

Kansas Department of Agriculture
 Division of Water Resources
CHANGE: P/U WORKSHEET

Document Signature _____

1. File Number: 46057	2. Status Change Date: 9/26/2016	3. Change Num: C1	4. Field Office: 03	5. GMD:
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6. Status: <input type="checkbox"/> Approved <input type="checkbox"/> Denied by DWR/GMD <input type="checkbox"/> Dismiss by Request/Failure to Return	7. Filing Date of Change: 11-JUL-2016
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8a. Applicant(s) Person ID 37799 New to system <input type="checkbox"/> Add Seq# 1 JOHNSON SAND GARY L & PAMELA JOHNSON 2100 E SCHILLING RD SALINA KS 67401	8c. Landowner(s) Person ID _____ New to system <input type="checkbox"/> Add Seq# _____
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8b. Landowner(s) Person ID 37799 New to system <input type="checkbox"/> Add Seq# 1 JOHNSON SAND GARY L & PAMELA JOHNSON 2100 E SCHILLING RD SALINA KS 67401	8d. WUC Person ID 37799 New to system <input type="checkbox"/> Add Seq# 1 JOHNSON SAND GARY L & PAMELA JOHNSON 2100 E SCHILLING RD SALINA KS 67401
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9. Documents and Enclosure(s): DWR Meter(s) Date to Comply: _____ N & P Date to Comply: _____

Anti-Reverse Meter Meter Seal Check Valve N & P Form Water Tube Driller Copy H & E Letter

Conservation Plan Date Required: _____ Date Approved: _____ Date to Comply: _____

10. Use Made of Water From: _____ To: _____

Date Prepared: **09/20/16** By: **RAK**
 Date Entered: **9/27/2016** By: **UM**

12. Points of Diversion										Rate and Quantity						
MOD	DEL	ENT	PDIV	Qualifier	S	T	R	ID	'N	'W	Comment	Rate gpm/cfs	Quantity af/mgy	Rate gpm/cfs	Quantity af/mgy	Overlap PD Files
MOD				70955 NW¼NE¼NW¼	5	15	2W	4	4739	3856	NE (37.36 AF)12.174 m.g.y. NE (37.36 AF) 12.174 m.g.y.					47443-D2 & 49670 20059007
PD COMMENT GEOCTR GW PIT 21" NET EVAP																

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

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

15. 5YR Allocation: Allocation Type _____ Start Year _____ 5 YR Amount _____ Amount Unit _____ Base Acres _____ Comment _____

16. Place of Use		NE¼				NW¼				SW¼				SE¼				Total	Owner	Chg?	Overlap Files						
MOD	DEL	ENT	PUSE	S	T	R	ID	NE ¼	NW ¼	SW ¼	SE ¼	NE ¼	NW ¼	SW ¼	SE ¼	NE ¼	NW ¼	SW ¼	SE ¼								
ENT			68048	32	14	2W		GW PIT (SW¼)																	8b	YES	47443-D2;49670 & 20059007
MOD			56704	5	15	2W	3	GW PIT (NW¼)																	8b	NO	47443-D2;49670 & 20059007

Comments: **DATA ENTRY PLEASE CHANGE SIC CODE TO 1442**

KANSAS DEPARTMENT OF AGRICULTURE
Division of Water Resources
MEMORANDUM

TO: Files

DATE: September 21, 2016

FROM: Richelle A. Krueger

RE: Application, File No. 49,670
Appropriation of Water
File Nos. 46,057 and 47,443-D2

Gary L. and Pamela Johnson, on behalf of Johnson Sand, have filed Application, File No. 49,670 to appropriate 50 acre-feet of groundwater for industrial use to cover natural evaporative loss from the surface of an existing expanding groundwater pit with a proposed geographic center located 4,739 feet North and 3,856 feet West of the Southeast corner of Section 5, Township 15 South, Range 2 West, Saline County, Kansas, within the drainage basin of the Smoky Hill River. The proposed pit is presently covered by Appropriation of Water, File No. 46,057 authorized for industrial use and Term Permit, File No. 20059007 authorized for hydraulic dredging. An application to change the place of use has been filed for File No. 46,057 to create an exact overlap in place of use with File No. 49,670, and an application to change the place of use, point of diversion and use made of water has been filed for Water Right, File No. 47,443-D2 to add more quantity to the pit.

File No. 49,670 does not meet safe yield per K.A.R. 5-3-11, however the requested quantity will be offset by a placing the 50 acre-feet authorized by Water Right, File No. 3,958-D2 into the custodial care of the state in order to comply with K.A.R. 5-13-7(d). In addition, 8.5 acre-feet will be transferred to the pit under File No. 47,443-D2, so a total of 95.86 acre-feet will be available for evaporation for the projected 54.78 surface acre pit: File No. 47,443-D2 (8.5 AF) + File No. 46,057 (37.36 AF-originally offset by File No. 41,381) + File No. 49,670 (50 AF offset by File No. 3,958-D2). The quantity requested appears reasonable based on the K.A.R. 5-6-3 net evaporation: 54.78 surface acres x $21''/12=95.86$ AF.

File Nos. 46,057 and 47443-D2 do not appear abandoned pursuant to K.S.A. 82a-718. The perfection period for the referenced file numbers expires on December 31, 2030. The place of use of the expanded pit to be covered by File Nos. 46,057, 47,443 D2 and 49,670 will be described as a sand and gravel pit with a total surface area not to exceed 54.78 acres in the Southwest Quarter (SW $\frac{1}{4}$) of Section 32, Township 14 South, Range 2 West, and the Northwest Quarter (NW $\frac{1}{4}$) of Section 5, Township 15 South, Range 2 West, Saline County, Kansas. Application, File No. 49,670 along with its submitted offset (File No. 3,958-D2) will account for any increase in consumptive use created by the referenced change applications.

The 8.5 acre-feet authorized for recreation use by File No. 47,443-D2 for evaporative loss from a groundwater pit will be converted to industrial use and moved to the above referenced expanded pit. The proposed point of diversion change involves a distance move of approximately 3,420 feet. The pit presently authorized by File No. 47,443-D2 is no longer being mined and will remain authorized by File No. 47,443-D1.

Based on WRIS, information from the applicant and WWC-5 information, there appears to be one(1) non-domestic groundwater right (Water Right, File No. 43,686) and potentially four(4) domestic wells within one-half mile of the proposed geocenter of the pit.

All known water right owners with a point of diversion within half a mile of a water right pending request or application pursuant to K.S.A. 82a-706b, 82a-708a and 82a-708b, and amendments thereto, were notified by letters dated August 18, 2016 of the proposed changes and new application in order to comply with Senate Bill 337 enacted by the Kansas State Legislature on July 1, 2016. A fifteen day comment period was given, no comments have been received as of today's date.

The source of supply for the pit has been previously determined to Main Stem Alluvium (113).

In a September 12, 2016 e-mail Kelly Stewart, Water Commissioner of the Stockton Field Office, recommended approval of the referenced applications.

Based on the above discussion, it has been recommended that the referenced applications be approved.


Richelle A. Krueger
Environmental Scientist

1320 Research Park Drive
Manhattan, Kansas 66502
(785) 564-6700



900 SW Jackson, Room 456
Topeka, Kansas 66612
(785) 296-3556

Jackie McClaskey, Secretary

Governor Sam Brownback

September 28, 2016

JOHNSON SAND
GARY L & PAMELA JOHNSON/CHRIS JOHNSON
2100 E SCHILLING RD
SALINA KS 67401

FILE COPY

RE: Appropriation of Water, File Nos. 46,057; 47,443-D2 and 49,670

Dear Mr. and Mrs. Johnson:

There is enclosed a permit (File No. 49,670) to appropriate water authorizing you to proceed with construction of the proposed diversion works (except those dams and stream obstructions regulated by K.S.A. 82a-301 through 305a), to divert such unappropriated water as may be available from the source and at the location specified in the permit, and to use it for the purpose and at the location described in the permit.

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

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

There is also enclosed an information sheet setting forth the procedure to obtain a Certificate of Appropriation which will establish the extent of your water right.

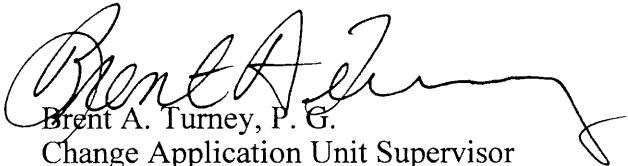
In addition, enclosed are orders executed by the Chief Engineer, Division of Water Resources, Kansas Department of Agriculture, approving the applications for change under Appropriation of Water, File Nos. 46,057 and 47,443-D2. Your attention is directed to the enclosures and to the terms, conditions, and limitations specified in these approvals for change. Please return the required notification of completion of the diversion works for File No. 47,443-D2 as soon as these actions are completed.

Johnson Sand
File Nos. 46,057; 47,443-D2 and 49,670
Page 2

Please be reminded that reports of water usage must be submitted to this office annually. Records indicating the amount of water used should be furnished to the Chief Engineer by March 1 following the end of the previous calendar year so that the continued use of water becomes a matter of record in this office. The owner, or his or her legally designated agent, is held responsible for submitting annual water use reports. Failure to file an accurate water use report is a violation of law which makes you subject to civil penalties.

If you have any questions, please contact our office. If you wish to discuss a specific file, please have the file number ready so that we may help you more efficiently.

Sincerely,



Brent A. Turney, P. G.
Change Application Unit Supervisor
Water Appropriation Program

BAT:rak

Enclosures

pc: Stockton Field Office



KANSAS DEPARTMENT OF AGRICULTURE
Jackie McClaskey, Secretary of Agriculture

DIVISION OF WATER RESOURCES
David W. Barfield, Chief Engineer

**APPROVAL OF APPLICATION
FOR
CHANGE IN PLACE OF USE
AND
ORDER BETTER DESCRIBING THE LOCATION
OF THE AUTHORIZED POINT OF DIVERSION
APPROPRIATION OF WATER
FILE NO. 46,057**

FILE COPY

The Chief Engineer, Division of Water Resources, Kansas Department of Agriculture, after due consideration of the written application of Gary L. and Pam Johnson, on behalf of Johnson Sand, 2100 East Schilling Road, Salina, Kansas, 67401, received in this office on July 11, 2016, for approval of a change in the location of the place of use under the Approval of Application, File No. 46,057, for permit to appropriate water for beneficial use, finds that the change is reasonable and will not impair existing rights, 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 authorized location of the place of use shall be:

a sand and gravel pit with a projected total surface area of ~~54.78 acres~~ located in the Southwest Quarter (SW $\frac{1}{4}$) of Section 32, Township 14 South and in the Northwest Quarter (NW $\frac{1}{4}$) of Section 5, Township 15 South, both in Range 2 West, Saline County, Kansas;

located substantially as shown on the map accompanying the application to change the place of use, and the location of the authorized point of diversion is more accurately described as:

a sand and gravel pit with a projected geographic center located in the Northwest Quarter of the Northeast Quarter of the Northwest Quarter (NW $\frac{1}{4}$ NE $\frac{1}{4}$ NW $\frac{1}{4}$) of Section 5, more particularly described as being near a point 4,739 feet North and 3,856 feet West of the Southeast corner of said section, in Township 15 South, Range 2 West, Saline County, Kansas.

In all other respects, the Approval of Application, File No. 46,057, for permit to appropriate water for beneficial use, is as stated and set forth in the approval dated April 19, 2005.

This Order shall become a final agency action, as defined by K.S.A. 77-607(b), without further notice to the parties, if a request for hearing or a petition for administrative review is not filed as set forth below.

Request for Hearing. According to K.A.R. 5-14-3(c), any party who desires a hearing must submit a request within 15 days after the date shown on the Certificate of Service attached to this Order. Filing a request for a hearing will give you the opportunity to submit additional facts for consideration, contest any findings made by the Chief Engineer or present any other information you believe should be considered in this matter. A timely-filed request for hearing will stay the deadline for requesting administrative review of this Order pending the outcome of the hearing.

Petition for Review. Any person aggrieved by this Summary Order may petition for administrative review, pursuant to K.S.A. 82a-708b(a) and K.S.A. 82a-1901(a). The petition must be filed within 30 days after the date shown on the Certificate of Service attached to this Order and must set forth the basis for the review, unless stayed by the timely filing of a request for hearing.

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.

Ordered this 26th day of September, 2016, in Topeka, Shawnee County, Kansas.

Lane P. Letourneau

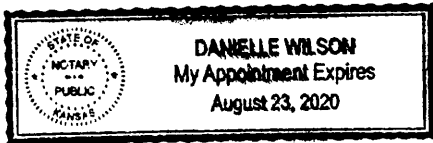
Lane P. Letourneau, P.G.
Program Manager
Water Appropriation Program
Division of Water Resources
Kansas Department of Agriculture

State of Kansas)
) SS
County of Riley)

The foregoing instrument was acknowledged before me this 26th day of September, 2016, by Lane P. Letourneau, P.G., Program Manager, Water Appropriation Program, Division of Water Resources, Kansas Department of Agriculture.

Danielle Wilson

Notary Public



CERTIFICATE OF SERVICE

On this 28th day of September, 2016, I hereby certify that the attached Approval of Application for the Change in Place of Use, File No. 46,057, dated September 26, 2016 was mailed postage prepaid, first class, US mail to the following:

JOHNSON SAND
GARY L & PAMELA JOHNSON
2100 E SCHILLING RD
SALINA KS 67401

With a photocopy to:

Stockton Field Office

Danielle Wilson

Division of Water Resources

Submit To: CHIEF ENGINEER
Division of Water Resources
Kansas Department of Agriculture
1320 Research Park Drive
Manhattan, KS 66502
www.ksda.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.

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

- Place of Use
 Point of Diversion
 Use Made of Water

(Check one or more)

WATER RESOURCES
RECEIVED

JUL 11 2016

11:50
KS DEPT OF AGRICULTURE

File No. 46,057

2. Name of applicant: Johnson Sand - Gary L. & Pamela J. Johnson

Address: 2100 E. Schilling Rd.

City, State and Zip: Salina, Ks. 67401

Phone Number: (785)827-9702

E-mail address: _____

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

Name of water use correspondent: Same as above

Address: _____

City, State and Zip: _____

Phone Number: (____) _____

E-mail address: _____

3. The change(s) proposed herein are desired for the following reasons (please be specific): To increase the place of use to coincide with changes in File Nos. 47,443-D2 and the set aside of 3,958-D2 followed by the filing of a new application to pick up the set aside quantity of 50 acre-feet.

The change(s) will be completed by as soon as approved

(Date)

For Office Use Only:

F.O. 3 GMD 0 Meets K.A.R. 5-5-1 (YES) NO) Use IND Source (G) S County SA By AJW Date 7/11/16
Code CPU Fee \$ 200 TR # 17001267 Receipt Date 7/11/16 Check # 7579

9 8 16
TAK

SCANNED

4. The presently authorized place of use is:

Owner of Land — NAME: Johnson Sand

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	
5	15	2w																	21.35

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: Johnson Sand

ADDRESS: A total of 54.78 acres to be exposed within the area defined on the enclosed map

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	
5	15	2w	Sand + Gravel pit with a total area not																
* 32	14	2w	to exceed 54.78 acres in NW¼ 32-14s-2W +																
			NW¼ 5-15-2W Salina Co. KS																

List any other water rights that cover this place of use. 47,443-D2 and 1 new application to be filed #49670 20059007

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. _____

WATER RESOURCES RECEIVED
 AUG 16 2016
 KS DEPT OF AGRICULTURE

IF MORE SPACE IS NEEDED, ATTACH ADDITIONAL SHEETS AS NECESSARY

* Pak 10/11
5/10/11

Revised 5/10/11

6. The presently authorized point(s) of diversion (is) (are) one groundwater pit
(Provide description and number of points)

7. The proposed point(s) of diversion (is) (are) no change
(Provide description and number of points)

List all presently authorized point(s) of diversion:

8. **Presently authorized point of diversion:**

* One in the NW Quarter of the SE Quarter of the NW Quarter of Section 5, Township 15 South, Range 2 W, in Saline County, Kansas, 473 feet North 3856 feet West of Southeast corner of section. *will change to NE in order to match feet distances*

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 _____ 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 _____

9. **Presently authorized point of diversion:**

One in the _____ Quarter of the _____ Quarter of the _____ Quarter of Section _____, Township _____ South, Range _____ 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 _____ 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 _____

10. **Presently authorized point of diversion:**

One in the _____ Quarter of the _____ Quarter of the _____ Quarter of Section _____, Township _____ South, Range _____ 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 _____ 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 BRCS and future plans for any point(s) of diversion which will no longer be used. N/A

WATER RESOURCES RECEIVED

WATER RESOURCES RECEIVED

IF MORE SPACE IS NEEDED, ATTACH ADDITIONAL SHEETS AS NECESSARY

SCANNED

JUL 11 2016

KS DEPT OF AGRICULTURE

* Rsk/Dwr 9/21/16

KS DEPT OF AGRICULTURE

12. The presently authorized use of water is for industrial purposes.
It is proposed that the use be changed to no change purposes.
13. If changing the place of use and/or use made of water, describe how the consumptive use will not be increased.
The increase in exposed groundwater is justified by adding in 47,443-D2 and 50 acre-feet under a new application.
46,057 = 37.36 a.f.
47,443-D2 = 8.5 a.f.
1 New app = 50 a.f.
Total = 95.86 a.f./21" net evap. x 12" = 54.78 acres
(Please show any calculations here.)
14. It is requested that the maximum annual quantity of water be reduced to N/A (acre-feet or million gallons).
15. It is requested that the maximum rate of diversion of water be reduced to N/A gallons per minute (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.
N/A - evaporation will not cause impairment

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.
N/A

IF MORE SPACE IS NEEDED, ATTACH ADDITIONAL SHEETS AS NECESSARY

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 Salina 7-6-16, Kansas, this 6th day of July, 2016.

[Signature]
(Owner)
Gary Johnson
(Please Print)

[Signature]
(Spouse)
Pam Johnson
(Please Print)

(Owner)
(Please Print)

(Spouse)
(Please Print)

(Owner)
(Please Print)

(Spouse)
(Please Print)

State of Kansas }
County of SALINE } SS

I hereby certify that the foregoing application was signed in my presence and sworn to before me this 6th day of July, 2016.

NOTARY PUBLIC STATE OF KANSAS
JOVONNA A. RUTHERFORD
MY APPT. EXPIRES 4/16/2020

[Signature]
Notary Public

My Commission Expires

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.**

WATER RESOURCES RECEIVED

AUG 16 2016

KS DEPT OF AGRICULTURE

WATER RESOURCES RECEIVED

JUL 11 2016

SCANNED

KS DEPT OF AGRICULTURE

Krueger, Richelle

From: Stewart, Kelly
Sent: Monday, September 12, 2016 2:50 PM
To: Krueger, Richelle
Cc: Billinger, Mark; Hageman, Rebecca
Subject: RE: Request for Recommendation Johnson Sand
newapp49670chgpu46057chgpupdumw47443D2andpitoffsetjohnsonsandmem

Richelle,

I have no objections to the approval of these applications. I am not going to worry about a Project Permit at this time since he has an active term permit that doesn't expire until 2020. When we comes time to renew that term permit, we can discuss whether or not the Project Permit is a viable option.

Kelly

From: Krueger, Richelle
Sent: Tuesday, September 6, 2016 10:12 AM
To: Stewart, Kelly <Kelly.Stewart@ks.gov>
Cc: Billinger, Mark <Mark.Billinger@ks.gov>
Subject: Request for Recommendation Johnson Sand
newapp49670chgpu46057chgpupdumw47443D2andpitoffsetjohnsonsandmem

Hi Kelly,

Attached is the draft memo for the referenced new app and changes for Johnson Sand, the comment period expires Thursday, so far no comments, if I receive one I will let you know. If I receive no comments, do you recommend approval of the referenced package?

Thanks,
Richelle



1320 Research Park Drive
Manhattan, Kansas 66502
(785) 564-6700

900 SW Jackson, Room 456
Topeka, Kansas 66612
(785) 296-3556

Jackie McClaskey, Secretary

Governor Sam Brownback

August 18, 2016

SALINE COUNTY
300 W ASH
SALINA KS 67401

FILE COPY

RE: Appropriation of Water
File Nos. 46,057 and 47,443-D2
Application
File No. 49,670

Dear Sir or Madam:

This is to advise you that Gary and Pam Johnson, on behalf of Johnson Sand, are proposing the expansion of an existing groundwater pit, and have filed one (1) application to change the place of use for Appropriation of Water, File No. 46,057 and one (1) application to change the place of use, point of diversion and use made of water for Appropriation of Water, File No. 47,443-D2. The application for File No. 47,443-D2, which will partially cover evaporative losses from the expanded pit, proposes the following change in point of diversion:

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Gary and Pam Johnson, on behalf of Johnson Sand, also filed with the Division of Water Resources, Kansas Department of Agriculture, one (1) application for permit to appropriate water for beneficial use, identified as File No. 49,670 which will also partially cover evaporative losses from the expanded pit. File No. 49,670 proposes the appropriation of 50 acre-feet of groundwater for industrial use to cover evaporative losses from a pit located as follows:

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Effective July 1, 2016, Senate Bill No. 337 enacted by the Legislature of the State of Kansas requires the Division of Water Resources to notify all water right owners with a point of diversion within half a mile of a water right pending a request to change the water right. In order to comply with the statute, you are being notified of the above referenced applications for change.

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<http://agriculture.ks.gov/divisions-programs/dwr/water-appropriation/notices>

SCANNED

OVER →

If you have any questions, please contact me at (785) 564-6635 or Brent Turney, Change Application Unit Supervisor at (785) 564-6645. If you wish to discuss a specific file, please have the file number ready so that we may help you more efficiently.

Sincerely,



Richelle A. Krueger
Environmental Scientist
Water Appropriation Program

RAK

pc: Stockton Field Office
Johnson Sand and Gravel, Gary L. and Pamela Johnson

1320 Research Park Drive
Manhattan, Kansas 66502
(785) 564-6700



900 SW Jackson, Room 456
Topeka, Kansas 66612
(785) 296-3556

Jackie McClaskey, Secretary

Governor Sam Brownback

August 18, 2016

MARSHALL STANTON
151 ASPEN RD
SALINA KS 67401

RE: Appropriation of Water
File Nos. 46,057 and 47,443-D2
Application
File No. 49,670

FILE COPY

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SCANNED

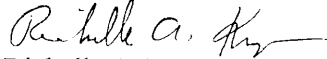
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RE: File Nos. 46,057, 47,443-D2 and 49,670

Page 2

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(785) 296-3556

Jackie McClaskey, Secretary

Governor Sam Brownback

August 18, 2016

CURT A MACEY & TIFFANY D MODLIN
2065 E SCHILLING RD
SALINA KS 67401-9804

RE: Appropriation of Water
File Nos. 46,057 and 47,443-D2
Application
File No. 49,670

FILE COPY

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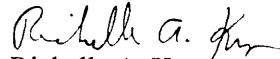
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RE: File Nos. 46,057, 47,443-D2 and 49,670

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900 SW Jackson, Room 456
Topeka, Kansas 66612
(785) 296-3556

Jackie McClaskey, Secretary

Governor Sam Brownback

August 18, 2016

JESSE PLUMER & LEAH PLUMER
732 WOOD AVE
SALINA KS 67401-4933

RE: Appropriation of Water
File Nos. 46,057 and 47,443-D2
Application
File No. 49,670

FILE COPY

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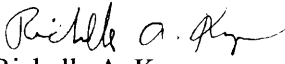
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RE: File Nos. 46,057, 47,443-D2 and 49,670

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RAK

pc: Stockton Field Office
Johnson Sand and Gravel, Gary L. and Pamela Johnson

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(785) 564-6700



900 SW Jackson, Room 456
Topeka, Kansas 66612
(785) 296-3556

Jackie McClaskey, Secretary

Governor Sam Brownback

August 18, 2016

PAUL K MAI TRUST
PO BOX 1066
SALINA KS 67402-1066

RE: Appropriation of Water
File Nos. 46,057 and 47,443-D2
Application
File No. 49,670

FILE COPY

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OVER →

RE: File Nos. 46,057, 47,443-D2 and 49,670

Page 2

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Environmental Scientist
Water Appropriation Program

RAK

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Johnson Sand and Gravel, Gary L. and Pamela Johnson



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(785) 296-3556

Jackie McClaskey, Secretary

Governor Sam Brownback

August 18, 2016

JOSEPH HODGES
3109 S DREW
SALINA KS 67401

RE: Appropriation of Water
File Nos. 46,057 and 47,443-D2
Application
File No. 49,670

FILE COPY

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OVER →

SCANNED

RE: File Nos. 46,057, 47,443-D2 and 49,670

Page 2

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Water Appropriation Program

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(785) 296-3556

Jackie McClaskey, Secretary

Governor Sam Brownback

August 12, 2016

JOHNSON SAND
GARY L & PAMELA JOHNSON
2100 E SCHILLING RD
SALINA KS 67401

RE: Appropriation of Water, File Nos. 46,057 and 47,443-D2
Application, File No. 49,670

Dear Mr. and Mrs. Johnson,

Reference is made to the application for approval of the Chief Engineer to change the place of use under File No. 46,057, the application for approval to change the place of use, point of diversion and use made of water under File No. 47,443-D2 and Application, File No. 49,670 which were received in the office of the Chief Engineer on January 4, 2016 and July 11 20, 2016. Upon review of the applications, we find that additional information is needed.

Please find enclosed the original applications for File Nos. 46,057, 47,443-D2 and 49,670. Effective July 1, 2016, Senate Bill No. 337 enacted by the Legislature of the State of Kansas requires the Division of Water Resources to notify all water right owners with a point of diversion within half a mile of a water right pending a request to change the water right. Please indicate on your submitted maps the location of all water wells of any kind (including domestic wells) within one-half mile of the proposed geocenter of the pit and provide well owner names and mailing addresses on the maps. In addition, you must sign where indicated on the application maps certifying that all water wells of any kind located within one-half mile of the requested point of diversion have been plotted on the map.

Also, in Paragraph No. 5 of the applications please identify correct ownership and mailing addresses for the location of the proposed groundwater pit so that we may update our records.

I am returning the referenced applications so that you may provide the requested information. **In order that the applications will retain their priorities of filing, the original applications and attachments must be returned, along with the requested additional information, to this office on or before September 16, 2016, or within any authorized extension of time thereof. According to the law, default in the refiling of the completed applications and attachments as outlined above, within the time allowed, shall constitute forfeiture of the priority date and dismissal of the applications.**

Our staff at the Stockton Field Office can provide assistance, if needed. It is recommended you call Kelly Stewart, Water Commissioner of the Stockton Field Office for assistance in providing the requested information at (785) 425-6787 to set an appointment time. We appreciate you making an appointment, as it will save your time and allows us to better serve you. If you do go to the field office for assistance, please take this letter and any attachments.

OVER →

SCANNED

August 12, 2016

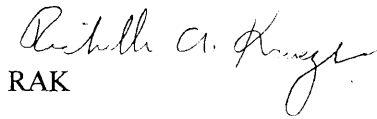
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Page No. 2

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Enclosures

pc: Stockton Field Office



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Jackie McClaskey, Secretary

Phone: (785) 564-6700
Fax: (785) 564-6777
Email: ksag@kda.ks.gov
www.agriculture.ks.gov
Sam Brownback, Governor

JOHNSON SAND GARY L & PAMELA J JOHNSON
2100 E SCHILLING RD
SALINA KS 67401

July 18, 2016

RE: File No. 46057

Dear Sir or Madam:

An application for approval of the Chief Engineer to change the following condition or conditions of the file number referred to above has been received:

- place of use PU
- point of diversion
- use made of water

As a matter of record, the Division of Water Resources has on hand a large number of applications awaiting processing. Therefore to be fair to all concerned, and so that we can process those applications on hand in the order they were received, we intend to concentrate on the backlog of applications until the issue is resolved. You will be contacted regarding this application as soon as it has been examined.

In accordance with the provisions of the Kansas Water Appropriation Act, a portion of which is included below, the use of water prior to approval of the application is unlawful. You should not proceed and divert water as indicated by your plans in your application for a change for this file until you receive approval for this change from the Chief Engineer. Once approved, compliance with the terms, conditions and limitations of the permit is necessary. Conservation of the water resources of Kansas is required.

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

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

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

If you have any questions, please contact me at (785) 564-6645. If you wish to discuss a specific file, please have the file number ready so that we may help you more efficiently.

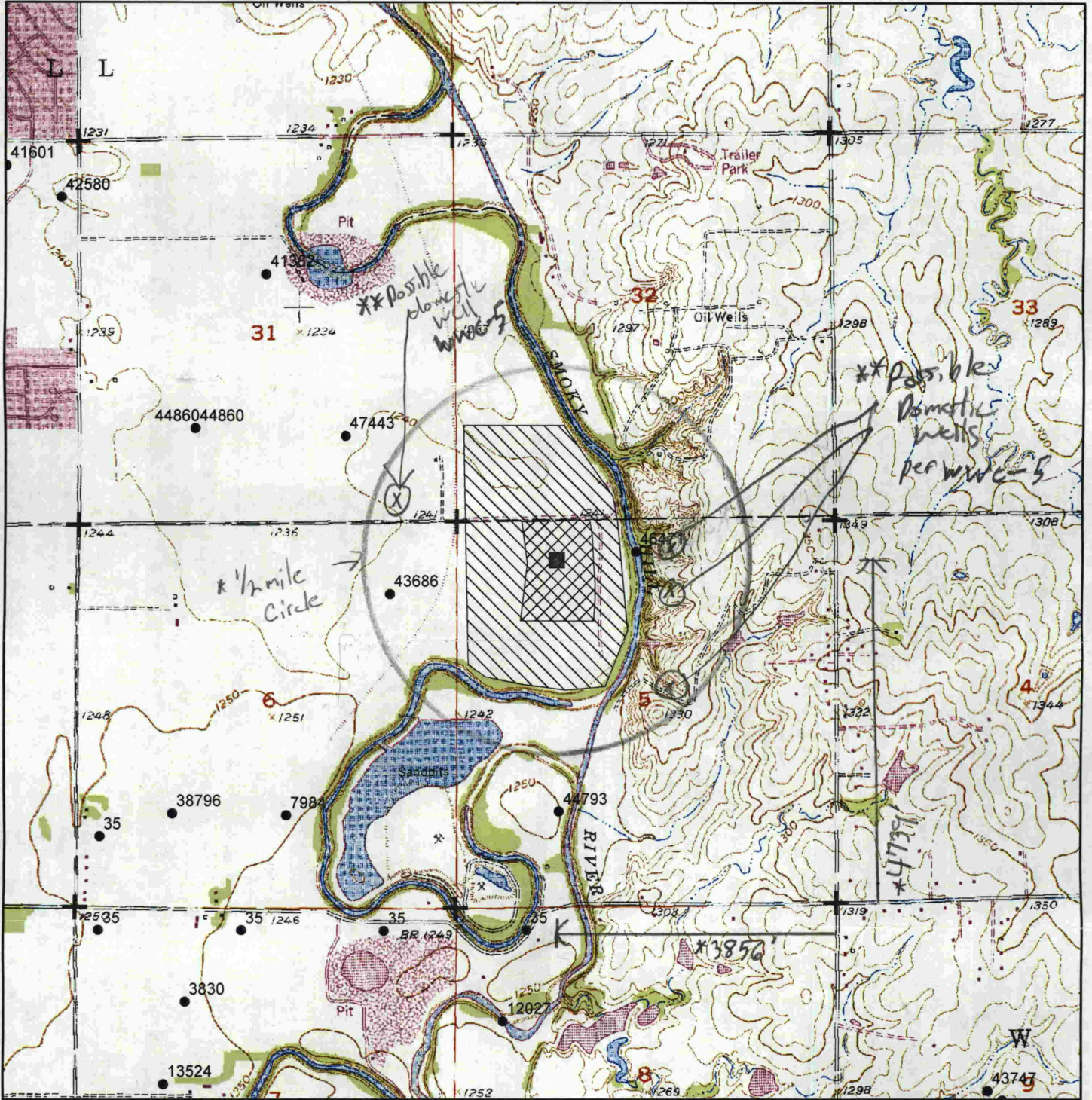
Sincerely,

Brent A Turney, L.G.
Change Applications Unit Supervisor
Water Appropriation Program

BAT: DLW
pc: STOCKTON Field Office GMD

SCANNED

Application to Change the Place of Use,
File No. 46,057



Present Place of Use



Proposed Place of Use

■ P/D



[Handwritten Signature]
Signature _____ Date _____

I certify that all water wells of any kind located within one-half mile of the requested point of diversion have been plotted on the map.

* RAK/Dm 8/11/16
feet distances per WRIS

* * RAK/Dm 8/10/16

WATER RESOURCES RECEIVED

JUL 11 2016

KS DEPT OF AGRICULTURE

WATER RESOURCES RECEIVED

AUG 16 2016

KS DEPT OF AGRICULTURE