

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

1. File Number: <p style="text-align: center;">49,884</p>	2. Status Change Date: <p style="text-align: center;">9/13/2021</p>	3. Field Office: <p style="text-align: center;">02</p>	4. GMD: <p style="text-align: center;">02</p>
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5. Status: Approved Denied by DWR/GMD Dismiss by Request/Failure to Return

6. Enclosures: Check Valve N of C Form Water Tube Driller Copy Meter

<p>7a. Applicant(s) New to system <input type="checkbox"/></p> <p style="text-align: right;">Person ID 65662 Add Seq# _____</p> <p>KIRK BLISS 741 CARRIAGE RD MAIZE KS 67101</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 _____ Add Seq# _____</p> <p>7a.</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"/></p> <p>Overlap File (s) WUC Agree <input type="checkbox"/> Yes <input type="checkbox"/> No</p> <p style="text-align: right;">Person ID _____ Add Seq# _____ Notarized WUC Form <input type="checkbox"/></p> <p>7a.</p>	<p>9. Use of Water: Changing? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No</p> <p style="padding-left: 40px;"><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: 1442 <input type="checkbox"/> OTHER: _____</p>
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10. Completion Date: **12/31/2026** 11. Perfection Date: **12/31/2041** 12. Exp Date: _____

13. Conservation Plan Required? Yes No Date Required: _____ Date Approved: _____ Date to Comply: _____

14. Water Level Measuring Device? Yes No Date to Comply: _____ Date WLMD Installed: _____

Date Prepared: **4/1/2021** By: **DWS**
Date Entered: **9/14/2021** LMoody By: _____

8/31/2021
Lireland

File No. 49,884	15. Formation Code: 113	Drainage Basin: ARKANSAS RIVER	County: SG	Special Use:	Stream:																
16. Points of Diversion T MOD DEL ENT			17. Rate and Quantity Authorized Additional																		
PDIV Qualifier S T R ID 'N 'W	Rate gpm	Quantity af	Rate gpm	Quantity af	Overlap PD Files																
√ 86293 SW NE NW 7 26 1W 2 4071 3488	NE	76.67 24.98 MGY	NE	76.67 24.98 MGY	20179068																
Pd comment: (Geo-Center of Groundwater Pit)																					
18. Storage: Rate _____ Quantity _____ ac/ft Additional Rate _____ 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? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No To be installed by _____ Date Acceptable Meter Installed _____																					
21. Place of Use T MOD DEL ENT		NE¼				NW¼				SW¼				SE¼				Total	Owner	Chg? NO	Overlap Files
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	NE ¼	NW ¼	SW ¼	SE ¼					
MOD 68500 7 26 1W 2	46 SURFACE ACRE GROUNDWATER PIT (NW)																	7a.	No	20179068	
Comments: 20" of Evaporation																					

KANSAS DEPARTMENT OF AGRICULTURE
Division of Water Resources

M E M O R A N D U M

TO: Files

DATE: April 1, 2021

FROM: Doug Schemm

RE: Application, File No. 49,884 and
Term Application, File No. 20179068

The above referenced new application (File No. 49,884) has been filed by Kirk Bliss to appropriate 76.67 acre-feet groundwater for industrial use, to cover natural evaporative loss from the surface of a groundwater pit with a projected exposed surface area of 46 acres. The pit is located in the Northwest Quarter of Section 7, Township 26 South, Range 1 West, Sedgwick County, Kansas. The geographic center of the pit is represented by point 4,071 feet north and 3,488 feet west of the Southeast corner of Section 7. The proposed point of diversion is located within the boundaries of Equus Beds Groundwater Management District No. 2 (GMD #2). The pit is located within the Arkansas River basin. The applicant has signed the application form stating he has legal access to the point of diversion.

The applicant has also filed the above referenced application for a term permit (File No. 20179068) proposing to appropriate 707.1 acre-feet of groundwater water at a diversion rate of 3,000 gallons per minute for hydraulic dredging operations. The point of diversion represents the geographic center of the groundwater pit and overlaps with File No. 49,884. The term permit requested to extend from March 1, 2018 to March 1, 2028, which is a ten-year period allowed under K.A.R. 5-9-1b for hydraulic dredging. However, these dates were modified due to the extensive length of time required to complete processing. The new dates will be commencing on May 1, 2021 and ending on May 1, 2031.

The applicant has provided information to justify the requested quantity of water, as follows:

$$3,000 \text{ gpm} \times 60 \text{ min/hr} \times 1600 \text{ hours/year} / 325851 \text{ gals/AF} = 883.84 \text{ Acre-Feet}$$
$$\text{Projected 80:20 water to solid ratio} = 883.84 \times 0.8 = 707.1 \text{ Acre-Feet}$$

As typical for these types of hydraulic dredging operations, consumptive use is minimal with the majority of water returned to the source. Based on typical dredging operations, the slurry mixture pumped out is generally composed of 80% water and 20% sand. Because the operation will utilize water in a manner that is largely non-consumptive, there should be no significant net consumptive use of the source of supply, and the safe yield requirements of K.A.R. 5-3-10 do not apply. Due to the nature of the dredging process, a flow meter and check valve are not practical and should not be required under the approval of this application.

The applicant identified multiple wells and a groundwater pit located within one-half mile of the center of the proposed groundwater pit. Notification letters were sent out on August 14, 2020. One telephone call was received from a domestic well owner asking general questions about the project, but did not express any specific concerns. No written responses of any kind were received.

Based on the rules and regulations in K.A.R. 5-22-2, the proposed point of diversion (i.e. geographic center of the groundwater pit) must meet the minimum spacing distance of 660 feet from all domestic wells, and the minimum spacing interval of 330 feet from the edge of the proposed groundwater pit to all domestic wells. The nearest domestic well is over 500 feet from the edge of the pit and the proposed pit complies with minimum well spacing criteria to all domestic wells. The nearest non-domestic point of diversion (groundwater pit) is located over 2,200 feet away from the geographic center of the groundwater pit, which exceeds required spacing.

Kirk Bliss - Memorandum
File Nos. 49,884 and 20179068
Page 2

The application was submitted for review and recommendation to the Equus Beds Groundwater Management District No. 2 on September 17, 2020. The application was recommended for approval by GMD No. 2 in a letter received by electronic mail on March 30, 2021. Proposed GMD 2 permit conditions relate primarily to surface water runoff, and require that the area around the groundwater pit be bermed or graded to prohibit surface water or storm water from entering the pit, and a sign is posted stating that dumping or discharges into the pit are prohibited.

In an e-mail dated March 31, 2021, Jeff Lanterman, Water Commissioner of the Stafford Field Office, indicated he did not object to the approval of the referenced applications. Based on the above discussion, the area is open to new appropriations, the applications comply with minimum well spacing criteria and safe yield, GMD #2 has recommended approval, and there is no indication that senior water rights will be impaired, it is recommended that the referenced applications be approved.

Douglas W. Schemm
Environmental Scientist
Topeka Field Office

Report Date: Tuesday, August 4 2020

AMOUNT STATISTICS REPORT FOR POINTS OF DIVERSION UNDER A 49884 00

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AMOUNT STATISTICS REPORT FOR POINTS OF DIVERSION UNDER A 49884 00 IND

Water Right and Points of Diversion Within 2.00 of a point defined as:

4071 Feet North and 3488 Feet West of the Southeast Corner of Section 7 Twp 26S Rng 1W

GROUNDWATER ONLY

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File Number	Use	ST	SR	Dist (ft)	Q4	Q3	Q2	Q1	FeetN	FeetW	Sec	Twp	Rng	ID	Batt	Auth_Quan	Add_Quan					
A__ AF	17277	00	IRR	NK	G				6957	--	NW	SE	NE	3440	1284	13	26	2W	13		63.00	63.00
A__ AF	17635	00	IRR	NK	G				9131	--	--	--	--	1330	3982	32	25	1W	7		150.00	150.00
A__ AF	24493	00	IRR	NK	G				9113	--	--	NC	NE	4045	1300	5	26	1W	1		122.00	122.00
A__ AF	27444	00	IRR	NK	G				9164	--	NW	NE	SW	2500	3955	13	26	2W	14		94.00	94.00
A__ AF	28470	00	IRR	NK	G				9867	--	NE	SE	SW	1300	2640	32	25	1W	3		135.00	135.00
A__ AF	29256	00	IRR	NK	G				10491	--	--	NC	NE	3800	1400	31	25	1W	1		225.00	225.00
A__ AF	30062	00	IRR	NK	G				7052	--	NW	SE	NW	3885	3895	5	26	1W	3		146.57	146.57
A__ AF	32389	00	IRR	NK	G				8923	--	--	NC	SE	1454	1244	11	26	2W	2		120.00	120.00
A__ AF	32575	00	IRR	NK	G				6957	--	NW	SE	NE	3440	1284	13	26	2W	13		60.00	60.00
A__ AF	37612	00	IRR	NK	G				9700	--	--	--	CE	2590	30	31	25	1W	3		98.00	98.00
A__ AF	38066	00	IRR	NK	G				9131	--	--	--	--	1330	3982	32	25	1W	7		16.25	16.25
A__ AF	38942	00	IND	NK	G				8127	--	SE	NE	SE	1800	63	13	26	2W	11		25.80	25.80
A__ AF	41563	00	REC	NK	G				8417	--	SW	NE	SE	1620	920	2	26	2W	1		8.60	8.60
A__ AF	41571	00	REC	NK	G				4993	--	SE	SE	NW	2840	3020	12	26	2W	1		8.30	8.30
A__ AF	41572	00	REC	NK	G				4622	--	NE	NW	NW	4989	4352	18	26	1W	7		7.00	7.00
A__ AF	42536	00	IRR	NK	G				7931	--	SE	NE	NW	4361	2790	17	26	1W	7	B4	207.00	207.00
Same									8065	--	SE	NE	NW	4161	2788	17	26	1W	8	B4		
Same									8135	--	SE	NE	NW	4057	2787	17	26	1W	6	G4		
Same									8201	--	SE	NE	NW	3961	2785	17	26	1W	9	B4		
Same									8342	--	NE	SE	NW	3753	2783	17	26	1W	10	B4		
A__ AF	43859	00	IND	NK	G				8172	--	--	--	--	1453	4724	18	26	1W	10		9.76	9.76
A__ AF	44617	00	REC	NK	G				2245	--	SE	NE	SW	1875	3020	7	26	1W	1		3.34	3.34
A__ AF	45397	00	IRR	NK	G				4888	--	NE	NE	NE	5235	229	13	26	2W	9		121.00	121.00
A__ AF	46179	00	IND	KE	G				9058	--	NE	SE	SE	1210	180	8	26	1W	2		1392.00	1392.00
A__ AF	46309	01	DOM	NK	G				8682	--	--	--	--	1325	709	18	26	1W	12		.67	.67
A__ AF	46690	00	IRR	NK	G				8923	--	--	NC	SE	1454	1244	11	26	2W	2		120.00	.00
A__ AF	46802	5	DOM	NK	G				10245	--	SE	NE	SW	1442	2846	2	26	2W	4		.88	.88
A__ AF	46861	00	REC	NK	G				9687	--	N2	SW	SW	1071	4620	4	26	1W	6		52.51	52.51
A__ AF	46872	00	IRR	NK	G				3441	--	NW	NE	SE	2549	1204	12	26	2W	3		78.00	78.00

A__	47037	00	REC	NK	G	8890	--	NE	SW	SE	800	1590	2	26	2W	6	17.29	17.29
AF																		
A__	48130	00	IRR	LR	G	3059	--	SW	NE	NE	4185	1300	12	26	2W	4	201.50	201.50
AF																		
A__	48189	00	IRR	KE	G	9131	--	--	--	--	1330	3982	32	25	1W	7	80.00	.00
AF																		
A__	49869	00	IND	AY	G	9493	--	--	NE	SW	1762	3333	17	26	1W	12	83.50	83.50
AF																		
A__	49884	00	IND	AY	G	0	--	SW	NE	NW	4071	3488	7	26	1W	2	76.67	76.67
AF																		
A__	50405	00	REC	AY	G	5048	--	NW	NW	NE	4814	1745	18	26	1W	13	5.65	5.65
AF																		
A__	50406	00	REC	AY	G	4622	--	NE	NW	NW	4989	4352	18	26	1W	7	7.78	7.78
AF																		
T__	959079	00	IND	GY	G	8899	--	SW	NE	SE	1348	1318	13	26	2W	12	1.50	1.50
AF																		
T__	20059016	00	HYD	GY	G	8807	--	NE	SE	SE	1148	465	8	26	1W	1	16572.00	16572.00
AF																		
T__	20159023	00	HYD	GY	G	9058	--	NE	SE	SE	1210	180	8	26	1W	2	813.87	813.87
AF																		
T__	20179068	00	HYD	AY	G	0	--	SW	NE	NW	4071	3488	7	26	1W	2	707.10	707.10
AF																		

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Total Net Quantities Authorized:   Direct      Storage
Total Requested Amount (AF) =      880.70         .00
Total Permitted Amount (AF) =    18779.37         .00
Total Inspected Amount (AF) =       201.50         .00
Total Pro_Cert Amount (AF) =         .00         .00
Total Certified Amount (AF) =     1769.96         .00
Total Vested Amount (AF) =          .00         .00
TOTAL AMOUNT (AF) =    21631.54         .00
    
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An * after the source of supply indicates a pending application for change under the file number.

An * after the ID indicates a 15 AF exemption was granted under 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 Right and Points of Diversion Within 2.00 of a point defined as:

4071 Feet North and 3488 Feet West of the Southeast Corner of Section 7 Twp 26S Rng 1W

GROUNDWATER ONLY

WATER USE CORRESPONDENTS:

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File Number   Use ST SR
> CRANMER HOLDINGS LLC
> CHANDRA RUYLE
> 4901 W 136TH ST
> LEAWOOD KS 66224
>-----
> ROBERT & MARCELLA SEILER
>
> 13435 W 85TH ST N
> VALLEY CENTER KS 67147
>-----
> ROBERT A ULBRICH JR
>
> 7759 N TYLER RD
> VALLEY CENTER KS 67147
>-----
> ALVIN L & KARLA K NEVILLE
>
> 14601 W 77TH ST N
> COLWICH KS 67030
>-----
> CRANMER HOLDINGS LLC
> CHANDRA RUYLE
> 4901 W 136TH ST
> LEAWOOD KS 66224
    
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>-----  
> ROBERT & MARCELLA SEILER  
>  
> 13435 W 85TH ST N  
> VALLEY CENTER KS 67147  
>-----  
> DOUGLAS R HESS  
>  
> 351 N VALLEY CREEK DRIVE  
> VALLEY CENTER KS 67147  
>-----  
> NEVILLE FARMS LLC  
>  
> 14601 W 77TH ST N  
> COLWICH KS 67030  
>-----  
> CRANMER HOLDINGS LLC  
> CHANDRA RUYLE  
> 4901 W 136TH ST  
> LEAWOOD KS 66224  
>-----  
> ROBERT & MARCELLA SEILER  
>  
> 13435 W 85TH ST N  
> VALLEY CENTER KS 67147  
>-----  
> ROBERT & MARCELLA SEILER  
>  
> 13435 W 85TH ST N  
> VALLEY CENTER KS 67147  
>-----  
> WORTHINGTON CYLINDERS KANSAS LLC  
>  
> PO BOX 300  
> MAIZE KS 67101  
>-----  
> RECREATIONAL FILE  
>  
> GROUNDWATER PIT  
> ALLSTATE MO 00000  
>-----  
> RECREATIONAL FILE  
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> GROUNDWATER PIT  
> ALLSTATE MO 00000  
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> RECREATIONAL FILE  
>  
> GROUNDWATER PIT  
> ALLSTATE MO 00000  
>-----  
> HELEN M SIMON ET AL  
>  
> 7700 W 61ST ST N  
> MAIZE KS 67101  
>-----  
> JVMH LLC  
>  
> PO BOX 556  
> MAIZE KS 67101  
>-----  
> JOSHUA D & COURTNIIE P RAMSEY  
>  
> 6406 N 119TH ST W  
> MAIZE KS 67101  
>-----  
> CRANMER HOLDINGS LLC
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> CHANDRA RUYLE
> 4901 W 136TH ST
> LEAWOOD KS 66224
>-----
> NORTHRIDGE SAND LLC
> 6033 N RIDGE RD
> PO BOX 387
> MAIZE KS 67101
>-----
> ARK CHURCH INC
> MIKE LEICHNER - PRESIDENT
> 5501 N MAIZE RD
> MAIZE KS 67101
>-----
> NEVILLE FARMS LLC
>
> 14601 W 77TH ST N
> COLWICH KS 67030
>-----
> JIAN K & XIUFEN LIU
>
> 7200 N 142ND W
> COLWICH KS 67030
>-----
> RECREATIONAL FILE
>
> GROUNDWATER PIT
> ALLSTATE MO 00000
>-----
> CRANMER GRASS FARMS INC
> JOSHUA RAMSEY CRANMER
> 6121 N 119TH ST W
> MAIZE KS 67101
>-----
> RECREATIONAL FILE
>
> GROUNDWATER PIT
> ALLSTATE MO 00000
>-----
> BISHOP REV TRUST
> MARCIA A WOODARD TTEE
> 600 HIGH PLAINS CIR
> MAIZE KS 67101
>-----
> ROBERT & MARCELLA SEILER
>
> 13435 W 85TH ST N
> VALLEY CENTER KS 67147
>-----
> RUSSELL INVESTMENTS LLC
>
> PO BOX 75337
> WICHITA KS 67275
>-----
> KIRK BLISS
>
> 741 CARRIAGE RD
> MAIZE KS 67101
>-----
> KEVIN REMPE
>
> 1044 N MURRAY COURT
> WICHITA KS 67212
>-----
> KEVIN REMPE
>
> 1044 N MURRAY COURT
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> WICHITA KS 67212
>-----
> WORTHINGTON CYLINDERS KANSAS LLC
>
> PO BOX 300
> MAIZE KS 67101
>-----
> CORNEJO & SONS LLC
> 2060 E TULSA
> PO BOX 16204
> WICHITA KS 67216
>-----
> NORTHRIDGE SAND LLC
> 6033 N RIDGE RD
> PO BOX 387
> MAIZE KS 67101
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> KIRK BLISS
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> 741 CARRIAGE RD
> MAIZE KS 67101
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Topeka Field Office
1131 SW Winding Rd, Suite 400
Topeka, KS 66615



Phone: 785-296-5733
www.agriculture.gov

Mike Beam, Secretary

Laura Kelly, Governor

September 17, 2020

GROUNDWATER MANAGEMENT DISTRICT NO 2
% TIM BOESE
313 SPRUCE ST
HALSTEAD KS 67056-1925

Re: Pending Applications, File No. 49,884; and Term Permit, File No. 20179068

Dear Mr. Boese:

We are enclosing copies of the applications referred to above which appear to be in proper form. Application, File No. 49,884 is requesting 76.67 acre-feet for evaporation from a pit size of 46 acres (of exposed groundwater). Term Permit Application, File No. 20179068 is requesting 707.1 acre-feet of groundwater at a diversion rate of 3,000 gallons per minute for hydraulic dredging at this same pit.

Notification letters were sent out to nearby well owners on August 14, 2020. A telephone call was received from one domestic well owner, who asked general questions about the application, but did not express any specific concerns. No written letters were received.

We are delaying any further action for a period of **30 days** from the date of this letter to allow you time to submit your recommendation concerning this application. Please submit your recommendation within the allotted time, or any authorized extension of time thereof.

If you have any questions, please contact me at (785) 296-3495. If you wish to discuss a specific file, please have the file number ready so that I may help you more efficiently.

Sincerely,

A handwritten signature in blue ink that reads "Douglas W. Schemm".

Douglas W. Schemm
Environmental Scientist
Topeka Field Office

Enclosures

Schemm, Doug [KDA]

From: Schemm, Doug [KDA]
Sent: Wednesday, March 31, 2021 2:22 PM
To: Schemm, Doug [KDA]
Subject: FW: Kirk Bliss 49884 & 20179068

From: Lanterman, Jeff [KDA]
Sent: Wednesday, March 31, 2021 1:25 PM
To: Schemm, Doug [KDA] <Doug.Schemm@ks.gov>
Cc: Conant, Cameron [KDA] <Cameron.Conant@ks.gov>
Subject: RE: Kirk Bliss 49884 & 20179068

I looked through this application and Tim's recommendation and I concur that this should be approved. Please approve it.

From: Schemm, Doug [KDA] <Doug.Schemm@ks.gov>
Sent: Wednesday, March 31, 2021 7:56 AM
To: Lanterman, Jeff [KDA] <Jeff.Lanterman@ks.gov>
Cc: Conant, Cameron [KDA] <Cameron.Conant@ks.gov>
Subject: Kirk Bliss 49884 & 20179068

Hello Stafford,
GMD 2 is OK with them. They meet all the criteria for approval. Please review.
Thanks, Doug

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 and PERMIT TO PROCEED

(This is not a Certificate of Appropriation)

This is to certify that I have examined Application, **File No. 49,884** of the applicant

**KIRK BLISS
741 CARRIAGE RD
MAIZE KS 67101**

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 **August 7, 2017**.
2. That the water sought to be appropriated shall be used for industrial use for evaporative loss from a groundwater pit with a projected total area of 46 acres located in the Northwest Quarter (NW $\frac{1}{4}$) of Section 7, in Township 26 South, Range 1 West, Sedgwick County, Kansas.
3. That the authorized source from which the appropriation shall be made is groundwater from the Arkansas River alluvium, to be withdrawn by means of a groundwater pit with a projected geographic center located in the Southwest Quarter of the Northeast Quarter of the Northwest Quarter (SW $\frac{1}{4}$ NE $\frac{1}{4}$ NW $\frac{1}{4}$) of Section 7, more particularly described as being near a point 4,071 feet North and 3,488 feet West of the Southeast corner of said section, in Township 26 South, Range 1 West, Sedgwick County, Kansas, located substantially as shown on the topographic map accompanying the application.
4. That the appropriation sought shall be limited to a maximum diversion rate not in excess of **natural evaporation** and to a quantity not to exceed **24.98 million gallons** (76.67 acre-feet) of water for any calendar year, from a groundwater surface area exposure not greater than 46 acres.
5. That installation of works for diversion of water shall be completed on or before **December 31, 2026** or within any authorized extension thereof. The applicant shall notify the Chief Engineer and pay the statutorily required field inspection fee of \$200.00 when construction of the works has been completed. Failure to timely submit the notice and the fee will result in revocation of the permit. Any request for an extension of time shall be submitted prior to the expiration of the deadline and shall be accompanied by the required statutory fee of \$100.00.

6. That the proposed appropriation shall be perfected by the actual application of water to the proposed beneficial use on or before **December 31, 2041** or any authorized extension thereof. Any request for an extension of time shall be submitted prior to the expiration of the deadline and shall be accompanied by the required statutory fee, which is currently \$100.00.

7. That the applicant shall not be deemed to have acquired a water appropriation for a quantity in excess of the amount approved herein nor in excess of the amount found by the Chief Engineer to have been actually used for the approved purpose during one calendar year subsequent to approval of the application and within the time specified for perfection or any authorized extension thereof.

8. That the use of water herein authorized shall not be made so as to impair any use under existing water rights nor prejudicially and unreasonably affect the public interest.

9. That the right of the appropriator shall relate to a specific quantity of water and such right must allow for a reasonable raising or lowering of the static water level and for the reasonable increase or decrease of the streamflow at the appropriator's point of diversion.

10. That this permit does not constitute authority under K.S.A. 82a-301 through 305a to construct any dam or other obstruction; nor does it grant any right-of-way, or authorize entry upon or injury to, public or private property.

11. That the applicant shall maintain accurate and complete records from which the quantity of water diverted during each calendar year may be readily determined and the applicant shall file an annual water use report with the Chief Engineer by March 1 following the end of each calendar year. Failure to file the annual water use report by the due date shall cause the applicant to be subject to a civil penalty.

12. That no water user shall engage in nor allow the waste of any water diverted under the authority of this permit.

13. That failure without cause to comply with provisions of the permit and its terms, conditions and limitations will result in the forfeiture of the priority date, revocation of the permit and dismissal of the application.

14. That the right to appropriate water under authority of this permit is subject to any minimum desirable streamflow requirements identified and established pursuant to K.S.A. 82a-703c for the source of supply to which this water right applies.

15. That the area around the groundwater pit shall be bermed or graded, and maintained to prohibit any surface drainage or storm water runoff from entering the aquifer through the excavated pit.

16. That a sign must be permanently posted at the excavation site, identifying the excavation as a groundwater pit and stating that dumping or discharges into the pit are prohibited to prevent contamination of the Equus Beds aquifer. The sign must be a minimum of three (3) feet in length by two (2) feet in height, easily visible and of durable construction.

17. That the groundwater pit shall be constructed, maintained, and operated in a manner that will prevent degradation to the water quality of the source of supply, which could cause impairment to existing water rights.

Ordered this 13 day of September, 2021, 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 13 day of September, 2021, by Lane P. Letourneau, P.G., Program Manager, Division of Water Resources, Kansas Department of Agriculture.

Ashlee Freeman

Notary Public



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

September 15, 2021

KIRK BLISS
741 CARRIAGE RD
MAIZE KS 67101

RE: Appropriation of Water, File No. 49,884, and
Term Permit, File No. 20179068

Dear Mr. Bliss:

Enclosed is a permit under File No. 49,884, authorizing you to proceed with construction of the proposed diversion works and to appropriate water for beneficial use as set forth in the permit. Your attention is directed to the enclosures and to the terms, conditions, limitations, and requirements specified in this permit. Notice must be filed on the enclosed form once the diversion works have been completed. Failure to complete the diversion works within the time allowed, or within any authorized extension of time thereof, will result in dismissal of this permit. If you need an extension of time, you must request it before the deadline for completion set forth in the permit. Any request for an extension of time must be accompanied by the statutorily required fee, which is currently \$100.00. Enclosed is an informational sheet that sets forth the procedure to obtain a Certificate of Appropriation which will establish the extent of your perfected water right.

In addition, your application for a term permit under File No. 20179068, to appropriate water for beneficial use has been examined, approved, and a permit is enclosed for your records. This term permit is for the hydraulic dredging at the sand and gravel pit.

The approval of your applications constitutes permits to appropriate water. It does not give authority to construct any dam or other stream obstruction regulated by K.S.A. 82a-301 through 305a. It does not give authority to access any right-of-way or authorize trespassing upon or injury to public or private property. It may also be necessary for you to comply with other local, state or federal requirements. Additional information and applicable forms may be found on our website at agriculture.ks.gov/divisions-programs/dwr.

An annual water use report must be filed with the Chief Engineer by March 1, following the end of each calendar year, for each of your files. 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 reports online at www.kswaterusereport.org.

If you have any questions or need assistance with any of these requirements, please contact our office at 785-564-6640 or your local Stafford Field Office at 620-234-5311. If you call, please reference the file number so we can help you more efficiently.

Sincerely,

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

KAB:dws:li
Enclosure(s)

pc: Stafford Field Office
Groundwater Management District No. 2

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.

CERTIFICATE OF SERVICE

On this 15 day of September, 2021, I hereby certify that the foregoing Approval of Application, File No. 49,884, dated 13 September, 2021, was mailed postage prepaid, first class, US mail to the following:

KIRK BLISS
741 CARRIAGE RD
MAIZE KS 67101

With photocopies to:

Stafford Field Office
Groundwater Management District No. 2


Division of Water Resources