

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.

9/22/2022
KJN

Priority File***

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

PROJECT PERMIT

9/9/2022, 4:30 PM

File Number **50856**
This item to be completed by the Division of Water Resources.

Water Resources
Received

APPLICATION FOR PERMIT TO APPROPRIATE WATER FOR BENEFICIAL USE

KS Dept Of Agriculture

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:

1. Name of Applicant (Please Print): Flying S Ranch, Inc.
Address: c/o Ryan Shay 1210 RS 877
City: St. Francis State KS Zip Code 67756
Telephone Number: (785) 332-5588

2. The source of water is: surface water in _____ (stream)
OR groundwater in S F Republican (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 15 acre-feet OR _____ gallons per calendar year, to be diverted at a maximum rate of ~~5000~~ **NE** gallons per minute OR _____ cubic feet per second.

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

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

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

For Office Use Only:
F.O. 3 GMD 4 Meets K.A.R. 5-3-1 (YES / NO) Use ~~HYD~~ **IND** Source G / S County CN By ALB Date 9/12/22
Code WRD Fee \$ 500 TR # PY00044891 Receipt Date 9/9/22 Check # _____

9/20/2022
LMoody

9/15/2022
KAB

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File No. _____

KS Dept Of Agriculture

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 SE quarter of the NE quarter of the SW quarter of Section 29, more particularly described as being near a point 1813 feet North and 2786 feet West of the Southeast corner of said section, in Township 3 South, Range 40 West, CHEYENNE p/d 89782 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):

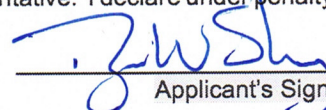
FLYING S RANCH TRUST (RYAN SHAY) 1210 RS 877 ST. FRANCIS, KS 67756
(name, address and telephone number)

(name, address and telephone number)

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

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

Executed on SEPT. 9, 2022.


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 sandpit & pump for dredging
(number of wells, pumps or dams, etc.)

and will be completed (by) March 2023
(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 2023
(Mo/Day/Year)

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File No. _____

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 n/a
- If no, explain here why a Water Structures permit is not required _____

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

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

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

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

This application proposes to expose up to 4.7 acres of groundwater for sand/gravel operation.

A dredge will be used to collect and wash aggregate. All diversion of water through the pump will be non-consumptive use.

15 af requested is for evaporation from a groundwater pit up to 4.7 surface acres.

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

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

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

14. The relationship of the applicant to the proposed place where the water will be used is that of owner (owner, tenant, agent or otherwise).

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

_____ (name, address and telephone number)

_____ (name, address and telephone number)

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

Dated at 12:20 SS. FRANCIS, Kansas, this 9TH day of SEPT, 2022.
(month) (year)



(Applicant Signature)

By _____
(Agent or Officer Signature)

(Agent or Officer - Please Print)

9/9/2022, 4:30 PM

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KS Dept Of Agriculture

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**

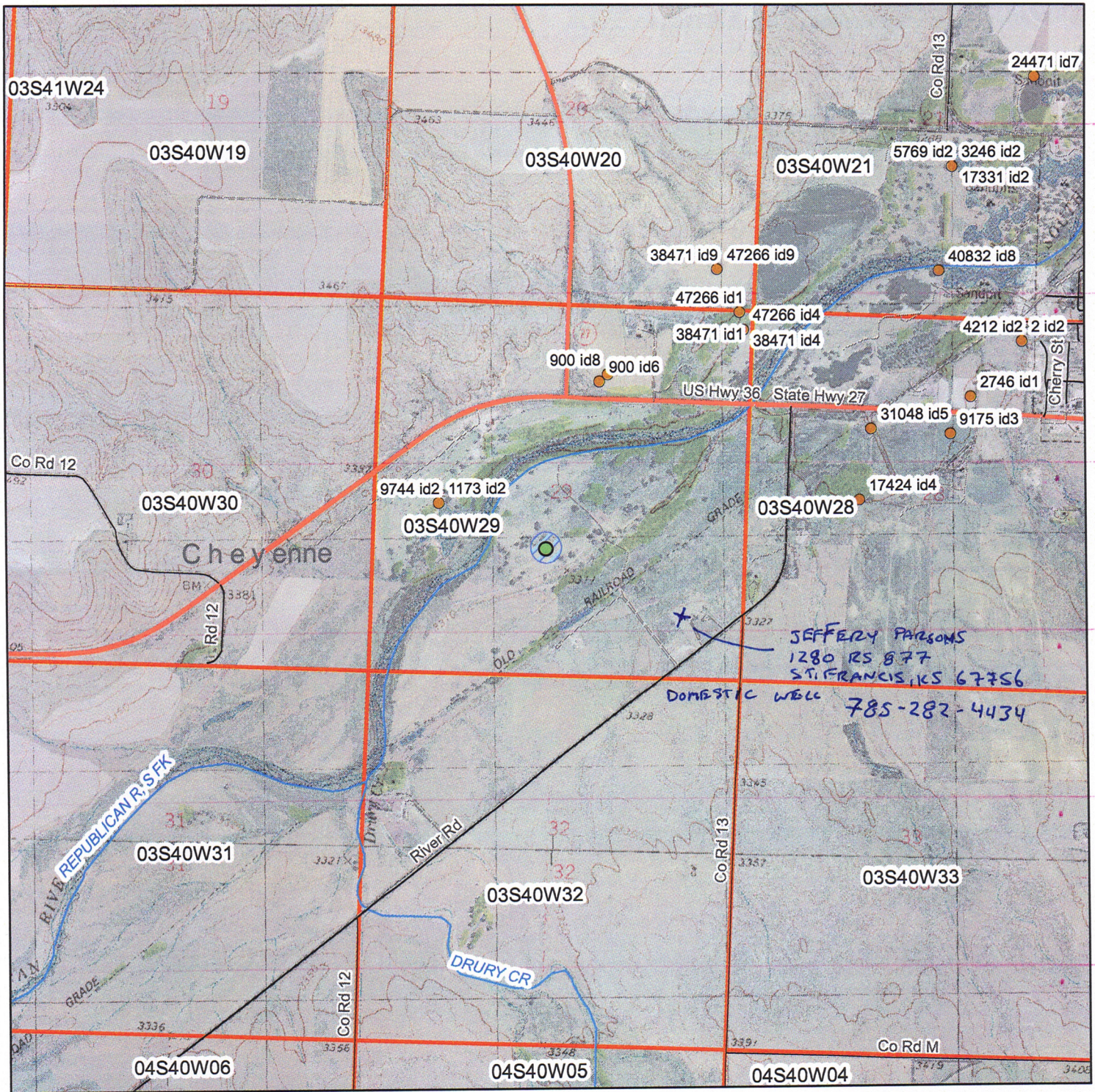
A Water Conservation Plan may be required per K.S.A. 82a-733. A statement that your application for permit to appropriate water may be subject to the minimum desirable streamflow requirements per K.S.A. 82a-703a, b, and c may also be required from you. After the Division of Water Resources has had the 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

New Application - Groundwater, Sand & Gravel Operation
 Assisted by Division of Water Resources
 Stockton Field Office



Proposed Place of Use

▲ Surface Water Point of Diversion

● Groundwater Point of Diversion

1:24,000



● Proposed Point of Diversion

Signature Required

9/9/2022, 4:30 PM

[Handwritten Signature]

By signing this I am stating that to the best of my knowledge that all wells within 1/2 mile of proposed well location are identified on this map.

Water Resources Received

KS Dept Of Agriculture

NOTICE OF INTENT TO OPEN OR EXPAND A SAND AND GRAVEL PIT OPERATION



State of Kansas

In accordance with K.S.A. 82s-734(c), K.A.R. 5-13-1, and amendments thereto.

File No. _____
(Office Use Only)

9/9/2022, 4:30 PM

1. Operator Name (Please Print) Ryan Shay/ Flying S Ranch, Inc.
Address 1210 RS 877
St. Francis, KS 67756

Telephone (785) 332-5588

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KS Dept Of Agriculture

2. Please designate the legal description of the pit: 4.7 acres in the SE¼ of the NE¼ of the SW¼ of Section 29, Township 03 South, Range 40 E W, CN County, KS.
3. Outline on an aerial photograph or topographical map the current and FINAL outline of the proposed pit and attach it to the Notice of Intent. The photograph or map shall indicate the legal description of the location of the proposed pit and the scale of the map or photograph.
4. What year did, or will, the excavation of the pit begin? 2023
5. Indicate the proposed final size of the pit in acres: 4.7 acres
6. Estimate the year the pit will be completed: 2023 - 2030
7. By what method will the pit be excavated?
Hydraulic Mechanical Other _____
8. Will you have any other diversions of water at the pit site besides hydraulic dredging, such as pumpsites or wells? Yes No
If yes, please specify the type of diversion and use to be made of the water. _____
9. Attach a copy of the Reclamation Plan you have on file with the State Conservation Commission.
10. Please specify the measures you plan to use to protect groundwater from pollution, such as berms or vegetative strips:

BERMS, VEGETATION, PROPER HANDLING & STORAGE OF CHEMICALS NEAR GW PIT

11. Please complete the following table showing the estimated pit size at the end of each of the next five years.

Size of the Pit	Projected Pit Size in Acres
Current size of pit	0
Year 1	1.0
Year 2	2.0
Year 3	3.0
Year 4	4.0
Year 5	4.7

9/9/2022, 4:30 PM

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12. Owner's Name (Please Print) Ryan Shay/ Flying S Ranch, Inc.

Address 1210 RS 877

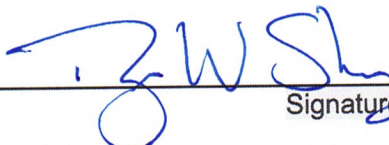
St. Francis, KS 67756

Telephone (785) 332-5588

13. Please attach any additional information you believe will assist DWR in understanding the nature of your proposed pit or the expansion of your existing pit.

RYAN SHAY
Name (Please Print)

SEPT. 9, 2022
Date


Signature

OWNER
Title/Relationship to Owner

September 9, 2022
(Date)

Kansas Department of Agriculture
Division of Water Resources
Earl D. Lewis, Jr., Chief Engineer 9/9/2022, 4:30 PM
1320 Research Park Drive
Manhattan, Kansas 66502

Water Resources
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Re: Application
KS Dept Of Agriculture File No. _____

Minimum Desirable Streamflow

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.

[Handwritten Signature]

Signature of Applicant

State of Kansas)
County of Chapenne) ss

RYAN W. SHAY

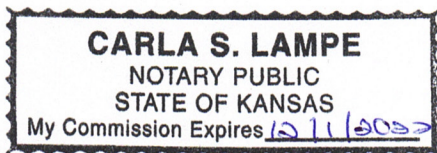
(Print Applicant's Name)

I hereby certify that the foregoing instrument was signed in my presence and sworn to before me this 9th day of September, 2022.

[Handwritten Signature]

Notary Public

My Commission Expires:



**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

9/9/2022, 4:30 PM

Water Resources
Received

KS Dept Of Agriculture

DATA ENTRY SYSTEM ID NUMBER SHEET

FILE NUMBER 50856

APPLICANT PERSON ID & SEQ #	PDIV ID	BATTERY ID
<u>68583</u>	<u>89782</u>	

LANDOWNER PERSON ID & SEQ #	PUSE ID
<u>68583</u>	<u>71002</u>

WATER USE CORRESPONDENT PERSON ID & SEQ #
<u>68583</u>

From: Ryan Shay
Sent: Fri 9/9/2022 6:08 PM
To: Baum, Kristen
Subject: Timeline for water permit review electronically submitting a new application
Attachments: Gravel Water Permit.pdf

EXTERNAL: This email originated from outside of the organization. Do not click any links or open any attachments unless you trust the sender and know the content is safe.

Kristen,

It was great to talk to you on the phone today. Thank you for helping me get everything submitted for my application. Mark Billinger and Kelly Stewart in the Stockton office, Ashley and yourself at the Manhattan office were very helpful and a pleasure to work with.

I understand that you have about 400 applications in line before mine to be reviewed and this could take up to 12 months. I am concerned with this backlog of applications my application may not be reviewed in time to provide the sand and gravel for a very large concrete project we are working to secure. The first phase of this project has to begin construction in May 2023. It will continue over the summer and fall to be completed while the weather allows. I was hoping that I could get this approved by March 1st, 2023 so that I could begin pumping sand and gravel to have material ready for the project May 1st.

I understand that many other applications also have an urgent deadline and I am not asking for priority over any application ahead of mine. I just wanted to see if there is anything I could do to help expedite this process. I am afraid if I am unable to get this permit processed in time, I will not be able to supply this project and the sand and gravel will be taken from the next closest gravel pits in Benkelman and Trenton Nebraska. This would be a loss of economic benefit for not only my family, but also for our community in Cheyenne County and the state of Kansas.

Thank you so much for your consideration in this matter.

Ryan W. Shay
FLYING S RANCH, INC.
[785-332-5588](tel:785-332-5588) Cell
1210 RS 877
St. Francis, KS 67756
web site - www.FlyingSRanch.com
email - Ryan@FlyingSRanch.com

Begin forwarded message:

From: Ryan Shay <ryan@flyingsranch.com>
Subject: Re: electronically submitting a new application
Date: September 9, 2022 at 4:03:15 PM CDT
To: "Billinger, Mark [KDA]" <Mark.Billinger@ks.gov>, "KDA.WaterRights@ks.gov" <KDA.WaterRights@ks.gov>

Mark,

Thank you for your help.

Ryan W. Shay
FLYING S RANCH, INC.

785-332-5588 Cell

1210 RS 877

St. Francis, KS 67756

web site - www.FlyingSRanch.com

email - Ryan@FlyingSRanch.com

On Sep 9, 2022, at 11:26 AM, Billinger, Mark [KDA] <Mark.Billinger@ks.gov> wrote:

Send a scanned copy to KDA.WaterRights@ks.gov and provide a phone number we can call for payment.

Mark Billinger
Assistant Water Commissioner
Division of Water Resources
Stockton Field Office
820 S Walnut
785-425-6787