

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

1. File Number: <p style="text-align: center; font-size: 1.2em;">50,092</p>	2. Status Change Date: <p style="text-align: center; font-size: 1.2em;">7/23/2019</p>	3. Field Office: <p style="text-align: center; font-size: 1.2em;">02</p>	4. GMD:
5. Status: <input checked="" type="checkbox"/> Approved <input type="checkbox"/> Denied by DWR/GMD <input type="checkbox"/> Dismiss by Request/Failure to Return			
6. Enclosures: <input checked="" type="checkbox"/> Check Valve <input checked="" type="checkbox"/> N of C Form <input type="checkbox"/> Water Tube <input type="checkbox"/> Driller Copy <input checked="" type="checkbox"/> Meter			
<p>7a. Applicant(s) New to system <input type="checkbox"/></p> <p style="text-align: right;">Person ID _____ Add Seq# _____</p> <p>AG SERVICE INC 13549 NW HWY 196 WHITEWATER KS 67154</p>	<p>7c. Landowner(s) New to system <input type="checkbox"/></p> <p style="text-align: right;">Person ID _____ Add Seq# _____</p>		
<p>7b. Landowner(s) New to system <input type="checkbox"/></p> <p style="text-align: right;">Person ID 86 _____ Add Seq# _____</p> <p>AG SERVICE INC MIKE KLEIBER 1830 KANZA HILLSBORO KS 67063-9524</p>	<p>7d. Misc. New to system <input type="checkbox"/></p> <p style="text-align: right;">Person ID _____ Add Seq# _____</p>		
<p>8. WUR Correspondent New to system <input type="checkbox"/> Overlap File (s) WUC Agree <input type="checkbox"/> Yes <input type="checkbox"/> No 7b.</p> <p style="text-align: right;">Person ID _____ Add Seq# _____ Notarized WUC Form <input type="checkbox"/></p>	<p>9. Use of Water: Changing? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No</p> <p style="text-align: center;"><input checked="" type="checkbox"/> Groundwater <input type="checkbox"/> Surface Water</p> <p><input type="checkbox"/> IRR <input type="checkbox"/> REC <input type="checkbox"/> DEW <input type="checkbox"/> MUN</p> <p><input type="checkbox"/> STK <input type="checkbox"/> SED <input type="checkbox"/> DOM <input type="checkbox"/> CON</p> <p><input type="checkbox"/> HYD DRG <input type="checkbox"/> WTR PWR <input type="checkbox"/> ART RECHRG</p> <p><input checked="" type="checkbox"/> IND SIC: 2815 <input type="checkbox"/> OTHER: _____</p>		
10. Completion Date: <u>12/31/2020</u> 11. Perfection Date: <u>12/31/2024</u> 12. Exp Date: _____			
13. Conservation Plan Required? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No Date Required: _____ Date Approved: _____ Date to Comply: _____			
14. Water Level Measuring Device? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No Date to Comply: _____ Date WLMD Installed: _____			
<p>Date Prepared: 6/25/19 By: MJM Date Entered: 7/24/2019 By: UM</p>			

File No. **50,092** 15. Formation Code: **533** Drainage Basin: **Walnut River 51** County: **BU** Special Use: Stream:

16. Points of Diversion										
MOD	DEL	ENT	PDIV	Qualifier	S	T	R	ID	'N	'W
MOD				60523	NENESW	22	24S	3E	1	2422 2723 Geo-Cent
ENT				87621	NENESW	22	24S	3E		2225 2725 Bat 1 of 2
ENT				87622	NENESW	22	24S	3E		2618 2720 Bat 2 of 2
Battery ID # 2146										

17. Rate and Quantity				
Authorized		Additional		
Rate gpm	Quantity mgy	Rate gpm	Quantity mgy	Overlap PD Files
60	6	60	6	42734

18. Storage: Rate _____ NF Quantity _____ ac/ft Additional Rate _____ NF Additional Quantity _____ ac/ft

19. Limitation: _____ af/yr at _____ gpm (_____ cfs) when combined with file number(s) _____
 Limitation: _____ af/yr at _____ gpm (_____ cfs) when combined with file number(s) _____

20. Meter Required? Yes No To be installed by **12/31/2020** Date Acceptable Meter Installed _____

21. Place of Use				NE¼				NW¼				SW¼				SE¼				Total	Owner	Chg? NO	Overlap Files				
MOD	DEL	ENT	PUSE	S	T	R	ID	NE ¼	NW ¼	SW ¼	SE ¼	NE ¼	NW ¼	SW ¼	SE ¼	NE ¼	NW ¼	SW ¼	SE ¼								
√			50453	22	24S	3E	1	Fertilizer Mixing Facility located in NE ¼ NE ¼ SW ¼																	7b	NO	42734

Comments: **Switching to Battery as have existing illegal well (located during a 7/2/2018 field investigation for overpumping). Requesting 60 gpm and 6,000,00 gallons per year. File No. 42734 is being dismissed by the applicant.**

KANSAS DEPARTMENT OF AGRICULTURE
Division of Water Resources

M E M O R A N D U M

TO: Files

DATE: June 25, 2019

FROM: Matt Meier

RE: Application File No. 50,092

Ag Service Inc has filed the above referenced application proposing to appropriate 6,000,000 million gallons (18.41 acre-feet) of groundwater for industrial use at a proposed rate of 60 gallons per minute. The proposed point of diversion is a battery of two (2) wells, covered by File No. 42,734, located in the Northeast Quarter of the Northeast Quarter of the Southwest Quarter (NE1/4 NE1/4 SW1/4) of section 22, more particularly described as being near a point 2,422 feet North and 2,723 feet West of the Southeast corner of said section, Township 24 South, Range 3 East, Butler County, within the Walnut River drainage basin. The proposed place of use is a fertilizer mixing facility located in the Northeast Quarter of the Northeast Quarter of the Southwest Quarter (NE ¼ NE¼ SW¼) of Section 22, Township 24 South, Range 3 East, Butler County. The entire proposed place of use is owned by AG Service Inc. File No. 42,734 overlaps the proposed place of use and partially overlaps the point of diversion. A voluntary dismissal was submitted by the applicant to dismiss File No. 42,734 contingent on the approval of Application NO. 50,092.

Three domestic wells and zero non-domestic wells were identified within one-half mile of the proposed geo-center. Nearby letters were sent out on February 21, 2019. A phone call was received from Jerry Logan to discuss the application and express his concerns. No other contact was received. According to the WRIS database, the nearest non-domestic point of diversion (File No. 9,088) is located over 3,284 feet away. The nearest domestic well is approximately 2,400 feet away. The proposed point of diversion meets minimum well spacing to all existing wells. Per the requirements in K.A.R. 5-4-4 for all other aquifers, the minimum well spacing should be one-quarter mile to all other non-domestic wells and 660 feet to domestic wells.

The well log for File No. 42,734 (which the application overlaps and was previously identified as Wellington Formation), shows clay from 0 to 4 feet, soft Lime from 4 to 6 feet, brown clay from 6 to 12 feet, yellow shale from 12 to 78 feet, water from 78 to 79 feet, and blue shale from 79 to 88 feet below ground. The static water level was listed at 32 feet, the screened interval runs from 68 to 88 feet, and saturated thickness would be around 56 feet.

Based on the well log, it appears that the aquifer is hydraulically confined. Per K.A.R. 5-3-14, safe yield for a confined aquifer is processed on a case by case basis using the best available information. No specific criteria have been developed for safe yield evaluation of this confined aquifer, it appears that the pending application can be reviewed using the safe yield criteria in K.A.R. 5-3-11 as a guideline, which is consistent with other applications in similar sources of supply. This safe yield value per K.A.R. 5-3-11 provides the maximum allowable recharge (3.8 inches) for the area of consideration, since a deeper confined aquifer would likely receive only a portion of the recharge that a shallow, unconfined aquifer would receive. If there is a significant quantity of water still remaining as determined by K.A.R. 5-3-11, then even with a considerable reduction in the amount of recharge reaching the confined aquifer (in this case, just over 22% of this maximum recharge value or 0.83 inches of recharge for both applications) there would still be sufficient water available.

The area of consideration is the extent of the aquifer in the two-mile circle, which was determined to be 8,042 acres. With a potential annual recharge of 3.8 inches, and 100% of recharge available for appropriation, safe yield was determined to be 2,546.78 acre-feet. Existing water rights have appropriated 533.04 acre-feet, providing a difference of 2013.74 acre-feet available for appropriation, and the application requesting 6 million gallons (18.41 acre-feet) acre-feet complies with safe yield.

The applicant attached an Industrial Use Supplemental Sheet indicating that in 5 years they will need an estimated 6,000,000 gallons per year to sustain their expanded needs. Their past usage was 374,050 gallons 5 years ago in 2013; 628,350 gallons last year in 2016; and 685,450 gallons in 2017. The applicant's estimated future water demands are 3,000,000 gallons for year 1; 3,800,000 gallons for year 2; 4,400,000 gallons for year 3; 5,600,000 gallons for year 4; and 6,000,000 gallons for year 5. The applicant is requesting the higher quantity to address past overpumping to provide some additional leeway should their future production needs be greater than their current estimates. The requested quantity and rate of diversion appear to be reasonable for the intended use.

In accordance with K.S.A. 82a-706c, the Chief Engineer retains full authority to require any water user to install meters, gages, or other measuring devices, which devices he or she or his or her agents may read at any time. Water flowmeter requirements are further described in K.A.R. 5-1-4 through K.A.R. 5-1-12. If any chemical or foreign substance is injected into the water pumped under this permit, a check valve will also need to be installed.

The proposed application is subject to minimum desirable streamflow requirements. The applicant signed, notarized, and returned the required form to our office on May 1, 2019.

Jeff Lanterman, Water Commissioner, Stafford Field Office, recommended approval of the referenced application on June 24, 2019. Based on the above discussion, well spacing and safe yield criteria are met, and approval of the application will not impair senior water rights nor prejudicially or unreasonably affect the public interest, it is recommended that the referenced application be approved.

Matthew J. Meier
Environmental Scientist
Permits Unit

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, Secretary

Laura Kelly, Governor

July 29, 2019

AG Service INC
13549 NW Hwy 196
Whitewater, KS 67514

RE: Application File No. 50,092

FILE COPY

Dear Water User:

There is enclosed a permit to appropriate water authorizing you to proceed with construction of the proposed diversion works (except those dams and stream obstructions regulated by K.S.A. 82a-301 through 305a), to divert such unappropriated water as may be available from the source and at the location specified in the permit, and to use it for the purpose and at the location described in the permit.

Your attention is directed to the enclosures and to the terms, conditions, and limitations specified in this permit. A water meter is required and you must install it prior to water being put to beneficial use in order for you to maintain accurate records of water use. The meter should be used to provide the information required on the annual water use report.

Failure to notify the Chief Engineer of the Division of Water Resources of the completion of the diversion works within the time allowed, or within any authorized extension of time thereof, will result in the dismissal of this permit. Enclosed is a form which may be used to notify the Chief Engineer that the proposed diversion works have been completed.

All requests for extensions of time to complete diversion works, or to perfect appropriations, must be submitted to the Chief Engineer before the expiration of time originally set forth in the permit to complete diversion works or to perfect an appropriation. If for any reason, you require an extension of time, you must request it before the expiration of time set forth in this permit. Failure to comply with this regulation will result in the dismissal of your permit or your water right. Any request for an extension of time shall be accompanied by the required statutory fee, which is currently \$100.00.

There is also enclosed an information sheet setting forth the procedure to obtain a Certificate of Appropriation which will establish the extent of your water right. If you have any questions, please contact our office. If you wish to discuss this specific file, please have the file number ready so that we may help you more efficiently.

Sincerely,

Kristen A. Baum
New Application Unit Supervisor
Water Appropriation Program

Enclosures

pc: Stafford Field Office
AG Service INC Hillsboro

THE STATE  OF KANSAS

KANSAS DEPARTMENT OF AGRICULTURE
Mike Beam, Secretary of Agriculture

DIVISION OF WATER RESOURCES
David 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. **50,092** of the applicant

AG SERVICE INC
13549 NW HWY 196
WHITEWATER, KS 67154

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 **July 23, 2018**.
2. That the water sought to be appropriated shall be used for industrial use at a Fertilizer Mixing Facility located in the Northeast Quarter of the Northeast Quarter of the Southwest Quarter (NE $\frac{1}{4}$ NE $\frac{1}{4}$ SW $\frac{1}{4}$) of Section 22, Township 24 South, Range 3 East, Butler County, Kansas.
3. That the authorized source from which the appropriation shall be made is groundwater, to be withdrawn by means of a battery of two (2) wells, the geo-center of which is to located in the Northeast Quarter of the Northeast Quarter of the Southwest Quarter (NE $\frac{1}{4}$ NE $\frac{1}{4}$ SW $\frac{1}{4}$) of Section 22, more particularly described as being near a point 2422 feet North and 2723 feet West of the Southeast corner of said section, in Township 24 South, Range 3 East, Butler County, 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 **60 gallons per minute (0.134 c.f.s.)** and to a quantity not to exceed **6 million gallons (18.41 acre-feet)** of water for any calendar year.
5. That installation of works for diversion of water shall be completed on or before **December 31, 2020** or within any authorized extension thereof. The applicant shall notify the Chief Engineer and pay the statutorily required field inspection fee, which is currently \$400.00, 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, which is currently \$100.00.
6. That the proposed appropriation shall be perfected by the actual application of water to the proposed beneficial use on or before **December 31, 2024** 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 all diversion works constructed under the authority of this permit into which any type of chemical or other foreign substance will be injected into the water pumped from the diversion works shall be equipped with an in-line, automatic quick-closing, check valve capable of preventing pollution of the source of the water supply. The type of valve installed shall meet specifications adopted by the Chief Engineer and shall be maintained in an operating condition satisfactory to the Chief Engineer.
12. That an acceptable water flow meter shall be installed on the diversion works authorized by this permit in accordance with the Kansas Administrative Regulations 5-1-4 through 5-1-12 adopted by the Chief Engineer. This water flow meter shall be used to provide an accurate quantity of water diverted as required for the annual water use report (including the meter reading at the beginning and ending of the report year).
13. 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.
14. That no water user shall engage in nor allow the waste of any water diverted under the authority of this permit.
15. 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.
16. 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.
17. That this permit is further limited such that all wells shall be located within a three hundred (300) foot radius circle, in the same local source of supply, and shall supply water to a common distribution system.

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 23rd day of July, 2019, in Manhattan, Riley County, Kansas.

Lane P. Letourneau

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 23rd day of July, 2019, by Lane P. Letourneau, P.G., Program Manager, Division of Water Resources, Kansas Department of Agriculture.



Danielle Wilson
Notary Public

CERTIFICATE OF SERVICE

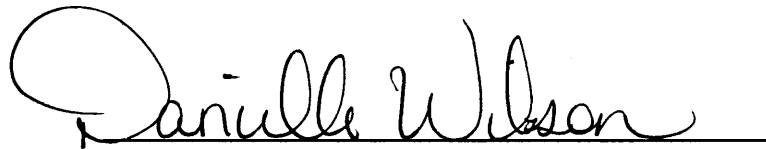
On this 29th day of July, 2019, I hereby certify that the foregoing Approval of Application and Permit to Proceed, File No. 50,092, dated July 23rd, 2019 was mailed postage prepaid, first class, US mail to the following:

AG SERVICE INC
13549 NW HWY 196
WHITEWATER, KS 67154

With photocopies to:

AG SERVICE INC
MIKE KLEIBER
1830 KANZA
HILLSBORO KS 67063-9524

Stafford Field Office



Division of Water Resources



6-24-19
APPLICATION COMPLETE
5/1/19
Reviewer MM/SFFO

KANSAS DEPARTMENT OF AGRICULTURE
Jackie McClaskey, Secretary of Agriculture

DIVISION OF WATER RESOURCES
David W. Barfield, Chief Engineer

File Number 50093
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.)

JUL 23 2018
1:00
KS DEPT OF AGRICULTURE

To the Chief Engineer of the Division of Water Resources, Kansas Department of Agriculture,
1320 Research Park Drive, Manhattan, KS 66502:

1. Name of Applicant (Please Print): AG SERVICE INC
Address: 13549 NW HWY 196
City: WHITEWATER State KS Zip Code 67154
Telephone Number: (620) 947-3166 Corporate office Hillsboro

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

3. The maximum quantity of water desired is 18 acre-feet OR 6,000,000 gallons per calendar year, to be diverted at a maximum rate of 60 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. <u>2</u>	GMD <u>0</u>	Meets K.A.R. 5-3-1 (YES/NO)	Use <u>IND</u>	Source <u>G</u> S County <u>BU</u>	By <u>AW</u>	Date <u>7/23/18</u>	
Code <u>REG</u>	Fee \$ <u>300</u>	TR # _____	Receipt Date <u>7/23/18</u>	Check # <u>7175</u>			

SCANNED
7/26/18 DAW

*MIS/SFFO modified to match 7-2-18 field visit which found 2 wells in use. Used footages from visits, added Geo-Center

3rd well on site but used for domestic purposes.

File No. 50090

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.

Geo-Cent.

(A) One in the NE quarter of the NE quarter of the SW quarter of Section 22, more particularly described as being near a point 2365 feet North and 2682 feet West of the Southeast corner of said section, in Township 24 South, Range 3 East, Butler County, Kansas.

But 1 of 2

(B) One in the NE quarter of the NE quarter of the SW quarter of Section 22, more particularly described as being near a point 2225 feet North and 2725 feet West of the Southeast corner of said section, in Township 24 South, Range 3 East/West (circle one), _____ County, Kansas.

But 2 of 2

(C) One in the NE quarter of the NE quarter of the SW quarter of Section 22, more particularly described as being near a point 2418 feet North and 2720 feet West of the Southeast corner of said section, in Township 24 South, Range 3 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):

Same as Applicant
(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 1/11, 2018. Michal L. Klich
Applicant's Signature

The applicant must provide the required information or signature irrespective of whether they are the landowner. Failure to complete this portion of the application will cause it to be unacceptable for filing and the application will be returned to the applicant.

7. The proposed project for diversion of water will consist of 3 Well & Pumps within 300 ft
(number of wells, pumps or dams, etc.)
and (was)(will be) completed (by) Existing Well
(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 ASAP
(Mo/Day/Year)

WATER RESOURCES RECEIVED

JUL 23 2018

SCANNED

KS DEPT OF AGRICULTURE

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 N.A.

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.

Overlaps PD & PU with File No. 42,734

WATER RESOURCES
RECEIVED

JUL 23 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):

Same as Applicant
(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 Hillsboro ~~7/18/18~~, Kansas, this 18 day of July, 2018
(month) (year)

Ag Service Inc
(Applicant Signature)

By Michael Kleiber President
(Agent or Officer Signature)

Michael L. Kleiber
(Agent or Officer - Please Print)

Assisted by MJM ESII Date: 7/20/2017
(office/title)

WATER RESOURCES
RECEIVED

JUL 23 2018

KS DEPT **SCANNED**

**INDUSTRIAL USE
SUPPLEMENTAL SHEET**

File No. 50090

Name of Applicant (Please Print): AG SERVICE INC

1. Please describe type of industry or product produced: Fertilizer Mixing & Ag Pesticide Spraying
 _____ Standard Industrial Classification Code Number: 2874

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		374,050	
Last year		628,350	
Present year		685,450	

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		3,000,000	
Year 2		3,800,000	
Year 3		4,400,000	
Year 4		5,600,000	
Year 5		6,000,000	

Number of days of operation of the industry per year is 280 days.

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

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	
22	24S	3E	Fertilizer Mixing Facility located in NE¼ NE¼ SW¼																

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

WATER RESOURCES
RECEIVED

JUL 23 2018
SCANNED

KS DEPT OF AGRICULTURE

KANSAS DEPARTMENT OF AGRICULTURE
Division of Water Resources

Draft

M E M O R A N D U M

TO: Files

DATE: May 9, 2019

FROM: Matt Meier

RE: Application File Nos. 50,092

Ag Service Inc has filed the above referenced application proposing to appropriate 6,000,000 million gallons (18.41 acre-feet) of groundwater for industrial use at a proposed rate of 60 gallons per minute. The proposed point of diversion is a battery of two (2) wells, covered by File No. 42,734, located in the Northeast Quarter of the Northeast Quarter of the Southwest Quarter (NE1/4 NE1/4 SW1/4) of section 22, more particularly described as being near a point 2,422 feet North and 2,723 feet West of the Southeast corner of said section, Township 24 South, Range 3 East, Butler County, within the Walnut River drainage basin. The proposed place of use is a fertilizer mixing facility located in the Northeast Quarter of the Northeast Quarter of the Southwest Quarter (NE ¼ NE¼ SW¼) of Section 22, Township 24 South, Range 3 East, Butler County. The entire proposed place of use is owned by AG Service Inc. File No. 42,734 overlaps the proposed point of diversion and place of use.

Three domestic wells and zero non-domestic wells were identified within one-half mile of the proposed geo-center. Nearby letters were sent out on February 21, 2019. A phone call was received from Jerry Logan to discuss the application and express his concerns. No other contact was received. According to the WRIS database, the nearest non-domestic point of diversion (File No. 9,088) is located over 3,284 feet away. The nearest domestic well is approximately 2,400 feet away. The proposed point of diversion meets minimum well spacing to all existing wells. Per the requirements in K.A.R. 5-4-4 for all other aquifers, the minimum well spacing should be one-quarter mile to all other non-domestic wells and 660 feet to domestic wells.

The well log for File No. 42,734 (which the application overlaps and was previously identified as Wellington Formation), shows clay from 0 to 4 feet, soft Lime from 4 to 6 feet, brown clay from 6 to 12 feet, yellow shale from 12 to 78 feet, water from 78 to 79 feet, and blue shale from 79 to 88 feet below ground. The static water level was listed at 32 feet, the screened interval runs from 68 to 88 feet, and saturated thickness would be around 56 feet.

Based on the well log, it appears that the aquifer is hydraulically confined. Per K.A.R. 5-3-14, safe yield for a confined aquifer is processed on a case by case basis using the best available information. No specific criteria have been developed for safe yield evaluation of this confined aquifer, it appears that the pending application can be reviewed using the safe yield criteria in K.A.R. 5-3-11 as a guideline, which is consistent with other applications in similar sources of supply. This safe yield value per K.A.R. 5-3-11 provides the maximum allowable recharge (3.8 inches) for the area of consideration, since a deeper confined aquifer would likely receive only a portion of the recharge that a shallow, unconfined aquifer would receive. If there is a significant quantity of water still remaining as determined by K.A.R. 5-3-11, then even with a considerable reduction in the amount of recharge reaching the confined aquifer (in this case, just over 22% of this maximum recharge value or 0.83 inches of recharge for both applications) there would still be sufficient water available.

The area of consideration is the extent of the aquifer in the two-mile circle, which was determined to be 8,042 acres. With a potential annual recharge of 3.8 inches, and 100% of recharge available for appropriation, safe yield was determined to be 2,546.78 acre-feet. Existing water rights have appropriated 533.04 acre-feet, providing a difference of 2013.74 acre-feet available for appropriation, and the application requesting 6 million gallons (18.41 acre-feet) acre-feet complies with safe yield.

The applicant attached an Industrial Use Supplemental Sheet indicating that in 5 years they will need an estimated 6,000,000 gallons per year to sustain their expanded needs. Their past usage was 374,050 gallons 5 years ago in 2013; 628,350 gallons last year in 2016; and 685,450 gallons in 2017. The applicant's estimated future water demands are 3,000,000 gallons for year 1; 3,800,000 gallons for year 2; 4,400,000 gallons for year 3; 5,600,000 gallons for year 4; and 6,000,000 gallons for year 5. The applicant is requesting the higher quantity to address past overpumping to provide some additional leeway should their future production needs be greater than their current estimates. The requested quantity and rate of diversion appear to be reasonable for the intended use.

In accordance with K.S.A. 82a-706c, the Chief Engineer retains full authority to require any water user to install meters, gages, or other measuring devices, which devices he or she or his or her agents may read at any time. Water flowmeter requirements are further described in K.A.R. 5-1-4 through K.A.R. 5-1-12. If any chemical or foreign substance is injected into the water pumped under this permit, a check valve will also need to be installed.

The proposed application is subject to minimum desirable streamflow requirements. The applicant signed, notarized, and returned the required form to our office on May 1, 2019.

Based on the above discussion, well spacing and safe yield criteria are met, and approval of the application will not impair senior water rights nor prejudicially or unreasonably affect the public interest, it is recommended that the referenced application be approved.

*6/24/19 Confer w/ Motts
recommendation. Approve it.
J.R. W.C.*

Matthew J. Meier
Environmental Scientist
Permits Unit

RECEIVED

MAY 01 2019

Stafford Field Office
Division of Water Resources

05/01/2019
(Date)

Kansas Department of Agriculture
Division of Water Resources
David W. Barfield, Chief Engineer
109 SW 9th Street, 2nd Floor
Topeka, Kansas 66612-1283

Re: Application
File No. 50092

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.

Michael L. Kleiber
Signature of Applicant

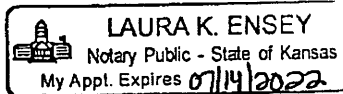
State of Kansas)
County of Marion) ss

Michael L. Kleiber
(Print Applicant's Name)

I hereby certify that the foregoing instrument was signed in my presence and sworn to before me this 2nd day of May, 2019.

Laura K. Ensey
Notary Public

My Commission Expires: 07/14/2022



**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

Meier, Matt [KDA]

From: Meier, Matt [KDA]
Sent: Friday, February 22, 2019 1:22 PM
To: 'Russ Jost'
Subject: RE: Brainard Water Supply

Received your email, thanks for the reply.

Matt Meier
Environmental Scientist
Stafford Field Office
Matt.meier@ks.gov
620-234-5311

From: Russ Jost <r_jost@agservinc.com>
Sent: Friday, February 22, 2019 1:21 PM
To: Meier, Matt [KDA] <Matt.Meier@ks.gov>
Subject: Brainard Water Supply

EXTERNAL: This email originated from outside of the organization. Do not click any links or open any attachments unless you trust the sender and know the content is safe.

Hey Matt

I did a little checking and found that the town of Brainard Ks. is serviced by Butler Co. Rural Water.

--

Thanks,
Russ Jost
Ag Service Inc.
13549 NW Hwy 196
Whitewater, Ks. 67154
620-382-6427 Cell
316-799-1003 Office
316-799-1095 Fax

50092

Jerry Logan No issues in the past. Been there 30 years. Very concerned though. Explained Safe Yield, Spacing, low rate, etc. Still said concerned and would be forwarding on to his attorney.

Water Rights and Points of Diversion Within 2.00 miles of point defined as:

2355 ft N and 2682 ft W of the SE Corner of Section 22, T 24S, R 3E

Located at: 97.087960 West Longitude and 37.948148 North Latitude

GROUNDWATER ONLY

#50092
meets
spacing

File Number	Use	ST	SR	Dist (ft)	Q4	Q3	Q2	Q1	FeetN	FeetW	Sec	Twp	Rng	ID	Batt	Auth_Quan	Add_Quan	Unit
A__ 8905	00	STK	NK	G	10367	NC	N2	NE	NW	-----	-----	25	24	3E	3	25.01	25.01	AF
A__ 9088	00	STK	NK	G	3575	--	SE	SW	SW	40	3980	23	24	3E	1	20.40	20.40	AF
Same					3284	--	CW	SW	SW	660	5230	23	24	3E	2	.00	.00	AF
Same					3585	--	SW	SW	SW	40	5230	23	24	3E	3	.00	.00	AF
Same					3580	--	CS	SW	SW	40	4580	23	24	3E	4	18.80	18.80	AF
Same					10183	--	SE	SW	NW	2655	4500	25	24	3E	7	1.00	1.00	AF
A__ 12252	00	STK	NK	G	6745	--	NW	SW	NE	3612	2673	26	24	3E	1	123.66	123.66	AF
Same					7353	--	SW	SW	NE	2692	2659	26	24	3E	2			
Same					8186	--	SE	SW	NE	2695	1560	26	24	3E	4			
A__ 28286	05	STK	NK	G	8979	--	NW	NW	NE	4684	2055	16	24	3E	5 G	33.28	33.28	AF
Same					9169	--	NW	NW	NE	4926	2023	16	24	3E	3 B	3		
Same					8843	--	SE	NW	NE	4601	1931	16	24	3E	6 B	3		
Same					8928	--	SW	NW	NE	4525	2211	16	24	3E	7 B	3		
A__ 28286	06	STK	NK	G	10207	--	SW	SW	SE	188	2183	11	24	3E	1	51.45	51.45	AF
A__ 42734	00	IND	NK	G	0	--	NE	NE	SW	2355	2682	22	24	3E	1	1.77	1.77	AF
A__ 45557	00	STK	NK	G	6745	--	NW	SW	NE	3612	2673	26	24	3E	1	295.84	172.18	AF
A__ 45558	00	STK	NK	G	7353	--	SW	SW	NE	2692	2659	26	24	3E	2	100.81	5.83	AF
A__ 46373	00	STK	LR	G	8979	--	NW	NW	NE	4684	2055	16	24	3E	5 G	76.35	43.08	AF
Same					9169	--	NW	NW	NE	4926	2023	16	24	3E	3 B	3		
Same					8843	--	SE	NW	NE	4601	1931	16	24	3E	6 B	3		
Same					8928	--	SW	NW	NE	4525	2211	16	24	3E	7 B	3		
A__ 47253	00	IRR	LO	G	4895	--	NE	NW	NE	5304	1282	21	24	3E	1	3.30	3.30	AF
A__ 50092	00	IND	AY	G	0	--	NE	NE	SW	2355	2682	22	24	3E	1	18.41	18.41	AF

Total Net Quantities Authorized:	Direct	Storage
Total Requested Amount (AF) =	18.41	.00
Total Permitted Amount (AF) =	.00	.00
Total Inspected Amount (AF) =	46.38	.00
Total Pro_Cert Amount (AF) =	.00	.00
Total Certified Amount (AF) =	453.38	.00
Total Vested Amount (AF) =	.00	.00
TOTAL AMOUNT (AF) =	518.17	.00

An * after the source of supply indicates a pending application for change for the file number.
 An * 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:

97.087960 West Longitude and 37.948148 North Latitude

GROUNDWATER ONLY

WATER USE CORRESPONDENTS:

File Number	Use	ST	SR
A__ 8905	00	STK	NK G
>	POTWIN LAND & CATTLE CO INC		
>			

> PO BOX 278
> POTWIN KS 67123

A__ 9088 00 STK NK G
> WINDMILL RANCH LLC

>
> 10718 GREEN LAKE RD
> MIDDLEVILLE MI 49333

A__ 12252 00 STK NK G
> WINDMILL RANCH LLC

>
> 10718 GREEN LAKE RD
> MIDDLEVILLE MI 49333

A__ 28286 05 STK NK G
> TRIPLE T LIVESTOCK LLC
> DOUGLAS THIESSEN
> 14429 NW 100TH ST
> WHITEWATER KS 67154

A__ 28286 06 STK NK G
> FEEDER PIG LLC
> DOUGLAS THIESSEN
> 14429 NW 100TH
> WHITEWATER KS 67154

A__ 42734 00 IND NK G
> AG SERVICE INC
> MIKE KLEIBER
> 1830 KANZA
> HILLSBORO KS 67063

A__ 45557 00 STK NK G
> WINDMILL RANCH LLC
>
> 10718 GREEN LAKE RD
> MIDDLEVILLE MI 49333

A__ 45558 00 STK NK G
> WINDMILL RANCH LLC
>
> 10718 GREEN LAKE RD
> MIDDLEVILLE MI 49333

A__ 46373 00 STK LR G
> TRIPLE T LIVESTOCK LLC
> DOUGLAS THIESSEN
> 14429 NW 100TH ST
> WHITEWATER KS 67154

A__ 47253 00 IRR LO G

> UNIFIED SCHOOL DISTRICT #206
> JAMES E REGIER
> 110 S MAIN ST
> WHITEWATER KS 67154

>-----

A__ 50092 00 IND AY G

> AG SERVICE INC
> MIKE KLEIBER
> 1830 KANZA
> HILLSBORO KS 67063

>-----

=====

KANSAS DEPARTMENT OF AGRICULTURE
Division of Water Resources

MEMORANDUM

TO: Files

DATE: September 14, 2018

FROM: Elizabeth K Fitch

RE: Water Right, File No. 42734 &
Pending Application, File No. 50092

The referenced file number appeared on a list of water rights that reported overpumping on the 2017 water use report. On 7/2/18, a visit was conducted to verify the reported water use. That visit found numerous issues including water use report falsification and illegal wells in use. The owner/operator was told they would need a new application and a change application because of the higher reported use and illegal wells.

A notice of non-compliance was issued on 7/13/17 for overpumping reported on the 2016 water use report. In response, the owners contacted this office and a new application was sent to them last year. The application was not received until 7/23/18 after the referenced field visit. However, because the new application was filled out prior to the 2018 visit, it does not describe the illegal wells. The applicant did note that there are three wells present, so the application will need modified to add the two illegal wells. It is unknown if the owner wants to keep File No. 42734 or dismiss it if the new application is approved.

The 7/2/18 visit has GPS descriptions of all three wells.

*2/20/19 Settlement Conf. S. well & N well are being used for
Production Middle well is domestic.
2 wells for new app*

*{ S well 2225 + 2725
N well 2618 + 2720
3832 52*

*Confirm with Ross Post wells for
this*

50092



WATER RESOURCES
RECEIVED
JUL 23 2018
KS DEPT OF AGRICULTURE

Division of Water Resources
Kansas Department of Agriculture

Re: Application for water use permit:

Explanation of the additional need to expand the amount of water use at this location;

We are proposing the addition of a blending facility that requires water being added to bulk dry fertilizer material to be distributed and applied as a fertilizer solution.

If additional information is needed, please get in contact with us.

Sincerely,
Michael L Kleiber
Michael Kleiber
President

50092

FEE SCHEDULE

1. The fee for an application for a permit to appropriate water for beneficial use, except for domestic use, shall be (see paragraph No. 2 below if requesting storage):

ACRE-FEET	FEE
0-100	\$200.00
101-320	\$300.00
More than 320	\$300.00 plus \$20.00 for each additional 100 acre-feet or any part thereof.

2. The fee for an application in which storage is requested, except for domestic use, shall be:

ACRE-FEET	FEE
0-250	\$200.00
More than 250	\$200.00 plus \$20.00 for each additional 250 acre-feet of storage or any part thereof.

Note: If an application requests both direct use *and* storage, the fee charged shall be as determined under No. 1 or No. 2 above, whichever is greater, but not both fees.

3. The fee for an application for a permit to appropriate water for water power or dewatering purposes shall be \$100.00 plus \$200.00 for each 100 cubic feet per second, or part thereof, of the diversion rate requested.

Note: The applicant shall notify the Chief Engineer and pay the statutorily required field inspection fee of \$400.00 when construction of the works for diversion has been completed, except that for applications filed on or after July 1, 2009, for works constructed for sediment control use and for evaporation from a groundwater pit for industrial use shall be accompanied by a field inspection fee of \$200.00.

MAKE CHECKS PAYABLE TO THE KANSAS DEPARTMENT OF AGRICULTURE

ATTENTION

A Water Conservation Plan may be required per K.S.A. 82a-733. A statement that your application for permit to appropriate water may be subject to the minimum desirable streamflow requirements per K.S.A. 82a-703a, b, and c may also be required from you. After the Division of Water Resources has had the opportunity to review your application, you will be notified whether or not you will need to submit a Water Conservation Plan. You also may be required to install a water flow meter or water stage measuring device on your diversion works prior to diverting water. There may be other special conditions or Groundwater Management District regulations that you will need to comply with if this application is approved.

CONVERSION FACTORS

1 acre-foot equals 325,851 gallons

1 million gallons equal 3.07 acre-feet

$\frac{X 6}{18.42}$ Acre ft.

WATER RESOURCES
RECEIVED

JUL 23 2018
SCANNED

KS DEPT OF AGRICULTURE

1944

1945

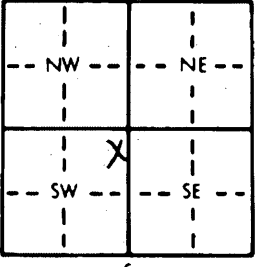
50092

WATER WELL RECORD Form WWC-5 KSA 82a-1212

1 LOCATION OF WATER WELL: Fraction no 1/4 no 1/4 SW 1/4 Section Number 22 Township Number T 24 S Range Number R 3 E
 County: Butler

Distance and direction from nearest town or city street address of well if located within city?
2 1/2 E Whitewater on 196

2 WATER WELL OWNER: AG Service
 RR#, St. Address, Box #: R2 Box 192A
 City, State, ZIP Code: Hillsboro, KS, 67063
 Board of Agriculture, Division of Water Resources
 Application Number:

3 LOCATE WELL'S LOCATION WITH AN "X" IN SECTION BOX:

 4 DEPTH OF COMPLETED WELL: 88 ft. ELEVATION:
 Depth(s) Groundwater Encountered 32 ft. 2. 78 ft. 3.
 WELL'S STATIC WATER LEVEL 32 ft. below land surface measured on mo/day/yr 3-23-95
 Pump test data: Well water was _____ ft. after _____ hours pumping _____ gpm
 Est. Yield 2.5 gpm; Well water was _____ ft. after _____ hours pumping _____ gpm
 Bore Hole Diameter 8 1/2 in. to 8 1/2 in. to _____ in. to _____ ft.
 WELL WATER TO BE USED AS:
 1 Domestic 3 Feedlot 6 Oil field water supply 9 Dewatering 12 Other (Specify below)
 2 Irrigation 4 Industrial 7 Lawn and garden only 10 Monitoring well
 Was a chemical/bacteriological sample submitted to Department? Yes _____ No X; If yes, mo/day/yr sample was submitted _____
 Water Well Disinfected? Yes X No _____

5 TYPE OF BLANK CASING USED:
 1 Steel 3 RMP (SR) 5 Wrought iron 8 Concrete tile CASING JOINTS: Glued X Clamped _____
 2 PVC 4 ABS 6 Asbestos-Cement 9 Other (specify below) Welded _____
 7 Fiberglass Threaded _____
 Blank casing diameter 5 in. to _____ ft. Dia. _____ in. to _____ ft. Dia. _____ in. to _____ ft.
 Casing height above land surface 12 in. weight SDR 26 lbs./ft. Wall thickness or gauge No. 214
 TYPE OF SCREEN OR PERFORATION MATERIAL:
 1 Steel 3 Stainless steel 5 Fiberglass 7 PVC 10 Asbestos-cement
 2 Brass 4 Galvanized steel 6 Concrete tile 8 RMP (SR) 11 Other (specify) _____
 9 ABS 12 None used (open hole)
 SCREEN OR PERFORATION OPENINGS ARE:
 1 Continuous slot 3 Mill slot 5 Gauzed wrapped 8 Saw cut 11 None (open hole)
 2 Louvered shutter 4 Key punched 6 Wire wrapped 9 Drilled holes
 7 Torch cut 10 Other (specify) _____
 SCREEN-PERFORATED INTERVALS: From 60 ft. to 88 ft. From _____ ft. to _____ ft.
 GRAVEL PACK INTERVALS: From 20 ft. to 88 ft. From _____ ft. to _____ ft.

6 GROUT MATERIAL: 1 Neat cement 2 Cement grout 3 Bentonite 4 Other _____
 Grout Intervals: From 0 ft. to 20 ft. From _____ ft. to _____ ft. From _____ ft. to _____ ft.
 What is the nearest source of possible contamination:
 1 Septic tank 4 Lateral lines 7 Pit privy 10 Livestock pens 14 Abandoned water well
 2 Sewer lines 5 Cess pool 8 Sewage lagoon 11 Fuel storage 15 Oil well/Gas well
 3 Watertight sewer lines 6 Seepage pit 9 Feedyard 12 Fertilizer storage 16 Other (specify below) _____
 13 Insecticide storage _____
 Direction from well? W How many feet? 100 +

FROM	TO	LITHOLOGIC LOG	FROM	TO	PLUGGING INTERVALS
0	4	Clay			
4	6	Soft lime			
6	12	Brown Clay			
12	78	Yellow Shale			
78	79	Water			
79	88	Blue Shale			

7 CONTRACTOR'S OR LANDOWNER'S CERTIFICATION: This water well was (1) constructed, (2) reconstructed, or (3) plugged under my jurisdiction and was completed on (mo/day/year) 3-23-95 and this record is true to the best of my knowledge and belief. Kansas Water Well Contractor's License No. 100 This Water Well Record was completed on (mo/day/year) 3-23-95 under the business name of Backhus Drilling by (signature) [Signature]

INSTRUCTIONS: Use typewriter or ball point pen. PLEASE PRESS FIRMLY and PRINT clearly. Please fill in blanks, underline or circle the correct answers. Send three copies to Kansas Department of Health and Environment, Bureau of Water, Topeka, Kansas 66620-0001. Telephone: 913-296-5545. Send one to WATER WELL OWNER and retain one for your records.

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

7/26/2018

AG SERVICE, INC
13549 NW HWY 196
WHITEWATER, KS 67154

RE: Application, File No. 50092

Dear Sir or Madam:

The Division of Water Resources (Division) has received your application for a permit to appropriate water for beneficial use. Your application has been assigned the file number referenced above. Please be aware that the Division may have a large number of pending applications on hand at times and makes every attempt to process them in the order in which they are received. You will be contacted if additional information is required.

Please note, this letter only acknowledges receipt of your application and does not guarantee approval. In accordance with the provisions of the Kansas Water Appropriation Act, the use of water as proposed prior to approval of the application is unlawful.

Additional information about the process may be found on our website at agriculture.ks.gov/divisions-programs/dwr. If you have any other questions, 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,

A handwritten signature in cursive script that reads "Kristen A. Baum".

Kristen A. Baum
New Application Unit Supervisor
Division of Water Resources

SCANNED

Limitations

File Number	Seq Num	Limitations
A 45557 00	1	109.5 MGY COM/W #9,088 & 12,252
Same	2	96.4 MGY @ 105 GPM COM/W #12252 (P/D 43580)
A 45558 00	1	109.5 MGY COM/W #9,088, 12,252 & 45,557
Same	2	40.296 MGY @ 95 GPM COM/W #12252 (P/D 42325)
A 46373 00	1	24.88MGY @ 300GPM COM/W #28286.05

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

February 21, 2019

BUSENITZ, ETHAN L & BUSENITZ, DENISE D
8409 NW TAWAKONI RD
WHITEWATER, KS 67154-8979

Re: Pending Application, File No. 50,092

Dear Sir or Madam:

This is to advise you that Ag Service Inc has filed the application referred to above for a permit to appropriate 18.42 acre-feet (6,000,000 gallons) of groundwater per calendar year for industrial use to be diverted at a maximum rate of 60 gallons per minute from an existing battery of two (2) wells. The current wells are authorized under water right File #42,734 and the application is requesting some additional quantity. The proposed point of diversion for 50,092 is the geo-center of the well battery, which is located as follows:

Northeast Quarter of the Northeast Quarter of the Southwest Quarter of Section 22, Township 24 South, Range 3 East, Butler County, Kansas.

A map is enclosed indicating the location of the existing wells. Records in this office indicate that you may have a well or wells in this vicinity and you are 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.

If you have any questions or comments, you may also contact me at (620) 234-5311. If you call, please reference the file number so I can help you more efficiently. Mailed comments can be sent to the Stafford Field Office at 300 S. Main St. Stafford, KS 67578-1521.

Sincerely,

A handwritten signature in black ink that reads "Matthew J. Meier".

Matt Meier
Environmental Scientist
Water Appropriations Program

Enclosure

pc:

SCANNED



Legend

- + Section Corners
- Section Lines



Proposed Water Appropriation, File No. 50,092
22-24S-3E
Butler County



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

February 21, 2019

EKMAN, LALLE
13639 NW 80TH ST
WHITEWATER, KS 67154-8972

Re: Pending Application, File No. 50,092

Dear Sir or Madam:

This is to advise you that Ag Service Inc has filed the application referred to above for a permit to appropriate 18.42 acre-feet (6,000,000 gallons) of groundwater per calendar year for industrial use to be diverted at a maximum rate of 60 gallons per minute from an existing battery of two (2) wells. The current wells are authorized under water right File #42,734 and the application is requesting some additional quantity. The proposed point of diversion for 50,092 is the geo-center of the well battery, which is located as follows:

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Sincerely,

A handwritten signature in black ink that reads "Matthew J. Meier".

Matt Meier
Environmental Scientist
Water Appropriations Program

Enclosure

pc:

SCANNED

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



Legend

- Section Corners
- Section Lines

MJM-DWR 2/21/19



Proposed Water Appropriation, File No. 50,092
22-24S-3E
Butler County



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

February 21, 2019

LOGAN, JERRY W; TOD
8635 NW INDIANOLA RD
WHITEWATER, KS 67154-8842

Re: Pending Application, File No. 50,092

Dear Sir or Madam:

This is to advise you that Ag Service Inc has filed the application referred to above for a permit to appropriate 18.42 acre-feet (6,000,000 gallons) of groundwater per calendar year for industrial use to be diverted at a maximum rate of 60 gallons per minute from an existing battery of two (2) wells. The current wells are authorized under water right File #42,734 and the application is requesting some additional quantity. The proposed point of diversion for 50,092 is the geo-center of the well battery, which is located as follows:

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A map is enclosed indicating the location of the existing wells. Records in this office indicate that you may have a well or wells in this vicinity and you are 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.

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Sincerely,

A handwritten signature in black ink that reads "Matthew J Meier".

Matt Meier
Environmental Scientist
Water Appropriations Program

Enclosure

pc:

SCANNED

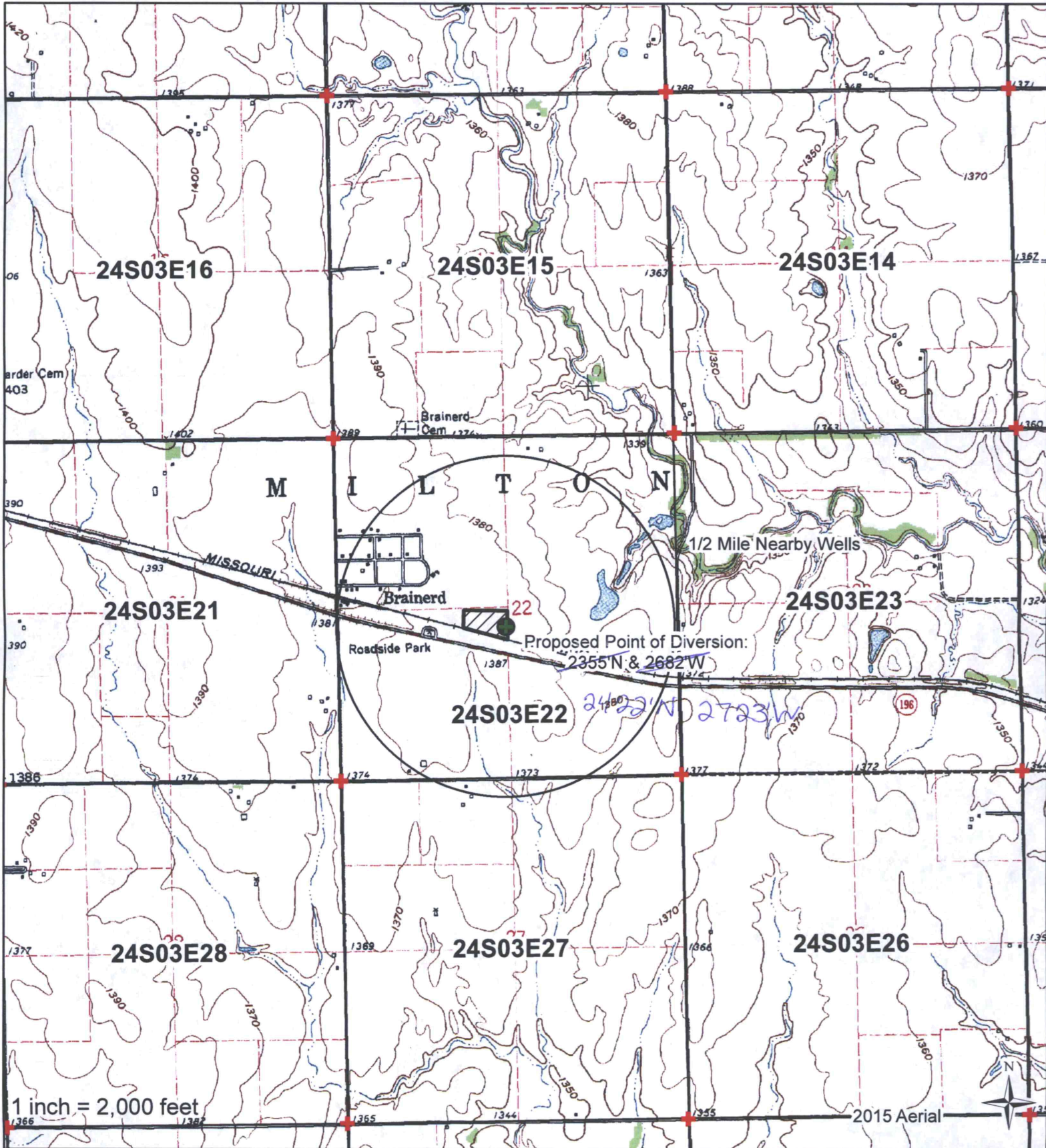


Legend
+ Section Corners
[] Section Lines
MJM-DWR 2/21/19



Proposed Water Appropriation, File No. 50,092
22-24S-3E
Butler County





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

- ProposedPD
- ProposedPlaceOfUse
- Domestic Wells
- Water Rights
- SFFOsec_corners



Date

JUL 23 2018

Created By: Matt Meier
 F.O. 2
 Date: 7/20/2017

SCANNED



Proposed Point of Diversion:
2355'N & 2862'W

24S03E22

1/2 Mile Nearby Wells

1 inch = 1,000 feet

2015 Aerial



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

- Proposed PD
- Proposed Place of Use
- Domestic Wells
- Water Rights
- SFFOsec_corners

Signature _____ Date _____

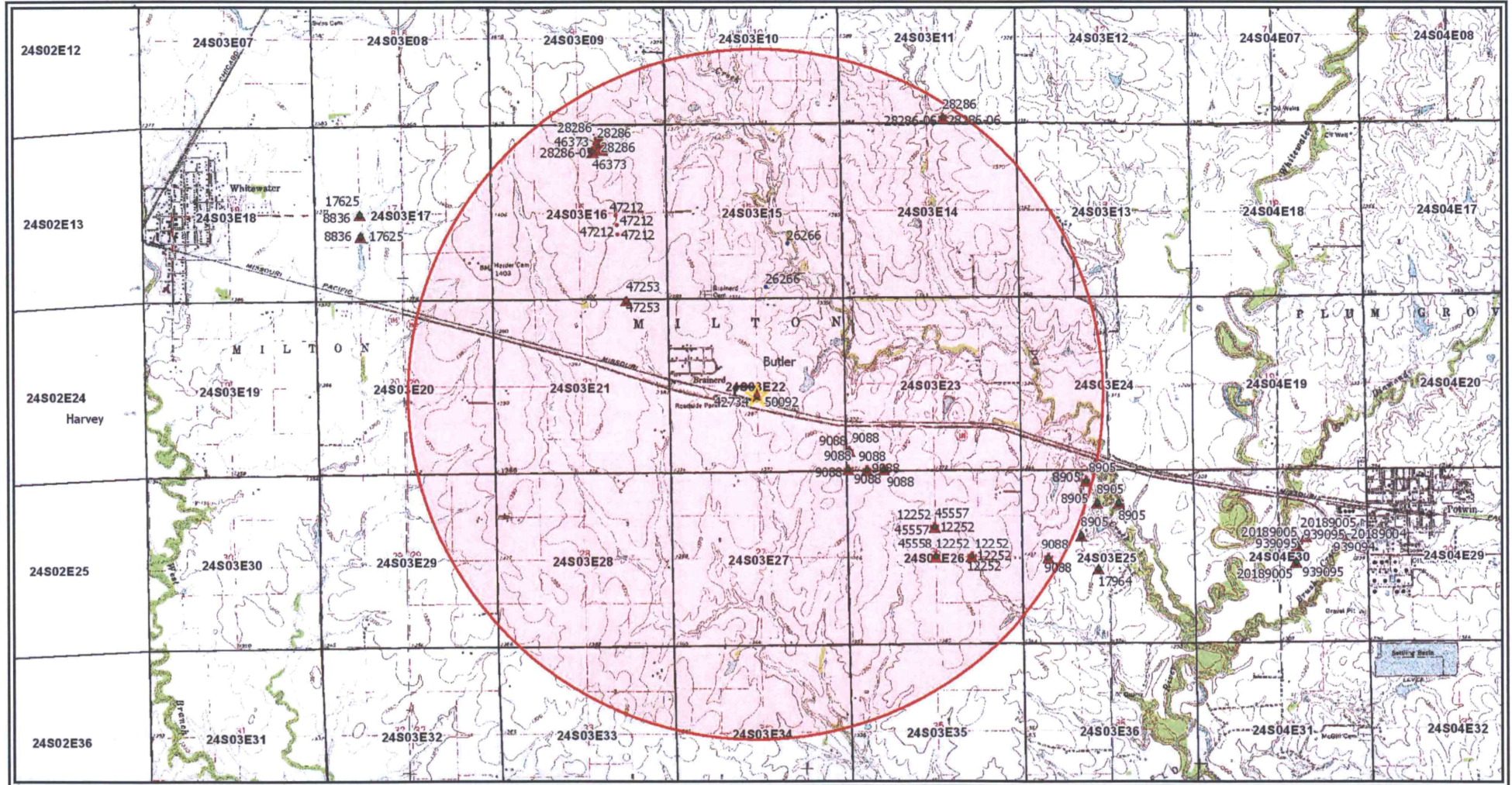
0 400 800 1,600 2,400 3,200 Feet

JUL 23 2018

Created By: Matt Meier
EO. 2
Date: 7/20/2017

WATER RESOURCES RECEIVED
KSN OF AGRICULTURE
SCANNED

Safe Yield Report Sheet
Water Right- Proposed Point of Diversion
Point of Diversion in 22-24S-03E
Footages from SE corner- 2,355 feet North 2,682 feet West



Analysis Results

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

The safe yield based on the variables listed below is 2,546.78 AF.

Total prior appropriations in the circle is 551.45 AF.

Total quantity of water available for appropriation is 1,995.33 AF.

$- 533.04 = 2013.74$

$- 19.41 = 533.04$

meets S.V.

#50092

Safe Yield Variables

The area used for the analysis is set at 8,042 acres.

The potential annual recharge at the circle center is estimated to be 3.8 inches.

The percent of recharge available for appropriation is 100%.

Authorized Quantity values are as of 19-SEP-2018 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 12 water rights and 16 points of diversion within the circle.

File Number	Use	ST	SR	Q4	Q3	Q2	Q1	FeetN	FeetW	Sec	Twp	Rng	ID	Qind	Auth Quant	Add Quant	Tot Acres	Net Acres
A 8905 00	STK	NK	G	NC	N2	NE	NW	0	0	25	24	03E	3	WR	25.01	25.01		
A 9088 00	STK	NK	G		SE	SW	SW	40	3980	23	24	03E	1	PD	20.40	20.40		
Same	STK	NK	G		CS	SW	SW	40	4580	23	24	03E	4	PD	18.80	18.80		
Same	STK	NK	G		CW	SW	SW	660	5230	23	24	03E	2	PD	0.00	0.00		
Same	STK	NK	G		SW	SW	SW	40	5230	23	24	03E	3	PD	0.00	0.00		
Same	STK	NK	G		SE	SW	NW	2655	4500	25	24	03E	7	PD	1.00	1.00		
A 12252 00	STK	NK	G		SW	SW	NE	2692	2659	26	24	03E	2	WR	123.66	123.66		
Same	STK	NK	G		NW	SW	NE	3612	2673	26	24	03E	1	WR				
Same	STK	NK	G		SE	SW	NE	2695	1560	26	24	03E	4	WR				
A 28286 05	STK	NK	G		NW	NW	NE	4926	2023	16	24	03E	3	WR	33.28	33.28		
A 28286 06	STK	NK	G		SW	SW	SE	188	2183	11	24	03E	1	WR	51.45	51.45		
A 28286 05	STK	NK	G		NW	NW	NE	4684	2055	16	24	03E	5	WR	33.28	33.28		
Same	STK	NK	G		SE	NW	NE	4601	1931	16	24	03E	6	WR				
Same	STK	NK	G		SW	NW	NE	4525	2211	16	24	03E	7	WR				
A 42734 00	IND	NK	G		NE	NE	SW	2355	2682	22	24	03E	1	WR	1.77	1.77		
A 45557 00	STK	NK	G		NW	SW	NE	3612	2673	26	24	03E	1	WR	295.84	172.18		
A 45558 00	STK	NK	G		SW	SW	NE	2692	2659	26	24	03E	2	WR	100.81	5.83		
A 46373 00	STK	LR	G		NW	NW	NE	4926	2023	16	24	03E	3	WR	76.35	43.08		
Same	STK	LR	G		NW	NW	NE	4684	2055	16	24	03E	5	WR				
Same	STK	LR	G		SE	NW	NE	4601	1931	16	24	03E	6	WR				
Same	STK	LR	G		SW	NW	NE	4525	2211	16	24	03E	7	WR				
A 47253 00	IRR	LO	G		NE	NW	NE	5304	1282	21	24	03E	1	WR	3.30	3.30	3.00	3.00
A 50092 00	IND	AY	G		NE	NE	SW	2355	2682	22	24	03E	1	WR	18.41	18.41		

533.04

pending