

File No. **47443-D2** 11. County: **SA** Basin: **SMOKY HILL RIVER** Stream: _____ Formation Code: **113** Special Use: _____

12. Points of Diversion										Rate and Quantity				
MOD DEL ENT	PDIV	Qualifier	S	T	R	ID	'N	'W	Comment	Authorized		Additional		
										Rate gpm/cfs	Quantity af/mgy	Rate gpm/cfs	Quantity af/mgy	Overlap PD Files
ENT	70955	NW¼NE¼NW¼	5	15	2W	4	4739	3856		NE	(8.5 AF) 2.77 m.g.y.	NE	(8.5 AF) 2.77 m.g.y.	46057 & 49670 20059007
PD COMMENT GEOCTR GW PIT 21" NET EVAP										47443-D1				
DEL	77113	NE¼SW¼SE¼	31	14	2W	30	1200	1540						

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 MOD DEL ENT	PUSE	S	T	R	ID	NE¼				NW¼				SW¼				SE¼				Total	Owner	Chg?	Overlap Files
						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				
ENT	68048	32	14	2W		GW PIT (SW¼)																	8b	YES	46057;49670 & 20059007
ENT	56704	5	15	2W	3	GW PIT (NW¼)																	8b	NO	46057;49670 & 20059007
DEL	60852	31	14	2W	14	50 AC GROUNDWATER PIT (SE)																	8b	NO	47443-D1

Comments: _____

KANSAS DEPARTMENT OF AGRICULTURE
Division of Water Resources
M E M O R A N D U M

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 $21\frac{1}{12}$ =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.

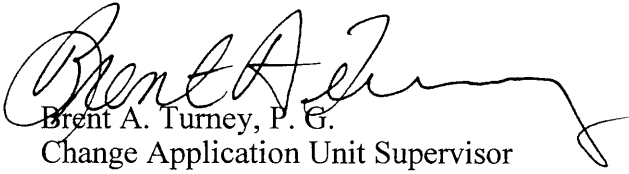
In addition, enclosed are orders executed by the Chief Engineer, Division of Water Resources, Kansas Department of Agriculture, approving the applications for change under Appropriation of Water, File Nos. 46,057 and 47,443-D2. Your attention is directed to the enclosures and to the terms, conditions, 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. E.
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 POINT OF DIVERSION
AND USE MADE OF WATER
APPROPRIATION OF WATER
FILE NO. 47,443-D2**

The Chief Engineer, Division of Water Resources, Kansas Department of Agriculture, after due consideration of the written application of Chris Johnson, on behalf of Johnson Sand, Gary L. and Pamela Johnson, 2100 East Schilling Road, 67401, received in this office on January 4, 2016, for approval of a change in the location of the place of use, point of diversion and the use made of water under the Approval of Application, File No. 47,443-D2, for permit to appropriate water for beneficial use, as modified and amended by the Findings and Order of the Chief Engineer dated *September 23, 2016* determining the interest in Appropriation of Water, File No. 47,443, 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 use made of water shall be:

Industrial Use

and 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,

and the authorized location of the point of diversion shall be:

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,

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

Installation of the works for diversion of water shall be completed on or before December 31, 2017, or within any authorized extension of time. The water right owner 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.

In all other respects, the Approval of Application, File No. 47,443-D2, for permit to appropriate water for beneficial use, is as stated and set forth in the approval dated December 16, 2010, as modified and amended by the aforementioned order.

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.

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

- (Check one or more)
- Place of Use
 - Point of Diversion
 - Use Made of Water

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AUG 16 2016

WATER RESOURCES
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JAN 04 2016

2:38

KS DEPT OF AGRICULTURE

File No. 47,443-D2 KS DEPT OF AGRICULTURE

2. Name of applicant: Johnson Sand Gary L. & Pamela 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 move this portion of File No. 47,443 to the groundwater pit currently authorized by File No. ~~47,065~~ ^{** 46057} and to change its use made of water from recreation to industrial. This will allow that pit to expand to a total of ~~25.95 acres (21.35 + 4.6)~~ ^{4.5*} ~~4.5*~~ ^{** 54.78} acre pit

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

(Date)

*BAT/DJR 1-14-16
AS PER K. STEWART

For Office Use Only:

F.O. 3 GMD 0 Meets K.A.R. 5-5-1 (YES / NO) Use REF Source G/S County SA By ASW Date 1.4.16
 Code 6-3 Fee \$ 700 TR # 1100 Receipt Date 1.4.16 Check # 0417

** per
 App Fee 49670

160324789 & 16

RAK

1/12/2016 ULM

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	
31	14	2w													50	acre	pit in	the	50
															South	east	quart	er	

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

See Below

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					25.95	acre	pit in	the									
							North	west	quart	er									
32	14	2w									25.95	acre	pit in	the					
											South	west	quart	er					
																Total	25.95		

List any other water rights that cover this place of use. 46,057

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	
* 5-15-2W			Sand + Gravel				Pit with total area not				WATER RESOURCES RECEIVED								
* 32-14-2W			to exceed 54.78 acres in				SW¼ 32-14-2W				JAN 04 2016								
			+ NW¼ 5-15-2W				Sol. Co KS												

List any other water rights that cover this place of use. 46,057 + 49670 + 20059007

WATER RESOURCES RECEIVED

IF MORE SPACE IS NEEDED, ATTACH ADDITIONAL SHEETS AS NECESSARY

AUG 16 2016

KS DEPT OF AGRICULTURE

* per Fil. No 49670 rec'd 7/11/16
 + 6/24/16 email Kelly Stewart STKFO
 * Risk/Av - 8/11/16
 SCANNED

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

7. The proposed point(s) of diversion is one groundwater pit
(Provide description and number of points)

List all presently authorized point(s) of diversion:

8. **Presently authorized point of diversion:**
 One in the NE Quarter of the SW Quarter of the SE Quarter of Section 31, Township 14 South, Range 2 W, in Saline County, Kansas, 1200 feet North 1540 feet West of Southeast corner of section.
 Authorized Rate NE Authorized Quantity 8.5
 (DWR use only: Computer ID No. 30 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 NW Quarter of the * SE NE Quarter of the NW Quarter of Section 5, Township 15 South, Range 2 W, in Saline County, Kansas, 4739 feet North 3856 feet West of Southeast corner of section.
 Proposed Rate NE Proposed Quantity 8.5
 This point is: Additional Well Geo Center List other water rights that will use this point 46,057 + 49,670* ²⁰⁰⁵⁹⁰⁰⁷

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 and future plans for any point(s) of diversion which will no longer be used. NA

12. The presently authorized use of water is for recreation purposes.

It is proposed that the use be changed to industrial purposes.

13. If changing the place of use and/or use made of water, describe how the consumptive use will not be increased.

File No. 47,443 was originally approved for 92 acre-feet of evaporation from a 50 acre pit. The division of File No. 47,443 into D1 & D2 along with this change will result in the same number of acres and evaporation.

* 54.78 acres max covered by 6657, 47443-D2 & 49670

(Please show any calculations here.)

14. It is requested that the maximum annual quantity of water be reduced to NA (acre-feet or million gallons).

15. It is requested that the maximum rate of diversion of water be reduced to NA 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.

No change in rate, quantity, or source of supply. Evaporation from a groundwater pit will not cause impairment at nearby wells.

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.

NA

IF MORE SPACE IS NEEDED, ATTACH ADDITIONAL SHEETS AS NECESSARY

WATER RESOURCES RECEIVED

WATER RESOURCES RECEIVED

* Railover 8/11/16

AUG 16 2016

JAN 04 2016

SCANNED

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, KS, Kansas, this 30 day of December, 2015.

X <u>[Signature]</u> (Owner)	X _____ (Spouse)
X <u>Chris Janssen</u> (Please Print)	X _____ (Please Print)
_____ (Owner)	_____ (Spouse)
_____ (Please Print)	_____ (Please Print)
_____ (Owner)	_____ (Spouse)
_____ (Please Print)	_____ (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 30th day of December, 2015.

Beth A. Bunger
Notary Public

My Commission Expires 01-02-2020

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.

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AUG 16 2016

KS DEPT OF AGRICULTURE

WATER RESOURCES
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JAN 04 2016

KS DEPT OF AGRICULTURE

SCANNEL

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:

- from: one (1) groundwater pit with a surface area of 45.5 acres with a geographic center located in the Northeast Quarter of the Southwest Quarter of the Southeast Quarter (NE $\frac{1}{4}$ SW $\frac{1}{4}$ SE $\frac{1}{4}$) of Section 31, more particularly described as being near a point 1,200 feet North and 1,540 feet West of the Southeast corner of said section, in Township 14 South, Range 2 West, Saline County, Kansas,
- to: one (1) groundwater pit with a maximum surface area of 54.78 acres 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.

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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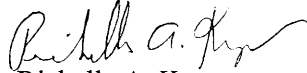
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Topeka • Manhattan • Garden City • Parsons • Stafford • Stockton

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

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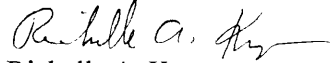
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RE: File Nos. 46,057, 47,443-D2 and 49,670

Page 2

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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

FILE COPY

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

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

Page 2

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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

FILE COPY

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

Dear Sir or Madam:

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

Page 2

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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

FILE COPY

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

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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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

FILE COPY

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

Dear Sir or Madam:

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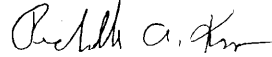
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Environmental Scientist
Water Appropriation Program

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(785) 564-6700



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Topeka, Kansas 66612
(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.

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August 12, 2016

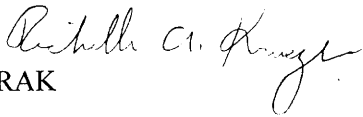
File Nos. 46,057; 47,443-D2 and 49,670

Page No. 2

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Sincerely,

Richelle Krueger
Environmental Scientist
Water Appropriation Program


RAK

Enclosures

pc: Stockton Field Office

Krueger, Richelle

From: Stewart, Kelly
Sent: Friday, June 24, 2016 8:37 AM
To: Turney, Brent; Krueger, Richelle
Subject: Johnson Sand, File Nos. 46,057 & 47,443-D2
Attachments: 20160624081727462.pdf

Brent and Richelle,

I am working with Johnson Sand and will be filing paperwork soon to get more water at the pit currently authorized by 46,057 and proposed by the change under 47,443-D2. As Brent is aware, Johnson will be purchasing 50 acre-feet from Lyndon Clovis, File No. 3958. Once 3958 is divided into D1 for 216.6 a.f. and D2 for 83.4 a.f. (50 a.f. + consumptive use loss of 33.4 a.f.), D2 will be placed in custodial care of the state and Johnson can file a new application for 50 acre-feet at the pit.

I will be assisting Johnson with a change in p/u on 46,057 to increase the p/u to reflect the larger pit size he will be able to justify.

Johnson has already filed a change in p/d, p/u, and u/m/w on 47,443 to bring some water over to this pit. I am enclosing a new map that should be used with that change application. I am proposing that we outline his whole property, but state that the maximum pit size within these boundaries can't exceed 54.78 acres.

I will be assisting Johnson with a new application for 50 acre-feet and a complete overlap with 46,057 and 47,443-D2.

Let me know if this doesn't make sense or if you disagree with the approach.

Kelly C. Stewart, Water Commissioner
Kansas Department of Agriculture
Division of Water Resources
Stockton Field Office
(785)425-6787
kelly.stewart@kda.ks.gov
<http://www.agriculture.ks.gov/>

WATER RESOURCES
RECEIVED

JUN 24 2016

KS DEPT OF AGRICULTURE



1320 Research Park Drive
Manhattan, Kansas 66502
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 JOHNSON
2100 E SCHILLING RD
SALINA KS 67401

January 12, 2016

RE: File No. 47443 - D&

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/PD/UMW
- 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.

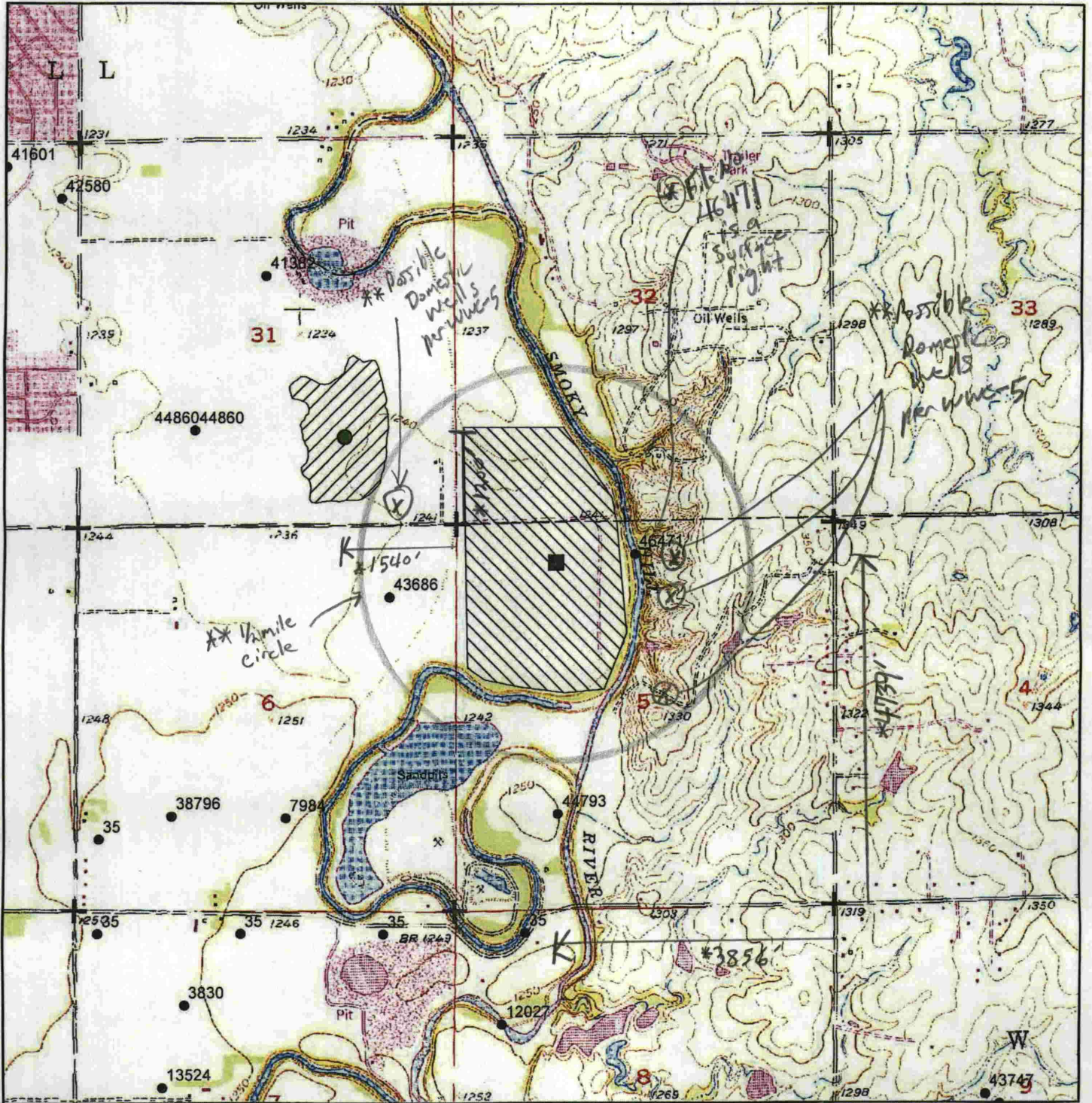
If you have any questions, please contact me at (785) 564-6645. If you wish to discuss a specific file, please have the file number ready so that we may help you more efficiently.

Sincerely,

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

BAT: DLW
pc: STOCKTON Field Office GMD 0

Application to Change the Point of Diversion, Place of Use, and Use Made of Water, File No. 47,443-D2



- Present P/D
- Proposed P/D
- Present Place of Use
- Proposed Place of Use



All water wells within 1/2 mile of the proposed point of diversion are shown:

WATER RESOURCES RECEIVED

WATER RESOURCES RECEIVED

1:24,000

AUG 16 2016

JUN 24 2016

* per Par 8
* RA 4/20/16

Signature

KS DEPT OF AGRICULTURE

KS DEPT OF AGRICULTURE

SCANNED

** per WWS
** RA 4/20/16
** RA 4/20/16