



File No. <b>49,689 A</b>	15. Formation Code: <b>113</b>	Drainage Basin: <b>Kansas River</b>	County: <b>SN</b>	Special Use:	Stream:																																									
16. Points of Diversion T MOD DEL      PDIV ENT                      Qualifier      S      T      R      ID      'N      'W			17. Rate and Quantity Authorized     Additional Rate                      Quantity                      Rate                      Quantity gpm                      mgy                      gpm                      mgy                      Overlap PD Files																																											
√ <b>67077 SE SW NE    30 11S 16E    11    2975    1912</b>			<b>100      10                      100      10                      44,985</b>																																											
<b>WASH WELL-HYPOTHETICAL SEC 30 IN KAW HALF BREED INDIAN LAND SURVEY #3</b>																																														
18. Storage: Rate _____ NF      Quantity _____ ac/ft      Additional Rate _____ NF      Additional Quantity _____ ac/ft																																														
19. Limitation: _____ af/yr at _____ gpm ( _____ cfs) when combined with file number(s): _____ Limitation: _____ af/yr at _____ gpm ( _____ cfs) when combined with file number(s) _____																																														
20. Meter Required? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No      To be installed by <b>12/31/2017</b> Date Acceptable Meter Installed _____																																														
21. Place of Use T MOD DEL ENT    PUSE    S    T    R    ID		<table border="1" style="width:100%; text-align:center; border-collapse: collapse;"> <tr> <th colspan="4">NE¼</th> <th colspan="4">NW¼</th> <th colspan="4">SW¼</th> <th colspan="4">SE¼</th> <th>Total</th> <th>Owner</th> <th>Chg? NO</th> <th>Overlap Files</th> </tr> <tr> <th>NE ¼</th> <th>NW ¼</th> <th>SW ¼</th> <th>SE ¼</th> <th>NE ¼</th> <th>NW ¼</th> <th>SW ¼</th> <th>SE ¼</th> <th>NE ¼</th> <th>NW ¼</th> <th>SW ¼</th> <th>SE ¼</th> <th>NE ¼</th> <th>NW ¼</th> <th>SW ¼</th> <th>SE ¼</th> <th></th> <th></th> <th></th> </tr> </table>				NE¼				NW¼				SW¼				SE¼				Total	Owner	Chg? NO	Overlap Files	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					
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√ <b>2164    30 11 16E    3</b>		<b>SAND PLANT (N2); HYPO SEC 30 KS HALF BREED INDIAN LANDS SURVEY #3&amp;4</b>				<b>7a</b>		<b>No</b>		<b>44,985</b>																																				
Comments:																																														

**KANSAS DEPARTMENT OF AGRICULTURE**  
**Division of Water Resources**

**M E M O R A N D U M**

**TO:** Files

**DATE:** October 20, 2016

**FROM:** Doug Schemm

**RE:** Application, File No. 49,689 A  
(Converted Term Application, File No. 20169074)

Kansas Sand & Concrete Inc. has filed the above referenced new application (File No. 49,689 A) to appropriate 10 million gallons (30.7 acre-feet) of groundwater at a rate of diversion not to exceed 100 gallons per minute for industrial use from an existing well. The well is currently authorized under Water Right, File No. 44,985, and the industrial use is for sand washing at an existing sand plant located in the North Half of Section 30, Township 11 South, Range 13 East, Shawnee County.

**PLEASE NOTE:** The applicant had filed an Application for Term Permit, File No. 20169074 requesting additional water for this existing sand and gravel operation. However the proposed use of water is a long duration project, therefore this term permit was converted into Application To Appropriate Water, File No. 49,689 A. This will also better serve the applicant, because they will not have to continually file replacement term permits. This new application will provide the applicant with additional water at this existing sand plant, because the senior file exceeded its authorized quantity of water. The initial term application was signed by a representative of the company stating that they have access to the point of diversion.

The proposed quantity was calculated as follows:

70,000 yards of sand x 200 gallons per yard = 14 million gallons

The point of diversion consists of a single well completed in the Kansas River alluvium. The application is not subject to safe yield criteria based on a determination under senior File No. 44,985. Lee Rolfs, KDA Legal counsel at that time, interpreted K.A.R. 5-3-10(b)(2) to exempt uses of water that have "no significant consumptive use" from safe yield criteria in K.A.R. 5-3-11. The applicant has stated that water used for sand washing discharges into the Kansas River.

The only well within one-half mile is the applicant's nearby "Batch Plant Well" authorized under File No. 43,436, which is located just over 100 feet away and is part of the same sand plant operation. Obviously, both of these well has been in place for many years, and there is no indication that they interfere with each other in any way. In addition, senior file documentation has the results of a Theis analysis that shows the maximum drawdown at the adjacent well would be less than 2 feet. With saturated thickness of over 60 feet, this drawdown is not significant. The wells are adjacent to the Kansas River, and both wells have relatively low pumping rates and quantities of water. Therefore, per K.A.R. 5-4-4, the recommended minimum well spacing criteria is not necessary to prevent direct impairment in this specific instance, and the proposed well spacing is sufficient to prevent direct impairment and to protect the public interest.

The Kansas River Water Assurance District No. 1 was notified of receipt of this application on October 17, 2016 in order to fully inform them of the proposed location of the applicant's point of diversion and proposed use of water. This notification was as per the KSWAD Program Operations Agreement, which states, in part, "the District reserves the right to review all applications to appropriate water and change applications, including term permits, filed with the Division of Water Resources that propose the diversion of water from the Kansas River or its alluvium". No response has been received from the District.

Kansas Sand & Concrete, Inc.  
File No. 49,689 A  
Page 2

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 through K.A.R 5-1-12. If any chemicals will be injected into the water pumped under this permit, a check valve will also be required.

Katie Tietsort, Water Commissioner of the Topeka Field Office, recommended approval of the referenced application in an October 18, 2016 e-mail.

Based on the above discussion, the application is exempt from safe yield due to non-consumptive use of water, approval will address an over-pumping problem, the point of diversion meets well spacing criteria, and approval will not impair senior water rights, it is recommended that the referenced application be approved.

Doug Schemm  
Environmental Scientist  
Topeka Field Office

1320 Research Park Drive  
Manhattan, Kansas 66502  
(785) 564-6700



900 SW Jackson, Room 456  
Topeka, Kansas 66612  
(785) 296-3556

Jackie McClaskey, Secretary

Governor Sam Brownback

November 4, 2016

KANSAS SAND & CONCRETE INC  
% DAN WOODWARD  
PO BOX 656  
TOPEKA KS 66601

**FILE COPY**

Re: Appropriation of Water, File No. 49,689 A

Dear Mr. Woodward:

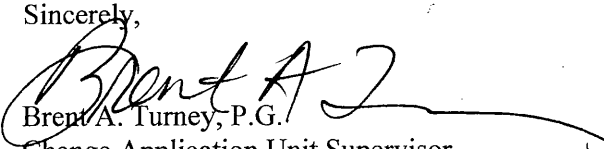
There is enclosed a permit to appropriate water authorizing you to proceed with construction of the proposed diversion works (except those dams and stream obstructions regulated by K.S.A. 82a-301 through 305a), to divert such unappropriated water as may be available from the source and at the location specified in the permit, and to use it for the purpose and at the location described in the permit.

Your attention is directed to the enclosures and to the terms, conditions, and limitations specified in these approval documents. A water meter is required on the proposed diversion works 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.

Failure to notify the Chief Engineer of the Division of Water Resources of the completion of the diversion works within the time allowed, or within any authorized extension of time thereof, will result in the dismissal of this permit. Enclosed is a form which may be used to notify the Chief Engineer that the proposed diversion works have been completed. All requests for extensions of time to complete diversion works, or to perfect appropriations, must be submitted to the Chief Engineer before the expiration of time originally set forth in the permit to complete diversion works or to perfect an appropriation. If for any reason, you require an extension of time, you must request it before the expiration of time set forth in this permit. Failure to comply with this regulation will result in the dismissal of your permit or your water right. Any request for an extension of time shall be accompanied by the required statutory fee, which is currently \$100.00.

There is also enclosed an information sheet setting forth the procedure to obtain a Certificate of Appropriation which will establish the extent of your water right. If you have any questions, please contact our office. If you wish to discuss this specific file, please have the file number ready so that we may help you more efficiently.

Sincerely,

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

BAT:dws  
Enclosures

pc: Topeka 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)

**FILE COPY**

This is to certify that I have examined Application, **File No. 49,689 A** of the applicant

**KANSAS SAND & CONCRETE INC  
PO BOX 656  
TOPEKA KS 66601**

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 **August 22, 2016**.
2. That the water sought to be appropriated shall be used for industrial use at a sand plant located in the North Half (N½) of hypothetical Section 30, in Kaw Half Breed Indian Land Survey Nos. 3 and 4, Township 11 South, Range 16 East, Shawnee County, Kansas.
3. That the authorized source from which the appropriation shall be made is groundwater, to be withdrawn by means of one (1) well located in the Southeast Quarter of the Southwest Quarter of the Northeast Quarter (SE¼ SW¼ NE¼) of hypothetical Section 30, in Kaw Half Breed Indian Land Survey No. 3, more particularly described as being near a point 2,975 feet North and 1,912 feet West of the Southeast corner of said section, in Township 11 South, Range 16 East, Shawnee 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 **100 gallons per minute (0.22 c.f.s.)** and to a quantity not to exceed **10 million gallons** (30.7 acre-feet) of water for any calendar year.
5. That installation of works for diversion of water shall be completed on or before **December 31, 2017** or within any authorized extension thereof. The applicant shall notify the Chief Engineer and pay the statutorily required field inspection fee of \$400.00 when construction of the works has been completed. Failure to timely submit the notice and the fee will result in revocation of the permit. Any request for an extension of time shall be submitted prior to the expiration of the deadline and shall be accompanied by the required statutory fee of \$100.00.
6. That the proposed appropriation shall be perfected by the actual application of water to the proposed beneficial use on or before **December 31, 2021** 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 all wells with a diversion rate of 100 gallons per minute or more drilled under the authority of this permit shall have a tube or other device installed in a manner acceptable to, and in accordance with specifications adopted by, the Chief Engineer. This tube or device shall be suitable for making water level measurements and shall be maintained in a condition satisfactory to the Chief Engineer.
13. 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).
14. 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.
15. That no water user shall engage in nor allow the waste of any water diverted under the authority of this permit.
16. 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.
17. That the right to appropriate water under authority of this permit is subject to any minimum desirable streamflow requirements identified and established pursuant to K.S.A. 82a-703c for the source of supply to which this water right applies.

This Order shall become a final agency action, as defined by K.S.A. 77-607(b), without further notice to the parties, if a request for hearing or a petition for administrative review is not filed as set forth below.

Request for Hearing. According to K.A.R. 5-14-3(c), any party who desires a hearing must submit a request within 15 days after the date shown on the Certificate of Service attached to this Order. Filing a request for a hearing will give you the opportunity to submit additional facts for consideration, contest any findings made by the Chief Engineer, or present any other information you believe should be considered in this matter. A timely-filed request for hearing will stay the deadline for requesting administrative review of this Order pending the outcome of the hearing.

Petition for Review. The applicant, if aggrieved by this Order, may petition for administrative review, pursuant to K.S.A. 82a-711(c) and K.S.A. 82a-1901(a). The petition must be filed within 30 days after the date shown on the Certificate of Service attached to this Order and must set forth the basis for the review, unless stayed by the timely filing of a request for hearing.

Any request for hearing or petition for administrative review shall be in writing and shall be submitted to the attention of: Chief Legal Counsel, Kansas Department of Agriculture, 1320 Research Park Drive, Manhattan, Kansas 66502, Fax: (785) 564-6777.

Ordered this 1<sup>st</sup> day of November, 2016, in Topeka, Shawnee County, Kansas.

*Lane P. Letourneau*

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

State of Kansas                    )  
  ) SS  
County of Riley                    )

The foregoing instrument was acknowledged before me this 1<sup>st</sup> day of November, 2016, by Lane P. Letourneau, P.G., Program Manager, Division of Water Resources, Kansas Department of Agriculture.



*Danielle Wilson*

Notary Public



### CERTIFICATE OF SERVICE

On this *4<sup>th</sup>* day of *November*, 2016, I hereby certify that the foregoing Approval of Application and Permit to Proceed, File No. 49,689 A, dated *November 1, 2016* was mailed postage prepaid, first class, US mail to the following:

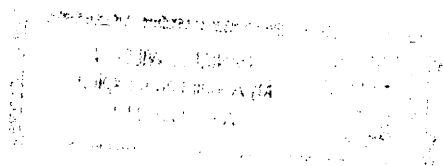
KANSAS SAND & CONCRETE INC  
PO BOX 656  
TOPEKA KS 66601

With photocopies to:

Topeka Field Office



Division of Water Resources



THE STATE OF KANSAS



**KANSAS DEPARTMENT OF AGRICULTURE**  
Jackie McClaskey, Secretary of Agriculture

**DIVISION OF WATER RESOURCES**  
David W. Barfield, Chief Engineer

File Number 49,689 A \*  
This item to be completed by the Division of Water Resources.

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

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

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

1. Name of Applicant (Please Print): KANSAS SAND & CONCRETE INC  
Address: PO BOX 656  
City: TOPEKA State: KS Zip Code: 66601  
Telephone Number: (785) 235-6284

2. The source of water is:  surface water in \_\_\_\_\_ (stream)  
OR  groundwater in KANSAS RIVER (drainage basin)

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

3. The maximum quantity of water desired is 30.7 acre-feet OR 10 million 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>GMD</u>	Meets K.A.R. 5-3-1 (YES / NO)	Use	Source	G / S County	By	Date
	<u>REG</u>	Fee \$ <u>200</u>	TR #	Receipt Date	Check #		

\* Term Permit Application, File No. 20169074 is being converted to a regular appropriation under File #49,689A. Same fee amount. DWS / DWR 10/11/16

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 SW quarter of the NE quarter of HYPOTHETICAL Section 30, more particularly described as being near a point 2,975 feet North and 1,912 feet West of the Southeast corner of said section, in Township 11 South, Range 16 EAST, SHAWNEE County, Kansas.

**\*Kaw Half Breed Indian Land Survey #3**

(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.

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):

\_\_\_\_\_  
(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 \_\_\_\_\_, 20\_\_\_\_. \_\_\_\_\_  
Applicant's Signature

The proposed project for diversion of water will consist of ONE GROUNDWATER WELL  
(number of wells, pumps or dams, etc.)

and (was)(will be) completed (by) Spring 2017 \_\_\_\_\_  
(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 Spring 2017 \_\_\_\_\_.  
(Mo/Day/Year)

*See Term Application 20169074 for owner signature*

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 \_\_\_\_\_
- 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.

FILE NO. 44,985 PD AND PU Overlap. Owner exceeded authorized quantity and this application will provide additional water for sand washing.

NOTE: TERM PERMIT APPLICATION FILE NO. 20169074 WAS FILED TO ADDRESS THIS ISSUE BUT IT IS BEING CONVERTED TO THIS NEW APPLICATION, FILE NO. 49,689 A.

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 \_\_\_\_\_, Kansas, this \_\_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_  
(month) (year)

\_\_\_\_\_  
(Applicant Signature)

\_\_\_\_\_  
APPLICANT(S) SOCIAL SECURITY IDENTIFICATION NUMBER(S)

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

\_\_\_\_\_  
and/or  
APPLICANT(S) TAXPAYER I.D. NO.(S)

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

Assisted by DWS \_\_\_\_\_ TFO \_\_\_\_\_ Date: \_\_\_\_\_  
(office/title)

*See  
Term Application  
20169074 for owner  
signature*

**INDUSTRIAL USE  
SUPPLEMENTAL SHEET**

File No. 49,689 A

Name of Applicant (Please Print): Kansas Sand & Concrete, Inc.

1. Please describe type of industry or product produced: Sand & Gravel

Standard Industrial Classification Code Number: 1422

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

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

LAST 5 YEARS	AMOUNT OF PRODUCT	WATER DIVERTED (GALLONS)	GALLONS PER PRODUCT PER DAY
5 years ago			
Last year		5.7252 mgy	
Present year			

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

**ESTIMATED FUTURE PRODUCT PRODUCTION AND WATER DIVERTED**

NEXT 5 YEARS	AMOUNT OF PRODUCT	WATER TO BE DIVERTED (GALLONS)	GALLONS PER PRODUCT PER DAY
Year 1	50,000 yards	10 mgy	200 gals/yard
Year 2			
Year 3			
Year 4			
Year 5	70,000 yards	14 mgy	200 gals/yard

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.

S	T	R	NE¼				NW¼				SW¼				SE¼				TOTAL
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
30	11S	16E	SAND PLANT (N2); HYPO SEC 30 KS HALF BREED INDIAN LANDS SURVEY #3&4																

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

10-13-16  
(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. 49,689 A

Minimum Desirable Streamflow  
KANSAS River Assurance District  
Water Reservation Rights

Dear Sir:

I understand that a Minimum Desirable Streamflow requirement has been established, an Assurance District has been formed and established or a Water Reservation Right is held by the Kansas Water Office (**circle the appropriate item**) for the source of supply to which the above referenced application applies, namely the KANSAS RIVER ASSURANCE DISTRICT.

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, Assurance District or Water Marketing releases are being made from storage in Federal Reservoirs or when a Reservation Right upstream of a Federal Reservoir is being administered.

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.

Dan Woodward VP/GM  
Signature of Applicant

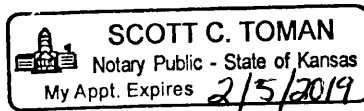
Dan Woodward  
Print Applicant Name

State of Kansas )  
County of Shawnee ) SS

I hereby certify that the foregoing instrument was signed in my presence and sworn to before me this 13<sup>th</sup> day of October, 2016.

Scott C. Toman  
Notary Public

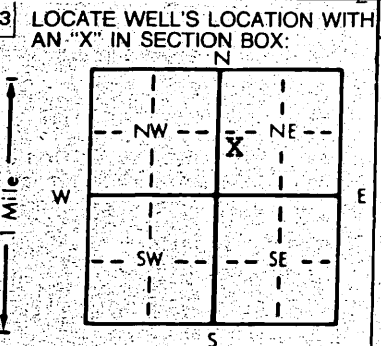
My Commission Expires:



1 LOCATION OF WATER WELL: County: SHAWNEE Fraction: NW 1/4 SW 1/4 NE 1/4 Section Number: 30 Township Number: T 11 S Range Number: R 16E EW

Distance and direction from nearest town or city street address of well if located within city?  
@ 531 NW Tyler

2 WATER WELL OWNER: Kansas Sand & Concrete  
 RR#, St. Address, Box #: 531 NW Tyler  
 City, State, ZIP Code: Topeka, Kansas 66608  
 Board of Agriculture, Division of Water Resources  
 Application Number: 43436



4 DEPTH OF COMPLETED WELL: 80' ft. ELEVATION: \_\_\_\_\_ ft.  
 Depth(s) Groundwater Encountered: 1: \_\_\_\_\_ ft. 2: \_\_\_\_\_ ft. 3: \_\_\_\_\_ ft.  
 WELL'S STATIC WATER LEVEL: 21' ft. below land surface measured on mo/day/yr 10/05/98  
 Pump test data: Well water was \_\_\_\_\_ ft. after \_\_\_\_\_ hours pumping \_\_\_\_\_ gpm  
 Est. Yield 150 gpm: Well water was \_\_\_\_\_ ft. after \_\_\_\_\_ hours pumping \_\_\_\_\_ gpm  
 Bore Hole Diameter: 12" in. to \_\_\_\_\_ ft.; and \_\_\_\_\_ in. to \_\_\_\_\_ ft.  
 WELL WATER TO BE USED AS: 5 Public water supply 8 Air conditioning 11 Injection well  
 1 Domestic 3 Feedlot 6 Oil field water supply 9 Dewatering 12 Other (Specify below)  
 2 Irrigation 4 Industrial 7 Lawn and garden only 10 Monitoring well  
 Was a chemical/bacteriological sample submitted to Department? Yes \_\_\_\_\_ No X If yes, mo/day/yr sample was submitted \_\_\_\_\_  
 Water Well Disinfected? Yes X No \_\_\_\_\_

5 TYPE OF BLANK CASING USED: 1 Steel 2 PVC 3 RMP (SR) 4 ABS 5 Wrought iron 6 Asbestos-Cement 7 Fiberglass 8 Concrete tile 9 Other (specify below) CASING JOINTS: Glued X Clamped Welded Threaded  
 Blank casing diameter: 6" in. to 0-70' ft. Dia \_\_\_\_\_ in. to \_\_\_\_\_ ft. Dia \_\_\_\_\_ in. to \_\_\_\_\_ ft.  
 Casing height above land surface: 24" in. weight 3.6 lbs./ft. Wall thickness or gauge No. 280  
 TYPE OF SCREEN OR PERFORATION MATERIAL: JOHNSON .030 7 PVC 10 Asbestos-cement  
 1 Steel 3 Stainless steel 5 Fiberglass 8 RMP (SR) 11 Other (specify) \_\_\_\_\_  
 2 Brass 4 Galvanized steel 6 Concrete tile 9 ABS 12 None used (open hole)  
 SCREEN OR PERFORATION OPENINGS ARE: 5 Gauzed wrapped 8 Saw cut 11 None (open hole)  
 1 Continuous slot 3 Mill slot 6 Wire wrapped 9 Drilled holes  
 2 Louvered shutter 4 Key punched 7 Torch cut 10 Other (specify) \_\_\_\_\_  
 SCREEN-PERFORATED INTERVALS: From 70 ft. to 80 ft. From \_\_\_\_\_ ft. to \_\_\_\_\_ ft.  
 GRAVEL PACK INTERVALS: From 25 ft. to 80 ft. From \_\_\_\_\_ ft. to \_\_\_\_\_ ft.

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 NOV 19 1998  
 TOPEKA FIELD OFFICE  
 DIVISION OF WATER RESOURCES

6 GROUT MATERIAL: 1 Neat cement 2 Cement grout 3 Bentonite 4 Other  
 Grout Intervals: From 2 ft. to 25 ft. From \_\_\_\_\_ ft. to \_\_\_\_\_ ft. From \_\_\_\_\_ ft. to \_\_\_\_\_ ft.  
 What is the nearest source of possible contamination: 1 Septic tank 4 Lateral lines 7 Pit privy 10 Livestock pens 14 Abandoned water well  
 2 Sewer lines 5 Cess pool 8 Sewage lagoon 11 Fuel storage 15 Oil well/Gas well  
 3 Watertight sewer lines 6 Seepage pit 9 Feedyard 12 Fertilizer storage 16 Other (specify below) \_\_\_\_\_  
 13 Insecticide storage  
 Direction from well? EAST How many feet? 105'

FROM	TO	LITHOLOGIC LOG	FROM	TO	PLUGGING INTERVALS
0	3	Fill-concrete-sand			
3	21	Silty Sand, Clay-Brown			
21	29	Fine Sand-Brown	05		
29	37	Fine Sand-Coarse Sand-Med Gravel, Green, Blue			
37	46	Fine Sand-Coarse Sand-Brown			
46	54	Fine Sand-Coarse Sand-Med-Pea Gravel, Brown			
54	71	Fine Sand-Coarse Sand-Med-Pea 1/4-Brown			
71	80	Fine Sand-Coarse Sand-Med-Pea 1/4- <u>278"</u> <u>Not to bed rock</u>	07		

RECEIVED  
 NOV 16 1998  
 KS DEPT OF AGRICULTURE  
 AUG 01 2002  
 TOPEKA FIELD OFFICE  
 DIVISION OF WATER RESOURCES

MICROFILMED FEB 14 2002

7 CONTRACTOR'S OR LANDOWNER'S CERTIFICATION: This water well was (1) constructed, (2) reconstructed, or (3) plugged under my jurisdiction and was completed on (mo/day/year) 10/05/98 and this record is true to the best of my knowledge and belief. Kansas Water Well Contractor's License No. 182 This Water Well Record was completed on (mo/day/yr) 10-22-98 under the business name of STRADER DRILLING CO., INC. by (signature) \_\_\_\_\_

MICROFILMED





AUG 22 2016

11:52

KS DEPT OF AGRICULTURE State of Kansas

Submit To: CHIEF ENGINE

APPLICATION FOR TERM PERMIT

Division of Water Resources APPLICATION COMPLETE GROUNDWATER SURFACE WATER (check one)
1320 Research Park Drive
Manhattan, Kansas 66502
http://agriculture.ks.gov/dw/

Reviewer pws

Converted to 49,689A

STATUTORY FILING FEE MUST ACCOMPANY THIS APPLICATION (Make check payable to the Kansas Department of Agriculture)

DWS/DWR 2016074\* 10/11/16

1. Applicant: (Please print or type) Name KANSAS SAND & CONCRETE, INC. Street P.O. BOX 656 City and State TOPEKA KS Zip Code 66601 Telephone No. (785) 235-6284 E-Mail Address tim.lohse@kansassand.com Social Security I.D. No. and/or Taxpayer I.D. No.

4. Water is to be used for (briefly describe proposed use and explain the rate and quantity requested): IND USE - Sand Washing 50,000 yards x 200 gals/yd = 10 Million Gallons

5. Location of place of use: SAND PLANT N 1/2 HYPO Sec. 30, T11S, R16E

6. Period of use: Commencing date: AUGUST 19, 2016 Ending Date: AUGUST 18, 2021 Also enter on Item 12

2. Location of Point of Diversion: Sec. 30, Twp. 11S, Rng. 16E, SHAWNEE County, Kansas.

If off-stream pit, check here [ ] Will pit floor intersect water table? Yes [ ] No [ ]

\*KAW HALF-BREED INDIAN LAND SURVEY #3 & #4

Distance from Southeast Corner of Section: 2975 feet North from Southeast Corner 1912 feet West from Southeast Corner

7. Location of the proposed point of diversion and those of other water users within 1/2 mile shall be indicated on the diagram to the lower-left, scale 1 inch = 2,000 feet. Pd/pu overlap with WATER RIGHT, File No. 44,985

NOTE: If point of diversion is not site specific (i.e. groundwater pit) show the approximate geographic center.

Pdiv ID: 67077 PUseID: 2164

3. Water Use Data: Proposed Max. Pumping Rate (gpm) 100 Amount Requested (acre-feet) 30.7 AF (10 million gals) per calendar year Depth of Well (feet) Date (completed) (will be completed) 2002 Drainage Basin Kansas River Name of Stream

FEE SCHEDULE

1. The filing fee for an application is based on the maximum amount of water use proposed within a year. Except for storage, the fee is: Acre-feet Fee 0-100 \$200.00 101-320 \$300.00 More than 320 \$300.00 plus \$20 for each additional 100 acre-feet or any part thereof.

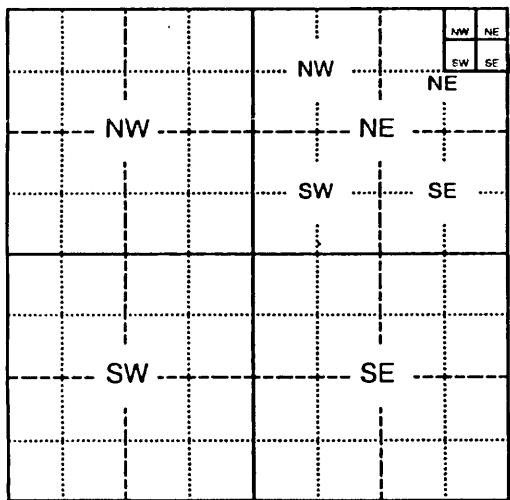
2. The fee for an application in which storage is requested, is: Acre-feet Fee 0-250 \$200.00 More than 250 \$200.00 plus \$20.00 for each additional 250 acre-feet of storage or any part thereof.

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.
4. A request for an extension of time to extend the term of a term permit shall be accompanied by a fee of \$100.00.
5. There is a separate application form for domestic use. Do not use this form for domestic use.

CONVERSION FACTORS

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



\* CONVERT TERM APPLICATION To Appropriation, 49,689A

SCANNED

Assisted by DWS/TFO

DWS/DWR 10/11/16

For Office Use Only: F.O. Code GMD Meets K.A.R. 5-3-1 (YES/NO) Use IND Source GDS County SN Fee \$ 200 TR # 19005759 Receipt Date 8/22/16 By ANW Date 8/22/16 Check# CREDIT

8/24/2016 LM CC 11649546

#20169074  
49,689A

8. For groundwater use, list below all wells within 1/2 mile of the proposed well, and plot locations upon the diagram on reverse side. If additional space is needed, attach a map.

Other wells -

Well A Owner(s): \_\_\_\_\_  
Address: \_\_\_\_\_

WATER RESOURCES  
RECEIVED

Well B Owner(s): \_\_\_\_\_  
Address: \_\_\_\_\_

AUG 22 2016

9. For surface water use, list below the names and addresses of all landowners from a point 1/2 mile upstream to a point 1/2 mile downstream of the tract of land upon which the point of diversion is located. If additional space is needed, attach sheet.

KS DEPT OF AGRICULTURE

Tract A Owner(s): \_\_\_\_\_  
Address: \_\_\_\_\_

Tract B Owner(s): \_\_\_\_\_  
Address: \_\_\_\_\_

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

Applicant Dan Woodward 531 NW Tyler Topeka, KS 66608 785-235-6284  
(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 8-18-16, 2016. Dan Woodward  
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.

11. The applicant states that the information set hereon is true and accurate to the best of his/her knowledge.

12. The applicant agrees to waive any right to a hearing on the matter of abandonment of this appropriation right and further agrees that this appropriation right may be dismissed and terminated upon completion of the proposed project, said dismissal date to be on AUGUST 18, 2021 or within any extension of time authorized by the Chief Engineer, Division of Water Resources, Kansas Department of Agriculture.

13. The applicant agrees to provide water to nearby water users, at no charge to said users, should their rights to use water become impaired by the project proposed by this application.

14. Water use contact person (in event emergency contact is needed):

Name: Dan Woodward Telephone No. 785 235-6284

Dan Woodward or \_\_\_\_\_  
Signature of Applicant Authorized Representative Date 8-18-16

Dan Woodward \_\_\_\_\_  
Applicant's Name Printed Title

**DO NOT WRITE BELOW THIS LINE**

**CONDITIONS OF APPROVAL:**

The applicant shall maintain accurate and complete records from which the quantity of water diverted during each calendar year may be readily determined. Accurate and complete records shall be furnished to 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.

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.

The Chief Engineer specifically retains jurisdiction in this matter with authority to make such reasonable reductions in the approved rate of diversion and quantity authorized, and such changes in other terms, conditions, and limitation set forth in this approval and permit to proceed as may be deemed to be in the public interest.

See Exhibit "A" for Additional Conditions  
of Term Permit File No. 20169074

**APPLICATION APPROVED**  
**PERMIT NUMBER: 20169074**  
**DATE ISSUED: \_\_\_\_\_**  
**EXPIRATION DATE: 8/18/2021**  
**WATER METER REQUIRED, YES  NO**   
SCANNED

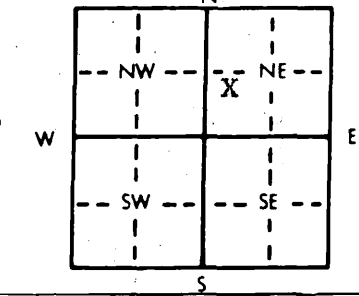
LOCATION OF WATER WELL: County: SHAWNEE 089 Fraction: NW  $\frac{1}{4}$  SW  $\frac{1}{4}$  NE  $\frac{1}{4}$  Section Number: 30 Township Number: 11 S Range Number: R 16E EW

Distance and direction from nearest town or city street address of well if located within city?

WATER WELL OWNER: Kansas Sand  
 RR#, St. Address, Box #: 531 N. Tyler  
 City, State, ZIP Code: Topeka, Kansas

Board of Agriculture, Division of Water Resources  
 Application Number: 939123

LOCATE WELL'S LOCATION WITH AN "X" IN SECTION BOX:



DEPTH OF COMPLETED WELL: 79' ft. ELEVATION: \_\_\_\_\_ ft.  
 Depth(s) Groundwater Encountered 1. \_\_\_\_\_ ft. 2. \_\_\_\_\_ ft. 3. \_\_\_\_\_ ft.  
 WELL'S STATIC WATER LEVEL: 24' ft. below land surface measured on mo/day/yr 4-11-94  
 Pump test data: Well water was \_\_\_\_\_ ft. after \_\_\_\_\_ hours pumping \_\_\_\_\_ gpm  
 Est. Yield: 150 gpm: Well water was \_\_\_\_\_ ft. after \_\_\_\_\_ hours pumping \_\_\_\_\_ gpm  
 Bore Hole Diameter: 15" in. to \_\_\_\_\_ ft., and \_\_\_\_\_ in. to \_\_\_\_\_ ft.  
 WELL WATER TO BE USED AS:  
 5 Public water supply 8 Air conditioning 11 Injection well  
 1 Domestic 3 Feedlot 6 Oil field water supply 9 Dewatering 12 Other (Specify below)  
 2 Irrigation 4 Industrial 7 Lawn and garden only 10 Monitoring well  
 Was a chemical/bacteriological sample submitted to Department? Yes \_\_\_\_\_ No X; If yes, mo/day/yr sample was submitted \_\_\_\_\_  
 Water Well Disinfected? Yes X No \_\_\_\_\_

TYPE OF BLANK CASING USED:  
 1 Steel 3 RMP (SR) 5 Wrought iron 8 Concrete tile CASING JOINTS: Glued X Clamped \_\_\_\_\_  
 2 PVC 4 ABS 6 Asbestos-Cement 9 Other (specify below) Welded \_\_\_\_\_  
 7 Fiberglass Threaded \_\_\_\_\_

Blank casing diameter: 6" in. to 0-69 ft., Dia. \_\_\_\_\_ in. to \_\_\_\_\_ ft., Dia. \_\_\_\_\_ in. to \_\_\_\_\_ ft.  
 Casing height above land surface: 24" in., weight 3.6 lbs./ft. Wall thickness or gauge No. 280

TYPE OF SCREEN OR PERFORATION MATERIAL: Johnson .035 7 PVC 10 Asbestos-cement  
 1 Steel 3 Stainless steel 5 Fiberglass 8 RMP (SR) 11 Other (specify) \_\_\_\_\_  
 2 Brass 4 Galvanized steel 6 Concrete tile 9 ABS 12 None used (open hole)

SCREEN OR PERFORATION OPENINGS ARE:  
 1 Continuous slot 3 Mill slot 5 Gauzed wrapped 8 Saw cut 11 None (open hole)  
 2 Louvered shutter 4 Key punched 6 Wire wrapped 9 Drilled holes  
 7 Torch cut 10 Other (specify) \_\_\_\_\_

SCREEN-PERFORATED INTERVALS: From 69 ft. to 79 ft., From \_\_\_\_\_ ft. to \_\_\_\_\_ ft.  
 From \_\_\_\_\_ ft. to \_\_\_\_\_ ft., From \_\_\_\_\_ ft. to \_\_\_\_\_ ft.  
 GRAVEL PACK INTERVALS: From 24 ft. to 79 ft., From \_\_\_\_\_ ft. to \_\_\_\_\_ ft.  
 From \_\_\_\_\_ ft. to \_\_\_\_\_ ft., From \_\_\_\_\_ ft. to \_\_\_\_\_ ft.

GROUT MATERIAL: 1 Neat cement 2 Cement grout 3 Bentonite 4 Other \_\_\_\_\_  
 Grout intervals: From 4 ft. to 24 ft., From \_\_\_\_\_ ft. to \_\_\_\_\_ ft., From \_\_\_\_\_ ft. to \_\_\_\_\_ ft.

What is the nearest source of possible contamination:  
 1 Septic tank 4 Lateral lines 7 Pit privy 10 Livestock pens 14 Abandoned water well  
 2 Sewer lines 5 Cess pool 8 Sewage lagoon 11 Fuel storage 15 Oil well/Gas well  
 3 Watertight sewer lines 6 Seepage pit 9 Feedyard 12 Fertilizer storage 16 Other (specify below)  
 13 Insecticide storage  
 How many feet? \_\_\_\_\_

FROM	TO	LITHOLOGIC LOG	FROM	TO	PLUGGING INTERVALS
0	10	Fill, Dirt, rocks, cement			RECEIVED AUG 01 2002 TOPEKA FIELD OFFICE DIVISION OF WATER RESOURCES
10	23	Fine Sand-Brown			
23	29	Fine Sand-Coarse Sand-Med-Gravel-Brown			
29	31	Clay-Blue			
31	37	Fine Sand-Brown			
37	42	Fine Sand-Coarse Sand-Brown			RECEIVED JUL 29 1994 FIELD OFFICE DIVISION OF WATER RESOURCE TOPEKA

CONTRACTOR'S OR LANDOWNER'S CERTIFICATION: This water well was (1) constructed, (2) reconstructed, or (3) plugged under my jurisdiction and was completed on (mo/day/year) 4-11-94 and this record is true to the best of my knowledge and belief. Kansas Water Well Contractor's License No. 182 This Water Well Record was completed on (mo/day/yr) 6-1-94  
 Under the business name of SPRADER DRILLING CO., INC. by (signature) [Signature]

INSTRUCTIONS: Use typewriter or ball point pen. PLEASE PRESS FIRMLY and PRINT clearly. Please fill in blanks, underline or circle the correct answers. Send top three copies to Kansas Department of Health and Environment, Bureau of Water, Topeka, Kansas 66620-0001. Telephone: 913-296-5545. Send one to WATER WELL OWNER and retain one for your records.

MICROFILMED MT

Safe Yield Report Sheet  
Water Right- A4498500  
Point of Diversion in NESWSE 30-11S-16E 11 (67077)

---

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#  
 49,689 A  
 Exempt from Safe  
 Yield Because it's  
 Non-Consumptive  
 Per 5-3-10.  
 DWS/DWR  
 10/11/16

**Analysis Results**

The selected PD is in an area to new appropriations.  
 The safe yield, based on the variables listed below is 4,227.08 AF.  
 Total prior appropriation in the circle is 36,605.41 AF. - 29,627 = 6,978.41  
 Total quantity of water available for appropriation is 0.00 AF.

**Safe Yield Variables**

The area used for the analysis is set at 8,042 acres.  
 Potential annual recharge of the area is estimated to be 8.41 inches.  
 The percent of recharge available for appropriation is 75%.

Authorized Quantity values are as of 11-OCT-2016 and are based on Appropriated and Vested ground water right and possible stream nodes for GMD #2. Domestic, Term and Temporary water rights have been excluded.

There are 22 water right(s) and 37 point(s) of diversion within the circle.

File Number	Use	ST	SR	Q4	Q3	Q2	Q1	FeetN	FeetW	Sec	Twp	Rng	ID	Qind	Auth_Quant	Add_Quant	Tacres	Nacres	
A	1292	00	IND	NK	G			1294	2045	13	11	15E	5	WR	930.00	930.00			
A	5483	00	IND	NK	G			1294	2045	13	11	15E	5	WR	5,520.60	756.60			
Same			IND	NK	G			1993	129	13	11	15E	10	WR					
Same			IND	NK	G			1294	1398	13	11	15E	6	WR					
Same			IND	NK	G			2355	285	13	11	15E	9	WR					
Same			IND	NK	G			1294	751	13	11	15E	4	WR					
A	31638	00	IRR	NK	G			2650	3500	24	11	15E	9	WR	28.00	28.00	43.00	43.00	
A	35712	00	MUN	NK	G			1580	4800	24	11	15E	3	WR	6.78	6.78			
A	35765	00	MUN	NK	G			4250	3800	25	11	15E	2	WR	1.14	1.14			
A	36211	00	CON	NK	G	NE	NE	SW	2585	3185	29	11	16E	15	WR	13.69	13.69		
Same			CON	NK	G	NE	NE	SW	2555	3240	29	11	16E	13	WR				
Same			CON	NK	G	NE	NE	SW	2525	3295	29	11	16E	16	WR				
A	38591	00	IRR	NK	G	NE	NW	SE	2050	1450	24	11	15E	10	WR	14.00	14.00	16.50	16.50
A	38723	00	IND	NK	G	NE	NE	SW	2635	3260	29	11	16E	11	WR	14.80	14.80		
A	39269	00	IRR	NK	G	SE	NE	SE	1900	220	24	11	15E	12	WR	14.00	14.00	21.50	21.50
A	40820	00	REC	NK	G	SW	SE	SW	450	3550	18	11	16E	1	WR	5.80	5.80		
A	43436	00	IND	NK	G	SE	SW	NE	3008	1806	30	11	16E	9	WR	5.22	5.22		
A	43625	00	IND	NK	G	SW	SE	SE	480	740	30	11	16E	10	WR	8.60	8.60		

A	43934	00	IND	NK	G		4836	5166	25	11	15E	5	WR	10.17	10.17		
A	44985	00	IND	NK	G	SE SW NE	2975	1912	30	11	16E	11	WR	14.84	14.84		
A	47908	00	DEW	KE	G	NW SE SE	805	1076	20	11	16E	3	WR	<del>29,627.00</del>	<del>29,627.00</del>		
Same			DEW	KE	G	SW NW SW	1688	4708	29	11	16E	17	WR				
Same			DEW	KE	G		624	4167	29	11	16E	18	WR				
Same			DEW	KE	G		743	5232	29	11	16E	19	WR				
Same			DEW	KE	G		941	347	30	11	16E	15	WR				
Same			DEW	KE	G		3167	1098	25	11	15E	6	WR				
Same			DEW	KE	G		4291	4082	25	11	15E	7	WR				
Same			DEW	KE	G		4006	4703	25	11	15E	8	WR				
Same			DEW	KE	G		722	510	30	11	16E	16	WR				
Same			DEW	KE	G		700	420	30	11	16E	17	WR				
Same			DEW	KE	G		667	350	30	11	16E	18	WR				
A	48380	00	CON	LO	G	NE NE SW	2585	3185	29	11	16E	15	WR	25.01	25.01		
Same			CON	LO	G	NE NE SW	2555	3240	29	11	16E	13	WR				
Same			CON	LO	G	NE NE SW	2525	3295	29	11	16E	16	WR				
A	48381	00	IND	KE	G	NE NE SW	2635	3260	29	11	16E	11	WR	32.26	32.26		
V SN	7	00	IRR	AA	G		5240	3900	24	11	15E	6	WR	41.00	41.00	66.00	66.00
Same			IRR	AA	G		5240	2600	24	11	15E	5	WR				
Same			IRR	AA	G		3330	3300	24	11	15E	18	WR				
V SN	17	00	IRR	NV	G	NC SE NE	3252	550	24	11	15E	15	WR	75.50	75.50	75.50	75.50
V SN	19	00	IND	AA	G		1294	751	13	11	15E	4	WR	3,834.00	3,834.00		
V SN	30	00	IND	AA	G	SE SW SW	338	4021	29	11	16E	9	WR	1,120.00	1,120.00		
Same			IND	AA	G	SE SW SW	307	4513	29	11	16E	8	WR				
V SN	33	00	IRR	AA	G		4415	2300	24	11	15E	4	WR	27.00	27.00	27.00	27.00

- Dewatering

=====

49,689A

AMOUNT STATISTICS REPORT FOR POINTS OF DIVERSION UNDER A 44985 00

#####

AMOUNT STATISTICS REPORT FOR POINTS OF DIVERSION UNDER A 44985 00 IND

Water Right and Points of Diversion Within 2.00 miles of point defined as:

All wells > 1/2 mile (except Applicant's)

2975 Feet North and 1912 Feet West of the Southeast Corner of Section 30 T 11S R 16E

GROUNDWATER ONLY

File Number	Use	ST	SR	Dist (ft)	Q4	Q3	Q2	Q1	FeetN	FeetW	Sec	Twp	Rng	ID	Batt	Auth_Quan	Add_Quan	Unit
A__ 1292 00	IND	NK	G	10257	--	--	--	--	1294	2045	13	11	15E	5		930.00	930.00	AF
A__ 5483 00	IND	NK	G	9672	--	--	--	--	1294	751	13	11	15E	4		5520.60	756.60	AF
Same				10257	--	--	--	--	1294	2045	13	11	15E	5				
Same				9948	--	--	--	--	1294	1398	13	11	15E	6				
Same				10498	--	--	--	--	2355	285	13	11	15E	9				
Same				10104	--	--	--	--	1993	129	13	11	15E	10				
A__ 31638 00	IRR	NK	G	8438	--	--	--	--	2650	3500	24	11	15E	9		28.00	28.00	AF
A__ 35712 00	MUN	NK	G	8969	--	--	--	--	1580	4800	24	11	15E	3		6.78	6.78	AF
A__ 35765 00	MUN	NK	G	7109	--	--	--	--	4250	3800	25	11	15E	2		1.14	1.14	AF
A__ 36211 00	CON	NK	G	4143	--	NE	NE	SW	2555	3240	29	11	16E	13	G 2	13.69	13.69	AF
Same				4195	--	NE	NE	SW	2585	3185	29	11	16E	15	B 2			
Same				4091	--	NE	NE	SW	2525	3295	29	11	16E	16	B 2			
A__ 38591 00	IRR	NK	G	6479	--	NE	NW	SE	2050	1450	24	11	15E	10		14.00	14.00	AF
A__ 38723 00	IND	NK	G	4117	--	NE	NE	SW	2635	3260	29	11	16E	11		14.80	14.80	AF
A__ 39269 00	IRR	NK	G	5538	--	SE	NE	SE	1900	220	24	11	15E	12		14.00	14.00	AF
A__ 40820 00	REC	NK	G	8150	--	SW	SE	SW	450	3550	18	11	16E	1		5.80	5.80	AF
A__ 43436 00	IND	NK	G	111	--	SE	SW	NE	3008	1806	30	11	16E	9		5.22	5.22	AF
A__ 43625 00	IND	NK	G	2757	--	SW	SE	SE	480	740	30	11	16E	10		8.60	8.60	AF
A__ 43934 00	IND	NK	G	8565	--	--	--	--	4836	5166	25	11	15E	5*		10.17	10.17	AF
A__ 44985 00	IND	NK	G	0	--	SE	SW	NE	2975	1912	30	11	16E	11		14.84	14.84	AF
A__ 47908 00	DEW	KE	G	4295	--	--	--	--	3167	1098	25	11	15E	6		29627.00	29627.00	AF
Same				7394	--	--	--	--	4291	4082	25	11	15E	7				
Same				7963	--	--	--	--	4006	4703	25	11	15E	8				
Same				7108	--	NW	SE	SE	805	1076	20	11	16E	3				
Same				2930	--	SW	NW	SW	1688	4708	29	11	16E	17				
Same				3938	--	--	--	--	624	4167	29	11	16E	18				
Same				3049	--	--	--	--	743	5232	29	11	16E	19				
Same				2566	--	--	--	--	941	347	30	11	16E	15				
Same				2654	--	--	--	--	722	510	30	11	16E	16				
Same				2721	--	--	--	--	700	420	30	11	16E	17				
Same				2787	--	--	--	--	667	350	30	11	16E	18				
A__ 48380 00	CON	LO	G	4143	--	NE	NE	SW	2555	3240	29	11	16E	13	G 2	25.01	25.01	AF
Same				4195	--	NE	NE	SW	2585	3185	29	11	16E	15	B 2			
Same				4091	--	NE	NE	SW	2525	3295	29	11	16E	16	B 2			
A__ 48381 00	IND	KE	G	4117	--	NE	NE	SW	2635	3260	29	11	16E	11		32.26	32.26	AF
T__20109017 00	IND	GY	G	8150	--	SW	SE	SW	450	3550	18	11	16E	1		342.00	342.00	AF
T__20169022 00	IND	GY	G	628	--	NW	SW	NE	3583	2071	30	11	16E	7		10.01	10.01	AF
T__20169074 00	IND	AY	G	0	--	SE	SW	NE	2975	1912	30	11	16E	11		30.69	30.69	AF
VSN 7 00	IRR	AA	G	9549	--	--	--	--	5240	2600	24	11	15E	5		41.00	41.00	AF
Same				10416	--	--	--	--	5240	3900	24	11	15E	6				
Same				8712	--	--	--	--	3330	3300	24	11	15E	18				
VSN 17 00	IRR	NV	G	6824	--	NC	SE	NE	3252	550	24	11	15E	15		75.50	75.50	AF
VSN 19 00	IND	AA	G	9672	--	--	--	--	1294	751	13	11	15E	4		3834.00	3834.00	AF
VSN 30 00	IND	AA	G	3871	--	SE	SW	SW	307	4513	29	11	16E	8		1120.00	1120.00	AF

- Applicant Batch Plant well

Same 4228 -- SE SW SW 338 4021 29 11 16E 9  
 VSN 33 00 IRR AA G 8814 -- -- -- 4415 2300 24 11 15E 4 27.00 27.00 AF

```

=====
Total Net Quantities Authorized:  Direct      Storage
Total Requested Amount (AF) =      30.69      .00
Total Permitted Amount (AF) =    30011.26      .00
Total Inspected Amount (AF) =       25.01      .00
Total Pro_Cert Amount (AF) =         .00      .00
Total Certified Amount (AF) =     1823.64      .00
Total Vested Amount (AF) =       5097.50      .00
TOTAL AMOUNT (AF) =      36988.11      .00
    
```

An \* after the source of supply indicates a pending application for change under the file number.  
 An \* after the ID indicates a 15 AF exemption was granted under the file number.  
 A "G" in the Batt column indicates the GEO CTR of a battery. A "B" indicates a well in the battery.  
 The number in the Batt column is the number of wells in the battery.

Water Rights and Points of Diversion Within 2.00 miles of point defined as:

2975 Feet North and 1912 Feet West of the Southeast Corner of Section 30 T 11S R 16E

GROUNDWATER ONLY

WATER USE CORRESPONDENTS:

```

=====
File Number  Use ST SR
A__ 1292 00 IND NK G
> GOODYEAR TIRE & RUBBER CO
> ENVIRONMENTAL MANAGER
> PO BOX 1069
> TOPEKA KS 66601
>-----
    
```

```

A__ 5483 00 IND NK G
> GOODYEAR TIRE & RUBBER CO
> ENVIRONMENTAL MANAGER
> PO BOX 1069
> TOPEKA KS 66601
>-----
    
```

```

A__ 31638 00 IRR NK G
> DORIS A MEIER
>
> 2525 NW LOWER SILVER LAKE RD
> TOPEKA KS 66618
>-----
    
```

```

A__ 35712 00 MUN NK G
> CITY OF TOPEKA
> WATER POLLUTION CONTROL
> 1115 POPLAR
> TOPEKA KS 66616
>-----
    
```

```

A__ 35765 00 MUN NK G
> CITY OF TOPEKA
> WATER POLLUTION CONTROL
> 1115 POPLAR
> TOPEKA KS 66616
>-----
    
```



## Schemm, Doug

---

**Subject:** Kansas Sand and Concrete- File No. 49,689 A

---

**From:** Tietsort, Katie  
**Sent:** Tuesday, October 18, 2016 10:28 AM  
**To:** Schemm, Doug  
**Subject:** RE: Kansas Sand and Concrete

Doug,

As we have discussed previously, the TFO agrees with the conversion of this application and your recommendation of approval for the application.

Thanks for your work on this project,  
Katie

Katie Tietsort  
Water Commissioner, Topeka Field Office  
Kansas Department of Agriculture, Division of Water Resources  
6531 SE Forbes Ave, Ste B  
Topeka, KS 66619  
(785) 296-5733  
[Katie.Tietsort@ks.gov](mailto:Katie.Tietsort@ks.gov)

---

**From:** Schemm, Doug  
**Sent:** Monday, October 17, 2016 12:46 PM  
**To:** Tietsort, Katie <[Katie.Tietsort@ks.gov](mailto:Katie.Tietsort@ks.gov)>  
**Subject:** Kansas Sand and Concrete

This is the term permit 20169074 that I converted over to a regular application.

## Schemm, Doug

---

**From:** Schemm, Doug  
**Sent:** Monday, October 17, 2016 1:03 PM  
**To:** 'krwad@att.net'  
**Subject:** Kansas Sand and Concrete - additional water  
**Attachments:** Notification of KS River Assurance District.docx; 20161017114942636.tif

Galen,

This is just for some additional water from an existing well at this sand pit. They overpumped the senior file, and this will address that problem.

Thanks, Doug

## Schemm, Doug

---

**From:** Turney, Brent  
**Sent:** Tuesday, October 11, 2016 1:42 PM  
**To:** Schemm, Doug  
**Cc:** Letourneau, Lane; Tietsort, Katie  
**Subject:** RE: Kansas Sand and Concrete Term Application, File No. 20169074

Doug,

Term Permit File No. 20169074 falls after File No. 49,689 and before File No. 49,690. Give it File No. 49,689 A

**Brent A. Turney, P.G.**  
**Kansas Department of Agriculture**  
**Division of Water Resources**  
**1320 Research Park Drive**  
**Manhattan Kansas 66502**  
**(785) 564-6645**  
**[Brent.Turney@ks.gov](mailto:Brent.Turney@ks.gov)**  
**[www.agriculture.ks.gov](http://www.agriculture.ks.gov)**

---

**From:** Schemm, Doug  
**Sent:** Tuesday, October 11, 2016 1:16 PM  
**To:** Turney, Brent <[Brent.Turney@ks.gov](mailto:Brent.Turney@ks.gov)>  
**Cc:** Letourneau, Lane <[Lane.Letourneau@ks.gov](mailto:Lane.Letourneau@ks.gov)>; Tietsort, Katie <[Katie.Tietsort@ks.gov](mailto:Katie.Tietsort@ks.gov)>  
**Subject:** Kansas Sand and Concrete Term Application, File No. 20169074

I assisted this owner with a Term Permit application (File No. 20169074) to address over pumping on File No. 44,985. That was a mistake. I should have had them file a Regular Appropriation Permit. The senior file 44,985 references a determination from Lee Rolfs that the use of water under this file should be considered to be non-consumptive. Non-consumptive uses of water are exempt from safe yield per 5-3-10. This is a long term use of water and should not be a term permit.

Brent, I need to know what file number to assign this file, and I will fill out a regular appropriation application, and process it as such.

Let me know what else needs to be done.

Thanks, Doug



Topeka Field Office  
6531 SE Forbes Ave., Suite B  
Topeka, Kansas 66619

Jackie McClaskey, Secretary  
David W. Barfield, Chief Engineer  
Katherine A. Tietsort, Water Commissioner

Phone: (785) 296-5733  
Fax: (785) 862-2460  
[www.agriculture.ks.gov](http://www.agriculture.ks.gov)  
Sam Brownback, Governor

October 17, 2016

KANSAS RIVER WATER ASSURANCE DISTRICT NO 1  
% GALEN BIERY  
212 SW 7<sup>TH</sup> STREET  
TOPEKA KS 66603-3717

Re: Application, File No. 49,689A (Converted Term Application, File No. 20169074)

Dear Mr. Biery:

This is to advise you that Kansas Sand and Concrete, Inc. has filed the application referred to above for a permit to appropriate additional groundwater from an existing well for use at an existing sand and gravel operation. Please note that this was initially submitted as Term Permit Application, File No. 20169074. However, because of the length of time this project is likely to continue, and the non-consumptive use of water, the term permit was converted to a regular appropriation of water. File No. 49,689A is requesting 10 million gallons per calendar year to be diverted at 100 gallons per minute for industrial use, for sand and gravel sorting and washing. The well is located in the Northeast Quarter of Section 30, Township 11 South, Range 16 East, in Shawnee County, Kansas. As noted above, as typical with these types of operations, the water use is non-consumptive, with most of the water returning to the river.

The applicant slightly exceeded the authorized quantity of water under their senior File No. 44,985, and approval of this new application will provide additional water to address this issue.

As you know, the Kansas River Water Assurance Program Operations Agreement states, in part, that "the District reserves the right to review all applications to appropriate water and change applications, including term permits, filed with the Division of Water Resources that propose the diversion of water from the Kansas River or its alluvium". Therefore, you are being notified of receipt of this application in order that you may be fully informed of the proposed location of the applicant's points of diversion and proposed use of water.

You may contact me at (785) 296-3495 with any questions or comments.

Sincerely,

Douglas W. Schemm  
Environmental Scientist  
Topeka Field Office

Enclosure

**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

Assurance Districts have been formed on the following rivers:

Kansas River                      Marias des Cygnes River                      Neosho River

The Kansas Water Office has Water Reservation Rights for the following reservoirs:

Big Hill	Marion
Clinton	Melvern
Council Grove	Milford
Elk City	Perry
Hillsdale	Pomona
John Redmond	Tuttle Creek

## 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
<del>0-100</del>	<del>\$200.00</del> ✓
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

KANSAS DEPARTMENT OF AGRICULTURE  
Division of Water Resources

MEMORANDUM

TO: Files

DATE: July 9, 2002

RECEIVED

FROM: Nathan E. Westrup

RE: Application  
File No. 44,985

AUG 01 2002

TOPEKA FIELD OFFICE  
DIVISION OF WATER RESOURCES

Kansas Sand & Concrete, Inc. has filed the above referenced application proposing to appropriate 10.8 million gallons (33.1 acre-feet) of groundwater at a rate of diversion not to exceed 125 gallons per minute (0.28 c.f.s.) for industrial use. The proposed appropriation is located within the Kansas River Drainage Basin. There are currently 6,357.47 acre-feet of groundwater appropriated within a two (2) mile radius of the proposed point of diversion.

The requested quantity of 33.1 acre-feet is based on the amount of water needed for the operation of the wash well at 125 gpm for 180 days per year (8 hour days). The requested rate and quantity appear reasonable for the intended use.

This is an existing well and no log is available, however, test hole logs of nearby wells were submitted with this application. The source of supply will be the alluvium of the Kansas River (113).

The applicant has signed an Assurance District statement which informs the applicant that there could be times when the diversion of water may not be allowed under this permit.

Kansas Sand has several other wells on their property. A well authorized under Term Permit, File No. 939123 is located approximately 775 feet Northwest and a well authorized under Appropriation of Water, File No. 43,436 is located approximately 111 feet East. Based on a nearby well log and Theis analysis it appears that the effect of pumping the well under this application will be minimal. Theis shows that the maximum drawdown at the well located 111 feet East would be approximately 1.73 feet. All wells involved are existing, have been in operation for many years, and are located in very close proximity to the Kansas River. With sixty feet of saturated thickness, 1.73 feet of drawdown is not significant and a waiver of 5-4-4 is requested.

\* The proposed well operates in a non-consumptive manner to wash aggregate. After the water washes the aggregate it is returned to the Kansas River which is less than 200 feet from the well. K.A.R. 5-3-10(b)(2), exempts uses of water that have "no significant consumptive use" from K.A.R. 5-3-11, as interpreted by Lee Rolfs, KDA Legal. \*

MICROFILMED

THE STATE



OF KANSAS

KANSAS DEPARTMENT OF AGRICULTURE

Jackie McClaskey, Secretary of Agriculture

DIVISION OF WATER RESOURCES

David W. Barfield, Chief Engineer

## CERTIFICATE OF APPROPRIATION FOR BENEFICIAL USE OF WATER

WATER RIGHT, File No. **44,985**

PRIORITY DATE **February 14, 2002**

WHEREAS, It has been determined by the undersigned that construction of the appropriation diversion works has been completed, that water has been used for beneficial purposes and that the appropriation right has been perfected, all in conformity with the conditions of approval of the application pursuant to the water right referred to above and in conformity with the laws of the State of Kansas.

NOW, THEREFORE, Be It Known that DAVID W. BARFIELD, the duly appointed, qualified and acting Chief Engineer of the Division of Water Resources of the Kansas Department of Agriculture, by authority of the laws of the State of Kansas, and particularly K.S.A. 82a-714, does hereby certify that, subject to vested rights and prior appropriation rights, the appropriator is entitled to make use of groundwater to be withdrawn by means of a well located in the Southeast Quarter of the Southwest Quarter of the Northeast Quarter (SE $\frac{1}{4}$  SW $\frac{1}{4}$  NE $\frac{1}{4}$ ) of hypothetical Section 30, in the Kaw Half-Breed Indian Land Survey No. 3, more particularly described as being near a point 2,975 feet North and 1,912 feet West of the Southeast corner of said section, in Township 11 South, Range 16 East, Shawnee County, Kansas, at a diversion rate not in excess of **86 gallons per minute (0.19 c.f.s.)** and a quantity not to exceed **4.836 million gallons (14.84 acre-feet)** of water per calendar year for **industrial use** in the North Half (N $\frac{1}{2}$ ) of hypothetical Section 30, in Kaw Half-Breed Indian Land Survey Nos. 3 and 4, Township 11 South, Range 16 East, Shawnee County, Kansas.

All terms, conditions and limitations applicable to the Appropriation of Water not expressly changed or removed by the issuance of the Certificate of Appropriation remain in full force and effect. Failure to comply with those terms, conditions and limitations, and those added or amended by this Certificate, will result in the suspension of this appropriation right or revocation and dismissal of this appropriation right.

(over)





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

August 24, 2016

KANSAS SAND AND CONCRETE INC  
PO BOX 656  
TOPEKA KS 66601

**FILE COPY**

RE: Application  
File No. 20169074

Dear Sir or Madam:

Your application for permit to appropriate water in 30-11S-16E in Shawnee County, was received and has been assigned the file number noted above.

As a matter of record, the Division of Water Resources has on hand a large number of applications awaiting processing. Therefore to be fair to all concerned, and so that we can process those applications on hand in the order they were received, we intend to concentrate on the backlog of applications until the issue is resolved. Once review of your application has begun, we will contact you, if additional information is required.

In accordance with the provisions of the Kansas Water Appropriation Act, a portion of which is included below, the use of water as proposed prior to approval of the application is unlawful. Once approved, compliance with the terms, conditions and limitations of the permit is necessary. Conservation of the water resources of Kansas is required.

**Section 82a-728 of the Kansas Water Appropriation Act, provides (a) except for the appropriation of water for the purpose of domestic use, . . . it shall be unlawful for any person to appropriate or threaten to appropriate water from any source without first applying for and obtaining a permit to appropriate water in accordance with the provisions of the Water Appropriation Act or for any person to violate any condition of a vested right, appropriation right or an approved application for a permit to appropriate water for beneficial use.**

**(b) (1) The violation of any provision of this section by any person is a class C misdemeanor . . .**

**A class C misdemeanor is punishable by a fine not to exceed \$500 and/or a term of confinement not to exceed one month in the county jail. Each day that the violation occurs constitutes a separate offense.**

If you have any questions, please contact me at (785) 564-6645. If you wish to discuss a specific file, please have the file number ready so that we may help you more efficiently.

Sincerely,

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

BAT: dlw  
pc: TOPEKA Field Office  
GMD

SCANNED

Kansas Sand & Concrete, Inc.  
Section 30, Township 11 South, Range 16 East  
Shawnee County



● Proposed Point of Diversion



Proposed Place of Use

1:12,000

All known wells within one-half mile of the proposed point of diversion are shown on this map.

*Don Woodward*