug Schemm

pc:



Phone: 785-296-5733 Fax: 785-296-8298 www.agriculture.ks.gov

Mike Beam, Secretary

Laura Kelly, Governor

April 25, 2019

RUSTIN ATKEISSON 5531 S MEADOWVIEW CT DERBY KS 67037

Re:

Pending Application, File No. 50,044

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Sincerely,

Douglas W. Schemm Environmental Scientist

Topeka Field Office

pc:



Phone: 785-296-5733 Fax: 785-296-8298 www.agriculture.ks.gov

Mike Beam, Secretary

Laura Kelly, Governor

April 25, 2019

CRAIG LAFON 5543 S MEADOWVIEW CT DERBY KS 67037

Re:

Pending Application, File No. 50,044

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Sincerely,

Douglas W. Schemm Environmental Scientist Topeka Field Office

pc:



Phone: 785-296-5733 Fax: 785-296-8298 www.agriculture.ks.gov

Mike Beam, Secretary

Laura Kelly, Governor

April 25, 2019

EMILY FLETCHER 5551 S MEADOWVIEW CT DERBY KS 67037

Re:

Pending Application, File No. 50,044

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Sincerely,

Douglas W. Schemm Environmental Scientist

Topeka Field Office

pc:

- Deborah Reeves
 5553 S Clifton Ave
 Derby, Kansas 67037
- Deborah Reeves5553 S Clifton AveDerby, Kansas 67037
- 3 Patrick Greenwood 3114 E 55th St S Derby, Kansas 67037
- 4 Sean O'Brien 3116 E 55th St S Derby, Kansas 67037
- Don Klausmeyer Construction10008 W YorkWichita, Kansas 67215
- 6 Rustin Atkeisson 5531 S Meadowview Ct Derby, Kansas 67037
- 7 Craig Lafon 5543 S Meadowview Ct Derby, Kansas 67037
- 8 Emily Fletcher5551 S Meadowview CtDerby, Kansas 67037

Water Resources Received

WATER RESOURCES APR 23 2019
RECEIVED UNACCEPTABLE FOR PRIORITY
APR 2 4 20 S Dept Of Agriculture

KS DEPT OF AGRICULTURE

SCANNED

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

April 24, 2018

JRD, LLC PO BOX 75337 WICHITA KS 67275

> **RE**: Application File No. 50044

Dear Sir or Madam:

Your application for permit to appropriate water in 27-28S-1E in Sedgwick County, was received and has been assigned the file number noted above.

As a matter of record, the Division of Water Resources has on hand a large number of applications awaiting processing. Therefore to be fair to all concerned, and so that we can process those applications on hand in the order they were received, we intend to concentrate on the backlog of applications until the issue is resolved. Once review of your application has begun, we will contact you, if additional information is required.

In accordance with the provisions of the Kansas Water Appropriation Act, a portion of which is included below, the use of water as proposed prior to approval of the application is unlawful. Once approved, compliance with the terms, conditions and limitations of the permit is necessary. Conservation of the water resources of Kansas is required.

Section 82a-728 of the Kansas Water Appropriation Act, provides (a) except for the appropriation of water for the purpose of domestic use, . . . it shall be unlawful for any person to appropriate or threaten to appropriate water from any source without first applying for and obtaining a permit to appropriate water in accordance with the provisions of the Water Appropriation Act or for any person to violate any condition of a vested right, appropriation right or an approved application for a permit to appropriate water for beneficial use.

(b) (1) The violation of any provision of this section by any person is a class C misdemeanor . . .

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

If you have any questions, please contact me at (785) 564-6637. 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

risteraBaum

Water Appropriation Program

BAT:

STAFFORD Field Office

GMD



