DEC 28 2016
12:37
KS DEPT OF AGRICULTURE

KANSAS DEPARTMENT OF AGRICULTURE

Jackie McClaskey, Secretary of Agriculture

DIVISION OF WATER RESOURCES

David W. Barfield, Chief Engineer

File Number 4740
This item to be completed by the Division of Water Resources.

APPLICATION FOR PERMIT TO APPROPRIATE WATER FOR BENEFICIAL USE

Filing Fee Must Accompany the Application (Please refer to Fee Schedule attached to this application form.)

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

	Name of Applicant (Please Print): Rolling Acres Golf Course Address: 1461 Pioneer Rd										
			State KS	Zip Code <u>67460</u>							
	Telephone Number: ()	-								
2.	The source of water is:	surface water in	(stre								
	OR	⊠ groundwater in Smc	oky Hill River Basin	e basin)							
	when water is released subject to these regulation	from storage for use by	water assurance district me e your application, you will b	ay be subject to administration embers. If your application is be sent the appropriate form to							
3.	The maximum quantity of	f water desired is 14	acre-feet OR	gallons per calendar year,							
	to be diverted at a maximum rate of 55 gallons per minute OR cubic feet per seco										
	requested quantity of warequested maximum rate	ater under that priority need of diversion and maxim	umber can <u>NOT</u> be increa	ate of diversion and maximum sed. Please be certain your ppropriate and reasonable for ces' requirements.							
4.	The water is intended to I	be appropriated for (Check	use intended):								
	(a) □Artificial Recharge	(b) ⊠Irrigation	(c) □Recreational	(d)							
	(e) □Industrial	(f) ☐Municipal	(g) ☐Stockwatering	(h) ☐Sediment Control							
	(i) □Domestic	(j) □Dewatering	(k) ☐ Hydraulic Dredging	g (I) □Fire Protection							
		e (n) Contamination F	Remediation								
	(m) Thermal Exchange										
		• •	ON OF WATER RESOURCES FO	DRM(S) PROVIDING INFORMATION							
or Off	YOU MUST COMPLETE AND	ATTACH ADDITIONAL DIVISI	ON OF WATER RESOURCES FO Source 6 S County								

12/29/2016 LCM

	File No
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 <u>SOUTHEAST</u> quarter of the <u>SOUTHEAST</u> quarter of the <u>SOUTHWEST</u> quarter of Section <u>28</u> , more particularly described as being near a point <u>491</u> feet North and <u>3,065</u> feet West of the
	Southeast corner of said section, in Township <u>18</u> South, Range <u>3</u> West, <u>McPherson</u> 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 (¼) 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): Tim Ouden Kauf (Pres) Rolling Acres Golf Course (name, address and telephone number) 785-214-3004
	(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. ease hyreement factorized Executed on 12-/2 , 20 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 one (1) well (number of wells, pumps or dams, etc.)

and will be completed (by) already complete.

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File No
File No

(Month/Day/Year - each was or will be completed)

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

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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? \square Yes \boxtimes 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 <u>must</u> 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 ½ 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 ½ mile, please advise us.
	(c) If the application is for surface water, the names and addresses of the landowner(s) ½ mile downstream and ½ 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.
	The proposed p/d is presently covered under file no. 47,797. The proposed p/u is covered by file nos. 34558,
	46812, 47640, & 47797. Applicant would like 2 AF/AC on 7 acres, or 14 AF, limited to 14 AF when combined
	with overlapping files on the place of use. The higher than normal AF/AC ratio is requested on the basis that

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the grass at the golf course be considered a speciality crop that requires more water	than is normally allowed.
The nearest well is 1,078 ft from the proposed p/d, but the requested rate and	quantity is small enough to prevent
impairment.	

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13.	Furnish the following well information if the particle well has not been completed, give information				f groundwater.	If the					
	Information below is from: Test holes	□Well	as completed	□Drillers	log attached						
	Well location as shown in paragraph No. Date Drilled	(A)	(B)	(C)	(D)						
	Total depth of well										
	Depth to water bearing formation										
	Depth to static water level		<u></u>								
	Depth to bottom of pump intake pipe										
14.15.	The relationship of the applicant to the propose Course (owner, tenant, agent or otherwise) The owner(s) of the property where the water										
	(name, address and telephone number)										
	(name, address and telephone number)										
16.	The undersigned states that the information that this application is submitted in good faitle		bove is true to	the best of h	is/her knowled	ge and					
	Dated at 12-12-16 Kansas	s, this 12	day of	(month)	, <u>[(</u>	en)					
_	Timbuhlande (Pres) Rul (Applicant Signature)	lling Aci	res Gatt (Coursc							
E	Зу										
	(Agent or Officer Signature)										
_	(Agent or Officer - Please Print)										
Assis	ted by <u>DLM</u>	STKFO/ESI	<u> </u>	Date: <u>:</u>	11/6/14						

(office/title)

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File No.

IRRIGATION USE SUPPLEMENTAL SHEET

							Fi	le No												
			Nar	ne of	Appli	icant ((Pleas	e Prir	 nt):	Tim	\ (and	enk	<u>ern</u>	<u>f</u>					
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S	Т	R		ADI NI	ORES	S:) L					SV	V1/4			SE		SE		e use
S	Т	R		ADI NI	ORES	S:) L					SV	V1/4			SE		SE		e use
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DWR 1-100.23 (7/7/2000)

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IRRIGATION USE SUPPLEMENTAL SHEET

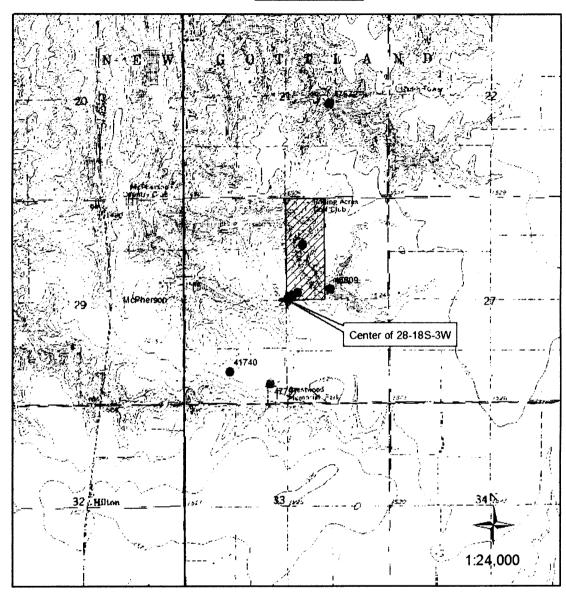
Name of Applicant (Please Print): 1. Please supply the name and address of each landowner, the legal description of the lands to be irrigated, a designate the actual number of acres to be irrigated in each forty acre tract or fractional portion thereof:	
designate the actual number of acres to be irrigated in each forty acre tract or fractional portion thereof:	
andowner of Decord NAME:	nd
Landowner of Record NAME:	
ADDRESS:	
S T R NE'4 NW'4 SW'4 SE'4 TOTAL	
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28 18 3 W 3.5 3.5 7	
	<u> </u>
	<u>-</u>
Landowner of Record NAME:	
ADDRESS: 1935 15 AV MPHERSON -	
	
S T R NE¼ NW SW SE NE NW SW SE	
	Home use
	
	~=
Landowner of Record NAME:	
ADDRESS:	
NE¼ NW¼ SW¼ SE¼ TOTAL	
S T R NE NW SW SE TOTAL	
	

DWR 1-100.23 (7/7/2000)

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Application to Appropriate Water for Beneficial Use

File No.



A Proposed Point of Diversion

Proposed Place of Use

The names and addresses of the owners of any existing water wells of any kind within 1/2 mile of the proposed point of diversion are shown.

Tim Suddy Signature

/2-/2-/6 Date

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	Indicate the soils in the field(s) and their intake rates:									
		Soil Jame	Percent of field (%)	Intake Rate (in/hr)	Irrigation Design Group					
	-	 Γotal:	100 %							
b.	Estimate th	ne average land slope in the	e field(s):							
	Estimate th	ne maximum land slope in	the field(s):	%						
c.	Type of irr	igation system you propos	e to use (check one):							
	C	enter pivot	Center piv	ot - LEPA	"Big gun" sprinkle					
		ravity system (furrows)		stem (borders)	Sideroll sprinkler					
	Other, plea	ase describe:								
d.	System design features:									
	i. Describe how you will control tailwater:									
	ii. For s	prinkler systems:		.—						
	ii. For s (1)	prinkler systems: Estimate the operating p	pressure at the distrib	ution system:	o psi					
				ution system:	o psi					
	(1)	Estimate the operating p	ckage design rate? _	/ <i>O</i> gpm						
	(1) (2)	Estimate the operating pa	ckage design rate? _	/ <i>O</i> gpm						
	(1) (2)	Estimate the operating pure What is the sprinkler part What is the wetted diam	ckage design rate?	gpm gpm get throw feet						
e.	(1)(2)(3)(4)	Estimate the operating purchase What is the sprinkler parameter What is the wetted diamethe outer 100 feet of the	ckage design rate? neter (twice the distant system?	gpm gpm get throw feet design information.						
e.	(1)(2)(3)(4)	Estimate the operating purchase what is the sprinkler parameter where the outer 100 feet of the Please include a copy of	ckage design rate? neter (twice the distant system?	gpm gpm get throw feet design information.						

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

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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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/2-/2-/6 (Date)

Kansas Department of Agriculture **Division of Water Resources** David W. Barfield, Chief Engineer 109 SW 9th Street, 2nd Floor Topeka, Kansas 66612-1283

> Application Re:

File No.

Minimum Desirable Streamflow

Dear Sir:

I understand that a Minimum Desirable Streamflow requirement has been established by the legislature for the source of supply to which the above referenced application applies.

I understand that diversion of water pursuant to this application will be subject to regulation any time Minimum Desirable Streamflow requirements are not being met.

I also understand that if this application is approved, there could be times, as determined by the Division of Water Resources, when I would not be allowed to divert water. I realize that this could affect the economics of my decision to appropriate water.

I am aware of the above factors, and with the knowledge thereof, request that the Division of Water Resources proceed with processing and approval, if possible, of the above referenced application.

Signature of Applicant

County of McPlerson) ss (Print Applicant's Name)

I hereby certify that the foregoing instrument was signed in my presence and sworn to before me this <u>12</u> day of <u>Dec</u>, 20 <u>16</u>.

My Commission Expires:

NOTARY PUBLIC-State of Kansas LISA McNICHOLS My Appt. Exp. 3-17-

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MINIMUM DESIRABLE STREAMFLOW FORM TO BE USED WHEN APPLICABLE WHEN FILING AN APPLICATION FOR PERMIT TO APPROPRIATE WATER FOR BENEFICIAL USE

The Kansas Legislature has established minimum desirable streamflows for the streams listed below. If your proposed diversion of water is going to be from one of these watercourses or adjacent alluvial aquifers, please complete the back side of this page and submit it along with your application for permit to appropriate water.

Arkansas River
Big Blue River
Chapman Creek
Chikaskia River
Cottonwood River
Delaware River
Little Arkansas River
Little Blue River

Marais des Cygnes River Medicine Lodge River

Mill Creek (Wabaunsee Co. area)

Neosho River

Ninnescah River

North Fork Ninnescah River

Rattlesnake Creek Republican River Saline River Smoky Hill River Solomon River

South Fork Ninnescah

Spring River Walnut River Whitewater River

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TO SUBSTANTIATE YOUR REQUEST FOR THE AMOUNT OF WATER FOR THE INTENDED USE REFERENCED ABOVE.

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WATER WELL OPERATION AND LEASE AGREEMENT

This Agreement made effective this 23 day of May , 2016, by and between the BOARD OF COUNTY COMMISSIONERS of McPherson County, Kansas, (BOCC) and ROLLING ACRES GOLF CLUB, INC. (Rolling Acres), a Kansas not-for-profit corporation, WITNESSETH:

WHEREAS, McPherson County is the lawful owner of the following described real property in McPherson County, Kansas, to-wit:

East 495 feet of the Southeast Quarter of the Southwest Quarter of Section 28, Township 18 South, Range 3 West, McPherson County, Kansas.

Subject to easements, restrictions, reservations or covenants which may be of record.

WHEREAS, McPherson County is the lawful owner of a water well system located on said property; and

WHEREAS, Rolling Acres desires to lease from the BOCC certain water and the well system located on said property.

NOW, THEREFORE, for good and valuable consideration, the receipt and sufficiency of which is acknowledged by each party, and based upon the bargained for exchange of rights contained in the covenants made herein, the parties agree as follows:

1. Term.

Unless earlier terminated as provided herein, this Agreement shall be for an initial term of five (5) years commencing on the WATER RESOURCES RECEIVED

date shown above. This Agreement may be renewed for an additional three (3) years, upon mutual agreement of the parties, executed at least six (6) months prior to the expiration of the original term.

2. Water and Well System Leased.

Subject to the terms and conditions set forth herein, Rolling Acres is granted a non-exclusive right to use the well system currently located on said real property and is allowed to draw from said well water needed for irrigation purposes.

3. Cost of Use, Maintenance, and/or Reconstruction.

Rolling Acres shall pay any and all costs associated with the operation and maintenance of the water well system; and shall pay all costs for labor, materials, installation and upkeep of equipment necessary to transfer the water from the well system to Rolling Acres' property.

4. Permits.

Rolling Acres shall be responsible for obtaining the necessary permits from the Division of Water Resources, Kansas Department of Agriculture; and shall comply with all other local, state, or federal rules, regulations, and statutory requirements as it relates to this Agreement.

5. Environmental Matters and Indemnification.

Rolling Acres covenants to indemnify, protect, and hold harmless, McPherson County, the BOCC, and employees from and against any and all claims, demands, liabilities, and costs,

WATER RESOURCES RECEIVED

including attorney fees, arising from any actual or alleged violation of any law, statute, ordinance, rule, or regulation of any governmental or quasi-governmental authority, specifically including without limitation violation of any environmental protection law related to the well system or on the above described property, regardless of when such violation occurred (or occurs).

6. Permitted Use.

Rolling Acres shall use the water obtained from the well system only for the irrigation of the Rolling Acres Golf Course and for no other purpose.

7. Easement.

The BOCC grants to Rolling Acres an easement to go to and from the well and the right to install a water system to carry out the purpose of this Agreement. The BOCC retains the right to delineate a specific route for travel and the location of the water system pipe and equipment on said property.

8. <u>Termination</u>.

- (a) This Agreement may be terminated by either party before the end of the term by providing written notice of cancellation to the other party at least one year prior to said termination date.
- (b) In the event this Agreement is terminated either by the end of the term or by written cancellation, any improvements made to the water well system shall remain the sole and separate property of McPherson County.

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9. Non-Assignability.

This Agreement shall not be assigned by Rolling Acres for any reason to any person or legal entity without the written consent of BOCC.

10. Contingency.

Rolling Acres is in the process of obtaining the necessary permits from the Division of Water Resources, Kansas Department of Agriculture to enable it to use water from McPherson County's well located on the property. In the event Rolling Acres is unable to obtain the necessary permits, this Agreement shall terminate.

IN WITNESS WHEREOF, the parties have hereunder set their hands the date and year shown.

Dated: 5-25-//

Linus Linaweaver, Chairman

Cathy Schmidt, County Clerk

ROLLING ACRES GOLF CLUB

Dated: 6-8-16	By Anix	Ishal	
	Title:		WATER RESOURCE

ATTEST:

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1320 Research Park Drive Manhattan, Kansas 66502

Department of Agriculture

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

Sam Brownback, Governor

Jackie McClaskey, Secretary

December 28, 2016

FILE COPY

ROLLING ACRES GOLF COURSE 1461 PIONEER RD MCPHERSON KS 67460

> **RE**: Application File No. 49749

Dear Sir or Madam:

Your application for permit to appropriate water in 28-18S-3W in McPherson 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,

Brent A Turney, P.G.

Change Application Unit Supervisor

Water Appropriation Program

BAT. dlw

STOCKTON Field Office pc:

GMD 2