

KANSAS DEPARTMENT OF AGRICULTURE
Division of Water Resources

M E M O R A N D U M

TO: Files

DATE: October 13, 2021

FROM: Leslie Ireland

RE: Water Right, File No. 31,103

Kurt Croell, President of Croell Inc., Chickasaw, Iowa, as new owner of the referenced water right authorized for irrigation use has filed applications to change the use made of water, place of use and point of diversion at the property referenced as Dodge City Sand Company, Inc.. The requested change applications were received on November 11, 2020 and June 11, 2021 (point of diversion). The applications were completed by Craig Griswold, KLA Environmental.

The referenced right appears not to be abandoned as per K.S.A 82a-718, and in compliance with K.S.A. 82a-732. The applications meet K.A.R. 5-5-2a, *Complete application for change*.

The option to file as a Project Permit, was reviewed in detail with Craig Griswold but as they proposed further changes to enlarge the proposed groundwater pit and are the owner of File Nos. 44,907 and 21,232 and want to maintain current irrigation use the avenue of multiple files and new permits was not taken at this time. Operation is permitted by Temporary permit, File No. 20200242.

File No. 31,103, is authorized one irrigation well located in Lot 4 which is approximately in the in the Southwest Quarter of the Northwest Quarter of Section 32, Township 26 South, Range 25 West, (32-26-25W) Ford County, for the diversion of 253 acre-feet (AF) at 765 gallons per minute (gpm). The authorized place of use is 160 acres in the South Half of the Northwest Quarter (S½ NW¼) and the North Half of the Southwest Quarter (N½ SW¼) of 32-26-25W. This file is located in the Arkansas River IGUCA and the boundaries of the Southwest Kansas Groundwater Management District No. 3 (GMD 3).

The change in the use made of water is proposed from: irrigation to irrigation and industrial use, pursuant to K.A.R. 5-5-10, *Partial changes in the use made of water from irrigation to another type of beneficial use*. The industrial use proposes a place of use of 23.6 acre groundwater pit in the Southeast Quarter of the Northwest Quarter (SE¼ NW¼) which would be more accurately described as Lot 5 of Section 32, Township 26 South, Range 25 West, Ford County and the irrigated place of use to be reduced to 96.0 acres. As determined by K.A.R. 5-6-7, *Determination of average annual potential net evaporation loss*, from a fraction of an acre of surface water is calculated as follows:

$$23.6 \text{ surface acres} \times 46 \text{ inches of evaporation in (32-26-25W)} \div 12 \text{ inches per AF} = 90.47 \text{ AF}$$

Pursuant to K.A.R. 5-5-10, *Partial changes in the use made of water from irrigation to another type of beneficial use*:

$$\begin{aligned} 253 \text{ AF at } 89.4\% \text{ CU Ford Co} &= 226.182 \text{ AF} \\ 90.47 \text{ AF} \div 226.182 \text{ AF} &= 0.3999974 \\ 1 - 0.3999974 &= 0.600003 \\ 253 \text{ AF} \times 0.600003 &= 151.807 \text{ AF} \end{aligned}$$

The irrigation quantity will be reduced to 151.8 AF and the place of use will be reduced proportionally to 96.00 acres with reduction of the pivot at the currently authorized location. This yields 1.58 AF/A slightly less than the 1.6 AF/A per K.A.R. 5-3-24, but complies with K.A.R. 5-5-12 for irrigated acres.

$$(151.8 \text{ AF} \times 0.85) \div 1.31' \text{ NIR at } 80\%, \text{ Ford Co} = 98.5 \text{ acres}$$

The reduction in the authorized quantity and place of use should prevent an increase in net consumptive use thus meeting K.A.R. 5-5-3, *Change in consumptive use*.

The proposed change in point of diversion is to authorize the geographical center of the new groundwater pit. The proposed industrial use point of diversion for the geographical center is approximately 1,285 feet to the Southeast of the currently authorized irrigation well. It will be defined as being in the (NE $\frac{1}{4}$ NE $\frac{1}{4}$ SW $\frac{1}{4}$) approximately 2,289 feet North and 3,033 feet West of the Southeast corner of Section 32. The currently authorized irrigation well under the referenced file located in Lot 4 of the (NW $\frac{1}{4}$) approximately 3,080 feet North and 4,070 feet West of the Southeast corner of Section 32, Township 26 South, Range 25 West, Ford County will remain as authorized.

There are two irrigation wells and one industrial use geographic center located within one-half mile of the proposed groundwater pit. The applicant is the owner of the other pit and one of the irrigation wells under File Nos. 21,232 & 44,907. The other irrigation well under File No. FO 022 is authorized 60 AF and is located approximately 1,854 feet away. The spacing for the proposed pit under the referenced file was reviewed by GMD who indicated the District considered the spacing sufficient for K.A.R. 5- 23-3, *Minimum well spacing requirements: high plains aquifer*. It appears the spacing requirements have been met.

The proposed change will afford the pit to comply with K.A.R. 5-13-5, *Approval of pit operations that are opened or expanded after the effective date of this regulation*.

In a letter dated August 30, 2021, Jason Norquest, Southwest Kansas Groundwater Management District No. 3, indicated the District recommended approval of the proposed change.

Jeff Lanterman, Water Commissioner of the Stafford Field Office area reviewed the proposed application. In an email dated October 13, 2021 he recommended approval of the changes.

The irrigation use will continue to require a meter and a check valve if chemigating.

Based on the above discussion it is recommended that the referenced application be approved.



Leslie Ireland
Environmental Scientist

From: Lanterman, Jeff [KDA]
Sent: Wed 10/13/2021 9:30 AM
To: Ireland, Leslie [KDA]
Cc: Conant, Cameron [KDA]
Subject: RE: Review and Recommendation Changes (2), PU UMW & PD File No. 31,103

Leslie.

I should have blocked this one out sooner. With the corresponding reduction in irrigation place of use to a reasonable number I think this can be approved. The remaining place of use will have 1.58 AF/A remaining which is a little shy of the 1.6 af/a for Ford county per 5-3-24

I think we can approve this.

Thanks
Jeff

From: Ireland, Leslie [KDA] <Leslie.Ireland@ks.gov>
Sent: Tuesday, October 12, 2021 7:39 AM
To: Lanterman, Jeff [KDA] <Jeff.Lanterman@ks.gov>
Cc: Conant, Cameron [KDA] <Cameron.Conant@ks.gov>
Subject: FW: Review and Recommendation Changes (2), PU UMW & PD File No. 31,103

Jeff & Cameron,

If you still block out time on Tuesdays for review of projects could you please put this near the top.

Thanks,
Leslie

From: Ireland, Leslie [KDA]
Sent: Monday, October 4, 2021 4:14 PM
To: Lanterman, Jeff [KDA] <Jeff.Lanterman@ks.gov>; Conant, Cameron [KDA] <Cameron.Conant@ks.gov>
Subject: FW: Review and Recommendation Changes (2), PU UMW & PD File No. 31,103

Got an inquiry about the status of this requested change. Any idea?

Leslie

From: Ireland, Leslie [KDA]
Sent: Tuesday, September 14, 2021 10:14 AM
To: Lanterman, Jeff [KDA] <Jeff.Lanterman@ks.gov>; Conant, Cameron [KDA] <Cameron.Conant@ks.gov>
Subject: Review and Recommendation Changes (2), PU UMW & PD File No. 31,103

Jeff,

Please let me know if you could recommend the partial change for the new sand and gravel pit proposed under File No. 31,103.

As always comments and concerns are welcome.

Leslie Ireland
Environmental Scientist
Change Application Unit
Division of Water Resources



6/11/2021

Water Resources
Received

10:01

KS Dept Of Agriculture

WATER RIGHT CHANGE APPLICATION

FILE No. 31,103

Croell Inc.
Section 32 T26S R25W
Ford County, Kansas

Originally Submitted
November 2020

Modified and Resubmitted
June 2021

1700 E. IRON AVE. ▪ SALINA, KS 67401
T 785.823.0097 F 913.273.1493



ENVIRONMENTAL
SERVICES, INC.

1303 YUCCA ST. ▪ SCOTT CITY, KS 67871
WWW.KLAENVIRO.COM

1700 E. IRON AVE. ▪ SALINA, KS 67401
T 785.823.0097 F 913.273.1493



1303 YUCCA ST. ▪ SCOTT CITY, KS 67871
WWW.KLAENVIRO.COM

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Water Resources
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KS Dept Of Agriculture

June 10, 2021

Earl Lewis, P.E.
Chief Engineer
Division of Water Resources
Kansas Department of Agriculture
1320 Research Park Drive
Manhattan, KS 66502

Subject: Change Application Pertaining to File No. 31,103 for Croell Inc.

Dear Mr. Lewis:

The subject application and supporting documentation are submitted for your review and approval on behalf of the applicant, Croell Inc. KLA Environmental Services, Inc. assisted with the preparation of this application.

Croell Inc. recently acquired the assets of JAG Construction and Dodge City Sand of Dodge City, Kansas. This acquisition included three Redi mix concrete plants, two sand properties, and several water rights including an irrigation well associated with File No. 31,103. This application proposes to do a partial change in the use made of water from irrigation to industrial. This will provide the ability to expand the sand and gravel operations, while still providing the option of growing a crop. We propose to change the place of use to include the area covering the planned sand and gravel operations as well as reduce the irrigated place of use as indicated on the supporting documentation. As the industrial water right will support sand and gravel excavations, a change in point of diversion, creating an additional point of diversion, is also included.

Determination of the consumptive use quantity is based on the "Irrigation Return-Flow Percentages in Kansas, by County" map issued by the Division of Water Resources. Use of this map and the associated methodology appears to satisfy the requirements of K.A.R. 5-5-9. The place of use for irrigation has been proportionally reduced to satisfy the requirements of K.A.R. 5-5-10. Calculations have been included with this application.

On October 20, 2020, a temporary permit was approved and was assigned File No. 20200242, allowing for the use of water for industrial purposes until a permanent change application could be filed. A permanent change application was submitted November 19, 2020. A review by DWR of the permanent change application resulted in an inability to approve as proposed. Submittal of modifications to the change application were required by May 14, 2021. A request was made and granted on May 13 to extend the submittal period to June 12, 2021. Approval of this application is critical to supplying a permanent solution for the sand and gravel operations.

Please contact me if you have any questions concerning this application. Thank you for your consideration of this matter.

Respectfully,



Craig S. Griswold, I.E.

Enclosures

cc/enc: Kyle Frisinger, Croell Inc.

6/11/2021

Water Resources
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KS Dept Of Agriculture

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

**APPLICATION FOR APPROVAL TO
CHANGE THE PLACE OF USE, THE
POINT OF DIVERSION OR THE USE
MADE OF THE WATER UNDER AN
EXISTING WATER RIGHT**



State of Kansas

Filing Fee Must Accompany the Application
(Please refer to Fee Schedule on signature page of application form.)

Paragraph Nos. 1, 2, 3, 4 & 8 must be completed. Complete all other applicable portions. A topographic map or detailed plat showing the authorized and proposed points(s) of diversion and /or place of use must accompany this application.

6/11/2021

1. Application is hereby made for approval of the Chief Engineer to change the

~~Place of Use~~

(Check one or more) Point of Diversion

~~Use Made of Water~~

Water Resources
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KS Dept Of Agriculture

File No. 31,103

2. Name of applicant: Croell Inc.

Address: 2010 Kenwood Ave.

City, State and Zip: New Hampton, IA 50659

Phone Number: 641-394-6789 E-mail address: Kyle.Frisinger@croell.com

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

Name of water use correspondent: Croell Inc.

Address: 2010 Kenwood Ave.

City, State and Zip: New Hampton, IA 50659

Phone Number: 641-394-6789 E-mail address: Kyle.Frisinger@croell.com

3. The change(s) proposed herein are desired for the following reasons (please be specific): Croell Inc. recently acquired the assets of JAG Construction and Dodge City Sand of Dodge City, Kansas, including File No. 31,103 (4). Change in place of use, point of diversion, and a partial change in use made of water will provide a source of water supply for the sand and gravel operations, while still providing the option of growing a crop.

The change(s) (was) (will be) completed by upon approval _____
(Date)

| | | | | | | | | | | | | | | | |
|-----------------------------|------------|--------|------------|--------------------|---|--------------|----------------|---------|--|--------|-----------|----|------------|------|----------------|
| For Office Use Only: | | | | | | | | | | | | | | | |
| F.O. | <u>2</u> | GMD | <u>3</u> | Meets K.A.R. 5-5-1 | <input checked="" type="checkbox"/> YES / <input type="checkbox"/> NO | Use | <u>IRR</u> | Source | <input checked="" type="checkbox"/> G / <input type="checkbox"/> S | County | <u>FO</u> | By | <u>KJN</u> | Date | <u>6/14/21</u> |
| Code | <u>CGT</u> | Fee \$ | <u>200</u> | TR # | <u>PY00026907</u> | Receipt Date | <u>6/14/21</u> | Check # | <u>CC</u> | | | | | | |

6/14/2021
LMoody

4. The presently authorized place of use is:

Owner of Land — NAME: Croell Inc.

ADDRESS: 2010 Kenwood Ave, New Hampton, IA 50659

| Sec. | Twp. | Range | NE¼ | | | | NW¼ | | | | SW¼ | | | | SE¼ | | | | TOTAL ACRES |
|------|------|-------|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-------------|
| | | | NE¼ | NW¼ | SW¼ | SE¼ | NE¼ | NW¼ | SW¼ | SE¼ | NE¼ | NW¼ | SW¼ | SE¼ | NE¼ | NW¼ | SW¼ | SE¼ | |
| 32 | 26S | 25W | | | | | | | 40 | 40 | 40 | 40 | | | | | | | 160 |
| | | | | | | | | | | | | | | | | | | | |
| | | | | | | | | | | | | | | | | | | | |

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

Owner of Land — NAME: _____

ADDRESS: _____

| Sec. | Twp. | Range | NE¼ | | | | NW¼ | | | | SW¼ | | | | SE¼ | | | | TOTAL ACRES |
|------|------|-------|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-------------|
| | | | NE¼ | NW¼ | SW¼ | SE¼ | NE¼ | NW¼ | SW¼ | SE¼ | NE¼ | NW¼ | SW¼ | SE¼ | NE¼ | NW¼ | SW¼ | SE¼ | |
| | | | | | | | | | | | | | | | | | | | |
| | | | | | | | | | | | | | | | | | | | |
| | | | | | | | | | | | | | | | | | | | |

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

(If there are more than two landowners, attach additional sheets as necessary.)

5. It is proposed that the place of use be changed to:

Owner of Land — NAME: Croell Inc.

ADDRESS: 2010 Kenwood Ave, New Hampton, IA 50659

| Sec. | Twp. | Range | NE¼ | | | | NW¼ | | | | SW¼ | | | | SE¼ | | | | TOTAL ACRES |
|--------|------|-------|-----|-----|-----|-----|-----|-----|------|------|-----|---------|-----|-----|-----|-----|-----|-----|-------------|
| | | | NE¼ | NW¼ | SW¼ | SE¼ | NE¼ | NW¼ | SW¼ | SE¼ | NE¼ | NW¼ | SW¼ | SE¼ | NE¼ | NW¼ | SW¼ | SE¼ | |
| IRR 32 | 26S | 25W | | | | | | | 30.0 | 27.6 | 9.6 | 28.8 | | | | | | | 96.004 |
| | | | | | | | | | L-4 | 37.2 | L-5 | E2W2*** | | | | | | | |
| | | | | | | | | | | | | | | | | | | | |
| | | | | | | | | | | | | | | | | | | | |

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

Owner of Land — NAME: Croell Inc.

ADDRESS: 2010 Kenwood Ave, New Hampton, IA 50659

| Sec. | Twp. | Range | NE¼ | | | | NW¼ | | | | SW¼ | | | | SE¼ | | | | TOTAL ACRES |
|--------|------|-------|-----|-----|-----|-----|-----|-----|-------|-----|-----|-----|-----|-----|-----|-----|-----|-----|-------------|
| | | | NE¼ | NW¼ | SW¼ | SE¼ | NE¼ | NW¼ | SW¼ | SE¼ | NE¼ | NW¼ | SW¼ | SE¼ | NE¼ | NW¼ | SW¼ | SE¼ | |
| IND 32 | 26S | 25W | | | | | | | (X | X) | | | | | | | | | 23.600 |
| | | | | | | | | | Lot 5 | | | | | | | | | | |
| | | | | | | | | | | | | | | | | | | | |
| | | | | | | | | | | | | | | | | | | | |

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

IF MORE SPACE IS NEEDED, ATTACH ADDITIONAL SHEETS AS NECESSARY

- 6. The presently authorized point(s) of diversion (is) (are) one well, pump, and appurtenances
(Provide description and number of points)
- 7. The proposed point(s) of diversion (is) (are) one well, pump, and appurtenances, and one new evaporative Geo Center
(Provide description and number of points)

List all presently authorized point(s) of diversion:

8. **Presently authorized point of diversion:**
 One in the SE Quarter of the SW Quarter of the NW ^{Lot 4} Quarter of Section 32, Township 26 South, Range 25 (E/W), in Ford County, Kansas, 3,080 feet North 4,070 feet West of Southeast corner of section.
 Authorized Rate 765 gpm Authorized Quantity 253 AF
 (DWR use only: Computer ID No. _____ GPS _____ feet North _____ feet West)
 This point will not be changed This point will be changed as follows:
Proposed point of diversion: (Complete only if change is requested) GEOGRAPHIC CENTER GW PIT
 One in the NE Quarter of the NE Quarter of the SW Quarter of Section 32, Township 26 South, Range 25 (E/W), in Ford County, Kansas, 2,289 feet North 3,033 feet West of Southeast corner of section.
 Proposed Rate NATURAL EVAP Proposed Quantity 90.467 AF
 This point is: Additional Well Geo Center List other water rights that will use this point None • IND USE

6/11/2021
Water Resources Received
KS Dept Of Agriculture

9. **Presently authorized point of diversion:**
 One in the _____ Quarter of the _____ Quarter of the _____ Quarter of Section _____, Township _____ South, Range _____ (E/W), in _____ County, Kansas, _____ feet North _____ feet West of Southeast corner of section.
 Authorized Rate _____ Authorized Quantity _____
 (DWR use only: Computer ID No. _____ GPS _____ feet North _____ feet West)
 This point will not be changed This point will be changed as follows:
Proposed point of diversion: (Complete only if change is requested)
 One in the SE Quarter of the SW Quarter of the NW ^{Lot 4} Quarter of Section 32, Township 26 South, Range 25 (E/W), in _____ County, Kansas, _____ feet North _____ feet West of Southeast corner of section.
 Proposed Rate 765 gpm Proposed Quantity 151.8 AF
 This point is: Additional Well Geo Center List other water rights that will use this point None IRR USE *

10. **Presently authorized point of diversion:**
 One in the _____ Quarter of the _____ Quarter of the _____ Quarter of Section _____, Township _____ South, Range _____ (E/W), in _____ County, Kansas, _____ feet North _____ feet West of Southeast corner of section.
 Authorized Rate _____ Authorized Quantity _____
 (DWR use only: Computer ID No. _____ GPS _____ feet North _____ feet West)
 This point will not be changed This point will be changed as follows:
Proposed point of diversion: (Complete only if change is requested)
 One in the _____ Quarter of the _____ Quarter of the _____ Quarter of Section _____, Township _____ South, Range _____ (E/W), in _____ County, Kansas, _____ feet North _____ feet West of Southeast corner of section.
 Proposed Rate _____ Proposed Quantity _____
 This point is: Additional Well Geo Center List other water rights that will use this point _____

11. Describe the current condition of and future plans for any point(s) of diversion which will no longer be used. N/A

IF MORE SPACE IS NEEDED, ATTACH ADDITIONAL SHEETS AS NECESSARY

* LI/DWR 8/5/2021

12. The presently authorized use of water is for irrigation purposes.
 It is proposed that the use be changed to irrigation and industrial purposes.
13. If changing the place of use and/or use made of water, describe how the consumptive use will not be increased.
 Consumptive use will not be increased because it is proposed that the authorized quantity be reduced to the
consumptive use quantity associated with this water right under ~~K.A.R. 5-5-9~~ and K.A.R. 5-5-10. Refer to the attached
calculations for more detailed information.

(Please show any calculations here.)

90.47 AF IND USE * (29.480 MGY)

14. It is requested that the maximum annual quantity of water be reduced to 151.807 AF IRR USE (acre-feet or million gallons).
15. It is requested that the maximum rate of diversion of water be reduced to 765 gallons per minute (1.7 c.f.s.).
16. The application must include either a topographic map or detailed plat. A U.S. Geological Survey Topographic Map, scale 1:24,000, is available through the Kansas Geological Survey, 1930 Constant Avenue, University of Kansas, Lawrence, Kansas 66047-3726 (www.usgs.gov). The map should show the location of the presently authorized point(s) of diversion. Distances North and West of the Southeast corner of the section must be shown. The presently authorized place of use should also be shown. Identify the center of the section, the section lines and the section corners and show the appropriate section, township, and range numbers on the map. In addition the following information must also be shown on the map.
- a. If a change in the location of the point(s) of diversion is proposed, show:
 - 1) The location of the proposed point(s) of diversion. Distances North and West of the Southeast corner of the section must be shown. Please be certain that the information shown on the map agrees with the information shown in Paragraph Nos. 9, 10 and 11 of the application.
 - 2) If the source of supply is groundwater, please show the location of existing water wells of any kind, including domestic wells, within 1/2 mile of the proposed well or wells. Identify each well as to its use and furnish name and mailing address of the property owner or owners. If there are no wells within 1/2 mile, please indicate so on the map.
 - 3) If the source of supply is surface water, the names and mailing addresses of all landowner(s) 1/2 mile downstream and 1/2 mile upstream from your property lines must be shown.
 - b. If a change in the place of use is desired, show the proposed place of use by crosshatching on the map. Please be certain that the information shown on the map agrees with the information shown in Paragraph No. 5 of the application.
17. Attach documentation to show the change(s) proposed herein will not impair existing water rights and relates to the same local source of supply as to which the water right relates. This information may include statements, plats, geology reports, well logs, test hole logs, and other information as necessary information to show the above. Additional comments may be made below.

There is no change in local source of supply water; see attached documentation. Consumptive use will not be
increased. Please refer to the attached maps and related documentation for additional information. 6/11/2021

Water Resources
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KS Dept Of Agriculture

18. If the proposed change(s) does not meet all applicable rules and regulations of the Kansas Water Appropriation Act, please identify the rules and regulations for which you request a waiver. State the reason why a waiver is needed and why the request should be granted. Attach documentation showing that granting the request will not impair existing water rights and will not prejudicially and unreasonably affect the public interest.
 It appears the proposed changes meet all applicable rules and regulations.

IF MORE SPACE IS NEEDED, ATTACH ADDITIONAL SHEETS AS NECESSARY

Water Resources
Received

File No. 31,103

KS Dept Of Agriculture

Any use of water that is not as authorized by the water right or permit to authorize water before the chief engineer approves this application is a violation of the Kansas Water Appropriation Act for which criminal or civil penalties may be assessed. Such violation is a class C misdemeanor, punishable by a fine not to exceed \$500 and/or a term of confinement not to exceed one month in the county jail. K.S.A. 82a-728(b). Civil penalties shall be not less than \$100 nor more than \$1,000 per violation. In the case of a continuing violation, each day such violation continues may be deemed a separate violation. In addition to these penalties the water right may be modified or suspended. K.S.A. 82a-737, as amended.

The application must be signed by all owners of the place of use authorized under the water right and his or her spouse, if married. Please indicate if there is no spouse. If land is being purchased under contract, the seller must sign as landowner until such time as the contract is completed.

In the event that all applicants cannot appear before one notary public, they may as necessary sign separate copies of the application before any notary public conveniently available to them. All copies signed in this manner shall be considered to be valid parts of the application.

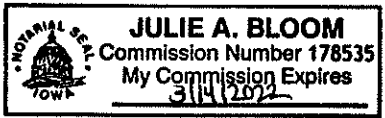
If the request is signed on behalf of any Owner by someone with legal authority to do so (for example, an agent, one who has power of attorney, or an executor, executrix, conservator), it will be necessary to attach proper documents showing such authority.

I declare that I am an owner of the currently authorized place of use as identified herein, or that I represent all such owners and am authorized to make this application on their behalf, and declare further that the statements contained herein are true, correct, and complete. By filing this application I authorize the chief engineer to permanently reduce the quantity of water and/or rate of diversion as specified in sections 14 and 15 of this application.

Dated at New Hampton, IA, Kansas, this 11th day of June, 2021.

| | |
|--|----------------------|
| <u>[Signature]</u> (Owner) | _____ (Spouse) |
| Kurt Croell, President - Croell Inc. (Please Print) | _____ (Please Print) |
| _____ (Owner) | _____ (Spouse) |
| _____ (Please Print) | _____ (Please Print) |
| _____ (Owner) | _____ (Spouse) |
| _____ (Please Print) | _____ (Please Print) |

State of Iowa
County of Chickasaw } SS



I hereby certify that the foregoing application was signed in my presence and sworn to before me this 11th day of June, 2021.

[Signature]
Notary Public

My Commission Expires 3/14/2022

FEE SCHEDULE

Each application to change the place of use, the point of diversion or the use made of the water under this section shall be accompanied by the application fee set forth in the schedule below:

- (1) Application to change a point of diversion 300 feet or less \$100
- (2) Application to change a point of diversion more than 300 feet \$200
- (3) Application to change the place of use \$200
- (4) Application to change the use made of the water \$300

Make check payable to Kansas Department of Agriculture.

KLA ENVIRONMENTAL SERVICES, INC.Water Resources
ReceivedPROJECT: **CROELL INC.**

KS Dept Of Agriculture

LOCATION: **SECTION 32 T26S R25W, FORD COUNTY, KANSAS**BY: CSG
DATE: 6/1/2021CHECKED BY: JRC
DATE: 6/10/2021**PARTIAL CHANGE IN USE MADE OF WATER**
FILE NO. 31,103 (4)

Croell Inc. is expanding sand and gravel operations near Dodge City, Kansas. Additional industrial water rights are needed to expand the existing sand and gravel pit. A nearby irrigation well was purchased with the sand and gravel operations. Partial conversion of the irrigation right will supplement the existing industrial water rights and allow for expansion of the operation.

Water quantities currently available:

| File No. | Allotment | Use of Water | Place of Use | |
|----------|------------|------------------|---------------|--------------|
| 21,232 | 32.008 AF | Industrial (IND) | 8.350 ACRES | 32-26S-25W 6 |
| 44,907 | 689.978 AF | Industrial (IND) | 179.994 ACRES | |
| 31,103 | 253.000 AF | Irrigation (IRR) | 160.000 ACRES | 32-26S-25W |

Water quantities available for industrial use:

File No. 21,232 = 32.008 AF
 File No. 44,907 = 689.978 AF
 Total Annual Quantity = 721.986 AF

Maximum industrial acres available by converting irrigation right:

Irrigation Quantity = 253.000 AF
 Consumptive Use for **Ford County** = 89.4%
 Maximum Quantity for Industrial Use = 226.182 AF (Irrigation Quantity x Consumptive Use)
 Potential Net Evaporation (PNE) for **T26S R25W** = 46 inches = 3.83333 feet
 Maximum IND Acres = 59.004 acres (Max Industrial Quantity / County PNE (ft))

Proposed change in use made of water:

Desired Additional Industrial Acres = 23.600 acres
Necessary Industrial Water = 90.467 AF (County Specific PNE (ft) x Acres)
 Industrial portion = 0.400 (Necessary IND Water/Maximum IND Quantity)
 Remainder portion for irrigation = 0.600 (1 - IND Portion)
Remainder quantity for irrigation = 151.807 AF (Remainder IRR Portion x Authorized Quantity)

Irrigation acres available:**K.A.R. 5-5-10(b) adjustment**

"The authorized place of use for the irrigation right may be reduced in proportion to the reduction in annual quantity caused by the change."

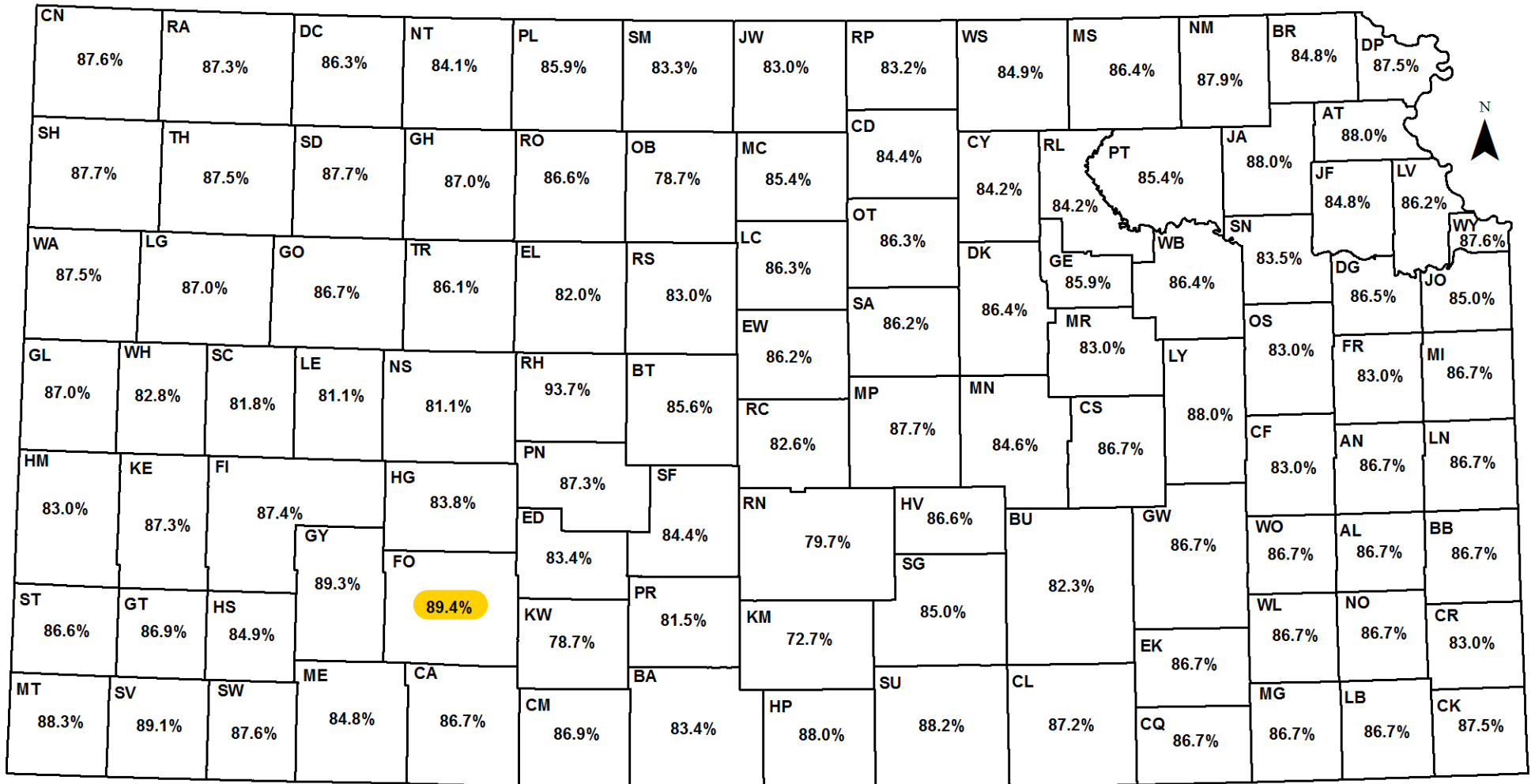
Current authorized acres = 160.000 acres
 Remainder irrigation portion = 0.600
 Adjusted acres = **96.004 acres** (Authorized Acres x Remainder Portion)

Consumptive Use Percentages in Kansas, by County

Water Resources
Received

based on area-weighted average irrigation return flow

KS Dept Of Agriculture



Example: A 150 acre-foot irrigation water right is purchased in Gove (GO) County for use in a dairy operation.

Applying the consumptive use factor from the map (86.7%), the amount of water that the dairy could convert to stockwater use with this water right is:

$$150 \times 86.7\% = 150 \times 0.867 = 130 \text{ acre-feet}$$



6/11/2021

Water Resources
Received
KS Dept. Of Agriculture

LEGEND

- OWNED POINT OF DIVERSION (IRR)
- PROPOSED POINT OF DIVERSION (IND)
- NEIGHBORING POINT OF DIVERSION (IRR)
- NEIGHBORING POINT OF DIVERSION (DOM)
- 1/2 MILE BOUNDARY

NOTE: WELL LOCATION DISTANCES FROM SE SECTION CORNER TAKEN FROM DWR WIMAS REPORTS.

FILE NO. 31,103 (4) DWR ID

| | | | | | | | |
|-------|-----|-------|---------|-----|-------|----------|------|
| DRAWN | CSG | DATE | CHECKED | JRC | DATE | APPROVED | DATE |
| | | 06/21 | | | 06/21 | | |

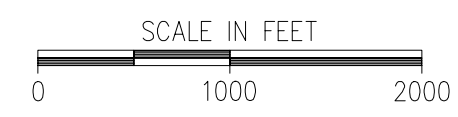
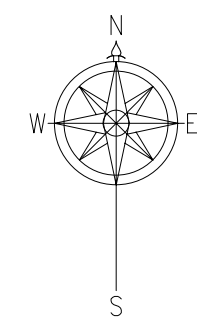
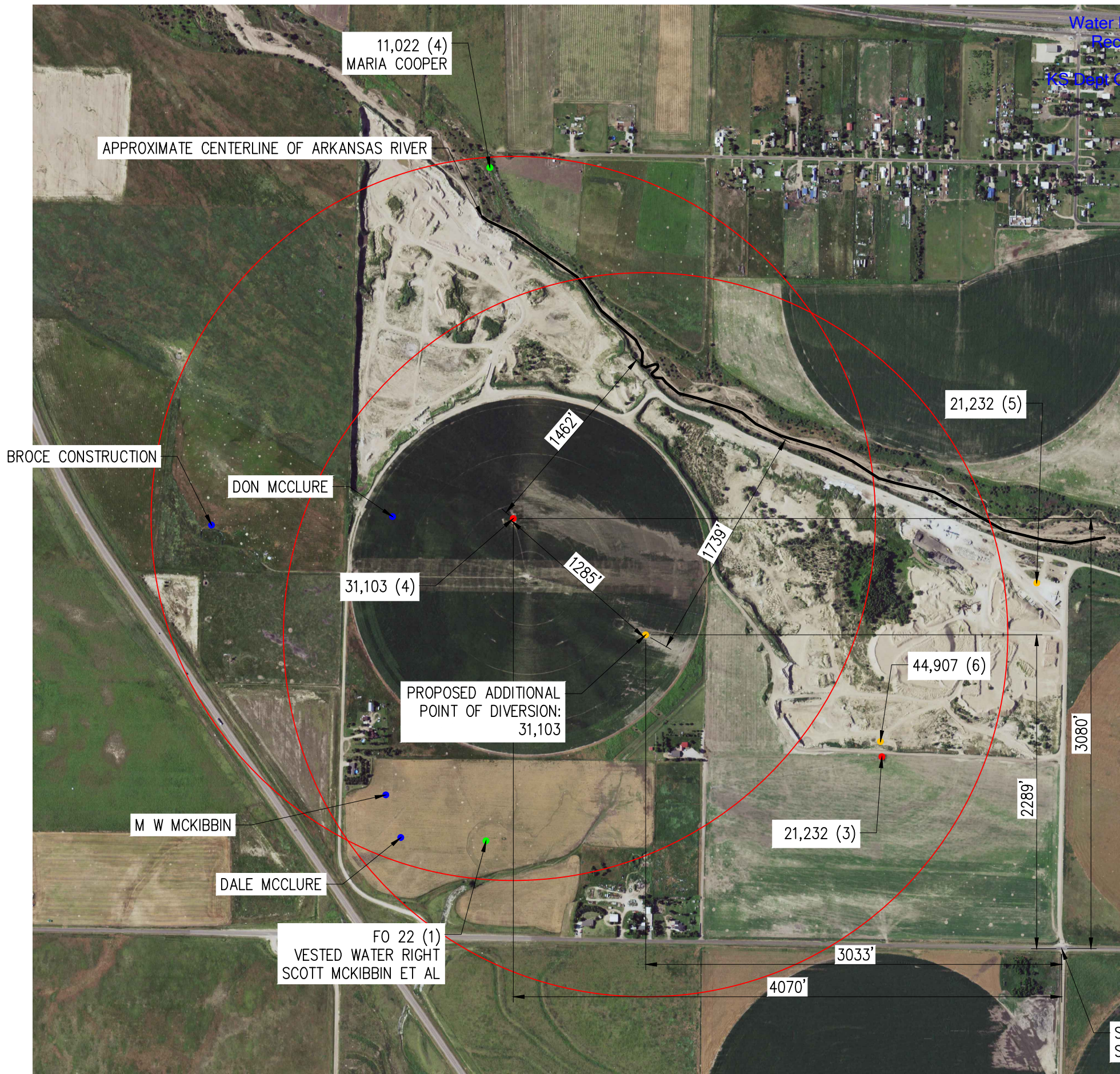
CROELL INC.
 WATER RIGHT CHANGE APPLICATION – FILE NO. 31,103
 SECTION 32 T26S R25W
 FORD COUNTY, KANSAS

1700 E. IRON
 SALINA, KANSAS 67401
 (785) 823-0097
 1303 YUCCA STREET
 SCOTT CITY, KANSAS 67871
 (620) 872-2300

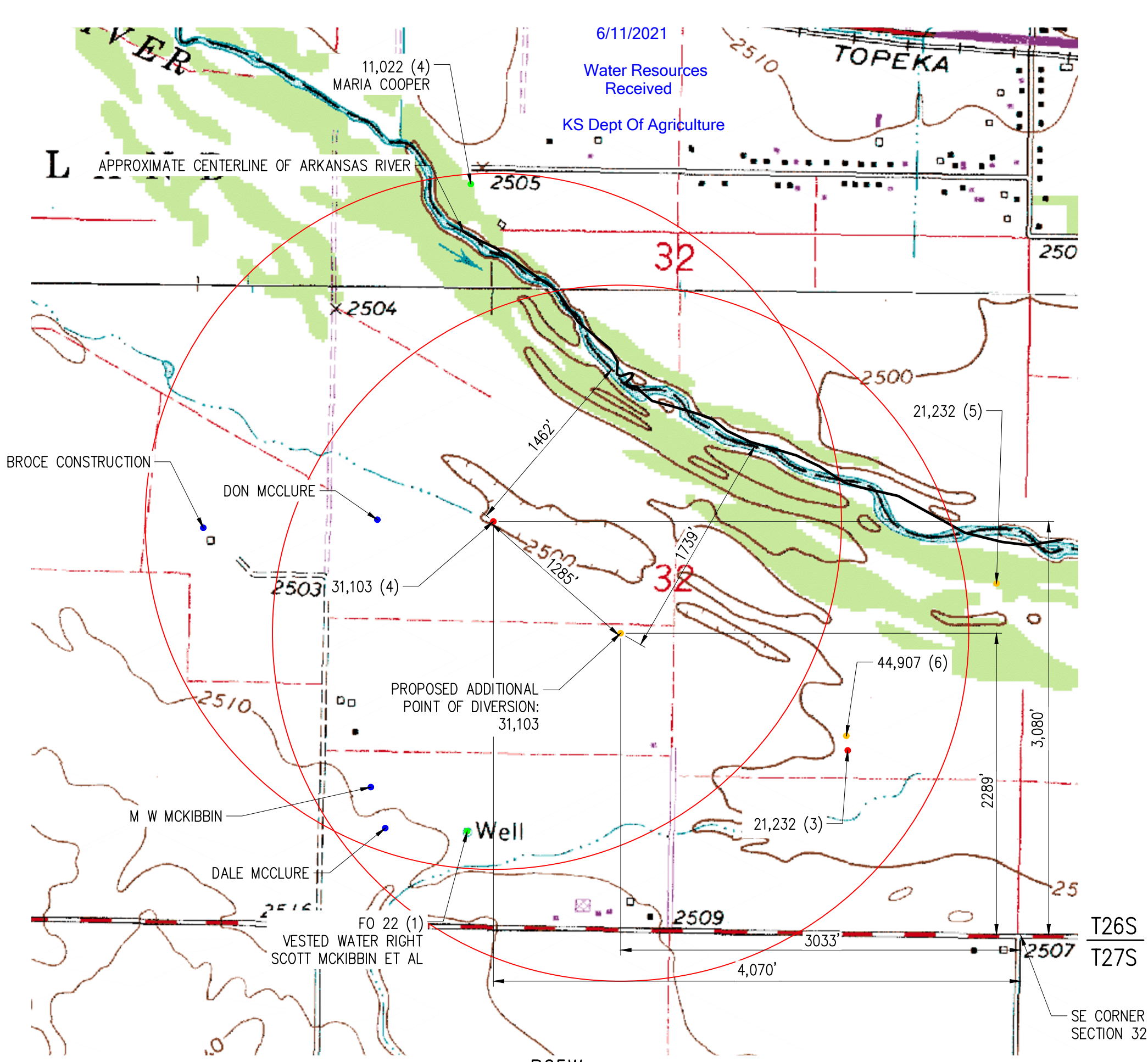


CAD FILE NAME:
 WATER RIGHTS.dwg

SHEET NO. 1 OF 6



WELL LOCATION MAP

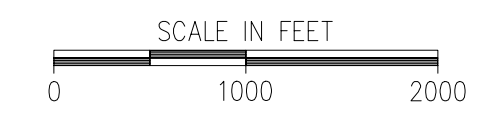
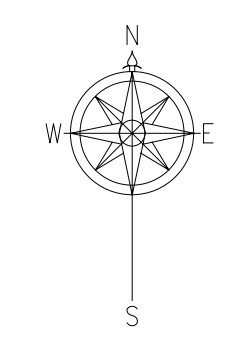


LEGEND

- OWNED POINT OF DIVERSION (IRR)
- PROPOSED POINT OF DIVERSION (IND)
- NEIGHBORING POINT OF DIVERSION (IRR)
- NEIGHBORING POINT OF DIVERSION (DOM)
- 1/2 MILE BOUNDARY

NOTE: WELL LOCATION DISTANCES FROM SE SECTION CORNER TAKEN FROM DWR WIMAS REPORTS.

FILE NO. 31,103 (4) DWR ID
 DWR AUTHORIZED DIVERSION RATE 253 AF 765 GPM DWR AUTHORIZED QUANTITY



| | |
|----------|-------|
| DATE | 06/21 |
| CHECKED | JRC |
| APPROVED | |
| DATE | 06/21 |
| DATE | |
| DATE | |

CROELL INC.
 WATER RIGHT CHANGE APPLICATION - FILE NO. 31,103
 SECTION 32 T26S R25W
 FORD COUNTY, KANSAS

1700 E. IRON
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1303 YUCCA STREET
 SCOTT CITY, KANSAS 67871
 (620) 872-2300

CAD FILE NAME:
 WATER RIGHTS.dwg

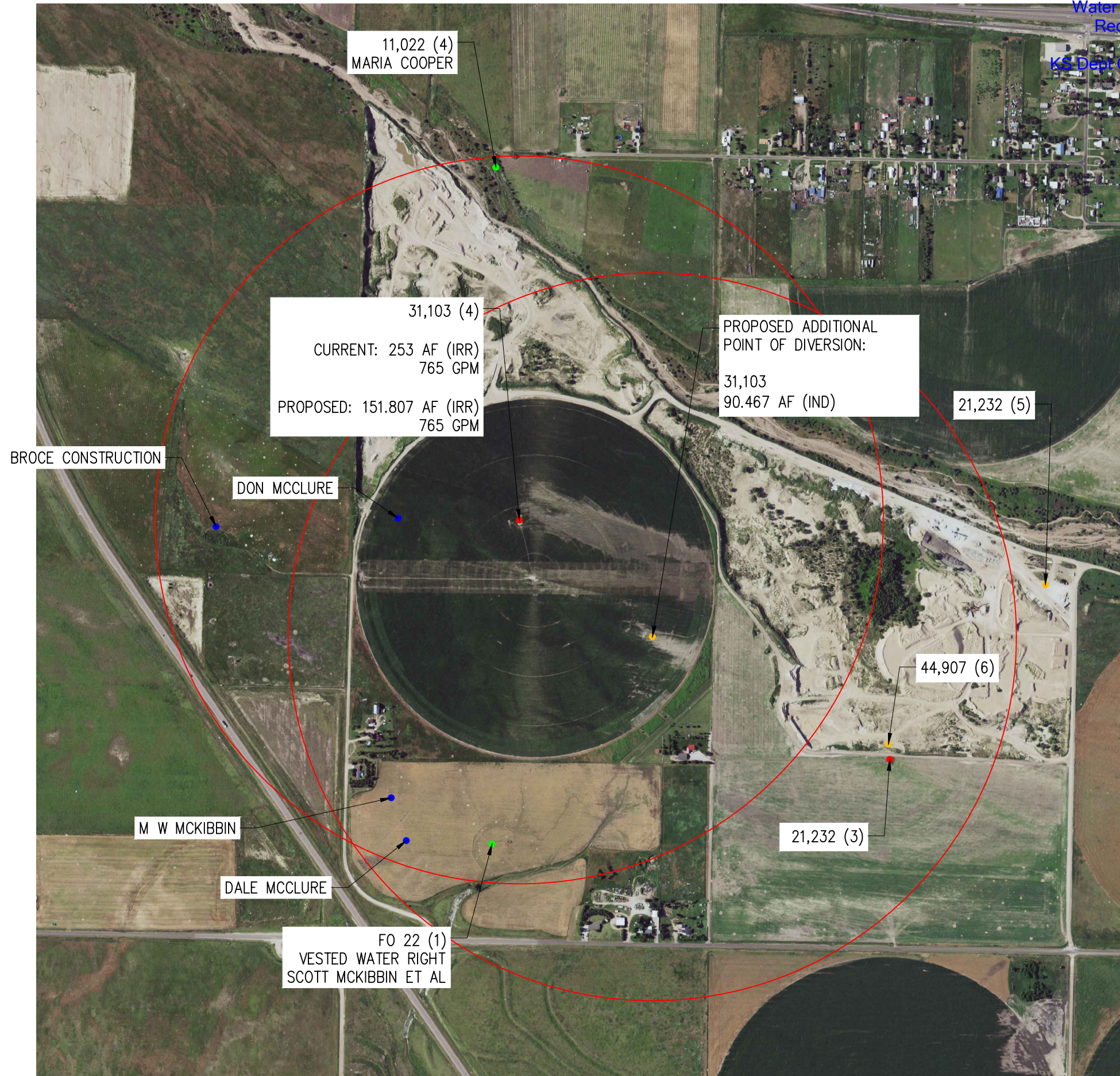
WELL LOCATION MAP (TOPO)

Water Resources Received
KS Dept Of Agriculture

LEGEND

- OWNED POINT OF DIVERSION (IRR)
- PROPOSED POINT OF DIVERSION (IND)
- NEIGHBORING POINT OF DIVERSION (IRR)
- NEIGHBORING POINT OF DIVERSION (DOM)
- 1/2 MILE BOUNDARY

| | | | | | | | |
|-------|-----|-------|---------|-----|-------|----------|------|
| DRAWN | CSC | DATE | CHECKED | JRC | DATE | APPROVED | DATE |
| | | 06/21 | | | 06/21 | | |



11,022 (4)
MARIA COOPER

31,103 (4)
CURRENT: 253 AF (IRR)
765 GPM
PROPOSED: 151.807 AF (IRR)
765 GPM

PROPOSED ADDITIONAL
POINT OF DIVERSION:
31,103
90.467 AF (IND)

21,232 (5)

44,907 (6)

21,232 (3)

M W MCKIBBIN

DALE MCCLURE

FO 22 (1)
VESTED WATER RIGHT
SCOTT MCKIBBIN ET AL

BROCE CONSTRUCTION

DON MCCLURE

FILE NO. 31,103 (4) DWR ID

DWR AUTHORIZED DIVERSION RATE 253 AF 765 GPM DWR AUTHORIZED QUANTITY

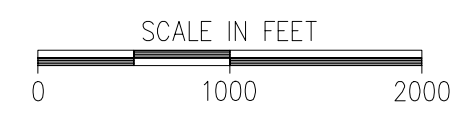
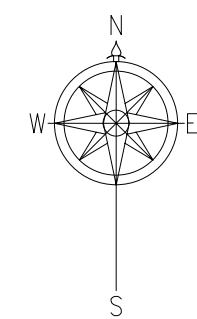
CROELL INC.
WATER RIGHT CHANGE APPLICATION - FILE NO. 31,103
SECTION 32 T26S R25W
FORD COUNTY, KANSAS

1700 E. IRON
SALINA, KANSAS 67401
(785) 823-0097
1303 YUCCA STREET
SCOTT CITY, KANSAS 67871
(620) 872-2300



CAD FILE NAME:
WATER RIGHTS.dwg

SHEET NO. 3 OF 6



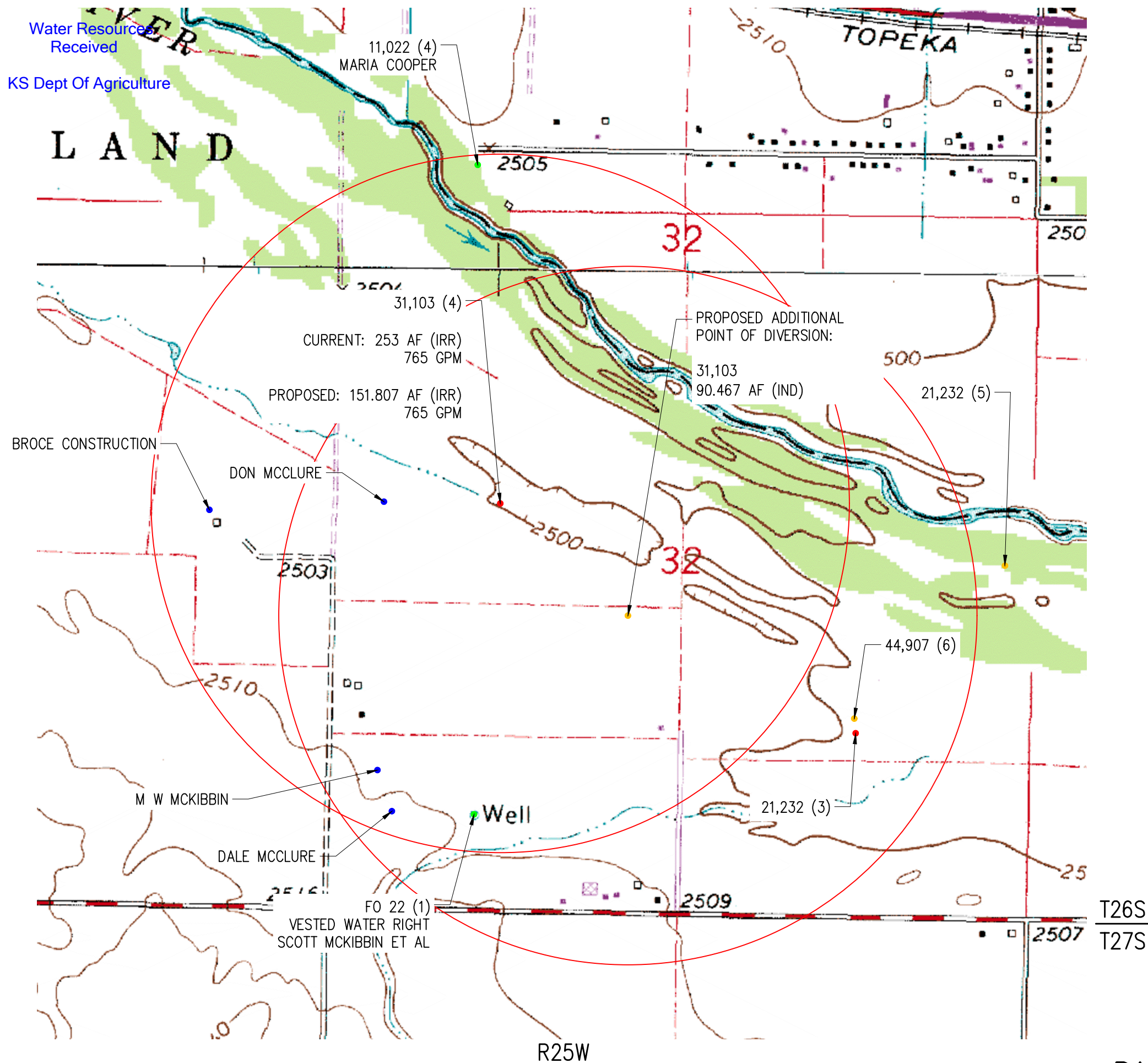
T26S
T27S

R25W

RATE AND QUANTITY MAP

6/11/2021

Water Resources
Received
KS Dept Of Agriculture



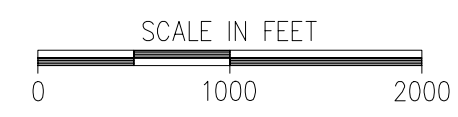
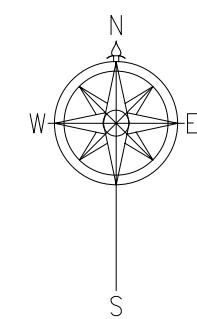
LEGEND

- OWNED POINT OF DIVERSION (IRR)
- PROPOSED POINT OF DIVERSION (IND)
- NEIGHBORING POINT OF DIVERSION (IRR)
- NEIGHBORING POINT OF DIVERSION (DOM)
- 1/2 MILE BOUNDARY

FILE NO. → 31,103 (4) ← DWR ID

DWR AUTHORIZED DIVERSION RATE → 253 AF ← DWR AUTHORIZED QUANTITY

→ 765 GPM ←



| | |
|----------|-------|
| DATE | 06/21 |
| DATE | 06/21 |
| DATE | 06/21 |
| CSC | |
| JRC | |
| APPROVED | |
| CHECKED | |
| DRAWN | |

CROELL INC.
 WATER RIGHT CHANGE APPLICATION - FILE NO. 31,103
 SECTION 32 T26S R25W
 FORD COUNTY, KANSAS

1700 E. IRON
 SALINA, KANSAS 67401
 (785) 823-0097

1303 YUCCA STREET
 SCOTT CITY, KANSAS 67871
 (620) 872-2300

CAD FILE NAME:
 WATER RIGHTS.dwg

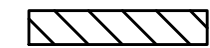


RATE AND QUANTITY MAP (TOPO)

6/11/2021

Water Resources
Received
KS Dept Of Agriculture

LEGEND

- OWNED POINT OF DIVERSION (IRR)
- PROPOSED POINT OF DIVERSION (IND)
- NEIGHBORING POINT OF DIVERSION (IRR)
- NEIGHBORING POINT OF DIVERSION (DOM)

-  AUTHORIZED PLACE OF USE (IRR)
-  PROPOSED PLACE OF USE (IRR)
-  PROPOSED PLACE OF USE (IND)

FILE NO. 31,103 DWR ID (4)

| | | | | | | | |
|-------|-----|-------|---------|-----|-------|----------|------|
| DRAWN | CSC | DATE | CHECKED | JRC | DATE | APPROVED | DATE |
| | | 06/21 | | | 06/21 | | |

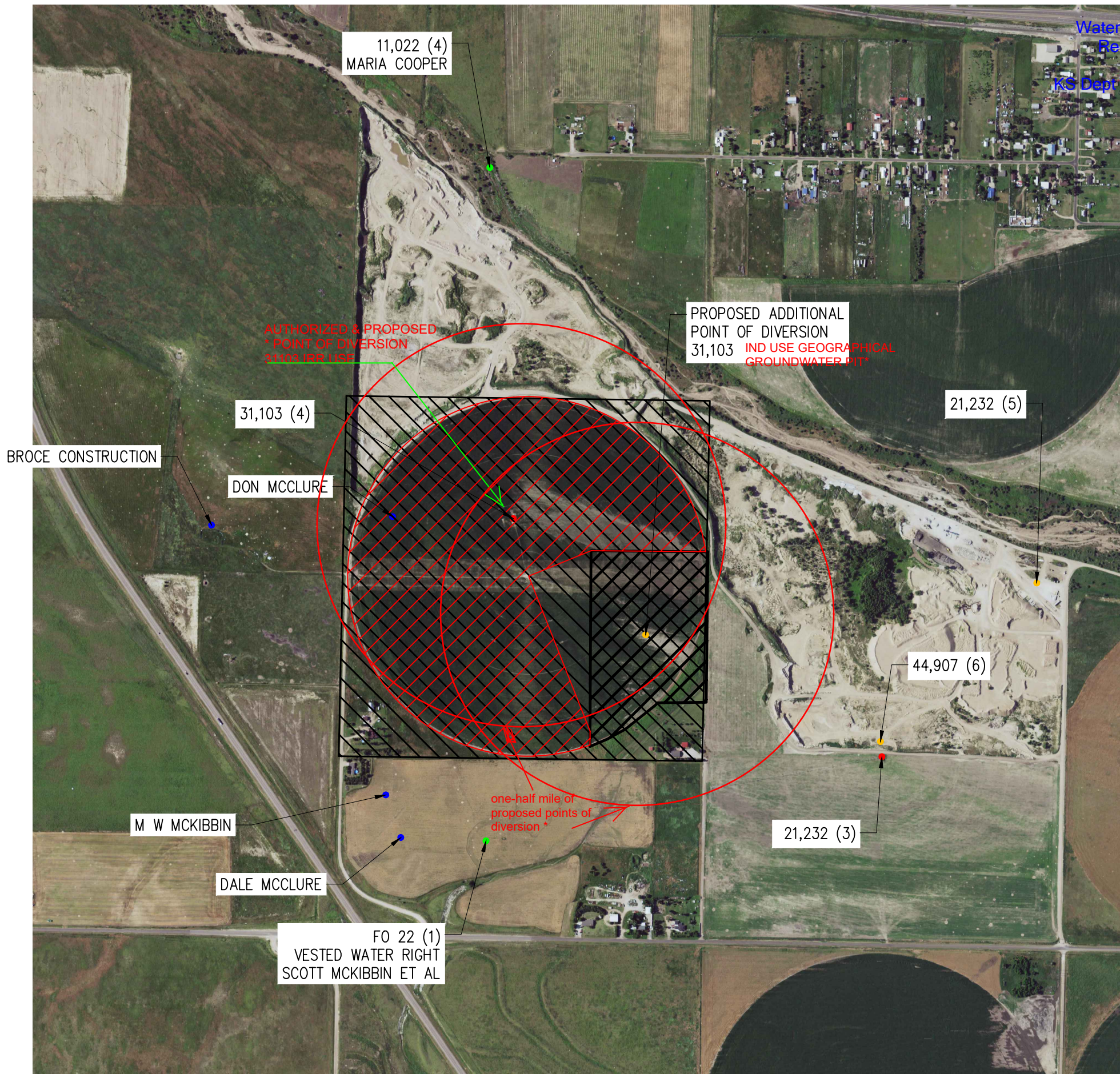
CROELL INC.
 WATER RIGHT CHANGE APPLICATION - FILE NO. 31,103
 SECTION 32 T26S R25W
 FORD COUNTY, KANSAS

1700 E. IRON
 SALINA, KANSAS 67401
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 (620) 872-2300

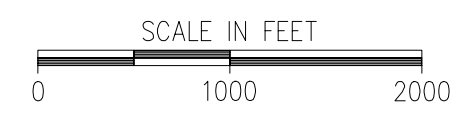
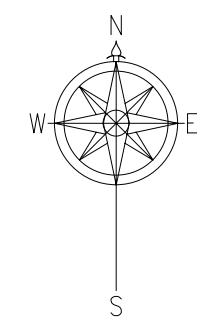


CAD FILE NAME:
 WATER RIGHTS.dwg

SHEET NO. 5 OF 6



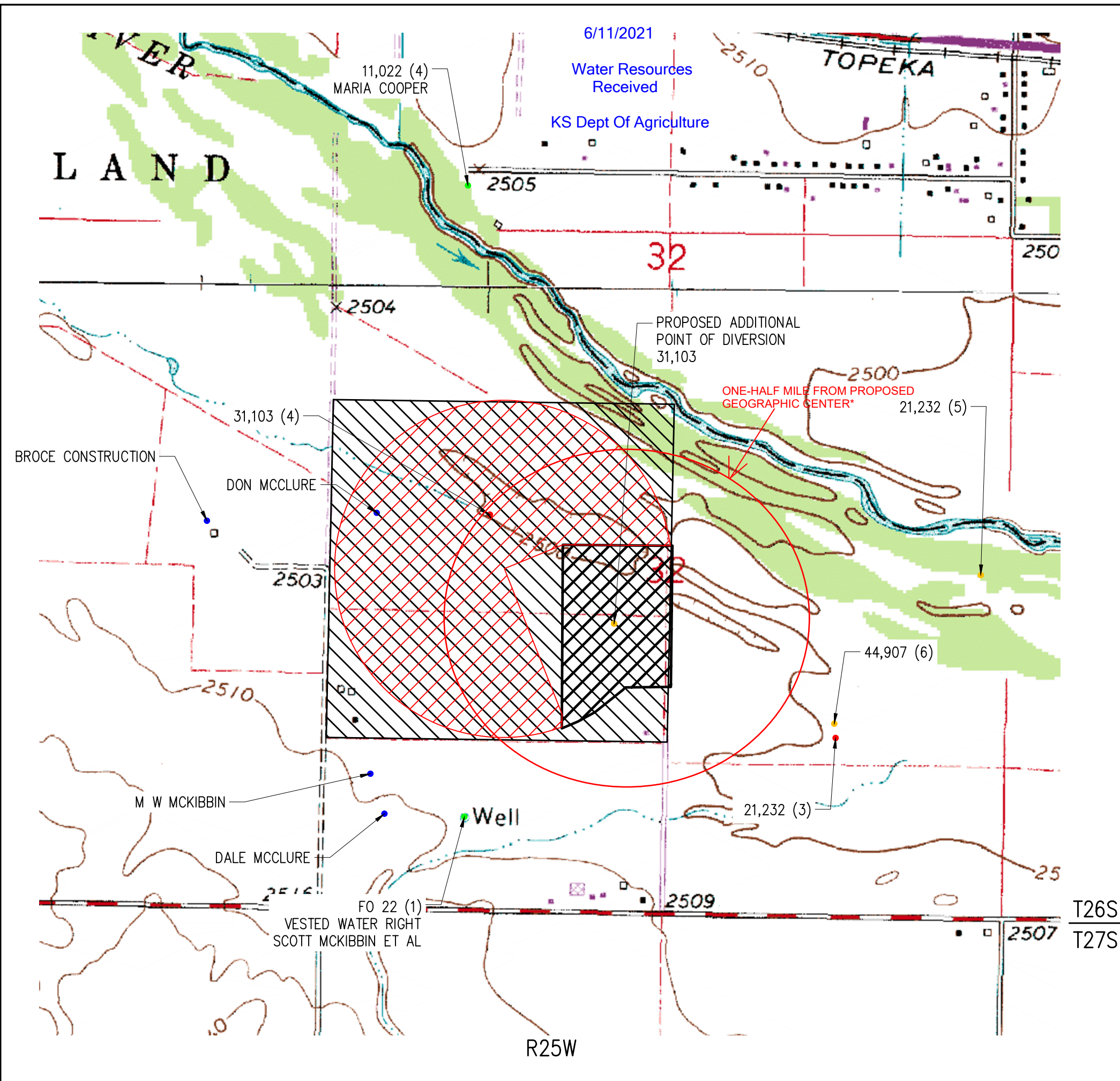
T26S
 T27S



* LI / DWR 8/5/2021

R25W

PLACE OF USE

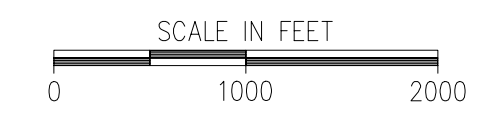
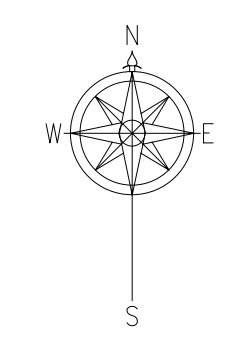


LEGEND

- OWNED POINT OF DIVERSION (IRR)
- PROPOSED POINT OF DIVERSION (IND)
- NEIGHBORING POINT OF DIVERSION (IRR)
- NEIGHBORING POINT OF DIVERSION (DOM)

- AUTHORIZED PLACE OF USE (IRR)
- PROPOSED PLACE OF USE (IRR)
- PROPOSED PLACE OF USE (IND)

FILE NO. 31,103 (4) DWR ID



| | |
|----------|-------|
| DATE | 06/21 |
| DATE | 06/21 |
| DATE | 06/21 |
| CSC | |
| JRC | |
| APPROVED | |
| CHECKED | |
| DRAWN | |

CROELL INC.
 WATER RIGHT CHANGE APPLICATION - FILE NO. 31,103
 SECTION 32 T26S R25W
 FORD COUNTY, KANSAS

1700 E. IRON
 SALINA, KANSAS 67401
 (785) 823-0097
 1303 YUCCA STREET
 SCOTT CITY, KANSAS 67871
 (620) 872-2300

CAD FILE NAME:
 WATER RIGHTS.dwg

PLACE OF USE (TOPO)

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

May 13, 2021

6/11/2021

CROELL INC
KYLE FRISINGER
PO BOX 430
NEW HAMPTON IA 50659

Water Resources
Received

KS Dept Of Agriculture

SENT VIA EMAIL: Kyle Frisinger, Croell Inc., Kyle.Frasinger@croell.com

RE: Water Right, File No. 31,103
Change Application,

Dear Mr. Frisinger

Per your email request of May 13, 2021, regarding the November 30, 2020, submitted application for change referenced above, the Chief Engineer has extended the time in which to return to our office the application and documents as detailed in my April 14, 2021, letter.

We are delaying any further action until June 12, 2021.

According to law, default in returning the application and requested information within the time allowed or any authorized extension of time, shall cause dismissal of the application for change under the above referenced file number.

Should you need to request additional time in which to return the application, and needed information, please do so prior to the deadline. Your request should state what steps are being taken to supply the requested information for a complete application and approximately the time needed. The request may be sent to my attention at the address above or via email.

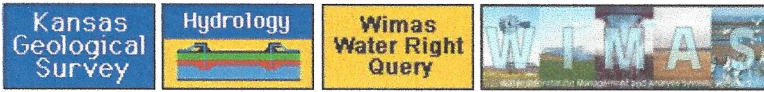
If you have any questions, please contact me for a return call at (785) 564-6640 or via email at Leslie.Ireland@KS.GOV. Please reference the water right file number listed above so that I may help you more efficiently.

Sincerely,

Leslie Ireland
Environmental Scientist
Water Appropriation Program

LI:li

pc: Stafford Field Office
Groundwater Management District No. 3
Graig Griswold, KLA Environmental, via email: Graig.Griswold@klaenviro.com



Water Right Information represents conditions as of 03/31/2020.

Information shown on this page depends on a water right's selected **Type(s) of Use** and point of diversion, **PD(s)**. If there are multiple uses and/or multiple points of diversion, the page will update details, quantity and rate, and reported water use depending on which entry is selected from those list boxes.

Because water rights can overlap both in points of diversion and places of use (which in turn can affect the authorized quantities and rate) AND water usage is often aggregated into a single report, **you cannot determine if a water right has reported more water use than authorized from this page only.**

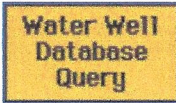
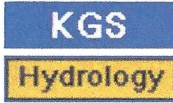
| | | | |
|--|--|---|---|
| Water Right | | | |
| Water Right: 31103 - 00 | 1 Type(s) of Use: IRR | 1 PD(s): 32-26S-25W 4 | Google Location Map |
| WWC5 Links: 20192 | | WIZARD Link: 374443100045901 | |
| Water Right Details | | | |
| Source: G | Right Type: A | Total Acres Authorized: 160 | Net Acres Authorized: 160 |
| Use of Water Active: 1 | | Water Right Status: NK | |
| Place(s) of Use: 32-26S-25W SE NW (active) | | Total Acres: 40 | Net Acres: 40 |
| Priority Date: 12/29/1977 | Action Trail: 12/29/1977- PENDING INITIAL REVIEW | | |
| Point of Diversion Details | | | |
| Pd Active: 1 | Feet North: 3080 | Feet West: 4070 | County: FORD |
| GMD Num: 3 | Number of Wells: 1 | Subbasin: ARKANSAS RIVER | Stream Number: |
| Special Use Area(s): ARK RIVER (IGUCA) | Comment: | | |
| Authorized Quantity & Rate | | | |
| Quantity Stored By: Water Right | Authorized Quantity (AF): 253 | Net Quantity (AF): 253 | |
| Rate Stored By: Water Right | Authorized Rate (GPM): 765 | Net Rate (GPM): 765 | |
| Reported Water Use | | | Graph Water Use History |
| Water Use Year(s): 2018 | Total Water Used (AF): 145.00 | Acres Irrigated: 124 | |
| Water Use Reported on Right Num: | Reel Number: 8 | Blip Number: 7556 | |
| Metered Quantity: 145 | Meter Unit: 2 | Depth to Water: | Depth of Well: |
| Beginning Meter Reading: 190 | Ending Meter Reading: 334 | | |
| System Type: 4 | Hours Pumped: | Pump Rate: | Date of Measurement: |
| Date Report Received: 02/26/2019 | Chemigation Indicator: 0 | Water Use Code: A | Crop Code: 4 |
| Current Water Use Correspondent(s): | DODGE CITY SAND COMPANY INC | | |
| Print ASCII Report | | | |



Disclaimer

For information on the WRIS/WIMAS database or water right related questions, please contact the KDA-DWR at 785-564-6640. For web page or internet based comments, please contact webadmin@kgs.ku.edu. WIMAS data updated daily.





Specific Water Well Detail

6/11/2021

Well T26S, R25W, Sec. 32, SE SW NW, Action: Constructed

Water Resources Received

KS Dept Of Agriculture

| | | |
|--|--------------------------------|----------------------|
| Location Info | | |
| Owner: McClure, Edith | Status: Constructed | |
| Location: T26S, R25W, Sec. 32, SE SW NW | County: Ford | |
| Directions: from Dodge City: 2 mi W, .5 mi N | | |
| Latitude: 37.744881 | Longitude: -100.0841745 | Datum: NAD 27 |
| Latitude: 37.7449018 | Longitude: -100.0845888 | Datum: NAD 83 |
| Longitude and latitude calculated by Survey from township-range-section-quarter calls. Only good to within the quarter call accuracy. | | |
| View well on interactive map This link will create a new window and display an interactive map of this well and its neighbors. | | |
| General Info | | |
| Well Depth: 192 ft. | Elevation: ft. | |
| Static Water Level: 11 ft. | Est. Yield: 1500 gpm. | |
| Comp. Date: 15-Aug-1976 | Well Use: Irrigation | |
| DWR Applic. #: | Other ID: | |
| Links | | |
| View info from Wizard Water Level Data base... | | |
| View info from WIMAS Water Right Data base... | | |
| Driller Info | | |
| Driller: Ace-Hi International, Inc. | License #: 190 | |
| Scanned Form | | |
| View scan of this form in PDF format. | | |
| You will need the Acrobat PDF Reader , available free from Adobe, to read this file. | | |
| Chemical Sample Submitted?: No | | |
| Water Well disinfected?: | | |
| Ground water encountered: 0 ft. , 0 ft. , 0 ft. | | |
| Pump test data: Well water was 0 ft after 0 hours pumping 0 gpm | | |
| Casing Info | | |
| Casing Type: | Diam: 0 in. to 0 ft | |
| Casing Joints: | Diam: 0 in. to 0 ft | |
| | Diam: 0 in. to 0 ft | |
| Casing height above land surface: in | | |
| Casing Weight: lbs/ft | | |
| Wall thickness or gauge no.: | | |
| Screen and Perforation Info | | |

| | |
|------------------------------------|--|
| Screen Type: | Screen Openings: |
| Screen-perforated intervals | From: 90 ft to 192 ft From: 0 ft to 0 ft From: 0 ft to 0 ft |
| Gravel pack intervals | From: ft to ft |

6/11/2021

Water Resources
Received

KS Dept Of Agriculture

| | |
|--------------------|--|
| Grout Info | |
| Grout used: | From: 0 to 0 ft From: 0 to 0 ft From: 0 to 0 ft |

| | |
|---|-----------------------|
| Source of Possible Contamination | |
| Source: | |
| Direction from well: | Distance: 0 ft |

| | |
|---|--|
| Lithologic Log (Log data entered by KGS.) | |
| From: 0 ft. to 5 ft. | surface |
| From: 5 ft. to 31 ft. | coarse sand and gravel |
| From: 31 ft. to 33 ft. | clay |
| From: 33 ft. to 45 ft. | a-1 fine to half medium sand and gravel |
| From: 45 ft. to 60 ft. | good medium sand and fine gravel with 10% clay |
| From: 60 ft. to 84 ft. | fine to half medium sand and fine gravel with 15% clay |
| From: 84 ft. to 90 ft. | fine sand |
| From: 90 ft. to 93 ft. | clay |
| From: 93 ft. to 110 ft. | good fine to half medium sand and gravel |
| From: 110 ft. to 126 ft. | 50% clay-50% fine sand |
| From: 126 ft. to 175 ft. | good a-1 coarse sand and gravel |
| From: 175 ft. to 187 ft. | good sand and gravel |
| From: 187 ft. to 191 ft. | gravel and fine sand and 15% clay |
| From: 191 ft. to 195 ft. | clay and blue shale |

Kansas Geological Survey

Comments to webadmin@kgs.ku.eduURL=<http://www.kgs.ku.edu/Magellan/WaterWell/index.html>

Display Programs Updated July 2, 2014

Data added continuously.

6/11/2021

Water Resources
Received

KS Dept Of Agriculture WATER WELL RECORD
KSA 82a-1201-1215

SOUTH DODGE

Kansas Department of Health and
Environment-Division of Environment
(Water well Contractors)
Topeka, Kansas 66620

USE TYPEWRITER OR BALL
POINT PEN-PRESS FIRMLY,
PRINT CLEARLY.

BCD

| | | | | | | |
|---|------------------------------------|----------------|--|--|---------------------------|--------------------------|
| 1. Location of well: | | County Ford | Fraction SE 1/4 SW 1/4 NW 1/4 | Section number 32 | Township number T 26 S | Range number R 25 E/W |
| 2. Distance and direction from nearest town or city: 2 mi west, 1/2 north of Dodge City Street address of well location if in city: | | | | 3. Owner of well: Edith McClure R.R. or street: RFD 1 City, state, zip code: Dodge City, Kansas | | |
| 4. Locate with "X" in section below: | | Sketch map: | | 6. Bore hole dia. 20 in. Completion date <u>waiting on design</u> Well depth 192 ft. 8-15-76 pump | | |
| | | | | 7. Cable tool <input type="checkbox"/> Rotary <input type="checkbox"/> Driven <input type="checkbox"/> Dug <input type="checkbox"/> <input type="checkbox"/> Hollow rod <input type="checkbox"/> Jetted <input type="checkbox"/> Bored <input checked="" type="checkbox"/> Reverse rotary | | |
| 5. Type and color of material | | From | To | 8. Use: Domestic <input type="checkbox"/> Public supply <input type="checkbox"/> Industry <input type="checkbox"/> <input checked="" type="checkbox"/> Irrigation <input type="checkbox"/> Air conditioning <input type="checkbox"/> Stock <input type="checkbox"/> <input type="checkbox"/> Lawn <input type="checkbox"/> Oil field water <input type="checkbox"/> Other <input type="checkbox"/> | | |
| Surface | | 0 | 5 | 9. Casing: Material <u>Metal</u> Height: Above or below Threaded <input type="checkbox"/> Welded <input checked="" type="checkbox"/> Surface 12 in. RMP <input type="checkbox"/> PVC <input type="checkbox"/> Weight 31.66 lbs./ft. Dia. 16 in. to 192 ft. depth; Wall Thickness: inches or Dia. in. to ft. depth; gage No. 188 | | |
| Coarse sand and gravel | | 5 | 31 | 10. Screen: Manufacturer's name <u>W.A. Brown</u> Type 10% Free-flow Dia. 16 Slot/gauge 1/8 Length 100 Set between 92 ft. and 192 ft. ft. and ft. Gravel pack? <u>yes</u> Size range of material <u>1/2 down</u> | | |
| Clay | | 31 | 33 | 11. Static water level: <u>11</u> ft. below land surface Date <u>8-15-76</u> mo./day/yr. | | |
| A-1 fine to half med. sand and gravel | | 33 | 45 | 12. Pumping level below land surfaces: <u>20</u> ft. after <u>1</u> hrs. pumping <u>700</u> g.p.m. <u>45</u> ft. after <u>1</u> hrs. pumping <u>1300</u> g.p.m. Estimated maximum yield <u>1500</u> g.p.m. | | |
| Good med. sand & fine gravel with 10% clay | | 45 | 60 | 13. Water sample submitted: <u>X</u> Yes <input type="checkbox"/> No Date | | |
| Fine to half med. sand and fine gravel with 15% clay | | 60 | 84 | 14. Well head completion: <input type="checkbox"/> Pitless adapter <input checked="" type="checkbox"/> Inches above grade | | |
| Fine sand | | 84 | 90 | 15. Well grouted? <u>Yes</u> With: Neat cement <input type="checkbox"/> Bentonite <input checked="" type="checkbox"/> Concrete <input type="checkbox"/> Depth: From <u>0</u> ft. to <u>10</u> ft. | | |
| Clay | | 90 | 93 | 16. Nearest source of possible contamination: <u>2000</u> ft. Direction <u>north</u> Type <u>river</u> Well disinfected upon completion? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No | | |
| Good fine to half med. sand and gravel | | 93 | 110 | 17. Pump: <input type="checkbox"/> Not installed Manufacturer's name <u>His used pump</u> Model number _____ HP _____ Volts _____ Length of drop pipe <u>50</u> ft. capacity _____ g.p.m. Type: <input type="checkbox"/> Submersible <input checked="" type="checkbox"/> Turbine <input type="checkbox"/> Jet <input type="checkbox"/> Reciprocating <input type="checkbox"/> Centrifugal <input type="checkbox"/> Other | | |
| 50% clay-50% fine sand | | 110 | 126 | 20. Water well contractor's certification: This well was drilled under my jurisdiction and this report is true to the best of my knowledge and belief. <u>Ace-Hi International 190</u> Business name License No. _____ Address <u>Dodge City, Kansas</u> Signed <u>Paul G. Smith</u> Date <u>11-15-76</u> Authorized representative | | |
| Good A-1 coarse sand and gravel | | 126 | 175 | | | |
| Good sand and gravel | | 175 | 187 | | | |
| Gravel and fine sand with 15% clay | | 187 | 191 | | | |
| Clay and blue shale | | 191 | 195 | | | |
| B Rock 191 | | | | | | |
| (Use a second sheet if needed) | | | | | | |
| 18. Elevation: | 19. Remarks: <u>180' sat thick</u> | | | | | |
| Topography: <input type="checkbox"/> Hill <input type="checkbox"/> Slope <input type="checkbox"/> Upland <input checked="" type="checkbox"/> Valley | <u>TOPO</u> <u>14 of</u> | | <u>2502</u> <u>191</u> <u>2301</u> | | | |

waiting on design

26-25 W
32 S
SE 1/4 NW 1/4

Forward the white, blue and pink copies to the Department of Health and Environment

Form WWC-5

6/11/2021 ✓

THE STATE



OF KANSAS

Water Resources
Received

KS Dept Of Agriculture

STATE BOARD OF AGRICULTURE
Sam Brownback, Secretary

DIVISION OF WATER RESOURCES
David L. Pope, Chief Engineer-Director

CERTIFICATE OF APPROPRIATION FOR BENEFICIAL USE OF WATER

WATER RIGHT. File No. 31,103
PRIORITY DATE December 29, 1977

WHEREAS, It has been determined by the undersigned that construction of the appropriation diversion works has been completed, that water has been used for beneficial purposes and that the appropriation right has been perfected, all in conformity with the conditions of approval of the application pursuant to the water right referred to above and in conformity with the laws of the State of Kansas,

NOW, THEREFORE, Be It Known that DAVID L. POPE, the duly appointed, qualified and acting Chief Engineer-Director of the Division of Water Resources of the Kansas State Board of Agriculture, by authority of the laws of the State of Kansas, and particularly K.S.A. 62a-714, does hereby certify that, subject to vested rights and prior appropriation rights, the appropriator is entitled to make use of groundwater in the drainage basin of the Arkansas River to be withdrawn by means of a well located in Lot 4 of Section 32, more particularly described as being near a point 3,080 feet North and 4,070 feet West of the Southeast corner of said section, in Township 26 South, Range 25 West, Ford County, Kansas, at a diversion rate not in excess of 765 gallons per minute (1.70 c.f.s.) and in a quantity not to exceed 253 acre-feet per calendar year for irrigation use on the following described property:

2.00 acres in the Southwest Quarter of the Northwest Quarter (SW $\frac{1}{4}$ NW $\frac{1}{4}$),
38.00 acres in Lot 4 (SW $\frac{1}{4}$ NW $\frac{1}{4}$);
23.56 acres in the Southeast Quarter of the Northwest Quarter (SE $\frac{1}{4}$ NW $\frac{1}{4}$);
56.44 acres in Lot 5 (E $\frac{1}{2}$ W $\frac{1}{2}$);
40.00 acres in the Northwest Quarter of the Southwest Quarter (NW $\frac{1}{4}$ SW $\frac{1}{4}$),

a total of 160.00 acres in Section 32, Township 26 South, Range 25

6/11/2021

Water Resources
Received

KS Dept Of Agriculture

The appropriator shall maintain in an operating condition, satisfactory to the Chief Engineer-Director, all check valves installed for preventing chemical or other foreign substance pollution of the water supply.

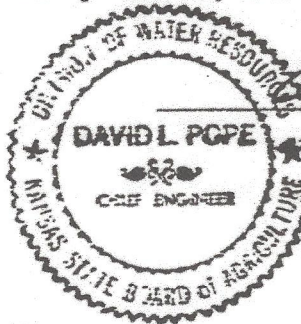
The appropriator shall maintain records from which the quantity of water actually diverted during each calendar year may be readily determined. Such records shall be furnished to the Chief Engineer-Director by March 1 of each year following.

The appropriation right as perfected is appurtenant to and severable from the land herein described.

The appropriation right shall be deemed abandoned and shall terminate when without due and sufficient cause no lawful beneficial use is made of water under this appropriation for three (3) successive years.

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 stream flow at the appropriator's point of diversion.

IN WITNESS WHEREOF, I have hereunto set my hand at my office at Topeka, Kansas, this 26th day of November, 1986.



David L. Pope
David L. Pope, P.E.
Chief Engineer-Director
Division of Water Resources
Kansas State Board of Agriculture

STATE OF KANSAS, Shawnee COUNTY, ss.

The foregoing instrument was acknowledged before me this 26th day of November 1986, by David L. Pope, P.E., Chief Engineer-Director, Division of Water Resources, Kansas State Board of Agriculture.



Signature: *Denise J. Waters*
Denise J. Waters, Notary Public

My commission expires March 1, 1990

If Deeds to the county or version is located

APPROPRIATION DATE

KANSAS

103

County, ss.

day of

1986

at about 4 m. and

Page 61-165

Denise J. Waters
Thank

Indexed ✓
Numerical ✓
Direct ✓
Indirect ✓

INDEXED
PHOTO COPIED

INDEXED ✓
NUMERICAL ✓
DIRECT ✓
INDIRECT ✓

STATE OF KANSAS } #141
HAMILTON COUNTY }
This instrument was filed for record on the 11 day of December A.D. 1986 at 10:43 o'clock P.M. and duly recorded in book 38 M Page 201 fee \$ 38.00
Margaret A. Leit
Register of Deeds

STATE OF KANSAS, Gray County
This instrument was filed for record on the 24 day of Dec. A.D. 19 86 at 7:27 AM. and duly Recorded in Book 76 on Page 396-399
Subarna Choudhury
3802 Register of Deeds

STATE OF KANSAS } SS
KEARNY COUNTY }
This instrument was filed for record on the 17 day of November A.D. 19 86 at 10:00 o'clock A.M. and duly recorded in Book 20 on Page 335
Judith A. Evans
REGISTER OF DEEDS
Therese Campbell Deputy

VOL 68 PAGE 313

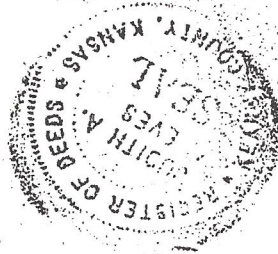
STATE OF KANSAS } SS
FINNEY COUNTY }

This instrument was filed for Record on the 7 day of January A.D. 1987 at 11:00 o'clock A.M. and duly recorded in book 108 Page 313 Fee \$ 38.00
W. A. O'Leary
Register of Deeds

STATE OF KANSAS
DIVISION OF WATER RESOURCES
KANSAS STATE BOARD OF AGRICULTURE
TOPEKA, KANSAS

BEFORE

DAVID L. POPE, CHIEF ENGINEER
DIVISION OF WATER RESOURCES
KANSAS STATE BOARD OF AGRICULTURE



INDEXED ✓
DIRECT ✓
INDIRECT ✓

IN THE MATTER OF THE PROPOSED DESIGNATION OF AN
INTENSIVE GROUNDWATER USE CONTROL AREA
IN HAMILTON, KEARNY, FINNEY, GRAY AND FORD COUNTIES, KANSAS

6/11/2021

Water Resources
Received

KS Dept Of Agriculture

The Chief Engineer, Division of Water Resources, Kansas State Board of Agriculture, (hereinafter referred to as "Chief Engineer"), after having given due consideration to all evidence, testimony and other information presented to him at the hearing in Garden City, Kansas, on November 6, 1985, regarding the proposed designation of an intensive groundwater use control area (hereinafter referred to as "IGUCA") in the Arkansas River Valley in the reach between the Kansas/Colorado state line in Hamilton County, Kansas, and the eastern boundary of Ford County, Kansas, hereby makes the following findings and order:

FINDINGS

1. That on January 21, 1977, Guy E. Gibson, Chief Engineer, Division of Water Resources, Kansas State Board of Agriculture, declared a moratorium on the approval of applications for permit to appropriate water for beneficial use in an area in Hamilton and Kearny Counties adjacent to the Arkansas River as described below:

HAMILTON COUNTY

- Township 23, Range 43, Sections 21 through 28, 33 through 36
- Township 23, Range 42, Sections 19 through 36
- Township 23, Range 41, Sections 19 through 36
- Township 24, Range 43, Sections 1 through 4, 9 through 16
- Township 24, Range 42, Sections 1 through 36
- Township 24, Range 41, Sections 1 through 36
- Township 24, Range 40, Sections 1 through 36
- Township 24, Range 39, Sections 1 through 36

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 14, 2021

CROELL INC
2010 KENWOOD AVE
NEW HAMPTON IA 60659

RE: File No(s). **31103**

Dear Sir or Madam:

The Division of Water Resources (Division) has received your application(s) to change the place of use, point of diversion or use made of water for the file number(s) 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(s) and does not guarantee approval. In accordance with the provisions of the Kansas Water Appropriation(s) Act, the use of water as proposed prior to approval of the application(s) 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 black ink that reads "Kristen Baum". The signature is written in a cursive style.

Kristen Baum
New Applications and Changes Supervisor
Water Appropriation Program

THE STATE OF KANSAS

KANSAS DEPARTMENT OF AGRICULTURE

Mike Beam, Secretary of Agriculture

DIVISION OF WATER RESOURCES

Earl D. Lewis Jr., Chief Engineer

APPROVAL OF APPLICATION FOR CHANGE IN USE MADE OF WATER, PLACE OF USE AND POINT OF DIVERSION WATER RIGHT, FILE NO. 31,103

The Chief Engineer, Division of Water Resources, Kansas Department of Agriculture, after due consideration of the written applications of Kurt Croell, President, Croell Incorporated, PO Box 430, New Hampton, Iowa 50659-0430, received in this office on November 30, 2020, for approval of a change in the location of the place of use and use made of water, and June 11, 2021, for approval of a change in the authorized point of diversion, all under the certificate of appropriation issued pursuant to the application for permit to appropriate water for beneficial use, finds that the changes are reasonable and will not impair existing rights, that the change relates to the same local source of supply and that the application should be and is hereby approved.

The effective date of the change shall be the date this order is executed by the Chief Engineer, after which the portion changed to industrial use shall be authorized a maximum quantity not to exceed 29.48 mgy (90.47 acre-feet) at the rate of natural evaporation from a groundwater pit with a geographic center located in Lot 5 of Section 32, more particularly described as being near a point 2,289 feet to the North and 3,033 feet to the West of the Southeast corner of said section in Township 26 South, Range 25 West, Ford County, Kansas, for industrial use at the authorized place of use described as being:

a sand and gravel pit not to exceed 23.6 surface acres in size located in Lot 5 of Section 32, in Township 26 South, Range 25 West, Ford County, Kansas,

located substantially as shown on the aerial photograph accompanying the application to change the use made of water, place of use and point of diversion.

The portion retained for irrigation use shall be authorized a maximum quantity not to exceed 151.807 acre-feet of groundwater per calendar year at a diversion rate not in excess of 765 gallons per minute (1.70 c.f.s.) from a point of diversion defined as:

one (1) well located Lot 4 of Section 32, more particularly described as being near a point 3,080 feet North and 4,070 feet West of the Southeast corner of said section, Township 26 South, Range 25 West, Ford County, Kansas,

for irrigation use on the following described property:

| Sec. | Twp. | Range | NE¼ | | | | NW¼ | | | | SW¼ | | | | SE¼ | | | | TOTAL |
|------|------|-------|-----|-----|-----|-----|-----|---------------|---------------|--------------|------|-----|-----|-----|-----|-----|-----|------|-------|
| | | | NE¼ | NW¼ | SW¼ | SE¼ | NE¼ | NW¼ | SW¼ | SE¼ | NE¼ | NW¼ | SW¼ | SE¼ | NE¼ | NW¼ | SW¼ | SE¼ | |
| 32 | 26S | 25W | | | | | | Lot 4 30.0 | Lot 5 27.6 | Lot 5 9.6 | 28.8 | | | | | | | 96.0 | |

a total of 96 acres in Township 26 South, Range 25 West, Ford County, Kansas,

located substantially as shown on the topographic maps accompanying the applications to change the use made of water, place of use and point of diversion.

The water right owner shall properly install an acceptable water meter on the diversion works authorized for irrigation use under this water right, prior to the use of water, in strict accordance with the Kansas Administrative Regulations 5-1-4 through 5-1-12 adopted by the Chief Engineer. The water right owner shall notify the Chief Engineer when installation of the water meter has been completed. The water right owner shall maintain the water meter in an operating condition satisfactory to the Chief Engineer, at all times during diversion of water and shall maintain records from which the total quantity of water diverted may be determined. The water right owner shall also report the reading of said water meter and the total quantity of water diverted annually to the Chief Engineer. Such records shall be furnished to the Chief Engineer by March 1 following the end of each calendar year.

Installation of the works for diversion of water shall be completed on or before December 31, 2021, or within any authorized extension of time. The applicant shall notify the Chief Engineer of the Division of Water Resources, Kansas Department of Agriculture, when construction of the works for diversion has been completed.

This application is approved subject to the condition that under the industrial use portion the area adjacent to the pit shall be so graded or bermed so as to exclude overland flow of surface water from entering the pit. That surface water entering the groundwater pit shall be treated, as needed, to maintain the quality of water in the pit, using appropriately engineered, constructed, and maintained water treatment practices, including, but not limited to, construction of grass filter strips.

In all other respects, the Certificate of Appropriation issued pursuant to Approval of Application, File No. 31,103 for permit to appropriate water for beneficial use, is as stated and set forth in the Certificate of Appropriation dated November 26, 1986 .

Ordered this 13th day of October, 2021, at Manhattan, Riley County, Kansas.



Earl D. Lewis Jr.

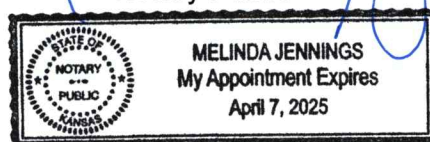
Earl D. Lewis Jr., P.E.
Chief Engineer
Division of Water Resources
Kansas Department of Agriculture

State of Kansas)
) SS
County of Riley)

The foregoing instrument was acknowledged before me this 13 day of October, 2021, by Earl D. Lewis Jr., P.E., Chief Engineer, Division of Water Resources, Kansas Department of Agriculture.

Melinda Jennings

Notary Public



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, KS 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, KS 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.

Any request for hearing or petition for administrative review shall be in writing and shall be submitted to the attention of: Chief Legal Counsel, Kansas Department of Agriculture, 1320 Research Park Drive, Manhattan, Kansas 66502, Fax: (785) 564 - 6777.

CERTIFICATE OF SERVICE

On this _____ day of _____, 2021, I hereby certify that the attached Approval of Application for Change In Use Made of Water, Place of Use and Point of Diversion, under Water Right, File No. 31,103, dated _____ was mailed postage prepaid, first class, US Mail, to the following:

CROELL INC
KYLE FRISINGER
PO BOX 430
NEW HAMPTON, IA 50659-0430

With photocopies sent to:

Stafford Field Office

Division of Water Resource

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

October 18, 2021

CROELL INC
KYLE FRISINGER
PO BOX 430
NEW HAMPTON, IA 50659-0430

RE: Water Right, File No. 31,103

Dear Mr. Frisinger:

Enclosed is the order executed by the Chief Engineer, Division of Water Resources, Kansas Department of Agriculture, one approving the application for change under the referenced file.

Your attention is directed to the enclosures and to the terms, conditions, and limitation specified in the approval. A condition of the approval for irrigation use is that an acceptable and separate water flowmeter must be installed on the diversion works authorized. Please return the required and enclosed form, for the Notification of the Completion of the Diversion Works, prior to December 31, 2021.

Please note the that the industrial use portion is approved subject to the condition that the area adjacent to the pit shall be so graded or bermed so as to exclude overland flow of surface water from entering the pit. That treated surface water shall enter the pit only if the quality of water does not degrade the groundwater quality, and appropriately engineered, constructed and maintained water treatment practices are utilized which may include grass filter strips, aeration, debilitation basins or filtration basins.

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.

Since the order approving the application for change modifies the original documents referred to above, it should be recorded with the county register of deeds in which the point of diversion is authorized.

If you have any questions, please contact our office at (785) 564-6640, or the Stafford Field Office at (620) 234-5311. If you wish to discuss a specific file, please have the file number ready so that we may help you more efficiently.

Sincerely,

A handwritten signature in black ink that reads "Kristen A. Baum". The signature is written in a cursive style with a large initial 'K'.

Kristen A. Baum
New Application and Change Unit Supervisor
Water Appropriation Program

KAB:LI:li
Enclosures

pc: Stafford Field Office

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.

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Any request for hearing or petition for administrative review shall be in writing and shall be submitted to the attention of: Chief Legal Counsel, Kansas Department of Agriculture, 1320 Research Park Drive, Manhattan, Kansas 66502, Fax: (785) 564 - 6777.

CERTIFICATE OF SERVICE

On this 18 day of October, 2021, I hereby certify that the attached Approval of Application for Change In Use Made of Water, Place of Use and Point of Diversion, under Water Right, File No. 31,103, dated 13 October was mailed postage prepaid, first class, US Mail, to the following:

CROELL INC
KYLE FRISINGER
PO BOX 430
NEW HAMPTON, IA 50659-0430

With photocopies sent to:

Stafford Field Office


Division of Water Resource