

NOTICE

This scan only represents the application as filed. The information contained herein meets the requirements of K.A.R. 5-3-1 or K.A.R. 5-5-1, and has been found acceptable for filing in the office of the Chief Engineer. The application should not be considered to be a complete application as per K.A.R. 5-3-1b or K.A.R. 5-5-2a.

**Kansas Department of Agriculture
Division of Water Resources**

TEMPORARY PERMIT WORKSHEET

| | | |
|---|--|--|
| 1. File No.: 20200152 | 2. Field Office: 2 | 3. GMD: - |
| <p>4. Applicant/WUC PID _____ or New <input checked="" type="checkbox"/></p> <p>SUNNYLAND PROPERTIES LLC</p> <hr/> <p>2548 N MAIZE CT SUITE 106</p> <hr/> <p>WICHITA KS 67205</p> <hr/> <p>100 GPM</p> <p>4 MILLION GAL</p> | <p>5. Point of Diversion PDIV ID _____ or New <input checked="" type="checkbox"/></p> <p>Source: <input checked="" type="checkbox"/>GW <input type="checkbox"/>SW</p> <p>Basin: WALNUT RIVER</p> <p>Qualifier: SE NE NW 4 27S 3E</p> <p>Feet Dist.: 4580 N 3290 ' W</p> <p>County: BU</p> <p>Meter Required? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No</p> | |
| <p>6. Place of Use PUSE ID _____ or New <input type="checkbox"/></p> <p align="center">same as 20200136</p> <p>Use: <input type="checkbox"/> IND <input type="checkbox"/> DEW <input checked="" type="checkbox"/> Other:</p> <p>Qualifier: NE 5 27S 3E</p> <p>IRR (Hemp, 40 acres)</p> | <p>7. Other</p> <p>Priority Date: 4/9/2020</p> <p>Effective Date: 5/1/2020</p> <p>Expiration Date: 11/1/2020</p> | <div style="border: 1px solid red; padding: 5px; width: fit-content; margin: auto;"> <p>4/10/2020 KJN</p> </div> |

Submit To: CHIEF ENGINEER
Division of Water Resources
Kansas Department of Agriculture
1320 Research Park Drive
Manhattan, KS 66502-5000
<http://agriculture.ks.gov/dwr>

APPLICATION FOR TEMPORARY PERMIT

Water Resources
Received
3:00



Groundwater Surface Water

KS Dept Of Agriculture

State of Kansas

STATUTORY FILING FEE OF \$200.00 MUST ACCOMPANY THIS APPLICATION
(Make check payable to the Kansas Department of Agriculture)

20200152

1. Applicant: (Please print or type)
Name: _____
Mailing Address: _____
City and State: _____
Zip Code: _____ Telephone No. (____) _____
Email Address: _____

6. Period of Use (6 months maximum):
Commencing Date: _____
Ending Date: _____

2. Location of Point of Diversion:
Sec. _____, Twp. _____, Rng. _____, (E/W),
_____ County, Kansas.

7. Location of the proposed point of diversion shall be indicated on the diagram below. Use the center section.

If surface water, indicate on the diagram the course of the stream, and its name.

The scale of the diagram is 2 inches = 1 mile
Each small square represents 10 acres

Distance from Southeast Corner of Section:
_____ feet North from Southeast Corner (FSL)
_____ feet West from Southeast Corner (FEL)

Existing well? Yes No
Existing permit or water right? Yes No

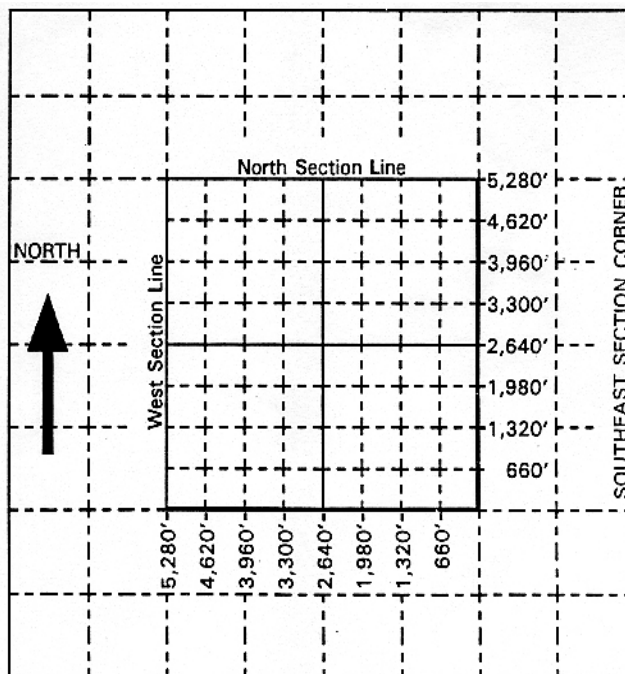
If yes, File No. _____

3. Water Use Data:
Proposed Max. Pumping Rate (gpm) _____
Amount Requested (gallons) _____
(not to exceed four million gallons unless for dewatering)
Depth of Well (feet) _____, **OR**
Name of Stream _____

4. Water is to be used for (briefly describe proposed use):

Please note that K.A.R. 5-9-4 limits temporary permits to one (1) project per application.

5. Location of Place of Use:
Sec. _____, Twp. _____, Rng. _____, (E/W),
Project name and description:



4/10/2020
KJN

For Office Use Only:
F.O. 2 GMD - Meets K.A.R. 5-9-1 (YES/NO) Use IRR Source S/S County BU By KJN Date 4/10/20
Code TMP Fee \$ 200 TR # PY00013683 Receipt Date 4/9/20 Check # CC

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

SUNNYLAND PROPERTIES LLC
2548 N MAIZE CT SUITE 106
WICHITA KS 67205

April 10, 2020

RE: Temporary Permit
File No. 20200152

Dear Sir or Madam:

Your application for temporary permit to appropriate water for beneficial use has been examined, approved, and a permit is enclosed. The approval of this temporary permit does not guarantee the approval of any future applications for permit to appropriate water for beneficial use.

The approval of your application constitutes a temporary permit to appropriate water for beneficial use, as set forth in the application. This permit does not give authority to any right-of-way, or authorize injury to, or trespass upon public or private property, does not constitute authority under K.S.A. 82a 301 through 305 to construct any dam or other obstruction; nor does it obviate the necessity of assent from Federal or Local Governmental authorities, when necessary. An acceptable water flowmeter must be installed on the water well. Records must be maintained from which the quantity of water actually diverted may be readily determined.

Abandoned water wells must be plugged in accordance with the requirements of Article 30 of the rules and Regulations as adopted by the Kansas Department of Health and Environment (KDHE). If the well is to be retained by the landowner for other purposes, a copy of the legal transfer of responsibility for maintenance of the well must be forwarded to the KDHE Geology Section, 1000 SW Jackson, suite 420, Topeka, Kansas, 66612, telephone 785-296-5524. More information is available online at: <http://kdheks.gov/waterwell>.

K.S.A. 82a-728 sets forth, in essence, that it is unlawful to divert or threaten to divert water for the type of use you propose without first acquiring approval of the Chief Engineer of the Division of Water Resources. K.S.A. 82a-737 sets forth that violation of the Kansas Water Appropriation Act, any adopted rule or regulation, or any order of the Chief Engineer, may be subject to a civil penalty of up to \$1,000 per violation. Each day that any such violation occurs can be considered a separate offense.

If you have any questions, please contact me at Kris.Neuhauser@ks.gov.

Sincerely,

Kris Neuhauser
Environmental Scientist
Water Appropriation Program

Enclosure(s)
pc: Christian Coleman

THE STATE OF KANSAS



KANSAS DEPARTMENT OF AGRICULTURE
Mike Beam, Secretary of Agriculture

DIVISION OF WATER RESOURCES
Christopher W. Beightel, Acting Chief Engineer

**APPROVAL OF APPLICATION
FOR
TEMPORARY PERMIT**

This is to certify that I have examined Application, **File No. 20200152**, of the applicant

**SUNNYLAND PROPERTIES LLC
2548 N MAIZE CT SUITE 106
WICHITA KS 67205**

for a **temporary 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 subject to the following terms, conditions and limitations:

1. That the priority date assigned to such application is **April 9, 2020**.
2. That the water sought to be appropriated shall be used for irrigation use on 40 acres in the Northeast Quarter (NE of Section 5, Township 27 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 one (1) well located in the Southeast Quarter of the Northeast Quarter of the Northwest Quarter (SE $\frac{1}{4}$ NE NW $\frac{1}{4}$) of Section 4, more particularly described as being near a point 4,580 feet North and 3,290 feet West of the Southeast corner of said section, in Township 27 South, Range 3 East, Butler County, Kansas.
4. That the appropriation sought shall be limited to a maximum diversion rate not in excess of **100 gallons per minute** and to a quantity not to exceed **4 million gallons of water**.
5. That the applicant shall not be deemed to have acquired a water appropriation for a quantity in excess of the amount approved herein.
6. 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.
7. That the temporary permit shall relate to a specific quantity of water and 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 authorized point of diversion.
8. That this temporary permit does not constitute authority under K.S.A. 82a 301 to 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.

(over)

9. That all diversion works constructed under the authority of this temporary 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.
10. That the applicant shall maintain accurate and complete records from which the quantity of water diverted for the duration of the temporary permit may be readily determined.
11. That no water user shall engage in nor allow the waste of any water diverted under the authority of this temporary permit.
12. That failure without cause to comply with provisions of this temporary 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.
13. That this temporary permit is subject to any minimum desirable streamflow requirements identified and established pursuant to K.S.A. 82a-703c.
14. That the effective date of this temporary permit is **May 1, 2020**.
15. **That this temporary permit shall expire on November 1, 2020 and its priority forfeited, in accordance with K.S.A. 82a-727.**
16. That abandoned water wells must be plugged in accordance with the requirements of article 30 of the Rules and Regulations as adopted by the Kansas Department of Health and Environment.
17. **That an acceptable water flowmeter is required and must be installed prior to using water, records of the quantity of water used must be maintained and must also be made available to Chief Engineer or his agents, upon request. Additional information about water meter requirements, including a current list of acceptable meters and installation criteria is available on our website at: <http://agriculture.ks.gov/meters>.**

This is a final agency action. If you choose to appeal this decision or any finding or part thereof, you must do so by filing a petition for review in the manner prescribed by the Kansas Act for Judicial Review and Civil Enforcement of Agency Actions (KJRA K.S.A. 77-601 et seq.) within 30 days of service of this order. Your appeal must be made with the appropriate district court for the district of Kansas. The Chief Legal Counsel for the Kansas Department of Agriculture, 1320 Research Park Drive, Manhattan, Kansas 66502, is the agency officer who will receive service of a petition for judicial review on behalf of the Kansas Department of Agriculture, Division of Water Resources. If you have questions or would like clarification concerning this order, you may contact the Chief Engineer.

Ordered this 10th day of April, 2020, in Manhattan, Riley County, Kansas.



FOR: Christopher W. Beightel, P.E.
Acting Chief Engineer
Division of Water Resources
Kansas Department of Agriculture