

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

|  |  |  |  |
|--|--|--|--|
| 1. File Number:<br><p style="text-align: center; font-weight: bold;">49670</p> | 2. Status Change Date:<br><p style="text-align: center;">9/20/2016</p> | 3. Field Office:<br><p style="text-align: center; font-weight: bold;">03</p> | 4. GMD:<br><p style="text-align: center; font-weight: bold;">0</p> |
|--|--|--|--|

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

7a. Applicant(s)                      Person ID 37799  
New to system                       Add Seq# 1

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

7b. Landowner(s)                      Person ID 37799  
New to system                       Add Seq# 1

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

7c. Landowner(s)                      Person ID \_\_\_\_\_  
New to system                       Add Seq# \_\_\_\_\_

7d. Landowner                      Person ID \_\_\_\_\_  
New to system                       Add Seq# \_\_\_\_\_

8. WUR Correspondent                      Person ID \_\_\_\_\_  
New to system                       Add Seq# \_\_\_\_\_  
Overlap File (s) WUC                      Notarized WUC Form   
Agree  Yes  No

**7a**

9. Use of Water:    Changing?     Yes     No

Groundwater                       Surface Water

IRR                       REC                       DEW                       MUN

STK                       SED                       DOM                       CON

HYD DRG     WTR PWR                       ART RECHRG

IND    SIC: 1442                       OTHER: \_\_\_\_\_

10. Completion Date: 12/31/2017                      11. Perfection Date: 12/31/2036                      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: **9/20/16** By: **RAK**  
Date Entered: 9/27/2016 By: UM

File No. **49670**      15. Formation Code: 113      Drainage Basin: **Smoky Hill River**      County: **SALINE**      Special Use:      Stream

16. Points of Diversion  
 T  
 MOD  
 DEL  
 ENT      PDIV  
 Qualifier      S      T      R      ID      'N      'W

17. Rate and Quantity  
 Authorized      Additional  
 Rate      Quantity      Rate      Quantity  
 gpm      af      gpm      af      Overlap PD Files

**MOD 70955    NW NE NW    5    15S    2W    4    4739    3856**  
**PD COMMENT    GEOCTR GW PIT 21" NET EVAP**

**NE    (50AF) 16.29 m.g.y.    NE    (50AF) 16.29 m.g.y.    46057**  
**47443-D2; 20059007**

|  |  |
|--|--|
|  |  |
|  |  |
|  |  |
|  |  |

18. Storage: Rate \_\_\_\_\_ NF      Quantity \_\_\_\_\_ ac/ft      Additional Rate \_\_\_\_\_ NF      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?  Yes  No      To be installed by \_\_\_\_\_      Date Acceptable Meter Installed \_\_\_\_\_

| 21. Place of Use<br>T<br>MOD<br>DEL<br>ENT      PUSE      S      T      R      ID | NE¼                 |         |         |         | NW¼     |         |         |         | SW¼     |         |         |         | SE¼     |         |         |         | Total | Owner     | Chg?       | Overlap Files                         |
|---|---------------------|---------|---------|---------|---------|---------|---------|---------|---------|---------|---------|---------|---------|---------|---------|---------|-------|-----------|------------|---------------------------------------|
|   | NE<br>¼             | NW<br>¼ | SW<br>¼ | SE<br>¼ | NE<br>¼ | NW<br>¼ | SW<br>¼ | SE<br>¼ | NE<br>¼ | NW<br>¼ | SW<br>¼ | SE<br>¼ | NE<br>¼ | NW<br>¼ | SW<br>¼ | SE<br>¼ |       |           |            |                                       |
| <b>ENT 68048 32 14 2W</b>   | <b>GW PIT (SW¼)</b> |         |         |         |         |         |         |         |         |         |         |         |         |         |         |         |       | <b>7b</b> | <b>YES</b> | <b>46057; 47443-D2 &amp; 20059007</b> |
| <b>MOD 56704 5 15 2W 3</b>  | <b>GW PIT (NW¼)</b> |         |         |         |         |         |         |         |         |         |         |         |         |         |         |         |       | <b>7b</b> | <b>NO</b>  | <b>46057; 47443-D2 &amp; 20059007</b> |
|   |                     |         |         |         |         |         |         |         |         |         |         |         |         |         |         |         |       |           |            |                                       |
|   |                     |         |         |         |         |         |         |         |         |         |         |         |         |         |         |         |       |           |            |                                       |
|   |                     |         |         |         |         |         |         |         |         |         |         |         |         |         |         |         |       |           |            |                                       |

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  $21\frac{7}{12}$ =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.

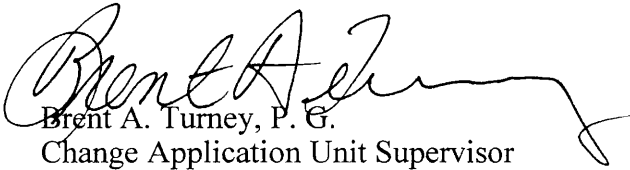
In addition, enclosed are orders executed by the Chief Engineer, Division of Water Resources, Kansas Department of Agriculture, approving the applications for change under Appropriation of Water, File Nos. 46,057 and 47,443-D2. Your attention is directed to the enclosures and to the terms, conditions, 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  
and  
PERMIT TO PROCEED**

(This is not a Certificate of Appropriation)

This is to certify that I have examined Application File No. 49,670 of the applicant

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

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 **July 11, 2016**.
2. That the water sought to be appropriated shall be used for industrial use for evaporative loss from 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.
3. That the authorized source from which the appropriation shall be made is groundwater in the drainage basin of the Smoky Hill River, to be withdrawn by means of 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 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 **16.29 million gallons (50 acre-feet)** of water for any calendar year, from a groundwater surface area exposure not greater than 54.78 acres.
5. That installation of works for diversion of water shall be completed on or before **December 31, 2017** or within any authorized extension thereof. The applicant shall notify the Chief Engineer and pay the statutorily required field inspection fee of \$400.00 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, 2036** 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 of \$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.

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.** The applicant, if aggrieved by this Order, may petition for administrative review, pursuant to K.S.A. 82a-711(c) 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 26<sup>th</sup> 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 26<sup>th</sup> day of September, 2016, by Lane P. Letourneau, P.G., Program Manager, Division of Water Resources, Kansas Department of Agriculture.



Danielle Wilson

Notary Public

**CERTIFICATE OF SERVICE**

On this 26<sup>th</sup> day of September, 2016, I hereby certify that the foregoing Approval of Application, File No. 49,670, 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 photocopies to:

Stockton Field Office

Danielle Wilson

Division of Water Resources





AUG 16 2016

KS DEPT OF AGRICULTURE

KANSAS DEPARTMENT OF AGRICULTURE  
Jackie McClaskey, Secretary of Agriculture

DIVISION OF WATER RESOURCES  
David W. Barfield, Chief Engineer

File Number 49,670  
This item to be completed by the Division of Water Resources.

WATER RESOURCES RECEIVED

**APPLICATION FOR PERMIT TO APPROPRIATE WATER FOR BENEFICIAL USE**

JUL 11 2016

Filing Fee Must Accompany the Application  
(Please refer to Fee Schedule attached to this application form.) **KS DEPT OF AGRICULTURE**

To the Chief Engineer of the Division of Water Resources, Kansas Department of Agriculture,  
1320 Research Park Drive, Manhattan, Kansas 66502:

1. Name of Applicant (Please Print): Johnson Sand Gary L. & Pamela Johnson  
Address: 2100 E. Schilling Rd.  
City: Salina State KS. Zip Code 67401  
Telephone Number: (785) 827-9702

2. The source of water is:  surface water in \_\_\_\_\_ (stream)  
OR  groundwater in Smoky Hill River (drainage basin)

Certain streams in Kansas have minimum target flows established by law or may be subject to administration when water is released from storage for use by water assurance district members. If your application is subject to these regulations on the date we receive your application, you will be sent the appropriate form to complete and return to the Division of Water Resources.

3. The maximum quantity of water desired is 50 acre-feet OR \_\_\_\_\_ gallons per calendar year, to be diverted at a maximum rate of Nat'l Evap gallons per minute OR \_\_\_\_\_ cubic feet per second.

Once your application has been assigned a priority, the requested maximum rate of diversion and maximum requested quantity of water under that priority number can **NOT** be increased. Please be certain your requested maximum rate of diversion and maximum quantity of water are appropriate and reasonable for your proposed project and are in agreement with the Division of Water Resources' requirements.

4. The water is intended to be appropriated for (Check use intended):  
(a)  Artificial Recharge (b)  Irrigation (c)  Recreational (d)  Water Power  
(e)  Industrial (f)  Municipal (g)  Stockwatering (h)  Sediment Control  
(i)  Domestic (j)  Dewatering (k)  Hydraulic Dredging (l)  Fire Protection  
(m)  Thermal Exchange (n)  Contamination Remediation

YOU **MUST** COMPLETE AND ATTACH ADDITIONAL DIVISION OF WATER RESOURCES FORM(S) PROVIDING INFORMATION TO SUBSTANTIATE YOUR REQUEST FOR THE AMOUNT OF WATER FOR THE INTENDED USE REFERENCED ABOVE.

For Office Use Only:  
F.O. 3 GMD 6 Meets K.A.R. 5-3-1 (YES/NO) Use END Source G/S County SA By ASW Date 7/11/16  
Code 266 Fee \$ 200 TR # 17001267 Receipt Date 7/11/16 Check # 7579

9 8 1/2  
AIL

SCANNED

7/19/2016 LCM

5. The location of the proposed wells, pump sites or other works for diversion of water is:

**Note:** For the application to be accepted, the point of diversion location must be described to at least a 10 acre tract, unless you specifically request a 60 day period of time in which to locate the site within a specifically described, minimal legal quarter section of land.

(A) One in the NW quarter of the ~~SE~~<sup>\* NE</sup> quarter of the NW quarter of Section 5, more particularly described as being near a point 4739 feet North and 3856 feet West of the Southeast corner of said section, in Township 15 South, Range 2 West, Saline County, Kansas.

(B) One in the \_\_\_\_\_ quarter of the \_\_\_\_\_ quarter of the \_\_\_\_\_ quarter of Section \_\_\_\_\_, more particularly described as being near a point \_\_\_\_\_ feet North and \_\_\_\_\_ feet West of the Southeast corner of said section, in Township \_\_\_\_\_ South, Range \_\_\_\_\_ East/West (circle one), \_\_\_\_\_ County, Kansas.

(C) One in the \_\_\_\_\_ quarter of the \_\_\_\_\_ quarter of the \_\_\_\_\_ quarter of Section \_\_\_\_\_, more particularly described as being near a point \_\_\_\_\_ feet North and \_\_\_\_\_ feet West of the Southeast corner of said section, in Township \_\_\_\_\_ South, Range \_\_\_\_\_ East/West (circle one), \_\_\_\_\_ County, Kansas.

(D) One in the \_\_\_\_\_ quarter of the \_\_\_\_\_ quarter of the \_\_\_\_\_ quarter of Section \_\_\_\_\_, more particularly described as being near a point \_\_\_\_\_ feet North and \_\_\_\_\_ feet West of the Southeast corner of said section, in Township \_\_\_\_\_ South, Range \_\_\_\_\_ East/West (circle one), \_\_\_\_\_ County, Kansas.

If the source of supply is groundwater, a separate application shall be filed for each proposed well or battery of wells, except that a single application may include up to four wells within a circle with a quarter (1/4) mile radius in the same local source of supply which do not exceed a maximum diversion rate of 20 gallons per minute per well.

A battery of wells is defined as two or more wells connected to a common pump by a manifold; or not more than four wells in the same local source of supply within a 300 foot radius circle which are being operated by pumps not to exceed a total maximum diversion rate of 800 gallons per minute and which supply water to a common distribution system.

6. The owner of the point of diversion, if other than the applicant is (please print):

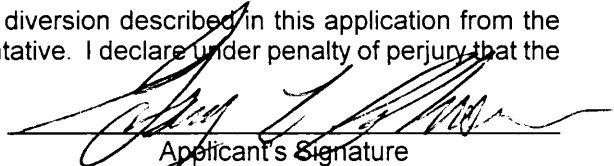
Same  
\_\_\_\_\_  
(name, address and telephone number)

\_\_\_\_\_  
(name, address and telephone number)

You must provide evidence of legal access to, or control of, the point of diversion from the landowner or the landowner's authorized representative. Provide a copy of a recorded deed, lease, easement or other document with this application. In lieu thereof, you may sign the following sworn statement:

I have legal access to, or control of, the point of diversion described in this application from the landowner or the landowner's authorized representative. I declare under penalty of perjury that the foregoing is true and correct.

Executed on 7-6, 2014.

  
Applicant's Signature

The applicant must provide the required information or signature irrespective of whether they are the landowner. Failure to complete this portion of the application will cause it to be unacceptable for filing and the application will be returned to the applicant.

7. The proposed project for diversion of water will consist of 1 groundwater pit  
(number of wells, pumps or dams, etc.)  
and will be completed (by) as soon as approved  
(Month/Day/Year - each was or will be completed)

8. The first actual application of water for the proposed beneficial use was or is estimated to be asap  
(Mo/Day/Year)

\* per foot below  
\* RAIN...  
\* ...

- 9. Will pesticide, fertilizer, or other foreign substance be injected into the water pumped from the diversion works?  
 Yes  No If "yes", a check valve shall be required.

All chemigation safety requirements must be met including a chemigation permit and reporting requirements.

- 10. If you are planning to impound water, please contact the Division of Water Resources for assistance, prior to submitting the application. Please attach a reservoir area capacity table and inform us of the total acres of surface drainage area above the reservoir.

Have you also made an application for a permit for construction of this dam and reservoir with the Division of Water Resources?  Yes  No

• If yes, show the Water Structures permit number here N/A

• If no, explain here why a Water Structures permit is not required N/A

- 11. The application must be supplemented by a U.S.G.S. topographic map, aerial photograph or a detailed plat showing the following information. On the topographic map, aerial photograph, or plat, identify the center of the section, the section lines or the section corners and show the appropriate section, township and range numbers. Also, please show the following information:

- (a) The location of the proposed point(s) of diversion (wells, stream-bank installations, dams, or other diversion works) should be plotted as described in Paragraph No. 5 of the application, showing the North-South distance and the East-West distance from a section line or southeast corner of section.
- (b) If the application is for groundwater, please show the location of any existing water wells of any kind within 1/2 mile of the proposed well or wells. Identify each existing well as to its use and furnish the name and mailing address of the property owner or owners. If there are no wells within 1/2 mile, please advise us.
- (c) If the application is for surface water, the names and addresses of the landowner(s) 1/2 mile downstream and 1/2 mile upstream from your property lines must be shown.
- (d) The location of the proposed place of use should be shown by crosshatching on the topographic map, aerial photograph or plat.
- (e) Show the location of the pipelines, canals, reservoirs or other facilities for conveying water from the point of diversion to the place of use.

A 7.5 minute U.S.G.S. topographic map may be obtained by providing the section, township and range numbers to: Kansas Geological Survey, 1930 Constant, Campus West, University of Kansas, Lawrence, Kansas 66047.

- 12. List any application, appropriation of water, water right, or vested right file number that covers the same diversion points or any of the same place of use described in this application. Also list any other recent modifications made to existing permits or water rights in conjunction with the filing of this application.

This application is justified by placing 3,958-D2 into the custodial care of the State.

46,057 = 37.36 a.f. existing permit on this pit.

47,443-D2 = 8.5 a.f. proposed to be moved to this pit.

This new app = 50 a.f. proposed to be approved on this pit.

Total = 95.86 a.f. / 21" net evaporation x 12" = 54.78 acres to be exposed within the area on the map.

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13. Furnish the following well information if the proposed appropriation is for the use of groundwater. If the well has not been completed, give information obtained from test holes, if available.

Information below is from:  Test holes  Well as completed  Drillers log attached

| Well location as shown in paragraph No. | (A)   | (B)   | (C)   | (D)   |
|---|-------|-------|-------|-------|
| Date Drilled                            | _____ | _____ | _____ | _____ |
| Total depth of well                     | _____ | _____ | _____ | _____ |
| Depth to water bearing formation        | _____ | _____ | _____ | _____ |
| Depth to static water level             | _____ | _____ | _____ | _____ |
| Depth to bottom of pump intake pipe     | _____ | _____ | _____ | _____ |

14. The relationship of the applicant to the proposed place where the water will be used is that of

Owner  
(owner, tenant, agent or otherwise)

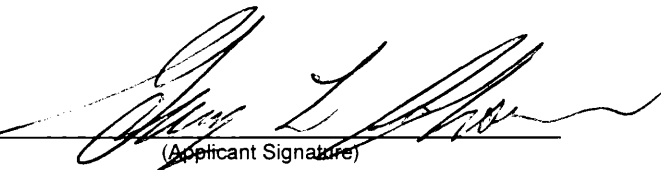
15. The owner(s) of the property where the water is used, if other than the applicant, is (please print):

Same  
(name, address and telephone number)

\_\_\_\_\_  
(name, address and telephone number)

16. The undersigned states that the information set forth above is true to the best of his/her knowledge and that this application is submitted in good faith.

Dated at Salina, Kansas, this 6 day of July, 2016.  
(month) (year)

  
(Applicant Signature)

By \_\_\_\_\_  
(Agent or Officer Signature)

\_\_\_\_\_  
(Agent or Officer - Please Print)

Assisted by Kelly C. Stewart STKFOW.C. Date: 06/27/16  
(office/title)

### FEE SCHEDULE

1. The fee for an application for a permit to appropriate water for beneficial use, except for domestic use, shall be (see paragraph No. 2 below if requesting storage):

| ACRE-FEET     | FEE  |
|---------------|--|
| 0-100         | \$200.00   |
| 101-320       | \$300.00   |
| More than 320 | \$300.00 plus \$20.00 for each additional 100 acre-feet or any part thereof. |

2. The fee for an application in which storage is requested, except for domestic use, shall be:

| ACRE-FEET     | FEE   |
|---------------|---|
| 0-250         | \$200.00  |
| More than 250 | \$200.00 plus \$20.00 for each additional 250 acre-feet of storage or any part thereof. |

Note: If an application requests both direct use *and* storage, the fee charged shall be as determined under No. 1 or No. 2 above, whichever is greater, but not both fees.

3. The fee for an application for a permit to appropriate water for water power or dewatering purposes shall be \$100.00 plus \$200.00 for each 100 cubic feet per second, or part thereof, of the diversion rate requested.

Note: The applicant shall notify the Chief Engineer and pay the statutorily required field inspection fee of \$400.00 when construction of the works for diversion has been completed, except that for applications filed on or after July 1, 2009, for works constructed for sediment control use and for evaporation from a groundwater pit for industrial use shall be accompanied by a field inspection fee of \$200.00.

### MAKE CHECKS PAYABLE TO THE KANSAS DEPARTMENT OF AGRICULTURE

#### ATTENTION

A Water Conservation Plan may be required per K.S.A. 82a-733. A statement that your application for permit to appropriate water may be subject to the minimum desirable streamflow requirements per K.S.A. 82a-703a, b, and c may also be required from you. After the Division of Water Resources has had the opportunity to review your application, you will be notified whether or not you will need to submit a Water Conservation Plan. You also may be required to install a water flow meter or water stage measuring device on your diversion works prior to diverting water. There may be other special conditions or Groundwater Management District regulations that you will need to comply with if this application is approved.

#### CONVERSION FACTORS

- 1 acre-foot equals 325,851 gallons
- 1 million gallons equal 3.07 acre-feet

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# INDUSTRIAL USE SUPPLEMENTAL SHEET

File No. 49,470

Name of Applicant (Please Print): Johnson Sand

1. Please describe type of industry or product produced: sand & gravel  
 \_\_\_\_\_ Standard Industrial Classification Code Number: \_\_\_\_\_

2. Please complete the following table to show your past and present water requirements:

### PAST PRODUCT PRODUCTION AND WATER DIVERTED, IF APPLICABLE

| LAST 5 YEARS | AMOUNT OF PRODUCT | WATER DIVERTED (GALLONS) | GALLONS PER PRODUCT PER DAY |
|--------------|-------------------|--------------------------|-----------------------------|
| 5 years ago  |                   |                          |                             |
| Last year    |                   |                          |                             |
| Present year |                   |                          |                             |

3. Please complete the following table to show your future water requirements:

### ESTIMATED FUTURE PRODUCT PRODUCTION AND WATER DIVERTED

| NEXT 5 YEARS | AMOUNT OF PRODUCT           | WATER TO BE DIVERTED (GALLONS) | GALLONS PER PRODUCT PER DAY |
|--------------|-----------------------------|--------------------------------|-----------------------------|
| Year 1       |                             |                                |                             |
| Year 2       |                             |                                |                             |
| Year 3       |                             |                                |                             |
| Year 4       |                             |                                |                             |
| Year 20      | 54.78 acres of exposed g.w. | 21" net evaporation            | 95.86 acre-feet             |

Number of days of operation of the industry per year is \_\_\_\_\_ days.

Please attach any tables, curves or additional information showing past, present and estimated future water requirements to substantiate the amount of water requested.

4. Please designate the legal description of the location where the water is to be used. Show in the space provided below the Section (S), Township (T), and Range (R), and the number of acres in each forty acre tract or fractional portion thereof.

| S    | T  | R  | NE¼ |    |    |    | NW¼ |    |    |    | SW¼ |    |    |    | SE¼ |    |    |    | TOTAL |
|------|----|----|-----|----|----|----|-----|----|----|----|-----|----|----|----|-----|----|----|----|-------|
|      |    |    | NE  | NW | SW | SE | NE  | NW | SW | SE | NE  | NW | SW | SE | NE  | NW | SW | SE |       |
| 5    | 15 | 2w |     |    |    |    |     |    |    |    |     |    |    |    |     |    |    |    |       |
| * 32 | 14 | 2w |     |    |    |    |     |    |    |    |     |    |    |    |     |    |    |    |       |

You may attach any additional information you believe will assist in informing the Division of the need for water resources request.

**WATER RESOURCES  
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**WATER RESOURCES  
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*\* per Map  
\* Resolved 8/11/16*

AUG 16 2016

SCANNED JUL 11 2016

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 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.

WATER RESOURCES  
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August 12, 2016

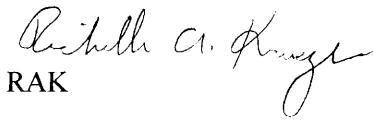
File Nos. 46,057; 47,443-D2 and 49,670

Page No. 2

If you have any questions, please contact me at (785) 564-6635 or Change Application Unit Supervisor, Brent Turney, 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 Krueger  
Environmental Scientist  
Water Appropriation Program



RAK

Enclosures

pc: Stockton Field Office





## 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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Records in this office indicate that you may have a well or wells in this vicinity and you are notified of receipt of these applications in order that you may be fully informed of the proposed location of the applicant's point of diversion and proposed use of water. Consideration will be given to comments or other information which you desire to submit to this office within 15 days from the date of this letter.

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.

The applications are available for your review at:

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

SCANNED

OVER →

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

Page 2

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

**FILE COPY**

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

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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**SCANNED**

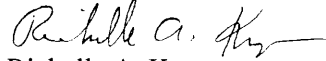
**OVER →**

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



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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

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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**SCANNED**

**OVER →**

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

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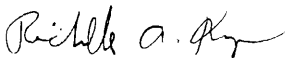
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RE: File Nos. 46,057, 47,443-D2 and 49,670

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

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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:

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:

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.

Records in this office indicate that you may have a well or wells in this vicinity and you are notified of receipt of these applications in order that you may be fully informed of the proposed location of the applicant's point of diversion and proposed use of water. Consideration will be given to comments or other information which you desire to submit to this office within 15 days from the date of this letter.

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.

The applications are available for your review at:

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

SCANNED

OVER →

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

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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

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

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:

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.

Records in this office indicate that you may have a well or wells in this vicinity and you are notified of receipt of these applications in order that you may be fully informed of the proposed location of the applicant's point of diversion and proposed use of water. Consideration will be given to comments or other information which you desire to submit to this office within 15 days from the date of this letter.

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.

The applications are available for your review at:

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

SCANNED

OVER →

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

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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 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

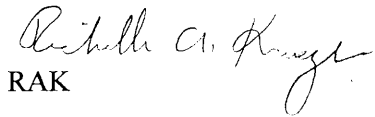
File Nos. 46,057; 47,443-D2 and 49,670

Page No. 2

If you have any questions, please contact me at (785) 564-6635 or Change Application Unit Supervisor, Brent Turney, 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 Krueger  
Environmental Scientist  
Water Appropriation Program



RAK

Enclosures

pc: Stockton Field Office



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

July 18, 2016

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

RE: Application  
File No. 49670

Dear Sir or Madam:

Your application for permit to appropriate water in 5-15S-2W in Saline County, was received and has been assigned the file number noted above.

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. Once review of your application has begun, we will contact you, if additional information is required.

In accordance with the provisions of the Kansas Water Appropriation Act, a portion of which is included below, the use of water as proposed prior to approval of the application is unlawful. 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,

A handwritten signature in cursive script that reads "Brent A. Turney".

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

BAT: ALH  
pc: STOCKTON Field Office  
GMD

GIS Mapping

Sketch

View Taxes

Property Number: 085-123-05-0-00-00-013.00-0

Quick Ref: R22377

**Owner Name and Mailing Address**

JOHNSON GARY L & PAMELA M

**Property Situs Addr / Tract Desc**

2100 E SCHILLING RD, Salina, KS 67401

Attn: JOHNSON SAND 2100 E SCHILLING RD SALINA, KS 67401-9171

UNPLATTED, S5, T15, R2, ACRES 138.94, NW4 EXC PT E RIV & EXC TR BEG SW/C NW4 TH N 586.26 SELY 747.52 NE 139.98 E 222.22 SELY 750.39 NELY 330.74 SLY 176.39 W 1961.9 TO POB

**Land Based Classification System**

|                  |      |                                 |
|------------------|------|---------------------------------|
| <b>Function</b>  |      |                                 |
| <b>Activity</b>  | 8500 | Quarrying or stone cutting      |
| <b>Ownership</b> | 1100 | Private-fee simple              |
| <b>Site</b>      | 6000 | Developed site - with buildings |

**General Property Information**

|                       |                         |
|-----------------------|-------------------------|
| <b>Property Class</b> | Commercial & Industrial |
| <b>Living Units</b>   |                         |
| <b>Zoning</b>         |                         |
| <b>Neighborhood</b>   | 550                     |
| <b>Map/Routing</b>    | 123                     |
| <b>Tax Unit Group</b> | 475                     |

**Market Land Information**

| Method | Type             | ACSF  | Eff FF | Depth | Infl | Fact1 | Inf2 | Fact2 | OVRD | Rsn | CLS | Model | Base Size | Base Value | Inc Val | Dec Val | Value Est |
|--------|------------------|-------|--------|-------|------|-------|------|-------|------|-----|-----|-------|-----------|------------|---------|---------|-----------|
| Acre   | Primary Site - 1 | 33.09 |        |       | 5    | 25    |      |       |      |     |     | 7     | 1         | 16,000     | 12,000  | 12,000  | 401,080   |

**Current Appraised Value**

| Class        | Land           | Building      | Total          |
|--------------|----------------|---------------|----------------|
| A            | 22,300         | 0,000         | 22,300         |
| C            | 100,270        | 59,010        | 159,280        |
| <b>Total</b> | <b>122,570</b> | <b>59,010</b> | <b>181,580</b> |

**Previous Appraised Value**

| Class        | Land           | Building      | Total          |
|--------------|----------------|---------------|----------------|
| A            | 19,740         | 0,000         | 19,740         |
| C            | 112,630        | 51,270        | 163,900        |
| <b>Total</b> | <b>132,370</b> | <b>51,270</b> | <b>183,640</b> |

**Inspection History**

| Date      | Code | Reason | Appraiser | Contact     |
|-----------|------|--------|-----------|-------------|
| 3/6/1991  | 9    |        | MRO       |             |
| 9/13/2002 | 9    |        | SPT       |             |
| 8/13/2003 | 9    |        | JRG       |             |
| 9/27/2006 | 0    | P      | sks       |             |
| 2/1/2007  | 9    | P      | SKS       |             |
| 9/26/2007 | 5    | AR     | KPM       |             |
| 2/28/2008 | 9    | P      | SRM       |             |
| 6/19/2008 | 1    | AR     | SKS       | MARY HAINES |
| 5/19/2015 | 1    | AR     | SRM       | MINDY       |

**Building Permit History**

| Permit # | Amount | Type                | Date       | Status | % Comp |
|----------|--------|---------------------|------------|--------|--------|
| 193      |        | Commercial Building | 1/20/2006  | Closed |        |
| 104      |        | Commercial Building | 1/9/2007   | Closed |        |
| 199      |        | Commercial Building | 8/31/2007  | Closed |        |
| 1894     | 17,000 | Interior Remodel    | 12/28/2007 | Closed |        |
| 2007     |        |                     | 9/26/2007  | Closed |        |

**General Building Information**

|                            |   |
|----------------------------|---|
| <b>LBCS Structure Code</b> | 2101 Office building (low rise 1-4 stories) |
| <b>Bldg No &amp; Name</b>  | 1 Johnson Sand II Office                    |
| <b>Identical Units</b>     | 1   |
| <b>No. Of Unit</b>         |   |
| <b>Unit Type:</b>          |   |

**Apartment Data**

|                 |   |   |   |   |   |   |   |   |
|-----------------|---|---|---|---|---|---|---|---|
| <b>Units:</b>   | 1 | 2 | 3 | 4 | 5 | 6 | 7 | 8 |
| <b>BR Type:</b> |   |   |   |   |   |   |   |   |
| <b>Baths:</b>   |   |   |   |   |   |   |   |   |

**Improvement Cost Summary**

|                         |        |
|-------------------------|--------|
| <b>Building RCN</b>     | 80,430 |
| <b>Building Value</b>   | 46,650 |
| <b>Other Impr RCN</b>   |        |
| <b>Other Impr Value</b> |        |

**Calculated Values**

|                      |         |
|----------------------|---------|
| <b>Cost Land</b>     | 100,270 |
| <b>Cost Building</b> | 55,900  |
| <b>Cost Total</b>    | 156,170 |
| <b>Income Value</b>  | 52,900  |
| <b>Market Value</b>  |         |
| <b>MRA Value</b>     |         |

**Final Values**

|                       |         |
|-----------------------|---------|
| <b>Value Method</b>   | COST    |
| <b>Land Value</b>     | 122,570 |
| <b>Building Value</b> | 59,010  |
| <b>Final Value</b>    | 181,580 |
| <b>Prior Value</b>    | 186,200 |

**Building Comments**

Commercial Building Section

**Section 1**

| Occupancy                 | MSCIs/Rank     | Year Build | Eff Year | Levels   | Stories | Area   | Perim | Height |
|---------------------------|----------------|------------|----------|----------|---------|--------|-------|--------|
| 554 Shed Office Structure | D /2.00        | 1999       |          | 01/01    |         | 1400   | 156   | 8      |
|                           | Phys/Func/Econ | Ovr %      | Rsn      | Net Area | Inc Use | RCN    | % Gd  | Value  |
| 3117248                   | 2 /3 /         |            |          | 0        | 053     | 80,430 | 58    | 46,650 |

**Section 1 Components**

| Code | Code Desc                   | Units | Pct | Size | Other | Rank | Year |
|------|-----------------------------|-------|-----|------|-------|------|------|
| 918  | Single -Metal on Wood Frame |       | 100 |      |       |      |      |
| 612  | Warmed and Cooled Air       |       | 100 |      |       |      |      |

**General Building Information**

**LBCS Structure Code** 2101 Office building (low rise 1-4 stories)  
**Bldg No & Name** 2 LAB BLDG  
**Identical Units** 1  
**No. Of Unit**  
**Unit Type:**

**Apartment Data**

**Units:**  
**BR Type:**  
**Baths:**

1 2 3 4 5 6 7 8

**Improvement Cost Summary**

**Building RCN** 23,720  
**Building Value** 9,250  
**Other Impr RCN**  
**Other Impr Value**

**Calculated Values**

**Cost Land** 100,270  
**Cost Building** 55,900  
**Cost Total** 156,170  
**Income Value** 52,900  
**Market Value**  
**MRA Value**

**Final Values**

**Value Method** COST  
**Land Value** 122,570  
**Building Value** 59,010  
**Final Value** 181,580  
**Prior Value** 186,200

**Building Comments**

Commercial Building Section

**Section 1**

| Occupancy              | MSCIs/Rank     | Year Build | Eff Year | Levels   | Stories  | Area   | Perim | Height |
|------------------------|----------------|------------|----------|----------|----------|--------|-------|--------|
|                        | Phys/Func/Econ | Ovr %      | Rsn      | Net Area | Inc Use  | RCN    | % Gd  | Value  |
| 599 Relocatable Office | D/0.60         | 1999       |          | 01/01    | 1.000000 | 260    | 72    | 8      |
| 3117256                | 2/2/1          |            |          | 0        | 053      | 23,723 | 39    | 9,250  |

**Section 1 Components**

| Code | Code Desc             | Units | Pct | Size | Other | Rank | Year |
|------|-----------------------|-------|-----|------|-------|------|------|
| 612  | Warmed and Cooled Air |       | 100 |      |       |      |      |

**Agricultural Land Detail**

| Type | Acres | Soil Unit | Irr Type | Well Depth | Acres Feet | Ft/Acre | Adj Code | Gov Prog | Base RT | Adj RT | Ag Value |
|------|-------|-----------|----------|------------|------------|---------|----------|----------|---------|--------|----------|
| DR   | 4.09  | 3715      |          |            |            |         |          |          | 368     | 368    | 1,510    |
| DR   | 23.13 | 2347      |          |            |            |         |          |          | 283     | 283    | 6,550    |
| DR   | 34.04 | 2366      |          |            |            |         |          |          | 184     | 184    | 6,260    |
| DR   | 27.61 | 2375      |          |            |            |         |          |          | 283     | 283    | 7,810    |
| NG   | 16.98 | WST       |          |            |            |         |          |          | 10      | 10     | 170      |

**Ag Land Summary**

**DR Acres** 88.87  
**IR Acres** 0.00  
**NG Acres** 16.98  
**TG Acres** 0.00  
**Total Ag Acres** 105.85  
**Total Ag Use Value** 22,300.00

**Parcel Based Other Building Improvements**

Site Improvements

| Occupancy    | Site Improvements | Area        | 10 | Physical Condition | Normal:AV      |
|--------------|-------------------|-------------|----|--------------------|----------------|
| MS Class     | C                 | Perimeter   |    | Functional         | Normal:Average |
| Rank/Quality | Average           | Wall Height | 8  | Economic           |                |
| Quantity     | 1                 | Length      |    | OVR%               |                |
| LBCS Struc   |                   | Width       |    |                    |                |
| Year Blt     | 2008              | Stories     | 1  | RCN                | 6,901          |
| Eff Year     |                   |             |    | Percent Good       | 45             |
| Assmt class  |                   |             |    | Value              | 3,110          |

Site Improvements Improvement Components

| Description                       | Units | Percent | Area | Other | Rank | Year Added |
|-----------------------------------|-------|---------|------|-------|------|------------|
| Paving Concrete with Base (heavy) | 944   |         |      |       |      |            |

GIS Mapping

Sketch

View Taxes

**Property Number: 085-099-32-0-00-00-004.00-0**

**Quick Ref: R21287**

**Owner Name and Mailing Address**

JOHNSON PAMELA M LIVING TR

**Property Situs Addr / Tract Desc**

2100 E SCHILLING RD, Salina, KS 67401

2100 E SCHILLING RD SALINA, KS 67401-9171

UNPLATTED, S32, T14, R2, ACRES 103.13, SW4 W  
SMOKY HILL RIVER

**Land Based Classification System**

**Function**

**Activity** 8500 Quarrying or stone cutting

**Ownership** 1100 Private-fee simple

**Site** 3100 Dev Site - crops, grazing etc - no structures

**General Property Information**

**Property Class** Commercial & Industrial

**Living Units**

**Zoning**

**Neighborhood** 550

**Map/Routing** 099

**Tax Unit Group** 190

**Market Land Information**

| Method | Type                | ACSF  | Eff<br>FF | Depth | Inf1 | Fact1 | Inf2 | Fact2 | OVRD | Rsn | CLS | Model | Base<br>Size | Base<br>Value | Inc<br>Val | Dec<br>Val | Value<br>Est |
|--------|---------------------|-------|-----------|-------|------|-------|------|-------|------|-----|-----|-------|--------------|---------------|------------|------------|--------------|
| Acre   | Primary<br>Site - 1 | 18.24 |           |       | 5    | 25    |      |       |      |     |     | 7     | 1            | 16,000        | 12,000     | 12,000     | 222,880      |

**Current Appraised Value**

**Previous Appraised Value**

| Class        | Land          | Building     | Total         | Class        | Land          | Building     | Total         |
|--------------|---------------|--------------|---------------|--------------|---------------|--------------|---------------|
| A            | 21,210        | 0,000        | 21,210        | A            | 19,850        | 0,000        | 19,850        |
| C            | 55,720        |              | 55,720        | C            | 53,530        |              | 53,530        |
| <b>Total</b> | <b>76,930</b> | <b>0,000</b> | <b>76,930</b> | <b>Total</b> | <b>73,380</b> | <b>0,000</b> | <b>73,380</b> |

**Inspection History**

| Date      | Code | Reason | Appraiser | Contact |
|-----------|------|--------|-----------|---------|
| 4/27/1988 | 0    |        | 181       |         |
| 1/20/2005 | 9    |        | SPT       |         |
| 7/18/2005 | 9    |        | SPT       |         |
| 1/31/2014 | 9    | FR     | SRM       |         |
| 5/19/2015 | 0    | AR     | SRM       |         |

**Agricultural Land Detail**

| Type | Acres | Soil<br>Unit | Irr<br>Type | Well<br>Depth | Acre<br>Feet | Ft/Acre | Adj<br>Code | Gov<br>Prog | Base<br>RT | Adj<br>RT | Ag<br>Value |
|------|-------|--------------|-------------|---------------|--------------|---------|-------------|-------------|------------|-----------|-------------|
| DR   | 1.82  | 3715         |             |               |              |         |             |             | 368        | 368       | 670         |
| DR   | 28.86 | 2347         |             |               |              |         |             |             | 283        | 283       | 8,170       |
| DR   | 2.83  | 2366         |             |               |              |         |             |             | 184        | 184       | 520         |

|    |       |      |     |     |        |
|----|-------|------|-----|-----|--------|
| DR | 41.52 | 2375 | 283 | 283 | 11,750 |
| NG | 9.86  | WAST | 10  | 10  | 100    |

**Ag Land Summary**

|                           |           |
|---------------------------|-----------|
| <b>DR Acres</b>           | 75.03     |
| <b>IR Acres</b>           | 0.00      |
| <b>NG Acres</b>           | 9.86      |
| <b>TG Acres</b>           | 0.00      |
| <b>Total Ag Acres</b>     | 84.89     |
| <br>                      |           |
| <b>Total Ag Use Value</b> | 21,210.00 |

Parcel Based Other Building Improvements



49,670

# Kansas

Department of Agriculture  
Division of Water Resources

Stockton Field Office  
820 S. Walnut  
Stockton, Kansas 67669-0192  
Jackie McClaskey, Secretary  
David W. Barfield, Chief Engineer  
Kelly Stewart, Water Commissioner

Phone: (785) 425-6787  
Fax: (785) 425-6842  
www.agriculture.ks.gov  
Sam Brownback, Governor

June 30, 2016

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

Re: Appropriation of Water, File No. 46,057 and New Application

Dear Mr. & Mrs. Johnson:

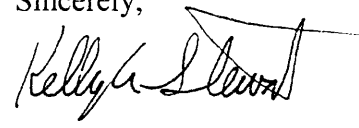
According to our recent conversations, I have prepared the enclosed paperwork that will be needed to expand the size of your groundwater pit. To begin with, I am enclosing an application for File No. 46,057 to expand the area for the pit. To complete this application, you will need to provide your notarized signatures on Page 5. This application will cost \$200 to be processed.

I have also enclosed an application for a new permit that is for 50 acre-feet. This application is to be justified by placing 50 acre-feet of Lyndon Clovis' water right into the custodial care of the State. I have highlighted every place you need to sign in yellow. This application will also cost \$200 to be processed.

Once you have completed these forms, please submit them to Manhattan along with the total filing fee of \$400. You may make your check payable to the Kansas Department of Agriculture.

If you have any further questions, please do not hesitate to contact me.

Sincerely,



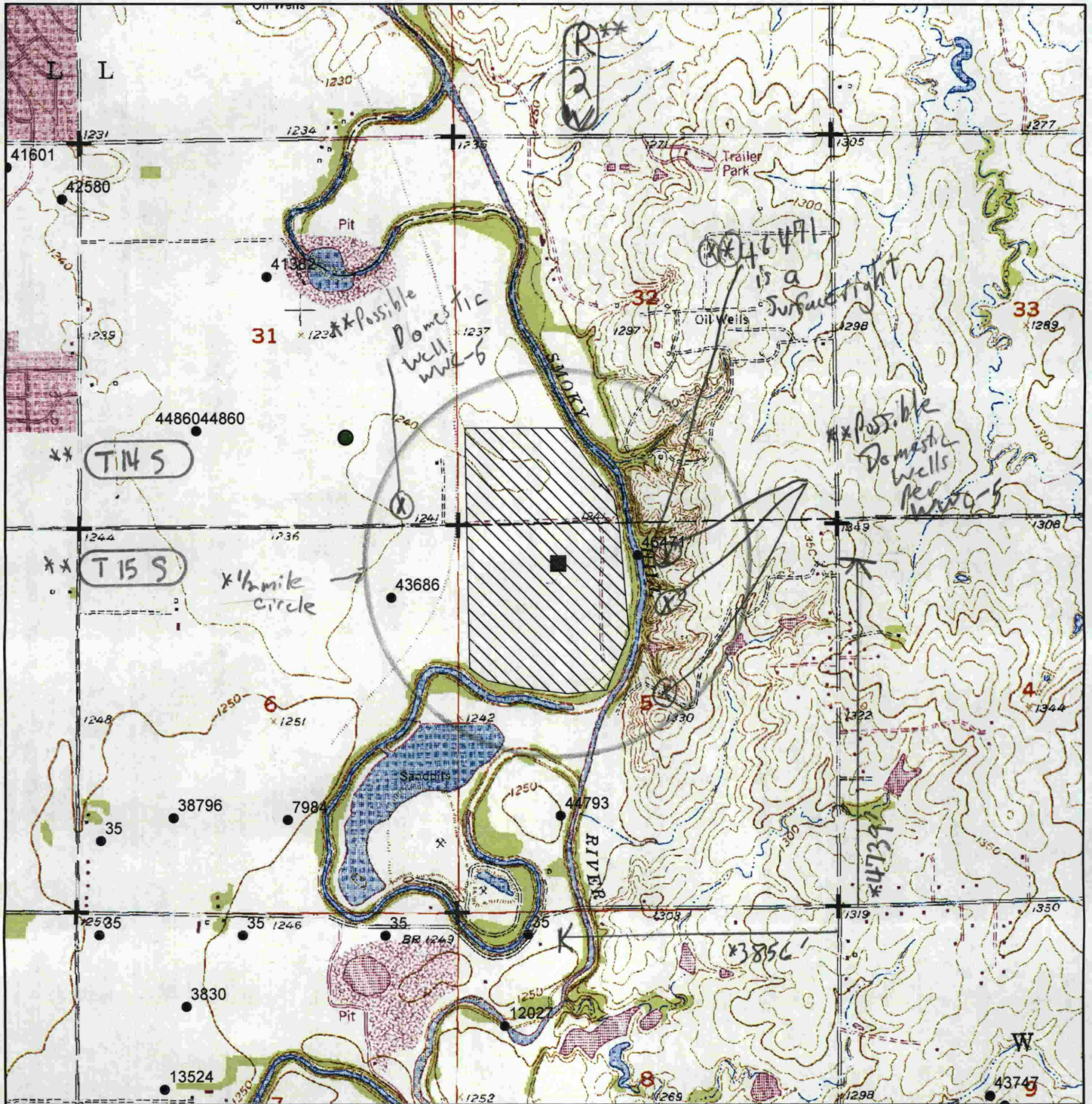
Kelly C. Stewart  
Water Commissioner

KCS  
enclosures

WATER RESOURCES  
RECEIVED

JUL 11 2016

KS DEPT OF AGRICULTURE



■ Proposed P/D



Proposed Place of Use



SCANNED

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

JUL 11 2016

Signature

Date

KS DEPT OF AGRICULTURE

KS DEPT OF AGRICULTURE

per WRTS  
 per PAC/DM  
 8/24/16  
 \*\* RAK/DM 8/20/16  
 \*\* RAK/DM 8/10/16  
 per par 5