

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

1. File Number: 49,916	2. Status Change Date: 8/10/2018	3. Field Office: 3	4. GMD: 0
5. Status: <input checked="" type="checkbox"/> Approved <input type="checkbox"/> Denied by DWR/GMD <input type="checkbox"/> Dismiss by Request/Failure to Return			
6. Enclosures: <input checked="" type="checkbox"/> Check Valve <input checked="" type="checkbox"/> N of C Form <input type="checkbox"/> Water Tube <input type="checkbox"/> Driller Copy <input checked="" type="checkbox"/> Meter			
7a. Applicant(s) Person ID 63541 New to system <input type="checkbox"/> Add Seq# _____ K&K LAND LLC 1912 UNION RD CONCORDIA KS 66901	7c. Landowner(s) Person ID 54439 New to system <input type="checkbox"/> Add Seq# _____ HAZEL E KEIL TRUST #1 W BENSON & JUDY A KEIL TTEES 1912 UNION RD CONCORDIA KS 66901-9652		
7b. Landowner(s) Person ID _____ New to system <input type="checkbox"/> Add Seq# _____ 7a	7d. Misc. Person ID _____ New to system <input type="checkbox"/> Add Seq# _____		
8. WUR Correspondent Person ID _____ New to system <input type="checkbox"/> Add Seq# _____ Overlap File (s) WUC Notarized WUC Form <input type="checkbox"/> Agree <input type="checkbox"/> Yes <input type="checkbox"/> No 7b.	9. Use of Water: Changing? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> Groundwater <input checked="" type="checkbox"/> Surface Water <input checked="" type="checkbox"/> IRR <input type="checkbox"/> REC <input type="checkbox"/> DEW <input type="checkbox"/> MUN <input type="checkbox"/> STK <input type="checkbox"/> SED <input type="checkbox"/> DOM <input type="checkbox"/> CON <input type="checkbox"/> HYD DRG <input type="checkbox"/> WTR PWR <input type="checkbox"/> ART RECHRG <input type="checkbox"/> IND SIC: _____ <input type="checkbox"/> OTHER: _____		
10. Completion Date: <u>12/31/2019</u> 11. Perfection Date: <u>12/31/2023</u> 12. Exp Date: _____			
13. Conservation Plan Required? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No Date Required: _____ Date Approved: _____ Date to Comply: _____			
14. Water Level Measuring Device? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No Date to Comply: _____ Date WLMD Installed: _____			
Date Prepared: 7/30/2018 By: AM Date Entered: 8/14/2018 By: LLM			

File No. **49,916** 11. County: CD Basin: Republican River Stream: Republican River Formation Code: Special Use:

12. Points of Diversion										Rate and Quantity						
MOD	DEL	ENT	PDIV	Qualifier	S	T	R	ID	'N	W	Comment	Rate gpm	Quantity af	Rate gpm	Quantity af	Overlap PD Files
CHK				SW NW NW	25	5S	3W	4	4160	5120		2000	400	2000	400	NONE
CHK				NW SW SW	19	5S	2W	4	2050	4960						

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

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

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

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

16. Place of Use										NE¼								NW¼				SW¼				SE¼				Total	Owner	Chg?	Overlap Files
MOD	DEL	ENT	PUSE	S	T	R	ID	NE ¼	NW ¼	SW ¼	SE ¼	NE ¼	NW ¼	SW ¼	SE ¼	NE ¼	NW ¼	SW ¼	SE ¼	NE ¼	NW ¼	SW ¼	SE ¼										
MOD			61776	19	5S	2W	2					L5 .5	L3 27	L4 36.5	L5 16	L10 14	L11 7	L13 39	L14 40	L8 2	L9 23	L15 40	L15 20	265	8a	N	MULTIPLE						
CHK			61773	13	5S	3W	5			31.5	33.25			35.5	38.5									138.75	8c	N	MULTIPLE						
CHK			61777	13	5S	3W	6					35	29				37.5	31.5	21.5					154.5	8a	N	MULTIPLE						
CHK			61778	23	5S	3W	9													29.5			36	65.5	8a	N	MULTIPLE						
MOD			61774	24	5S	3W	6						31	30.5	31.5	35.5							39.5		168	8c	N	MULTIPLE					
MOD			61779	24	5S	3W	7				32.5						38.5	38.5		L1 3.5	L2 14	L3 35.5	L4 10	172.5	8a	N	MULTIPLE						
CHK			61775	25	5S	3W	5			L2 18		L2 29.5												47.5	8c	N	MULTIPLE						
MOD			61780	25	5S	3W	6		L1 20				L3 26.5											46.5	8a	N	MULTIPLE						
CHK			61781	26	5S	3W	13		L6 30.5															30.5	8a	N	MULTIPLE						
MOD			68572	30	5S	3W	4					L1 19	L2 40											59	8a	N	MULTIPLE						

Comments: OVERLAPPING PU FILES: 5788; 9889; 24336; 30287; 36570; 39384; 39813; 39932; 39952; 44297; 49917

MDS order

KANSAS DEPARTMENT OF AGRICULTURE
Division of Water Resources
MEMORANDUM

TO: Files

DATE: July 31, 2018

FROM: Austin McColloch

RE: New Applications,
File Nos. 49,916

K & K Land LLC filed the above referenced application to appropriate surface water from the Republican River for irrigation use. File No. 49,916 is proposing two pumpsites for direct diversion from the Republican River. The applicant has requested 400 acre-feet at a diversion rate of 2,000 gpm. The place of use is 1,147.75 acres and overlaps in place of use with File Nos. 5,788; 9,889; 24,336; 30,287; 36,570; 39,384; 39,813; 39,932; 39,952; 44,297 and 49,917.

This application is requesting 400 acre-feet of water at a diversion rate of 2,000 gallons per minute from two pumpsites. One is located in the Southwest Quarter of the Northwest Quarter of the Northwest Quarter (SW $\frac{1}{4}$ NW $\frac{1}{4}$ NW $\frac{1}{4}$) of Section 25, more particularly described as being near a point 4,160 feet North and 5,120 feet West of the Southeast corner of said section, in Township 5 South, Range 3 West, Cloud County, Kansas, and one located in the Northwest Quarter of the Southwest Quarter of the Southwest Quarter (NW $\frac{1}{4}$ SW $\frac{1}{4}$ SW $\frac{1}{4}$) of Section 19, more particularly described as being near a point 2,050 feet North and 4,960 feet West of the Southeast corner of said section, in Township 5 South, Range 2 West, Cloud County, Kansas. The source of supply is the Republican River.

The proposed quantity of 400 acre-feet of surface water is based on K.A.R. 5-3-24 for the reasonable quantity for irrigation of 1.3 acre-feet per acre for Cloud County. With 1.3 acre-feet per acre on 1,147.75 acres, the quantity of 400 acre-feet is reasonable for the place of use when combined with senior files.

The application is subject to safe yield, as required by K.A.R. 5-3-11(d)(6), which includes minimum desirable streamflow (MDS) requirements. The applicant submitted and signed and notarized the MDS form with the application. The permit will also contain conditions related to not stopping stream flow at the first riffle below the point of diversion, senior water rights and permits must be satisfied prior to diverting water, and permission must be obtained from the Chief Engineer, or an authorized representative, prior to diverting water.

The overlapping senior files, File Nos. 5,788; 9,889; 24,336; 30,287; 36,570; 39,384; 39,813; 39,932; 39,952; 44,297, are groundwater appropriations and can supply water during the irrigation season to the same place of use; therefore, the application complies with the requirements in K.A.R. 5-3-11(d)(6) to show that the direct diversion of surface water will not be necessary during the period of July 1 through September 30. Also, new application File No. 49,917, if approved will provide water during the irrigation season to the same place of use.

There are eight (8) landowners one-half mile up and down stream of the property line of the applicant, nearby landowner notification letters were sent on March 28, 2018. There was one phone call response to the proposed application. No letters have been received.

There are two (2) small pits located on the land that will be used for storage capabilities. These have been assessed by DWR Structures Program and have been deemed non-jurisdictional.

At the time of this memo New Application, File No. 49,917 is still being assessed for further review. The approval of this new application will be sufficient to provide enough quantity from an alternative source to approve the change in place of use applications on the overlapping water rights.

In accordance with K.S.A. 82a-706c, the Chief Engineer retains full authority to require any water user to install meters, gages, or other measuring devices, which devices he or she or his or her agents may read at any time. Water flowmeter requirements are further described in K.A.R. 5-1-4 and K.A.R. 5-1-12.

In an e-mail message, dated July 27, 2018, Kelly Stewart, Water Commissioner of the Stockton Field Office, recommended approval of the application.

Based on the above discussion, safe yield requirements are met where applicable, the groundwater water rights connected to the place of use can supply water during the irrigation season if necessary, and approval of the application will not impair senior water rights nor prejudicially or unreasonably affect the public interest, it is recommended that the referenced application be approved.



Austin McCulloch
Environmental Scientist

STATE OF KANSAS

DEPARTMENT OF AGRICULTURE
1320 RESEARCH PARK DRIVE
MANHATTAN, KS 66502
PHONE: (785) 564-6700
FAX: (785) 564-6777



900 SW JACKSON, ROOM 456
TOPEKA, KS 66612
PHONE: (785) 296-3556
www.agriculture.ks.gov

GOVERNOR JEFF COLYER, M.D.
JACKIE McCLASKEY, SECRETARY OF AGRICULTURE

K&K LAND LLC
1912 UNION RD
CONCORDIA KS 66901

August 20, 2018

FILE COPY

RE: Appropriation of Water, File No. 49,916

Dear Sir or Madam:

There is enclosed permit 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 locations 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 the permit, with specific reference to Paragraph No. 18, which requires you to obtain written permission prior to diversion of water. A water meter is required and you must install it prior to water being put to beneficial use in order for you to maintain accurate records of water use. The meter should be used to provide the information required on the annual water use report.

The enclosed forms must be used to notify the Chief Engineer that the proposed diversion works have been completed. Failure to notify the Chief Engineer of the Division of Water Resources of the completion of the diversion works and pay the field inspection fees within the time allowed, or within any authorized extension of time thereof, will result in the dismissal of these permits.

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 enclosed permits to complete diversion works or to perfect an appropriation. 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 rights.

Please be aware, that there may be significant periods of time during which water will not be available for diversion under the authority of this permit. Please also note that pursuant to Condition No. 18 of this permit, written permission must be obtained prior to the diversion of water. Normally, diversion of water will not be allowed during the period of July 1 through September 30 of each calendar year; nor when Milford Reservoir is below elevation 1,140 feet m.s.l. and/or the Milford Reservation Right is being enforced as indicated in K.A.R. 5-3-11. However, there may be occasions when Minimum Desirable Stream flows are being satisfied, that permission can be granted for the diversion of water under this permit. Please contact the Stockton Filed Office at (785) 425-6787 to request permission to pump.

If you have any questions, please contact me at (785) 564-6627. If you wish to discuss a specific file, please have the file number ready to that we may help you more efficiently.

Sincerely,

Kristen A. Baum
New Application Unit Supervisor
Water Appropriation Program

KAB:am

Enclosure(s)

pc: Stockton Field Office

THE STATE OF KANSAS



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. **49,916** of the applicant

**K&K LAND LLC
1912 UNION RD
CONCORDIA KS 66901**

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 **September 29, 2017**.
2. That the water sought to be appropriated shall be used for irrigation use on land described in the application, as follows:

Sec. Twp. Range	NE¼				NW¼				SW¼				SE¼				TOTAL
	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	
19 5S 2W					Lot 5 0.5	Lot 3 27.0	Lot 4 36.5	Lot 5 16.0	Lot 10 14.0	Lot 11 7.0	Lot 13 39.0	Lot 14 40.0	Lot 8 2.0	Lot 9 23.0	Lot 15 40.0	Lot 15 20.0	265.0
13 5S 3W			31.5	33.25	35.0	29.0	35.5	38.5		37.5	31.5	21.5					293.25
23 5S 3W													29.5			36.0	65.5
24 5S 3W					32.5	31.0	30.5	31.5	35.5	38.5	38.5	39.5	Lot 1 3.5	Lot 2 14.0	Lot 3 35.5	Lot 4 10.0	340.5
25 5S 3W	Lot 1 20.0	Lot 2 18.0			Lot 2 29.5	Lot 3 26.5											94.0
26 5S 3W	Lot 6 30.5																30.5
30 5S 3W					Lot 1 19.0	Lot 2 40.0											59.0

3. That the authorized source from which the appropriation shall be made is surface water from the Republican River, to be diverted at one (1) pumpsite located in the Southwest Quarter of the Northwest Quarter of the Northwest Quarter (SW¼ NW¼ NW¼) of Section 25, more particularly described as being near a point 4,160 feet North and 5,120 feet West of the Southeast corner of said section, in Township 5 South, Range 3 West, Cloud County, Kansas, and one (1) pumpsite located in the Northwest Quarter of the Southwest Quarter of the Southwest Quarter (NW¼ SW¼ SW¼) of Section 19, more particularly described as being near a point 2,050 feet North and 4,960 feet West of the Southeast corner of said section, in Township 5 South, Range 2 West, Cloud 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 **2,000 gallons per minute (4.46 c.f.s.)** and to a total quantity not to exceed **400 acre-feet** of water per calendar year for irrigation.

5. That installation of works for diversion of water shall be completed on or before **December 31, 2019** 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, 2023** 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 all diversion works constructed under the authority of this permit into which any type of chemical or other foreign substance will be injected into the water pumped from the diversion works shall be equipped with an in-line, automatic quick-closing, check valve capable of preventing pollution of the source of the water supply. The type of valve installed shall meet specifications adopted by the Chief Engineer and shall be maintained in an operating condition satisfactory to the Chief Engineer.

12. That an acceptable water flow meter shall be installed and maintained on the diversion works authorized by this permit in accordance with Kansas Administrative Regulations 5-1-4 through 5-1-12 adopted by the Chief Engineer. This water flow meter shall be used to provide an accurate quantity of water diverted as required for the annual water use report (including the meter reading at the beginning and end of the report year).

13. 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.

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

15. 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.

16. 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.

17. That the stream flow shall not be stopped at the first riffle below the point of diversion while diversion is taking place under the authority of this permit.

18. That in order to implement the provisions of K.A.R. 5-3-11(d)(6), no water shall be diverted unless the written permission of the Chief Engineer, or an authorized representative of the Chief Engineer, is obtained each time the applicant desires to divert water. The approval of this permit is not an indication that surface water will be available from this source of supply, or that written permission will be granted to divert water.

RIGHT TO A HEARING AND TO ADMINISTRATIVE REVIEW

If you are aggrieved by this Order, then pursuant to K.S.A. 82a-1901, you may request an evidentiary hearing before the Chief Engineer, or request administrative review by the Secretary of Agriculture. Failure to request an evidentiary hearing before the Chief Engineer does not preclude your right to administrative review by the Secretary.

To obtain an evidentiary hearing before the Chief Engineer, a written request for hearing must be filed within 15 days after service of this Order as provided in K.S.A. 77-531 (i.e., **within a total of 18 days after this Order was mailed to you**), with: Kansas Department of Agriculture, Attn: Legal Division, 1320 Research Park Drive, Manhattan, Kansas 66502, FAX (785) 564-6777.

If you do not file a request for an evidentiary hearing before the Chief Engineer, you may petition for administrative review of the Order by the Secretary of Agriculture. A petition for review shall be in writing and state the basis for requesting administrative review. The request for review may be denied if the request fails to clearly establish factual or legal issues for review. See K.S.A. 77-527. The petition must be filed within 30 days after service of this Order as provided in K.S.A. 77-531 (i.e., **within a total of 33 days after this Order was mailed to you**), and be filed with: Secretary of Agriculture, Attn: Legal Division, Kansas Department of Agriculture, 1320 Research Park Drive, Manhattan, Kansas 66502, FAX (785) 564-6777.

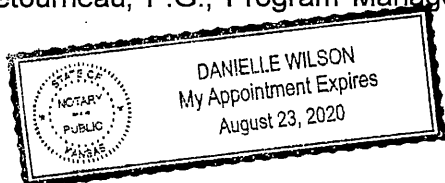
If neither a request for an evidentiary hearing nor a petition for administrative review is filed as set forth above, then this Order shall be effective and become a final agency action as defined in K.S.A. 77-607(b). Failure to timely request either an evidentiary hearing or administrative review may preclude further judicial review under the Kansas Judicial Review Act.

Ordered this 10th day of August, 2018, in Topeka, Shawnee County, Kansas.

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

State of Kansas)
) SS
County of Riley)

The foregoing instrument was acknowledged before me this 10th day of August, 2018, by Lane P. Letourneau, P.G., Program Manager, Division of Water Resources, Kansas Department of Agriculture.



Danielle Wilson
Notary Public

CERTIFICATE OF SERVICE

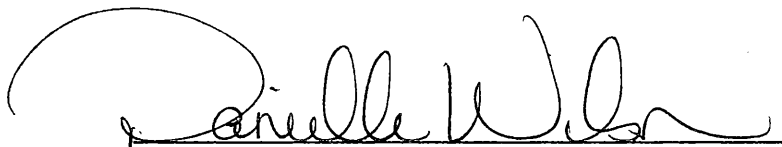
On this 20th day of August, 2018, I hereby certify that the foregoing Approval of Application, File No. 49,667, dated August 10th, 2018, was mailed postage prepaid, first class, US mail to the following:

K&K LAND LLC
1912 UNION RD
CONCORDIA KS 66901

With photocopies to:

HAZEL E KEIL TRUST #1
W BENSON & JUDY A KEIL TTEES
1912 UNION RD
CONCORDIA KS 66901-9652

Stockton Field Office



Division of Water Resources

STATE OF KANSAS

DEPARTMENT OF AGRICULTURE
1320 RESEARCH PARK DRIVE
MANHATTAN, KS 66502
PHONE: (785) 564-6700
FAX: (785) 564-6777



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www.agriculture.ks.gov

GOVERNOR JEFF COLYER, M.D.
JACKIE McCLASKEY, SECRETARY OF AGRICULTURE

FILE COPY

CERTIFIED MAIL

K&K LAND LLC
1912 UNION RD
CONCORDIA KS 66901

August 20, 2018

RE: Minimum Desirable Streamflows-Republican River
File No(s). 49,916

Dear Water User:

Our records indicate that you are the owner of, designated water correspondent for, or a person having an interest in the land on which water is used under the water right(s) and/or approval(s) of application identified above and in the enclosed Order Regarding Minimum Desirable Streamflow Administration (Republican River), which has been issued by the Chief Engineer. This Order prohibits diversions from each and every water right or approval of application identified in the Order from April 13, 2018, until further notice, except as otherwise provided for in the Order. If you no longer have an ownership or other interest in this water right(s) and/or approval(s) of application, please advise this office immediately so that the proper persons can be notified of this Order.

As of April 7, 2018, the minimum desirable streamflow (MDS) established under the Kansas Water Appropriations Act for the Republican River at the gaging station at Clay Center, Kansas, had not been met for seven consecutive days. Therefore, the Chief Engineer has issued the enclosed Order determining that administration of water rights and approvals of application for appropriation of water (MDS Administration) is required under K.A.R. 5-15-1 through 5-15-4.

The enclosed Order prohibits diversions from the Republican River and its tributaries, in the area set forth in the Order, under water rights and approvals of application with priority dates after April 12, 1984. The Order will remain in effect from April 10, 2018 until the Chief Engineer determines that the MDS required by law have been met and maintained for the Republican River.

As provided in Paragraph 4 of the Order, the Chief Engineer may grant a temporary stay of the Order to allow diversion of water a limited basis. If you wish to request a temporary stay you must contact the Stockton Field Office, 820 South Walnut, PO Box 192, Stockton, Kansas 67669-0192, 785-425-6787.

While the Order is in effect, no water may be diverted or pumped under the water right(s) and/or approval(s) of application identified in the Order except as may be provided for by a temporary stay of the Order as set forth in Paragraph 4. Any person who makes unlawful diversions of water while this Order is in effect may be subject to criminal and/or civil enforcement under the Kansas Water Appropriation Act, which may include the assessment of civil penalties of up to \$1,000 per day of violation and modification or suspension of the water right(s) or approval(s) of application.

K&K LAND LLC
File No(s). 49,916
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If you have questions concerning this matter, please contact the Stockton Field Office, Division of Water Resources, Kansas Department of Agriculture, 820 South Walnut, PO Box 192, Stockton, Kansas 67669-0192, 785-425-6787.

Sincerely,

A handwritten signature in black ink that reads "Kelly Stewart". The signature is written in a cursive style with a long horizontal line extending from the end of the name.

Kelly Stewart
Water Commissioner

Enclosures: MDS Order

THE STATE OF KANSAS



KANSAS DEPARTMENT OF AGRICULTURE
Jackie McClaskey, Secretary of Agriculture

DIVISION OF WATER RESOURCES
David W. Barfield, Chief Engineer

**BEFORE THE KANSAS DEPARTMENT OF AGRICULTURE
DIVISION OF WATER RESOURCES**

IN THE MATTER OF

K&K LAND LLC
1912 UNION RD
CONCORDIA KS 66901

File No(s). 49,916

**ORDER REGARDING MINIMUM DESIRABLE STREAMFLOW ADMINISTRATION
(REPUBLICAN RIVER)**

The Chief Engineer of the Division of Water Resources, Kansas Department of Agriculture, under authority of Kansas Statutes Annotated (K.S.A.) 82a-703a *et seq.* regarding minimum desirable streamflows (MDS), finds the following:

1. Pursuant to K.S.A. 82a-703a and 82a-703c, the Chief Engineer shall withhold from appropriation that amount of water he deems necessary to establish and maintain the desired MDS for the **Republican River at Clay Center**, Kansas.

2. Pursuant to K.S.A. 82a-703b, water rights or approvals of application to appropriate water with a priority date after April 12, 1984, shall be subject to MDS requirements identified and established by the Chief Engineer for the **Republican River at Clay Center**, Kansas.

3. K.A.R. 5-15-1 through 5-15-4, effective August 27, 2002, sets forth standards under which MDS may be administered by the Chief Engineer.

4. K.A.R. 5-15-1(d) provides that, "If the streamflow at an MDS gaging station falls below the level established in K.S.A. 82a-703c, and amendments thereto, for a period of seven consecutive days and no streamflow trigger value has been set for an MDS gaging station in K.A.R. 5-15-4, a determination of whether and when MDS administration will begin and how it should occur shall be made by the chief engineer, based on the following factors:

- (1) the general hydrologic conditions affecting streamflow in the stream reach;
- (2) the magnitude and duration of recent streamflows;
- (3) the extent to which groundwater contributes to streamflow;
- (4) the effects of drought on streamflow;
- (5) the existence and effect of relevant water management agreements;
- (6) the magnitude of the effect that the administration of water rights with priorities junior to the MDS values would have on streamflow; and
- (7) the effect of reservoir operations."

5. As of **April 7, 2018**, the actual daily streamflow in the **Republican River** at the gaging station at **Clay Center** has been below the streamflow established in K.S.A. 82a-703c, and amendments thereto, for seven consecutive days, and that no streamflow trigger has been established for the Republican River in KAR 5-15-4.

6. The Chief Engineer has confirmed that the gaging station is accurately recording the flows of the **Republican River**, and that such flows are insufficient to meet those minimum desirable streamflows set forth in K.S.A. 82a-703c. The determination to administer MDS immediately was based upon the general hydrologic conditions affecting stream flow in the stream reach, the magnitude and duration of recent stream flows, the extent to which groundwater contributes to streamflow and the magnitude of the effect that the administration of water rights with priorities junior to the MDS values would have on the stream flow and the effect of reservoir operations.

7. Administration of water rights and approvals of application for appropriation of water with priority dates after April 12, 1984, is required to establish and maintain the desired MDS for the **Republican River** within that portion of the **Republican River** upstream from the United States Geological Survey gaging station located at **Clay Center in Southwest Quarter of the Northwest Quarter of the Southwest Quarter of Section 17, Township 8 South, Range 3 East, Clay County, Kansas.**

IT IS THEREFORE ORDERED THAT:

1. Effective **12:01 AM on April 10, 2018**, and continuing until such time as the Chief Engineer determines minimum desirable streamflows have been met and maintained for the **Republican River**, there shall be **no diversion of water** under the water right(s) or approval(s) of application identified by the file number(s) above, which has a priority date after April 12, 1984, as required by K.S.A. 82a-703a and 82a-703b.

2. Any diversion of water from the water right(s) or approval(s) of application subject to this Order on or after **12:01 AM on April 13, 2018**, shall constitute an unlawful diversion of water and shall subject the party in violation of this Order to all applicable criminal and/or administrative penalties, which may include civil penalties up to \$1000 per day the violation continues, and suspension or modification of the water right(s) or approval(s) of application.

3. This Order is being served on owners of record by mail. Therefore, pursuant to K.S.A. 77-531, the diversion of water from the water right(s) or approval(s) of application subject to this Order, shall cease no later than **12:01 AM on April 13, 2018**.

4. If, during the administration of this Order, streamflows increase temporarily to a level above the established MDS, the Chief Engineer **may** provide a **temporary stay** of this Order to allow diversion of water under a water right or approval of application subject to this Order on a limited basis. If you wish to request a temporary stay of this Order, you should direct your request to the **Stockton Field Office at 785-425-6787**.

5. This is a final agency action as defined in K.S.A. 77-607(b). If you choose to appeal this decision or any finding or part thereof, you must do so by filing a petition for review in the manner prescribed by the Kansas Judicial Review Act, K.S.A. 77-601 et seq., within 30 days of service of this Order. Your appeal must be made with the appropriate district court for the State of Kansas. The Chief Legal Counsel for the Kansas Department of Agriculture, 109 SW 9th Street, 4th Floor, Topeka, Kansas 66612, is the agency officer who will receive service of a petition for judicial review on behalf of DWR. If you have questions or would like clarification concerning this Order, you may contact the Chief Engineer.

Entered in SHAWNEE COUNTY, KANSAS.



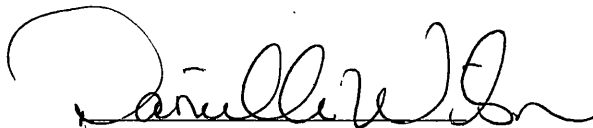
David W. Barfield, P.E.
Chief Engineer

August 20, 2018
Date

Certificate of Service

A copy of the foregoing Order was sent by certified mail service this ^{20th} day of August, 2018, to the following:

K&k LAND LLC
1912 UNION RD
CONCORDIA KS 66901



KDA Staff

008
APPLICATION COMPLETE

7/27/16

Reviewer AM

THE STATE



OF KANSAS

KANSAS DEPARTMENT OF AGRICULTURE

Jackie McClaskey, Secretary of Agriculture

DIVISION OF WATER RESOURCES

David W. Barfield, Chief Engineer

File Number 49916

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

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11:44

KS DEPT OF AGRICULTURE

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, KS 66502:

1. Name of Applicant (Please Print): K and K Land LLC
Address: 1912 Union Road

City: Concordia State KS Zip Code 66901

Telephone Number: (785) 243-4510

2. The source of water is: surface water in Republican River \$ 27
(stream)
OR groundwater in _____
(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 400 acre-feet OR _____ gallons per calendar year, to be diverted at a maximum rate of 2000 gallons per minute OR 4.45 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 0 Meets K.A.R. 5-3-1 (YES/NO) Use IRR Source G/S County CD By AW Date 9/29/17
Code PES Fee \$ 1200 TR # _____ Receipt Date 9/29/17 Check # 20998

5. The location of the proposed wells, pump sites or other works for diversion of water is: (2) Pumpsites

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 SW quarter of the NW quarter of the NW quarter of Section 25, more particularly described as being near a point 4160 feet North and 5120 feet West of the Southeast corner of said section, in Township 5 South, Range 3W, Cloud _____ County, Kansas.

(B) One in the NW quarter of the SW quarter of the SW quarter of Section 19, more particularly described as being near a point 2050 feet North and 4960 feet West of the Southeast corner of said section, in Township 5 South, Range ~~3W~~, Cloud _____ County, Kansas.

(C) One in the 2W as per map submitted w/application KAB/DWR 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):

Applicant is the owner _____
(name, address and telephone number)
K and K Land LLC W. Benson Keil 1912 Union RD Concordia, KS. 66901
(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 9-26, 2017. K&K Land LLC
by W-Ben Keil, member
 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 Two pumps motors and pipe
(number of wells, pumps or dams, etc.)
 and 2 pits completed (by) March 2018
(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 May 2018
(Mo/Day/Year)

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 NA
- If no, explain here why a Water Structures permit is not required 2 small pits for storage 25 ac-ft or less

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.

Overlapping Groundwater rights: 5788; 39813; 39932; 9889; 24336; 39384; 36570; 39952; 30287; and 44297
Corresponding application to change the place of use to make a complete overlap will be filed for the above water right file numbers at a later date. Please contact me regarding the additional applications when appropriate.

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SEP 29 2017

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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	NA			
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):
Hazel E. Keil Trust #1, W. Benson Keil, Trustee 1912 Union Rd. Concordia, KS 66901
(name, address and telephone number) 785-243-4510

K and K. Land LLC W. Benson Keil; 1912 Union RD Concordia, KS. 66901 785-243-4510
(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 Concordia, Kansas, this 26 day of September, 2017.
(month) (year)

K&K Land LLC

(Applicant Signature)

By W. Benson Keil, member
(Agent or Officer Signature)

W. Benson Keil, member
(Agent or Officer - Please Print)

**IRRIGATION USE
SUPPLEMENTAL SHEET**

File No. 49910

Name of Applicant (Please Print): W. Benson Keil

1. Please supply the name and address of each landowner, the legal description of the lands to be irrigated, and designate the actual number of acres to be irrigated in each forty acre tract or fractional portion thereof.

Landowner of Record NAME: K and K Land LLC

ADDRESS: 1912 Union Road Concordia, Kansas 66901

S	T	R	NE¼				NW¼				SW¼				SE¼				TOTAL
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
13	5	3w					35	29				37.5	31.5	21.5					154.5
19	5	2w					.5	27	36.5	16	14	7	39	40	2	23	40	20	265
23	5	3w													29.5			36	65.5
24	5	3w					32.5					38.5	38.5		3.5	14	35.5	10	139 172.5

Landowner of Record NAME: K and K Land LLC

ADDRESS: 1912 Union Road Concordia, Kansas 66901

S	T	R	NE¼				NW¼				SW¼				SE¼				TOTAL
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
25	5	3w	20	18			29.5	26.5											46.5
26	5	3w	30.5																30.5
30	5	2w					19	40											59

Landowner of Record NAME: Hazel E Keil Trust #1, W. Benson Keil, Trustee

ADDRESS: 1912 Union Road Concordia, KS 66901

S	T	R	NE¼				NW¼				SW¼				SE¼				TOTAL
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
13	5	3w			31.5	33.25			35.5	38.5									138.75
24	5	3w					31	30.5	31.5	35.5			39.5				35.5		203.5 168.5
25	5	3w		18			29.5												47.5

* AM county appraisers & DWR records

9-26-2017
(Date)

Kansas Department of Agriculture
Division of Water Resources
David W. Barfield, Chief Engineer
1320 Research Park Drive
Manhattan, Kansas 66502

Re: Application
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.

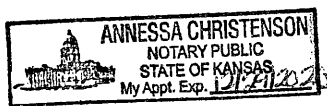
I also understand that if this application is approved, there could be times, as determined by the Division of Water Resources, when I would not be allowed to divert water. I realize that this could affect the economics of my decision to appropriate water.

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.

K&K Land LLC
W. Benson Keil, member
Signature of Applicant
W. Benson Keil, member
(Print Applicant's Name)

State of Kansas)
County of Cloud) ss
)

I hereby certify that the foregoing instrument was signed in my presence and sworn to before me this 26 day of September, 2017.



[Signature]
Notary Public

My Commission Expires: 12/29/2020

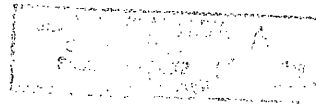
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**MINIMUM DESIRABLE STREAMFLOW FORM TO BE USED WHEN
APPLICABLE WHEN FILING AN APPLICATION FOR PERMIT
TO APPROPRIATE WATER FOR BENEFICIAL USE**

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



2. Please complete the following information for the description of the operation for the irrigation project. Attach supplemental sheets as needed.

a. Indicate the soils in the field(s) and their intake rates:

Soil Name	Percent of field (%)	Intake Rate (in/hr)	Irrigation Design Group
_____	_____	_____	_____
_____	_____	_____	_____
_____	_____	_____	_____
_____	_____	_____	_____
Total:	100 %		

b. Estimate the average land slope in the field(s): 2 %

Estimate the maximum land slope in the field(s): 4 %

c. Type of irrigation system you propose to use (check one):

- Center pivot _____ Center pivot - LEPA _____ "Big gun" sprinkler
 Gravity system (furrows) _____ Gravity system (borders) _____ Sideroll sprinkler

Other, please describe: _____

d. System design features:

i. Describe how you will control tailwater: moisture probe

ii. For sprinkler systems:

(1) Estimate the operating pressure at the distribution system: _____ psi

(2) What is the sprinkler package design rate? _____ gpm

(3) What is the wetted diameter (twice the distance the sprinkler throws water) of a sprinkler on the outer 100 feet of the system? _____ feet

(4) Please include a copy of the sprinkler package design information.

e. Crop(s) you intend to irrigate. Please note any planned crop rotations: corn, soybeans, alfalfa, sorghum, wheat

f. Please describe how you will determine when to irrigate and how much water to apply (particularly important if you do not plan a full irrigation). soil moisture probe

WATER RESOURCES RECEIVED

SEP 29 2017 2 of 3

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49916

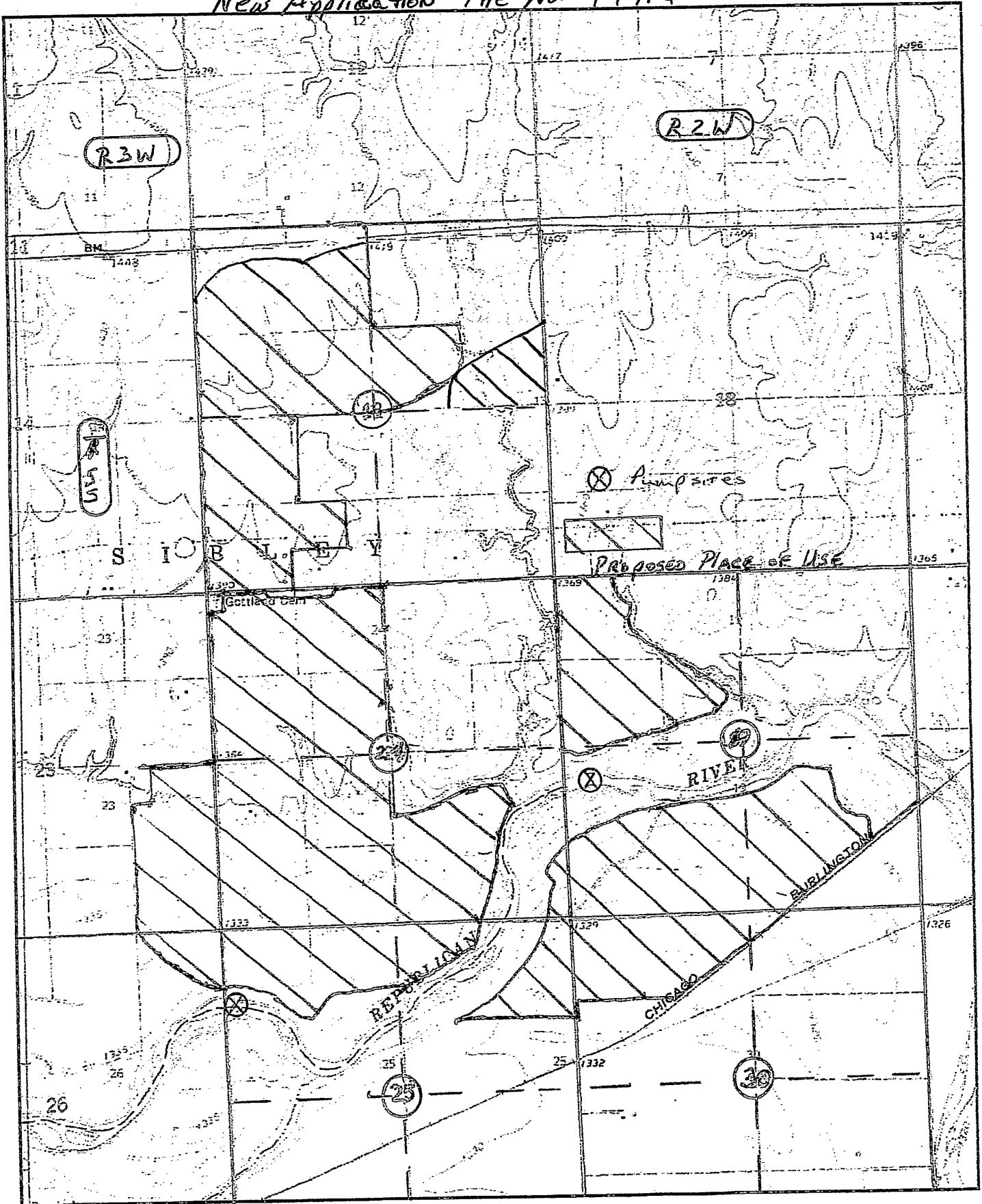
9

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

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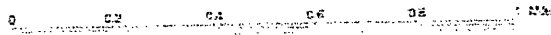
SEP 20 2017
Page 3 of 3

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1:24000 scale

Universal Transverse Mercator (UTM) Projection Zone 14
North American Datum of 1983



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Baum, Kristen [KDA]

From: Stewart, Kelly [KDA]
Sent: Friday, August 3, 2018 11:45 AM
To: Baum, Kristen [KDA]; Billinger, Mark [KDA]
Subject: RE: K and K Land SW app 49916

Kristen,

Yes it will.

Thanks.

From: Baum, Kristen [KDA]
Sent: Friday, August 3, 2018 11:37 AM
To: Stewart, Kelly [KDA] <Kelly.Stewart@ks.gov>; Billinger, Mark [KDA] <Mark.Billinger@ks.gov>
Subject: K and K Land SW app 49916

Can you confirm – this application needs an MDS Order with it, right?

Kristen A. Baum
Division of Water Resources – Water Appropriations
Kansas Department of Agriculture
1320 Research Park Drive
Manhattan KS 66502
(785) 564-6627

My email address has changed: kristen.baum@ks.gov

McColloch, Austin [KDA]

From: Stewart, Kelly [KDA]
Sent: Friday, July 27, 2018 2:26 PM
To: McColloch, Austin [KDA]; Engelhaupt, David [KDA]
Cc: Billinger, Mark [KDA]; Hageman, Rebecca [KDA]
Subject: RE: K & K Land LLC New & Change Applications Recommendation

Austin,

File No. 49,917 is going to be held up for a bit while the field office investigates the effects of pumping these wells. I have spoken with Benson Keil and we're going to attempt to gather some field data while he pumps his existing wells next week. Mark plans on installing pressure transducers in one of his pumping wells and one in an existing stock well that is located near his proposed well locations. We plan on observing the drawdown in these wells and gain the data we need for Mark to come up with some real-life data and run it through Aqtesolve.

In the meantime, I have no objection to the approval of File No. 49,916. Benson would like us to move forward on this application as soon as possible so he can start making arrangements. If the approval of 49,916 would be sufficient to justify the increase in acres proposed under his existing files, I would recommend we go ahead and process those.

Kelly

From: McColloch, Austin [KDA]
Sent: Wednesday, July 18, 2018 2:01 PM
To: Stewart, Kelly [KDA] <Kelly.Stewart@ks.gov>
Cc: Billinger, Mark [KDA] <Mark.Billinger@ks.gov>
Subject: K & K Land LLC New & Change Applications Recommendation

Kelly and Mark,

Attached are my draft memos for New Application File Nos. 49,916 & 49,917. File No. 49,916 is for two (2) surface water pumpsites on the Republican River. File No. 49,917 is a battery of four (4) wells sourcing unconfined aquifer, also attached SY analysis, this file will be limited to all other senior files on the place of use.

There are multiple files that are overlapping the place of use. Change applications have been filed to create a complete overlap with the new applications. There are 10 in total and attached is my draft memo for them.

Please note: there have been corrections on the irrigation use supplemental sheets for all files to get the correct number of acres to the correct owners. WRIS and county appraiser maps show the correct ownership for the senior files. The new applications and change applications have some quarter quarter sections under the wrong owner.

Let me know if you need more information or have any questions.

Thanks,

Austin McColloch
Environmental Scientist
Ph: (785) 564-6643

49916

LANDOWNERS ALONG THE REPUBLICAN RIVER 1/2 MILE UP AND DOWNSTREAM OF THE PROPOSED POINTS OF DIVERSION:

Alsop Sand Co.

1959 Industrial Rd
105
Concordia, KS 66901

James

Jim Sjogren Trust No. 2

1346 Wagon Rd
Concordia, KS 66901

Linda

Jarold Hayden No. 2

1650 Union Rd
Concordia, KS 66901

Hazel Keil Trust No. 1

1412 Union Rd.
Concordia KS 66901

X Not on River
Mary Thoman

1639 Rust Rd K9 HWY
Concordia, KS 66901

Johnson Land LLC

1497 Union Rd
Concordia KS 66901

Leonard

Judith Reedy Trust

1907 N 200th Rd
Concordia, KS 66901

Randy Johnson Trust

1599 Vale Rd
Concordia KS 66901

George Fredrickson Trust

1911 N 180th Rd 1505 Pride Rd
Concordia, KS 66901

Mary Ann Palmquist Trust

1409 Crescent Lane
Concordia, KS 66901

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STATE OF KANSAS

DEPARTMENT OF AGRICULTURE
1320 RESEARCH PARK DRIVE
MANHATTAN, KS 66502
PHONE: (785) 564-6700
FAX: (785) 564-6777

900 SW JACKSON, ROOM 456
TOPEKA, KS 66612
PHONE: (785) 296-3556
www.agriculture.ks.gov



GOVERNOR JEFF COLYER, M.D.
JACKIE McCLASKEY, SECRETARY OF AGRICULTURE

March 28, 2018

FILE COPY

RANDY JOHNSON TR
15299 VALE RD
CONCORDIA KS 66901

Re: Application
File No. 49,916

Dear Sir or Madam:

This is to advise you that K & K Land LLC has filed the application referred to above for permit to appropriate 400 acre-feet of surface water per calendar year from the Republican River for irrigation use to be diverted at a maximum rate of 2,000 gallons per minute. Surface water will be diverted from two (2) pump sites located as follows:

one (1) pumpsite located in the Southwest Quarter of the Northwest Quarter of the Northwest Quarter (SW $\frac{1}{4}$ NW $\frac{1}{4}$ NW $\frac{1}{4}$) of Section 25, more particularly described as being near a point 4,160 feet North and 5,120 feet West of the Southeast corner of said section, in Township 5 South, Range 3 West, Cloud County, Kansas.

one (1) pumpsite located in the Northwest Quarter of the Southwest Quarter of the Southwest Quarter (NW $\frac{1}{4}$ SW $\frac{1}{4}$ SW $\frac{1}{4}$) of Section 19, more particularly described as being near a point 2,050 feet North and 4,960 feet West of the Southeast corner of said section, in Township 5 South, Range 2 West, Cloud County, Kansas.

A copy of a topographic map depicting the location of the proposed points of diversion is also enclosed. Records in this office indicate that you own land along the river in this vicinity and you are notified of receipt of this application in order that you may be fully informed of the proposed location(s) of the applicant's point(s) 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.

If you have any questions, please contact me at (785) 564-6643. If you call, please reference the file number so we can help you more efficiently.

Sincerely,

Austin McColloch
Environmental Scientist
Water Appropriation Program

Enclosure(s)
pc: Stockton Field Office

SCANNED

STATE OF KANSAS

DEPARTMENT OF AGRICULTURE
1320 RESEARCH PARK DRIVE
MANHATTAN, KS 66502
PHONE: (785) 564-6700
FAX: (785) 564-6777



900 SW JACKSON, ROOM 456
TOPEKA, KS 66612
PHONE: (785) 296-3556
www.agriculture.ks.gov

GOVERNOR JEFF COLYER, M.D.
JACKIE McCLASKEY, SECRETARY OF AGRICULTURE

March 28, 2018

JOHNSON LAND LLC
1497 UNION RD
CONCORDIA KS 66901

Re: Application
File No. 49,916

Dear Sir or Madam:

This is to advise you that K & K Land LLC has filed the application referred to above for permit to appropriate 400 acre-feet of surface water per calendar year from the Republican River for irrigation use to be diverted at a maximum rate of 2,000 gallons per minute. Surface water will be diverted from two (2) pump sites located as follows:

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A copy of a topographic map depicting the location of the proposed points of diversion is also enclosed. Records in this office indicate that you own land along the river in this vicinity and you are notified of receipt of this application in order that you may be fully informed of the proposed location(s) of the applicant's point(s) 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.

If you have any questions, please contact me at (785) 564-6643. If you call, please reference the file number so we can help you more efficiently.

Sincerely,

A handwritten signature in black ink, appearing to read "Austin McColloch".

Austin McColloch
Environmental Scientist
Water Appropriation Program

Enclosure(s)
pc: Stockton Field Office

SCANNED

STATE OF KANSAS

DEPARTMENT OF AGRICULTURE
1320 RESEARCH PARK DRIVE
MANHATTAN, KS 66502
PHONE: (785) 564-6700
FAX: (785) 564-6777

900 SW JACKSON, ROOM 456
TOPEKA, KS 66612
PHONE: (785) 296-3556
www.agriculture.ks.gov



GOVERNOR JEFF COLYER, M.D.
JACKIE McCLASKEY, SECRETARY OF AGRICULTURE

March 28, 2018

HAZEL KEIL TR NO. 1
1912 UNION RD
CONCORDIA KS 66901

Re: Application
File No. 49,916

Dear Sir or Madam:

This is to advise you that K & K Land LLC has filed the application referred to above for permit to appropriate 400 acre-feet of surface water per calendar year from the Republican River for irrigation use to be diverted at a maximum rate of 2,000 gallons per minute. Surface water will be diverted from two (2) pump sites located as follows:

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Sincerely,

Austin McColloch
Environmental Scientist
Water Appropriation Program

Enclosure(s)
pc: Stockton Field Office

SCANNED

STATE OF KANSAS

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GOVERNOR JEFF COLYER, M.D.
JACKIE McCLASKEY, SECRETARY OF AGRICULTURE

March 28, 2018

JAMES SJOGREN TR NO. 1
1346 WAGON RD
CONCORDIA KS 66901

Re: Application
File No. 49,916

Dear Sir or Madam:

This is to advise you that K & K Land LLC has filed the application referred to above for permit to appropriate 400 acre-feet of surface water per calendar year from the Republican River for irrigation use to be diverted at a maximum rate of 2,000 gallons per minute. Surface water will be diverted from two (2) pump sites located as follows:

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Sincerely,

Austin McColloch
Environmental Scientist
Water Appropriation Program

Enclosure(s)
pc: Stockton Field Office

SCANNED

STATE OF KANSAS

DEPARTMENT OF AGRICULTURE
1320 RESEARCH PARK DRIVE
MANHATTAN, KS 66502
PHONE: (785) 564-6700
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GOVERNOR JEFF COLYER, M.D.
JACKIE McCLASKEY, SECRETARY OF AGRICULTURE

March 28, 2018

MARY ANN PALMQUIST TR
1409 CRECENT LN
CONCORDIA KS 66901

Re: Application
File No. 49,916

Dear Sir or Madam:

This is to advise you that K & K Land LLC has filed the application referred to above for permit to appropriate 400 acre-feet of surface water per calendar year from the Republican River for irrigation use to be diverted at a maximum rate of 2,000 gallons per minute. Surface water will be diverted from two (2) pump sites located as follows:

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Sincerely,

Austin McColloch
Environmental Scientist
Water Appropriation Program

Enclosure(s)
pc: Stockton Field Office

SCANNED

STATE OF KANSAS

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GOVERNOR JEFF COLYER, M.D.
JACKIE McCLASKEY, SECRETARY OF AGRICULTURE

March 28, 2018

LEONARD REEDY TR
1907 N 200TH RD
CONCORDIA KS 66901

Re: Application
File No. 49,916

Dear Sir or Madam:

This is to advise you that K & K Land LLC has filed the application referred to above for permit to appropriate 400 acre-feet of surface water per calendar year from the Republican River for irrigation use to be diverted at a maximum rate of 2,000 gallons per minute. Surface water will be diverted from two (2) pump sites located as follows:

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If you have any questions, please contact me at (785) 564-6643. If you call, please reference the file number so we can help you more efficiently.

Sincerely,

Austin McColloch
Environmental Scientist
Water Appropriation Program

Enclosure(s)
pc: Stockton Field Office

SCANNED

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GOVERNOR JEFF COLYER, M.D.
JACKIE McCLASKEY, SECRETARY OF AGRICULTURE

March 28, 2018

LINDA HAYDEN TR NO. 1
1650 UNION RD
CONCORDIA KS 66901

Re: Application
File No. 49,916

Dear Sir or Madam:

This is to advise you that K & K Land LLC has filed the application referred to above for permit to appropriate 400 acre-feet of surface water per calendar year from the Republican River for irrigation use to be diverted at a maximum rate of 2,000 gallons per minute. Surface water will be diverted from two (2) pump sites located as follows:

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If you have any questions, please contact me at (785) 564-6643. If you call, please reference the file number so we can help you more efficiently.

Sincerely,

Austin McColloch
Environmental Scientist
Water Appropriation Program

Enclosure(s)
pc: Stockton Field Office

SCANNED

STATE OF KANSAS

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1320 RESEARCH PARK DRIVE
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GOVERNOR JEFF COLYER, M.D.
JACKIE MCCLASKEY, SECRETARY OF AGRICULTURE

March 28, 2018

ALSOP SAND COMPANY
105 INDUSTRIAL RD
CONCORDIA KS 66901

Re: Application
File No. 49,916

Dear Sir or Madam:

This is to advise you that K & K Land LLC has filed the application referred to above for permit to appropriate 400 acre-feet of surface water per calendar year from the Republican River for irrigation use to be diverted at a maximum rate of 2,000 gallons per minute. Surface water will be diverted from two (2) pump sites located as follows:

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Sincerely,

Austin McColloch
Environmental Scientist
Water Appropriation Program

Enclosure(s)
pc: Stockton Field Office

SCANNED

STATE OF KANSAS



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GOVERNOR JEFF COLYER, M.D.
JACKIE McCLASKEY, SECRETARY OF AGRICULTURE

March 19, 2018

K and K Land LLC
c/o Benson Keil
1912 Union Road
Concordia, KS 66901

Re: Permit determination- revised
WSN LCD-0080
WR 49916

Dear Mr. Keil:

Thank you for speaking to me today about your proposed storage ponds for your Water Right application 49916.

Pond 1 will be located in the NW quarter of Section 13, Township 5 South, Range 3 West in Cloud County, Kansas. A water structures permit is not required for the pond in this location.

Pond 2 will be located in the NW quarter of Section 24, Township 5 South, Range 3 West in Cloud County, Kansas. A water structures permit is not required for the pond in this location.

If you have any questions, or if I can be of assistance, please contact me at 785-564-6656.

Sincerely,


Janelle Phillips, P.E.
Water Structures Program

cc: Kristen Baum – Water Appropriations

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

October 3, 2017

K AND K LAND, LLC
1912 UNION RD
CONCORDIA KS 66901

FILE COPY

RE: Application
File No. 49916

Dear Sir or Madam:

Your application for permit to appropriate water in 25-5S-3W in Cloud 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,

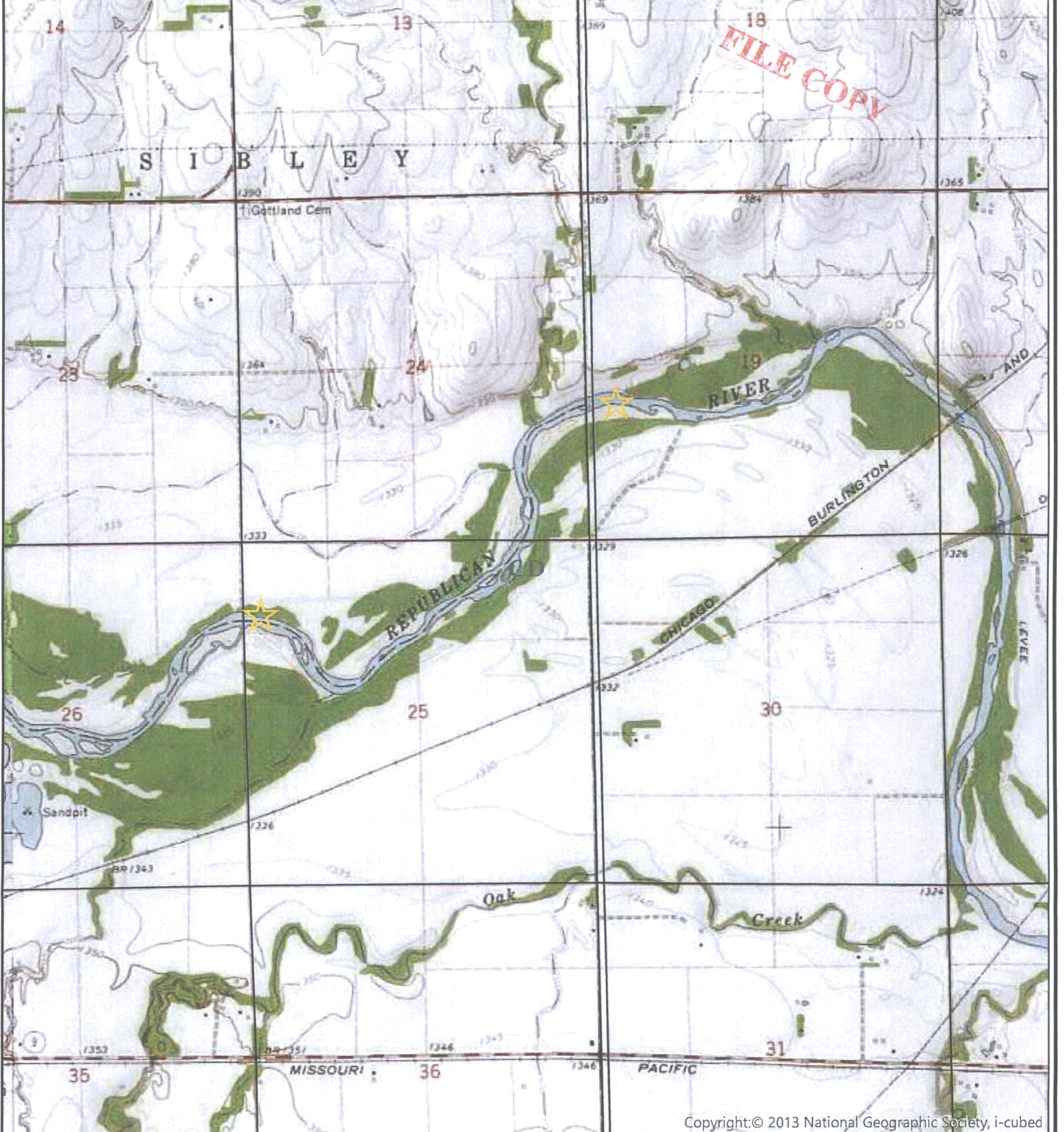
A handwritten signature in black ink that reads "Kristen A. Baum".

Kristen A. Baum
New Applications Unit Supervisor
Water Appropriation Program

BAT: dlw
pc: STOCKTON Field Office
GMD

SCANNED

File No. 49,916 Township 5S Range 2 & 3W



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 Pumpsite Location



Kansas Department of Agriculture
Division of Water Resources
27 Mar 2018

SCANNED