

NOTICE

This scan only represents the application as filed. The information contained herein meets the requirements of K.A.R. 5-3-1 or K.A.R. 5-5-1, and has been found acceptable for filing in the office of the Chief Engineer. The application should not be considered to be a complete application as per K.A.R. 5-3-1b or K.A.R. 5-5-2a.

THE STATE  OF KANSAS

KANSAS DEPARTMENT OF AGRICULTURE
Jackie McClaskey, Secretary of Agriculture

DIVISION OF WATER RESOURCES
David W. Barfield, Chief Engineer

File Number **50289**
This item to be completed by the Division of Water Resources.

9/4/2019, 3:29 PM

**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.)

Water Resources
Received

KS Dept Of Agriculture

*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): Nutrien Ag Solutions; C/O Mike McCurdy
Address: 19054 283 HWY
City: Walkeeneey State KS Zip Code 67672
Telephone Number: (785) 769-3107

2. The source of water is: surface water in _____ (stream)
OR groundwater in Big Creek (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 7 acre-feet OR 2,280,957 gallons per calendar year, to be diverted at a maximum rate of 100 gallons per minute OR _____ cubic feet per second.

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

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

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

For Office Use Only:														
F.O. Code	<u>3</u>	GMD	<u>REG</u>	Meets K.A.R. 5-3-1 (YES/NO)	Use	<u>IND</u>	Source	<input checked="" type="checkbox"/> G/S	County	<u>TR</u>	By	<u>DAW</u>	Date	<u>9/4/19</u>
Fee \$	<u>200</u>	TR #	<u>PY00005812</u>	Receipt Date	<u>9/4/19</u>	Check #	<u>CC</u>							

9/10/2019
LMoody

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 NE quarter of the NW quarter of the SW quarter of Section 21, more particularly described as being near a point 2612 feet North and 4575 feet West of the Southeast corner of said section, in Township 12 South, Range 23 West, Trego County, Kansas.

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

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

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

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

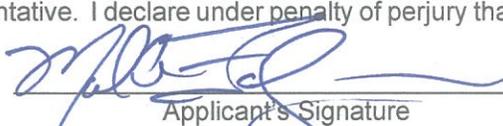
A battery of wells is defined as two or more wells connected to a common pump by a manifold; or not more than four wells in the same local source of supply within a 300 foot radius circle which are being operated by pumps not to exceed a total maximum diversion rate of 800 gallons per minute and which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

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

Nutiren Ag Solutions; 19054 283 HWY; Walkeeneey, KS; 785-769-3107
(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 September 4, 2019. 
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 well, distribution system
(number of wells, pumps or dams, etc.)

and will be completed (by) December 2019
(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 Jan. 2020
(Mo/Day/Year)

9/4/2019

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KS Dept Of Agriculture

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 None
- If no, explain here why a Water Structures permit is not required No channel is being changed and no water is being impounded.

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 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.

41,058 same place of use.

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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	2014	_____	_____	_____
Total depth of well	125	_____	_____	_____
Depth to water bearing formation	78	_____	_____	_____
Depth to static water level	78	_____	_____	_____
Depth to bottom of pump intake pipe	na	_____	_____	_____

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

Manager/ Agent
(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):

Nutrien Ag Solutions 19054; Walkeeneey, KS 67672 same as applicant
(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 _____, Kansas, this 3rd day of September, 2019.
(month) (year)

✓ William D. Shields on behalf of:
(Applicant Signature)
Nutrien Ag Solutions Inc.

By W.D. Shields
(Agent or Officer Signature)

William D. Shields
(Agent or Officer - Please Print)

Assisted by Scott E. Ross _____ WRIS Gen Mgr. _____ Date: 8/28/2019
(office/title)

9/4/2019
Water Resources
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KS Dept Of Agriculture

INDUSTRIAL USE SUPPLEMENTAL SHEET

File No. _____

Name of Applicant (Please Print): Nutrien Ag Solutions

1. Please describe type of industry or product produced: Ag Chemical & Fertilizer Application
 _____ Standard Industrial Classification Code Number: _____

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

PAST PRODUCT PRODUCTION AND WATER DIVERTED, IF APPLICABLE

LAST 5 YEARS	AMOUNT OF PRODUCT	WATER DIVERTED (GALLONS)	GALLONS PER PRODUCT PER DAY
5 years ago	<i>N/A</i>	<i>142940</i>	<i>2035</i>
Last year	<i>N/A</i>	<i>198334.95</i>	<i>2187</i>
Present year	<i>N/A</i>	<i>21799261</i>	<i>2189</i>

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

ESTIMATED FUTURE PRODUCT PRODUCTION AND WATER DIVERTED

NEXT 5 YEARS	AMOUNT OF PRODUCT	WATER TO BE DIVERTED (GALLONS)	GALLONS PER PRODUCT PER DAY
Year 1	<i>N/A</i>	<i>900,000</i>	<i>2500 gal water</i>
Year 2	<i>N/A</i>	<i>1,200,000</i>	<i>3750 gal water</i>
Year 3	<i>N/A</i>	<i>1,700,000</i>	<i>5400 gal water</i>
Year 4	<i>N/A</i>	<i>2,000,000</i>	<i>6250 gallons water</i>
Year 5	<i>N/A</i>	<i>2,300,000</i>	<i>7100 gal water</i>

Number of days of operation of the industry per year is 365 days.

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

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

S	T	R	NE¼				NW¼				SW¼				SE¼				TOTAL
			NE	NW	SW	SE													

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

SEE ATTACHMENT.

Nutrien Ag Solutions

Supplement to Application for Permit to Appropriate Water for Beneficial Use

Nutrien Ag Solutions is an Agriculture Chemical business. They are in the business of compounding prescription fertilizer, herbicide and pesticide formula for sales to Agricultural producers. Further, their business includes the delivery and or application of those compounds to the field. Their business is growing and with that their proposed place of use will include their business area which is all of Trego County as well as portions of Gove, Sheridan, Graham, Ellis and Ness Counties in Kansas.

The actual product they are delivering is formulated for a specific field and cannot be described as an individual product. Thus, the entries included with the Industrial supplement form.

They have been in operation over the last several years, but not necessarily doing specific formulary mixes for landowners. Therefore, their prior use of water is somewhat different than their intended use in the future.

Nutrien is constructing a new plant facility to address their expanding business and as their formulation and application processes involve significant quantities of water a new application is warranted.

They expect to continue with approximately 90 per cent of their annual business in the application of various herbicides and pesticides. While their formulary mixes vary, the average expected water use should continue to be 15 gallons per acre. Their current application equipment includes a 1000-gallon tank. This tank when filled is expected to apply chemicals to approximately 67 acres at the 15 gallon per acre rate. The expected maximum number of acres serviceable from this location are 140,000 acres.

Acres currently being served expect to apply a chemical treatment (3) times per year under normal conditions, although (4) applications per year is not unusual for certain types of conditions. Nutrien does not expect that normal service process to change. Therefore, the expected application of pesticides via land application is anticipated to use 2,052,000 gallons per year at the peak service year.

The remaining 10 percent of the water use is expected to result from an ever-expanding fertilizer application program. These acres continue to increase annually and are expected to increase to a service area of 17,500 acres. These applications involve somewhat different equipment but on an annual basis each acre might expect to receive applications including 13 gallons of water per acre.

9/4/2019

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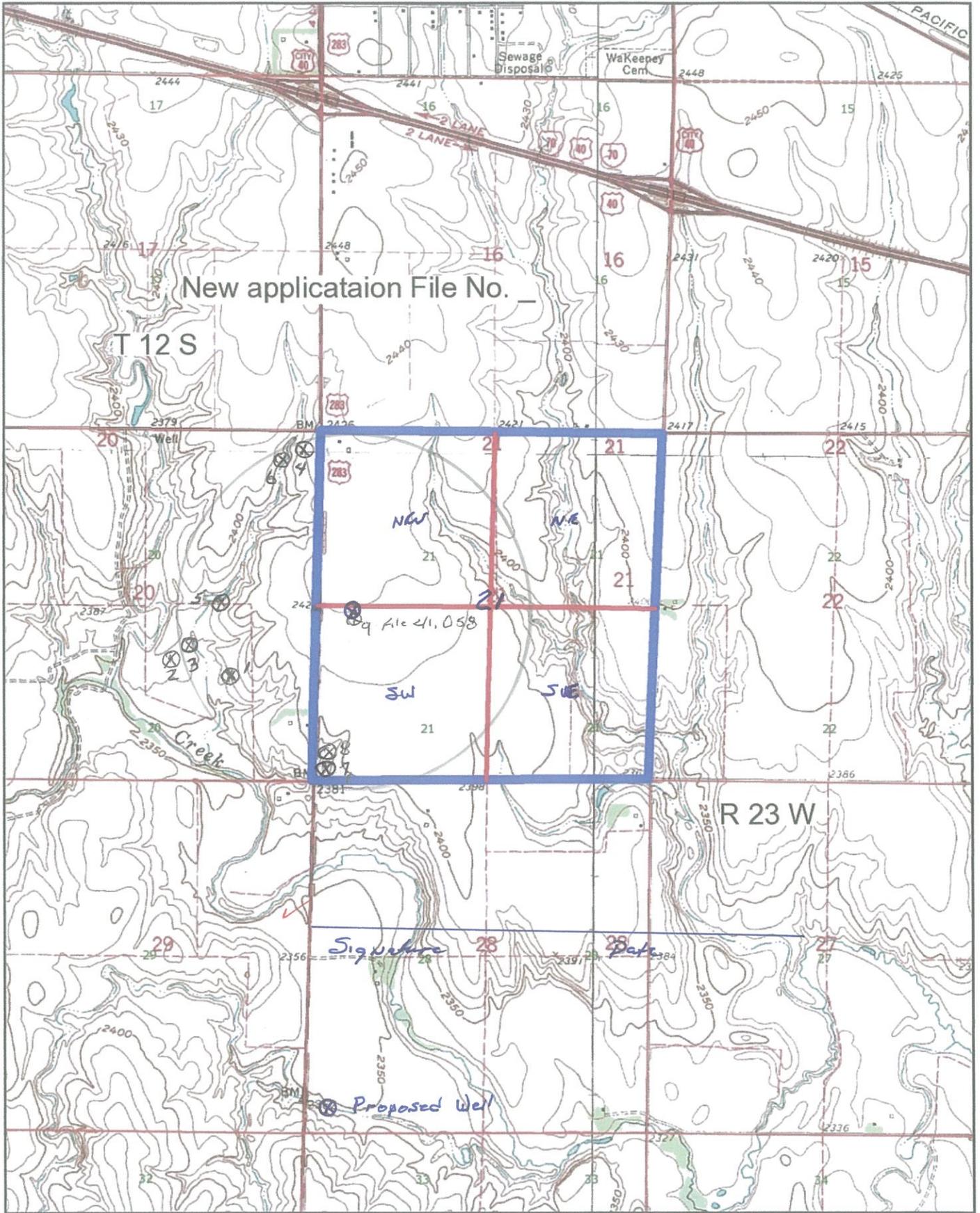
KS Dept Of Agriculture

The result of this business model Nutrien Ag Solutions expects to peak with an annual water use of approximately 2,300,000 gallons or approximately 7 acre-feet of water per calendar year.

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



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Magnetic declination of 6E at center of map
on March 17, 2011

KS Dept Of Agriculture

Wells within ½ mile of the proposed well location under this new application for permit to appropriate water for beneficial use :

Well No. 1 Dennis Day	Rt. 1 Box 163	Wakeeney, KS. 67672	Domestic
Well No. 2. City of Wakeeney	408 Russell Ave	Wakeeney, KS 67672	Municipal*
Well No. 3. E. Jay Deines	413 Easter Ave	Wakeeney, KS 67672	Domestic
Well No. 4 Keith Deines	19060 250 th Ave	Wakeeney, KS 67672	Domestic
Well No. 5. R.E. Mijares	Lot 17 Big Creek Dr.	Wakeeney, KS 67672	Domestic
Well No. 6. Eric Moden	706 Barclay Dr.	Wakeeney, KS. 67672	Domestic
Well No. 7. Gary Schneider	RR2 Box 167	Wakeeney, KS. 67672	Domestic
Well No. 8 Gene Fabrizius	RR2 Box 14X	Wakeeney, KS 67672	Domestic

- City well may not be within ½ plotted for reference until more accurate location is found.

9/4/2019

Water Resources
Received

KS Dept Of Agriculture

9/3/2019
(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.

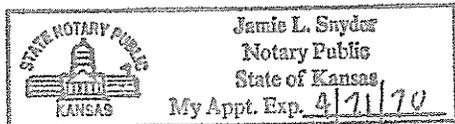


Signature of Applicant

State of Kansas)
County of Thomas) ss

William D. Shields
(Print Applicant's Name)

I hereby certify that the foregoing instrument was signed in my presence and sworn to before me this 4 day of September, 2019.




Notary Public

My Commission Expires:

9/4/2019

Water Resources
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KS Dept Of Agriculture

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

9/4/2019

Water Resources
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KS Dept Of Agriculture



WATER RIGHTS INVESTIGATIVE SERVICE LLC
508 SOUTH THIRD STREET
ATWOOD, KANSAS 67730-2118

Nutrien Ag Solutions
c/o Michael McCurdy
19054 283 HWY
Wakeeney, KS. 67672

August 28, 2019

Dear Michael:

Enclosed with this correspondence is the Application for Permit to Appropriate Water for Beneficial Use we have been discussing. While most of the application form has been completed, please take to time to review it and make sure we address any questions you may have. When you are satisfied with the content of the application and they meet your expectations, you will need to sign the application in Paragraph 6 and again in Paragraph 16, completing all the additional portions of Paragraph 16. Following that is the attached Topographic Map it includes the location of your well and other domestic wells within ½ mile of the proposed well. Please sign and date this map at the bottom. Next, review the tabular and narrative supplemental sheet. Make sure I haven't made any statements that you don't support. Finally, the Minimum Desirable Streamflow (MDS) acknowledgement form it must be signed and notarized.

When you have signed the application, map and MDS form. Place the entire package of documents in the mail along with a \$200 check payable to the Kansas Division of Water Resources. Then mail the package to the Kansas Department of Agriculture; Division of Water Resources, 1320 Research Park Drive; Manhattan, KS 66502.

If you have any questions, please don't hesitate to call.

Sincerely;

9/4/2019

Water Resources
Received

KS Dept Of Agriculture



Scott E. Ross

General Manager

Water Rights Investigative Service

Attachments:

DATA ENTRY SYSTEM ID NUMBER SHEET

FILE NUMBER 50289

APPLICANT PERSON ID & SEQ #	PDIV ID	BATTERY ID
<u>61029</u>	<u>68911</u>	

LANDOWNER PERSON ID & SEQ #	PUSE ID	SIC: 0711
<u>61029</u>	<u>24948</u>	

WATER USE CORRESPONDENT
PERSON ID & SEQ #
61029

1320 Research Park Drive
Manhattan, KS 66502
785-564-6700
www. agriculture.ks.gov



900 SW Jackson, Room 456
Topeka, KS 66612
785-296-3556

Mike Beam, Secretary

Laura Kelly, Governor

September 16, 2019

NUTRIEN AG SOLUTIONS
MIKE MCCURDY
19054 283 HWY
WAKEENEY, KS 67672

RE: Application, File No. **50289**

Dear Sir or Madam:

The Division of Water Resources (Division) has received your application for a permit to appropriate water for beneficial use. Your application has been assigned the file number referenced above. Please be aware that the Division may have a large number of pending applications on hand at times and makes every attempt to process them in the order in which they are received. You will be contacted if additional information is required.

Please note, this letter only acknowledges receipt of your application and does not guarantee approval. In accordance with the provisions of the Kansas Water Appropriation Act, the use of water as proposed prior to approval of the application is unlawful.

Additional information about the process may be found on our website at agriculture.ks.gov/divisions-programs/dwr. If you have any other questions, please contact our office at 785-564-6640 or your local Stockton Field Office at 785-425-6787. If you call, please reference the file number so we can 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