

NOTICE

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

THE STATE OF KANSAS



KANSAS DEPARTMENT OF AGRICULTURE
Jackie McClaskey, Secretary of Agriculture

DIVISION OF WATER RESOURCES
David W. Barfield, Chief Engineer

File Number 50027
This item to be completed by the Division of Water Resources.

WATER RESOURCES
RECEIVED

MAR 28 2018

10:29

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, KS 66502:

1. Name of Applicant (Please Print): WANGS BROTHERS LLP
Address: 6406 W 150TH ST
City: OVERLAND PARK State: KS Zip Code 66053

Telephone Number: () _____

2. The source of water is: surface water in Tributary to NORTH WEA CREEK #3937 #3939
(stream)
OR groundwater in MARAIS DES CYGNES 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. **Re-divert 165 acre-feet at 1,200 gpm.**

3. The maximum quantity of water desired is 227.3 acre-feet OR _____ gallons per calendar year, to be diverted at a maximum rate of NF 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 1 GMD 0 Meets K.A.R. 5-3-1 (YES/NO) Use IR Source G County MF By AMW Date 3/28/18
REG 122 Fee \$ 300 TR # _____ Receipt Date 3/28/18 Check # 20197

4/5/2018 UJM

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.

#3937

(A) One in the NE quarter of the NW quarter of the SE quarter of Section 6, more particularly described as being near a point 2066 feet North and 1664 feet West of the Southeast corner of said section, in Township 16 South, Range 25 East, MIAMI County, Kansas.

#3939

(B) One in the SE quarter of the SE quarter of the SE quarter of Section 6, more particularly described as being near a point 533 feet North and 94 feet West of the Southeast corner of said section, in Township 16 South, Range 25 East, MIAMI 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):

(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 MARCH 22, 2018

[Handwritten Signature]
Applicant's Signature

7. The proposed project for diversion of water will consist of Two Reservoirs
(number of wells, pumps or dams, etc.)

and (was)(will be) completed (by) Existing _____
(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 2018
(Mo/Day/Year)

9. Will pesticide, fertilizer, or other foreign substance be injected into the water pumped from the diversion works?

Yes No If "yes", a check valve shall be required.

All chemigation safety requirements must be met including a chemigation permit and reporting requirements.

10. If you are planning to impound water, please contact the Division of Water Resources for assistance, prior to submitting the application. Please attach a reservoir area capacity table and inform us of the total acres of surface drainage area above the reservoir.

Have you also made an application for a permit for construction of this dam and reservoir with the Division of Water Resources? Yes No

• If yes, show the Water Structures permit number here _____

• If no, explain here why a Water Structures permit is not required _____

To be determined by Structures Program Review.

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.

NONE. 165 acre-feet direct use (110 acres x 1.5 AF/acre); 60 acre-feet capacity of combined reservoirs;

2.3 acre-feet evaporation = 227.3 acre-feet total storage

(Evaporation quantity is surface area of both reservoirs x potential evap (3" for this location) / 12)

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 (Tenant)
(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):

Joseph Sleen 2201 W 122nd St Leawood KS 66209
(name, address and telephone number) *Acting as POA for Wang Brother LLC*

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 Stilwell, Kansas, this 22 day of March, 2018
(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 TOPEKA FO Date: 9/11/2014
(office/title)

WATER RESOURCES RECEIVED
MAR 28 2018
KS DEPT OF AGRICULTURE

IRRIGATION USE SUPPLEMENTAL SHEET

File No. 50027

Name of Applicant (Please Print): WANG'S BROTHERS LLP

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

Landowner of Record WANG'S BROTHERS LLP (913-515-5651)
 ADDRESS: 6406 W 150TH ST, OVERLAND PARK, KS 66053 Joseph Sheen
2201 W 122ST Leawood KS
66209

S	T	R	NE¼				NW¼				SW¼				SE¼				TOTAL
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
6	16S	25E													40	14	16	40	110

Landowner of Record NAME: _____
 ADDRESS: _____

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

Landowner of Record NAME: _____
 ADDRESS: _____

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

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

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

Soil Name	Percent of field (%)	Intake Rate (in/hr)	Irrigation Design Group
Grundy	75%		
Total:	100%		

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

Estimate the maximum land slope in the field(s): 5 %

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

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

Other, please describe: _____

d. System design features:

i. Describe how you will control tailwater: Catch all water we can

ii. For sprinkler systems:

- Estimate the operating pressure at the distribution system: 35 psi
- What is the sprinkler package design rate? 35 gpm
- What is the wetted diameter (twice the distance the sprinkler throws water) of a sprinkler on the outer 100 feet of the system? 50 feet
- Please include a copy of the sprinkler package design information. n/a

e. Crop(s) you intend to irrigate. Please note any planned crop rotations:

Sod

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

water as needed

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

50027

FEE SCHEDULE

- 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.

- 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.

- The fee for an application for a permit to appropriate water for water power or dewatering purposes shall be \$100.00 plus \$200.00 for each 100 cubic feet per second, or part thereof, of the diversion rate requested.

Note: The applicant shall notify the Chief Engineer and pay the statutorily required field inspection fee of \$400.00 when construction of the works for diversion has been completed, except that for applications filed on or after July 1, 2009, for works constructed for sediment control use and for evaporation from a groundwater pit for industrial use shall be accompanied by a field inspection fee of \$200.00.

MAKE CHECKS PAYABLE TO THE KANSAS DEPARTMENT OF AGRICULTURE

ATTENTION

A Water Conservation Plan may be required per K.S.A. 82a-733. A statement that your application for permit to appropriate water may be subject to the minimum desirable streamflow requirements per K.S.A. 82a-703a, b, and c may also be required from you. After the Division of Water Resources has had the opportunity to review your application, you will be notified whether or not you will need to submit a Water Conservation Plan. You also may be required to install a water flow meter or water stage measuring device on your diversion works prior to diverting water. There may be other special conditions or Groundwater Management District regulations that you will need to comply with if this application is approved.

CONVERSION FACTORS

1 acre-foot equals 325,851 gallons

1 million gallons equal 3.07 acre-feet

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KS DEPT OF AGRICULTURE

MARCH 22 2018
(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. 50027

Minimum Desirable Streamflow

Dear Sir:

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

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

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

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

Tom Meyers
Signature of Applicant

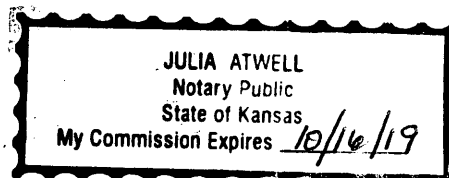
State of Kansas)
County of Johnson) ss

Tom Meyers
(Print Applicant's Name)

I hereby certify that the foregoing instrument was signed in my presence and sworn to before me this 22 day of MARCH, 20 18.

Julia Atwell
Notary Public

My Commission Expires:
10/16/19

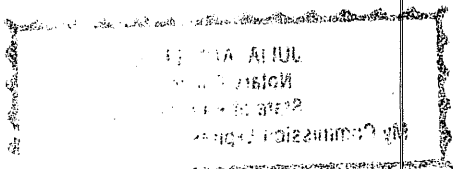


**MINIMUM DESIRABLE STREAMFLOW FORM TO BE USED WHEN
- APPLICABLE WHEN FILING AN APPLICATION FOR PERMIT
TO APPROPRIATE WATER FOR BENEFICIAL USE**

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.

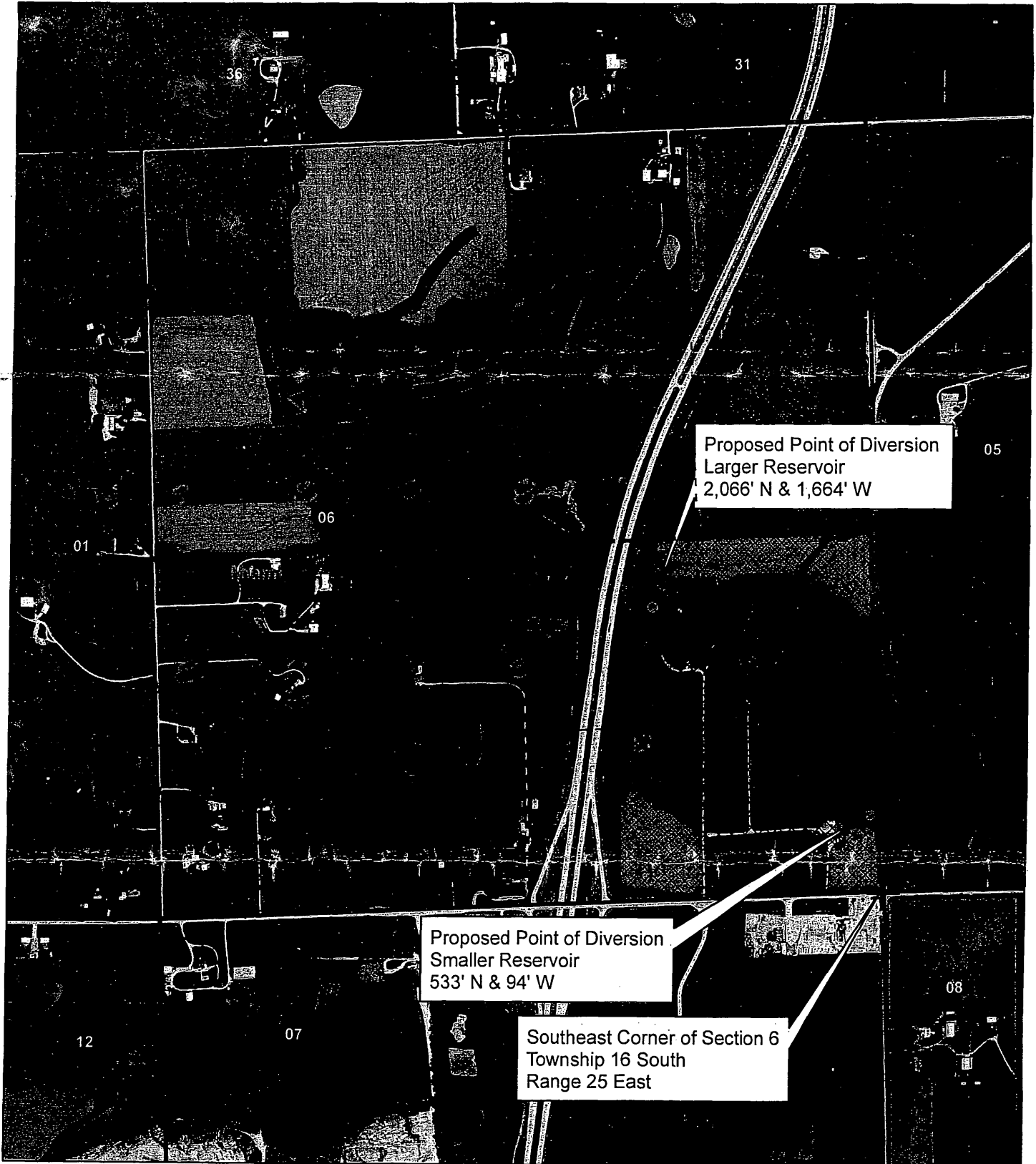
Arkansas River
Big Blue River
Chapman Creek
Chikaskia River
Cottonwood River
Delaware River
Little Arkansas River
Little Blue River
Marais des Cygnes River
Medicine Lodge River
Mill Creek (Wabaunsee Co. area)
Neosho River

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



WANGS BROTHERS LLP - APPLICATION MAP
 SEC. 6, T16S, R25E
 MIAMI COUNTY

50027

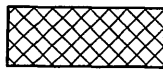


Proposed Point of Diversion
 Larger Reservoir
 2,066' N & 1,664' W

Proposed Point of Diversion
 Smaller Reservoir
 533' N & 94' W

Southeast Corner of Section 6
 Township 16 South
 Range 25 East

1:12,000



Proposed Place of Use

● Proposed Point of Diversion

All upstream and downstream landowners adjacent
 to the stream within 1/2 mile of property lines are shown.

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MAR 28 2018

KS DEPT OF AGRICULTURE



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Exhibit 1.1 A

Land Lease Agreement

This land lease agreement, hereinafter referred to as the Agreement, made on the 15th day of December, 2010 between Wangs Brother LLP (Joseph Sheen acting as Power of Attorney for Wangs Brother LLP), hereinafter referred to as "Lessor," and Meyers Brothers Construction Co., Inc., hereinafter referred to as "Lessee," do hereby state and agree to the following terms:

1. The Lessor hereby leases to Lessee and Lessee hereby leases from Lessor, the property described in the attached Exhibit "A" located at 247th and Metcalf In Miami County, Kansas, more commonly known as 8030 West 247th Street, Louisburg, KS 66053.
2. Lessee shall pay to Lessor rent for said property at the rate of \$7,875.00 per year (\$75.00 per acre for a total of 105 acres) beginning on December 15, 2010. Thereafter the rent will increase incrementally at a rate of \$525.00 per year (\$5.00 per acre) per 12-month period and every 12 months thereafter while this Agreement remains in effect.
3. The initial term of this Agreement shall be for a period of five (5) years. This Agreement shall automatically renew for an additional period of three (3) years, beginning on December 15, 2015 unless either party gives written notice of their intent to terminate this Agreement on or before August 1, 2015. This Agreement will continue to automatically renew every three (3) years thereafter for as long as both parties agree and notice of any intent to terminate is given in writing by August 1st of the third year. The terms of this Agreement during any such renewal term shall be the same as those contained herein.
4. Rent will be paid semi-annually with the first payment of \$3,937.50 becoming due and payable on December 15, 2010, and the second payment of \$3,937.50 becoming due and payable on June 15, 2011.
5. Lessor shall pay all personal property taxes and appropriate insurances on the above-referenced property during the terms of this Agreement. It will be the sole responsibility of the Lessee to purchase any crop insurance deemed appropriate by Lessee and Lessee will be the sole beneficiary of any and all proceeds resulting from damage to said crops.
6. If Lessor provides Lessee notice of their intent to terminate this Agreement at the end of the term as set out above, Lessee agrees to cease all planting activities.
7. Any amendments or alterations to this Agreement shall be in writing and shall be signed by both the Lessor and Lessee.
8. This Agreement shall not be deemed to give rise to a partnership relation, and neither party shall have authority to obligate the other without written consent, except as provided by this Agreement.
9. The terms of this Agreement shall be binding upon the heirs, executors, administrators, and successors of both Lessor and Lessee in like manner as upon the original parties, except as provided by mutual written agreement otherwise.
10. General mowing of roadsides shall be taken care of by Lessee.
11. If the Lessor should sell or otherwise transfer title to the above-described property, such action will be done subject to the provisions of this Agreement.
12. Lessor further agrees Lessee will be granted exclusive possession of the property as described above. In the event Lessor decides to sell the property affected by this Agreement, Lessor agrees to notify Lessee in writing prior to any showings or placement of any signage. Lessee agrees to allow Lessor, Lessor's representatives or agents to enter the property at reasonable times to show the property for sale and to display a "For Sale" sign on the property provided any such signage does not inhibit or in any way obstruct or harm Lessee's crop production. Lessor agrees to not place any signage or other obstruction in the path of the irrigation system in use by Lessee.

WATER RESOURCES
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MAR 28 2018

50027



Topeka Field Office
6571 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

Sam Brownback, Governor

October 6, 2017

CERTIFIED MAIL and first class mail

WATER RESOURCES
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MAR 28 2018

KS DEPT OF AGRICULTURE

WANG'S BROTHERS LLP
1009 GARDEN DR
HARRISONVILLE MO 64083

Re: Non-permitted reservoirs

Location: Southeast Quarter of Section 6, in Township 16 South, Range 25 East, Miami County, Kansas

Dear Sir or Madam:

Reference is made to the above mentioned unpermitted reservoirs related to an illegal irrigation system located in Miami County, Kansas. This storage and re-diversion of surface water is not authorized under any Kansas water right of any kind, and it is unlawful to use these reservoirs for anything other than domestic purposes.

Enclosed is an Order requiring all persons to either properly permit these subject reservoirs, remove all irrigation equipment, or pay a civil penalty. You have a **period of 30 days** from the date of this Order to comply. Periodic field checks will be carried out by Topeka Field Office personnel to verify the status of the points of diversion described in this order.

If you have any questions, feel free to contact this office, or our Topeka Field Office at (785) 296-5733. Please call ahead for an appointment if you wish to visit in person.

Sincerely,

Katherine A. Tietsort
Katherine A. Tietsort
Water Commissioner
Topeka Field Office

Enclosures

50027

THE STATE



OF KANSAS

KANSAS DEPARTMENT OF AGRICULTURE
Jackie McClaskey, Secretary of Agriculture

DIVISION OF WATER RESOURCES
David W. Barfield, Chief Engineer

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MAR 28 2018

**ORDER REQUIRING PERMITTING OF
ILLEGAL DIVERSION OR REMOVAL
OF THREAT TO DIVERT**

KS DEPT OF AGRICULTURE

FINDINGS

1. That information in this office indicates the existence of two (2) reservoirs described as:
 - one reservoir created by a dam located in the Southeast Quarter of the Southeast Quarter of the Southeast Quarter (SE $\frac{1}{4}$ SE $\frac{1}{4}$ SE $\frac{1}{4}$) of Section 6, more particularly described as being near a point 533 feet North and 94 feet West of the Southeast corner of said section, and
 - one reservoir created by a dam located in the Northeast Quarter of the Northwest Quarter of the Southeast Quarter (NE $\frac{1}{4}$ NW $\frac{1}{4}$ SE $\frac{1}{4}$) of Section 6, more particularly described as being near a point 2,066 feet North and 1,664 feet West of the Southeast corner of said section,

all in Township 16 South, Range 25 East, Miami County, Kansas.
2. That information in this office indicates Wang's Brothers LLP, 6406 W 150TH St, Overland Park, Kansas, 66053, as the owner of the Southeast Quarter, lying east of U.S. 69 Highway, containing 110 acres, in Section 6, Township 16 South, Range 25 East, Miami County, Kansas, that includes the subject two reservoirs stated above, along with illegal, unauthorized irrigated acres.
3. That on May 19, 2016, the landowner(s) were sent an Illegal Diversion of Water letter for unauthorized storage and redirection of surface water from a reservoir for irrigation use, including a center pivot on approximately 60 acres of land located in the Southeast Quarter of Section 6, in Township 16 South, Range 25 East, Miami County, Kansas. The landowner(s) were informed that there is nothing in the office of the Chief Engineer to show this use of water is covered by any vested right or approved application for permit to appropriate water for beneficial use, which may be required under the Kansas Water Appropriation Act. The letter was mailed to Wangs Brothers LLP, 8030 W 247TH ST, Louisburg, KS 66053. There was no response of any kind to this letter.
4. That on June 22, 2016, based on additional information received in this office, the same Illegal Diversion of Water letter was mailed to Wangs Brothers LLP, 6406 W 150TH ST, Overland Park, KS 66223. There was no response of any kind to this letter.
5. That the landowners were advised of Kansas Statutes Annotated (K.S.A.) 82a-728, which makes it 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 Kansas Water Appropriation Act and provides for criminal penalties for violation.
6. That K.S.A. 82a-728(b) further provides,
 - (1) The violation of any provision of this section by any person is a class C misdemeanor.
 - (2) Each day that any such violation occurs after notice of the original violation is given by the chief engineer to any such violator by restricted mail shall constitute a separate offense.

7. That on June 21, 2017, Topeka Field Office personnel conducted a field investigation of the referenced property. Both of the reservoirs are equipped with diversion works (i.e. pumps and motors), irrigation piping, and appear to be fully functional with a center pivot installed. No irrigation was occurring at the time of the field inspection.

ORDER

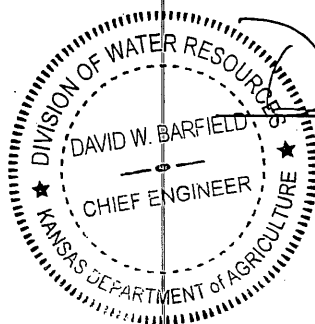
NOW, THEREFORE, the Chief Engineer, Division of Water Resources, Kansas Department of Agriculture, hereby orders Wang's Brothers LLP, or any other person owning an interest in the previously described property, or any agent, employee or other person acting under their authority or control, to either:

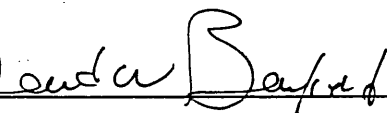
1. File the attached "Application For Permit to Appropriate Water for Beneficial Use" with filing fee, or,
2. Remove all equipment, including irrigation piping, center pivot, pumps and motors from the above described property, to eliminate any threat to divert, or,
3. Pay a per day civil penalty to be assessed at \$1,000 per day.

You have a period of 30 days from the date of this Order to comply. Any diversion of water, except for domestic use, from the previously described reservoirs will be considered to be a violation of K.S.A. 82a-728, a copy of which is enclosed.

This is a final agency action. If you choose to appeal this decision or any finding or part thereof, you must do so by filing a petition for review in the manner prescribed by the Kansas Act for Judicial Review and Civil Enforcement of Agency Actions (KJRA K.S.A. 77-601 et seq.) within 30 days of service of this order. Your appeal must be made with the appropriate district court for the district of Kansas. The Chief Legal Counsel for the Kansas Department of Agriculture, 1320 Research Park Drive, Manhattan, Kansas 66502, is the agency officer who will receive service of a petition for judicial review on behalf of the Kansas Department of Agriculture, Division of Water Resources. If you have questions or would like clarification concerning this order, you may contact the Chief Engineer.

ORDERED THIS 10th DAY OF October, 2017, IN TOPEKA, SHAWNEE COUNTY, KANSAS.





David W. Barfield, P.E.
Chief Engineer
Division of Water Resources
Kansas Department of Agriculture

50027

Wang's Brothers LLP - Order
Page 3

CERTIFICATE OF SERVICE

On this 6th day of October, 2017, I sent a true copy of this Order by certified mail (restricted) and regular first class mail, postage prepaid, to the following:

WANG'S BROTHERS LLP
1009 GARDEN DR
HARRISONVILLE MO 64083

With photocopy via first class mail to:

Water Commissioner, Topeka Field Office



Staff

WATER RESOURCES
RECEIVED

MAR 28 2018

KS DEPT OF AGRICULTURE

NEW STREAM WORKSHEET

ES AJW

Date: 4/3/2018

File No. 50,027

Basin Name: MARAIS DES CYGNES RIVER Basin No. 3

Stream Name: NORTH WEA CREEK TRIB 11 (MAR DES CYG)

Stream location (confluence with parent stream):

Section 1, Township 16 South, Range 24 (East)

Map Color Coding:

Basin Stream – Blue

Named Main Stream off Basin Stream – Yellow

Named Stream off Main Stream – Green

Unnamed Trib (1, 2, 3, 4, etc.) – Pink

Unnamed Trib to Unnamed Trib (A, B, C, etc.) – Orange

Unnamed Trib to Unnamed Trib to Unnamed Trib (1, 2, 3, etc.) – Purple

Stream No. 3_9_3_7 (computer assigned - entered by data entry staff)

Date Entered 4/5/2018 By LLM

NEW STREAM WORKSHEET

ES AJW

Date: 4/3/2018

File No. 50,027

Basin Name: MARAIS DES CYGNES RIVER Basin No. 3

Stream Name: NORTH WEA CREEK TRIB 12 (MAR DES CYG)

Stream location (confluence with parent stream):

Section 13, Township 16 South, Range 24 (East)

Map Color Coding:

Basin Stream – Blue

Named Main Stream off Basin Stream – Yellow

Named Stream off Main Stream – Green

Unnamed Trib (1, 2, 3, 4, etc.) – Pink

Unnamed Trib to Unnamed Trib (A, B, C, etc.) – Orange

Unnamed Trib to Unnamed Trib to Unnamed Trib (1, 2, 3, etc.) – Purple

Stream No. 3_9_3_8 (computer assigned - entered by data entry staff)

Date Entered 4/5/2018 By LLM

NEW STREAM WORKSHEET

ES AJW

Date: 4/3/2018

File No. 50,027

Basin Name: MARAIS DES CYGNES RIVER Basin No. 3

Stream Name: NORTH WEA CREEK TRIB 12A (MAR DES CYG)

Stream location (confluence with parent stream):

Section 7, Township 16 South, Range 24 (East)

Map Color Coding:

Basin Stream – Blue

Named Main Stream off Basin Stream – Yellow

Named Stream off Main Stream – Green

Unnamed Trib (1, 2, 3, 4, etc.) – Pink

Unnamed Trib to Unnamed Trib (A, B, C, etc.) – Orange

Unnamed Trib to Unnamed Trib to Unnamed Trib (1, 2, 3, etc.) – Purple

Stream No. 3_9_3_9 (computer assigned - entered by data entry staff)

Date Entered 4/5/2018 By LLM

STATE OF KANSAS

DEPARTMENT OF AGRICULTURE
1320 RESEARCH PARK DRIVE
MANHATTAN, KS 66502
PHONE: (785) 564-6700
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900 SW JACKSON, ROOM 456
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PHONE: (785) 296-3556
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GOVERNOR JEFF COLYER, M.D.
JACKIE McCLASKEY, SECRETARY OF AGRICULTURE

April 2, 2018

WANGS BROTHERS, LLP
6406 W 150TH ST
OVERLAND PARK KS 66053

RE: Application
File No. 50027

Dear Sir or Madam:

Your application for permit to appropriate water in 6-16S-25E in Miami 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) 564-6637. If you wish to discuss a specific file, please have the file number ready so that we may help you more efficiently.

Sincerely,

Kristen A. Baum
New Applications Unit Supervisor
Water Appropriation Program

BAT: dlw
pc: TOPEKA Field Office
GMD