

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

1. File Number: <p style="text-align: center; font-size: 1.2em;">50,091 A</p>	2. Status Change Date: <p style="text-align: center; font-size: 1.2em;">4/24/2019</p>	3. Field Office: <p style="text-align: center; font-size: 1.2em;">1</p>	4. GMD: <p style="text-align: center; font-size: 1.2em;">0</p>
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5. Status: Approved Denied by DWR/GMD Dismiss by Request/Failure to Return

6. Enclosures: Check Valve N of C Form Water Tube Driller Copy Meter

7a. Applicant(s) Person ID **51491**
New to system Add Seq# _____

MIDWEST CONCRETE MATERIALS
701 S 4TH ST
PO BOX 668
MANHATTAN KS 66502

7c. Landowner(s) Person ID _____
New to system Add Seq# _____

7d. Misc. Person ID _____
New to system Add Seq# _____

7b. Landowner(s) Person ID **60245**
New to system Add Seq# _____

RCS PROPERTIES LLC
2020 CAT CREEK CIR
WAMEGO KS 66547

8. WUR Correspondent Person ID _____
New to system Add Seq# _____
Overlap File (s) WUC Notarized WUC Form
Agree Yes No

7a.

9. Use of Water: Changing? Yes No

Groundwater Surface Water

IRR REC DEW MUN

STK SED DOM CON

HYD DRG WTR PWR ART RECHRG

IND SIC: **3531** OTHER: _____

10. Completion Date: **12/31/2020** 11. Perfection Date: **12/31/2024** * 12. Exp Date: _____

13. Conservation Plan Required? Yes No Date Required: _____ Date Approved: _____ Date to Comply: _____

14. Water Level Measuring Device? Yes No Date to Comply: _____ Date WLMD Installed: _____

Date Prepared: **3/28/2019** By: **DWS**
Date Entered: **4/24/2019** By: **LLM**

File No. 50,091 A	15. Formation Code: 113	Drainage Basin: KANSAS RIVER	County: JF	Special Use:	Stream:																				
16. Points of Diversion T MOD DEL ENT			17. Rate and Quantity Authorized Additional Rate gpm Quantity mgy Rate gpm Quantity mgy Overlap PD Files																						
PDIV	Qualifier	S	T	R	ID	'N	'W																		
MOD	84851	NW NW NE	35	11	18E	4992	2515	99	10.0	99	10.0	49,507													
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 12/31/2020 Date Acceptable Meter Installed _____																									
21. Place of Use T MOD DEL ENT		NE¼				NW¼				SW¼				SE¼				Total	Owner	Chg? NO	Overlap Files				
PUSE	S	T	R	ID	NE ¼	NW ¼	SW ¼	SE ¼	NE ¼	NW ¼	SW ¼	SE ¼	NE ¼	NW ¼	SW ¼	SE ¼	NE ¼	NW ¼	SW ¼	SE ¼					
√	63209	35	11	18E	6	CONCRETE BATCH PLANT (E2NW) (W2NE) W/IN KAW HALF BREED INDIAN LAND #19																	7b.	NO	20149079-SU & 49,507
Comments: RCS Properties LLC is owner of the point of diversion and place of use. Midwest is the tenant on the property.																									

KANSAS DEPARTMENT OF AGRICULTURE
Division of Water Resources
M E M O R A N D U M

TO: Files

DATE: March 28, 2019

FROM: Doug Schemm

RE: Application, File No. 50,091 A, and
Appropriation of Water, File No. 49,507

Midwest Concrete Materials has filed the referenced application to appropriate 10.0 million gallons (30.69 acre-feet) of groundwater from one well, at a rate of diversion of 99 gallons per minute for industrial use at a concrete batch plant (Perry Ready Mix Plant #23) in the North Half of Section 35, Township 11 South, Range 18 East, in Jefferson County. The proposed place of use is owned by RCS Properties LLC, and the application form has been signed by a representative of the applicant, stating they have access to the point of diversion. File No. 49,507 is a complete overlap in place of use and point of diversion. Term Permit, File No. 20149079-SU authorizes evaporation from an adjacent sand and gravel pit, with secondary uses of hydraulic dredging and sand washing. However, because the use of water under this pending application is not non-consumptive and not defined in statute as a secondary use, it requires this separate permit.

File No. 49,507 is authorized 2 million gallons per year at a diversion rate of 350 gallons per minute. However, due to lack of a water level measurement tube, the applicant has agreed to operate the well at a rate of 99 gallons per minute or less. The requested quantity of water of 10.0 million gallons was based on producing 100,000 cubic yards of concrete, requiring 100 gallons of water per yard. The applicant has anticipated significant growth in production at this plant, so the requested quantity of water will be all additional.

A compliance investigation conducted on April 18, 2018 for File No. 49,507, using Global Positioning Satellite data, determined that the actual well location is better described as 4,992 feet North and 2,515 feet West of the Southeast corner of Section 35, in Township 11 South, Range 18 East, Jefferson County, Kansas. This description of the point of diversion better defines the actual location of the well authorized under Appropriation of Water, File No. 49,507. A Findings and Order has been drafted to reflect the better description for this point of diversion.

Obviously, the source of water is the Kansas River alluvium based on the well location. K.A.R. 5-3-11 states that calculated recharge in the Kansas River alluvium shall be determined by taking 25% of the average annual rainfall in the area of consideration. To be consistent with the senior file, the recharge was determined to be 9.1 inches, and the extent of the alluvium for the area of consideration provides a total of 5,564 acres. With a potential recharge of 9.1 inches, and 75% available for appropriation, safe yield was determined to be 3,164.4 acre-feet. Prior appropriations in this area of consideration total 1,654.18 acre-feet, leaving 1,510.22 acre-feet available, and the application meets safe yield.

The applicant identified multiple non-domestic (IRR) and domestic well owners within one-half (½) mile of the proposed point of diversion. Therefore, notification letters were sent out on March 1, 2019. A telephone call was received from one nearby domestic well owner who said that several domestic well owners have had problems with their wells, including having to drill deeper, since this plant has started operating. The WRIS database shows that File No. 47,947 is the nearest permitted groundwater right, and it is located over 1,750 feet away, while the nearest domestic well is over 700 feet away (owned by the landowner under this application). The next nearest domestic well is over 1,000 feet away. The proposed well complies with well spacing criteria in K.A.R. 5-4-4. The Kansas River alluvium is a prolific aquifer with high transmissivity values and the proposed diversion of groundwater under this application will not impair senior water rights. The limited quantity of water and rate of diversion would create a narrow cone of depression around the well. It was not necessary to notify the Kansas River Water Assurance District No. 1 per the Operations Agreement because the well is not located within ¼ mile of the Kansas River.

The applicant has submitted a signed Minimum Desirable Streamflow form, which has been properly notarized. By completing this statement, the applicant affirms his/her knowledge that there could be times when the diversion of water may not be allowed under this permit.

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 chemical or foreign substance is injected into the water pumped under this permit, a check valve will also need to be installed.

In a March 21, 2019 discussion, Katie Tietsort, Water Commissioner, Topeka Field Office, recommended approval of the referenced application. Based on the above discussion, well spacing and safe yield criteria are met, and approval of the application will not impair senior water rights nor prejudicially or unreasonably affect the public interest, it is recommended that the referenced new application be approved, along with a Findings and Order on the senior file to update the well location.

Douglas W. Schemm
Environmental Scientist
Topeka Field Office

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



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

Mike Beam, Secretary

FILE COPY Laura Kelly, Governor

April 25, 2019

MIDWEST CONCRETE MATERIALS
701 S 4TH ST
MANHATTAN KS 66502

RE: Appropriation of Water, File Nos. 50,091 A,
and 49,507

Dear Sir or Madam:

Enclosed is a permit (File No. 50,091 A) authorizing you to proceed with construction of the proposed diversion works and to appropriate water for beneficial use as set forth in the permit. Your attention is directed to the enclosures and to the terms, conditions, limitations, and requirements specified in this permit.

Notice must be filed on the enclosed form once the diversion works have been completed. Failure to complete the diversion works within the time allowed, or within any authorized extension of time thereof, will result in dismissal of this permit. If you need an extension of time, you must request it before the deadline for completion set forth in the permit. Any request for an extension of time must be accompanied by the statutorily required fee, which is currently \$100.00.

An acceptable water flowmeter must be installed on the diversion works authorized by this permit prior to using water. An annual water use report must be filed with the Chief Engineer by March 1, following the end of each calendar year. If a complete annual water use report is not received by the deadline, then a fine may be assessed and all water use under such permit or right may be suspended. Reports submitted in paper form will be assessed a \$20 per file number paper filing fee. In order to avoid this filing fee, you may submit your report online at www.kswaterusereport.org.

The approval of your application constitutes a permit to appropriate water. It does not give authority to construct any dam or other stream obstruction regulated by K.S.A. 82a-301 through 305a. It does not give authority to access any right-of-way or authorize trespassing upon or injury to public or private property. It may also be necessary for you to comply with other local, state or federal requirements. Enclosed is an informational sheet that sets forth the procedure to obtain a Certificate of Appropriation which will establish the extent of your perfected water right. Additional information and applicable forms may be found on our website at agriculture.ks.gov/divisions-programs/dwr.

In addition, enclosed is the order executed by the Chief Engineer, Division of Water Resources, Kansas Department of Agriculture, which sets forth the authorized location of your well under Appropriation of Water, File No. 49,507. This well was better located using Global Positioning Satellite data, and will overlap with your new Appropriation of Water, File No. 50,091 A. If you have any questions or need assistance with any of these requirements, please contact our office at 785-564-6640 or your local Topeka Field Office at 785-296-5733. If you call, please reference the file number so we can help you more efficiently.

Sincerely,

Kristen A. Baum
New Application Unit Supervisor
Division of Water Resources

KAB:dws
Enclosure(s)

pc: Topeka Field Office
RCS Properties LLC

THE STATE  OF KANSAS

KANSAS DEPARTMENT OF AGRICULTURE
Mike Beam, Secretary of Agriculture

DIVISION OF WATER RESOURCES
David W. Barfield, Chief Engineer

**APPROVAL OF APPLICATION
and
PERMIT TO PROCEED**

(This Is Not a Certificate of Appropriation)

This is to certify that I have examined Application, File No. **50,091-A** of the applicant

**MIDWEST CONCRETE MATERIALS
701 S 4TH ST
MANHATTAN KS 66502**

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 **July 20, 2018**.
2. That the water sought to be appropriated shall be used for industrial use at a concrete plant located in the East Half of the Northwest Quarter (E $\frac{1}{2}$ NW $\frac{1}{4}$) and the West Half of the Northeast Quarter (W $\frac{1}{2}$ NE $\frac{1}{4}$) of Section 35, Township 11 South, Range 18 East, Jefferson County, Kansas, all within Kaw Half Breed Indian Land Survey No. 19.
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 Northwest Quarter of the Northwest Quarter of the Northeast Quarter (NW $\frac{1}{4}$ NW $\frac{1}{4}$ NE $\frac{1}{4}$) of Section 35, more particularly described as being near a point 4,992 feet North and 2,515 feet West of the Southeast corner of said section, in Township 11 South, Range 18 East, Jefferson County, Kansas, within Kaw Half Breed Indian Land Survey No. 19, 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 **99 gallons per minute** (0.22 c.f.s.) and to a quantity not to exceed **10.0 million gallons** (30.69 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, 2020** 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, 2024** 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 the 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.

RIGHT TO A HEARING AND TO ADMINISTRATIVE REVIEW

If you are aggrieved by this Order, then pursuant to K.S.A. 82a-1901, you may:

- 1) request an evidentiary hearing before the Chief Engineer, or
- 2) request administrative review by the Secretary of Agriculture.

Failure to request an evidentiary hearing before the Chief Engineer does not preclude your right to administrative review by the Secretary. To obtain an evidentiary hearing before the Chief Engineer, a written request for hearing must be filed within 15 days after service of this Order as provided in K.S.A. 77-531 (i.e., **within a total of 18 days after this Order was mailed to you**), with: Kansas Department of Agriculture, Attn: Legal Section, 1320 Research Park Drive, Manhattan, Kansas 66502, FAX (785) 564-6777.

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

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

Ordered this *24th* day of *April*

, 2019, in Manhattan, Riley 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 *24th* day of *April*, 2019, 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 25th day of April, 2019, I hereby certify that the foregoing Approval of Application and Permit to Proceed, File No. 50,091-A, dated April 24th, 2019 was mailed postage prepaid, first class, US mail to the following:

MIDWEST CONCRETE MATERIALS
701 S 4TH ST
MANHATTAN KS 66502

With photocopies to:

RCS PROPERTIES LLC
2020 CAT CREEK CIR
WAMEGO KS 66547

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

APPLICATION COMPLETE
3/21/19
Reviewer KAB

File Number 50091-A
This item to be completed by the Division of Water Resources.

WATER RESOURCES
RECEIVED

JUL 20 2018

4:00

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): MIDWEST CONCRETE MATERIALS
Address: 701 S 4TH ST PO BOX 668
City: MANHATTAN State KS Zip Code 66502
Telephone Number: (785) 564-0801

2. The source of water is: surface water in _____ (stream)
OR groundwater in KANSAS RIVER Basin _____ (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 30.69 acre-feet OR 10.0 MILLION gallons per calendar year, to be diverted at a maximum rate of 99 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.

WATER RESOURCES
RECEIVED

For Office Use Only:

F.O. 1 GMD 0 Meets K.A.R. 5-3-1 (YES/NO) Use IND Source G S County JF JUL 20 2018 7-24-18
Code _____ REG Fee \$ 500 TR # _____ Receipt Date 7/20/18 Check # 96768

KS DEPT OF AGRICULTURE
SCANNED

7/26/18 DAW

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

**** ALL IN KAW HALF-BREED INDIAN LAND SURVEY #19**

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 NW quarter of the NW quarter of the NE quarter of Section 35, more particularly described as being near a point 4992 feet North and 2515 feet West of the Southeast corner of said section, in Township 11 South, Range 18 East, JEFFERSON County, Kansas.
- (B) One in the _____ quarter of the _____ quarter of the _____ quarter of Section _____, more particularly described as being near a point _____ feet North and _____ feet West of the Southeast corner of said section, in Township _____ South, Range _____ East/West (circle one), _____ County, Kansas.
- (C) One in the _____ quarter of the _____ quarter of the _____ quarter of Section _____, more particularly described as being near a point _____ feet North and _____ feet West of the Southeast corner of said section, in Township _____ South, Range _____ East/West (circle one), _____ County, Kansas.
- (D) One in the _____ quarter of the _____ quarter of the _____ quarter of Section _____, more particularly described as being near a point _____ feet North and _____ feet West of the Southeast corner of said section, in Township _____ South, Range _____ East/West (circle one), _____ County, Kansas.

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

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

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

RCS PROPERTIES LLC 2020 CAT CREEK CIR, WAMEGO KS 66547
(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 July 18, 2018. [Signature]
Applicant's Signature

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

and (was)(will be) completed (by) EXISTING (File No. 49,507)
(Month/Day/Year - each was or will be completed by)

8. The first actual application of water for the proposed beneficial use was or is estimated to be Summer 2018
(Month/Day/Year)

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JUL 20 2018

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 _____

Groundwater well

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. 49,507 OVERLAPS IN POINT OF DIVERSION and PLACE OF USE. THE NEW APPLICATION IS FOR ADDITIONAL QUANTITY ONLY.

PERRY READY MIX PLANT # 23

WATER RESOURCES
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JUL 20 2018

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.

KANSAS RIVER ALLUVIUM

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 TENANT/AGENT
(owner, tenant, agent or otherwise)

15. The owner(s) of the property where the water is used, if other than the applicant, is (please print):
RCS PROPERTIES LLC 2020 CAT CREEK CIR, WAMEGO KS 66547

(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 Manhattan, Kansas, this 18th day of July, 2018
(month) (year)

Midwest Concrete Materials, Inc.
P.J. Reul C. Shun
(Applicant Signature)

48-0678979
APPLICANT(S) SOCIAL SECURITY IDENTIFICATION NUMBER(S)

By _____
(Agent or Officer Signature)

(Agent or Officer - Please Print)

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

Assisted by DWS _____ TOPEKA HQ
(office/title)

WATER RESOURCES
Date: 6/27/2018
RECEIVED

JUL 20 2018

KS DEPT OF AGRICULTURE
SCANNED

**INDUSTRIAL USE
SUPPLEMENTAL SHEET**

File No. 50091-A

Name of Applicant (Please Print): MIDWEST CONCRETE MATERIALS

1. Please describe type of industry or product produced: CONCRETE BATCH PLANT
 Standard Industrial Classification Code Number: 3531

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		2 MG	
Present year		2 MG	

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	80,000 YARDS	8 Million	100 GALS/YARD
Year 2	80,000 YARDS	8 Million	100 GALS/YARD
Year 3	80,000 YARDS	8 Million	100 GALS/YARD
Year 4	90,000 YARDS	9 Million	100 GALS/YARD
Year 5	100,000 YARDS	10 Million	100 GALS/YARD

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

Plus 2 mgy for equipment washing & plant cleanup = 12 million gals/year.

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

*DWS/DWR
3/28/19*

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	
35	11	18E	CONCRETE PLANT LOCATED IN THE E½ NW¼ AND THE W½ NE¼ KAW HALF BREED INDIAN LAND SURVEY NO. 19																

WATER RESOURCES
RECEIVED

JUL 20 2018

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

KS DEPT OF AGRICULTURE

FEE SCHEDULE

1. The fee for an application for a permit to appropriate water for beneficial use, except for domestic use, shall be (see paragraph No. 2 below if requesting storage):

ACRE-FEET	FEE
0-100	\$200.00
101-320	\$300.00
More than 320	\$300.00 plus \$20.00 for each additional 100 acre-feet or any part thereof.

2. The fee for an application in which storage is requested, except for domestic use, shall be:

ACRE-FEET	FEE
0-250	\$200.00
More than 250	\$200.00 plus \$20.00 for each additional 250 acre-feet of storage or any part thereof.

Note: If an application requests both direct use *and* storage, the fee charged shall be as determined under No. 1 or No. 2 above, whichever is greater, but not both fees.

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

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

MAKE CHECKS PAYABLE TO THE KANSAS DEPARTMENT OF AGRICULTURE**ATTENTION**

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

CONVERSION FACTORS

1 acre-foot equals 325,851 gallons

1 million gallons equal 3.07 acre-feet

WATER RESOURCES
RECEIVED

JUL 20 2018

KS DEPT OF AGRICULTURE

50,091 A

meets safe yield

Analysis Results

The selected PD is in an area OPEN to new appropriations.

The safe yield based on the variables listed below is 3,164.40 AF.

Total prior appropriations in the circle is 1,684.87 AF. $-30.69AF = 1654.18AF$

Total quantity of water available for appropriation is ~~1,479.54~~ AF.

1510.22 AF

Safe Yield Variables

The area used for the analysis is set at 5,564 acres.

The potential annual recharge at the circle center is estimated to be 9.1 inches.

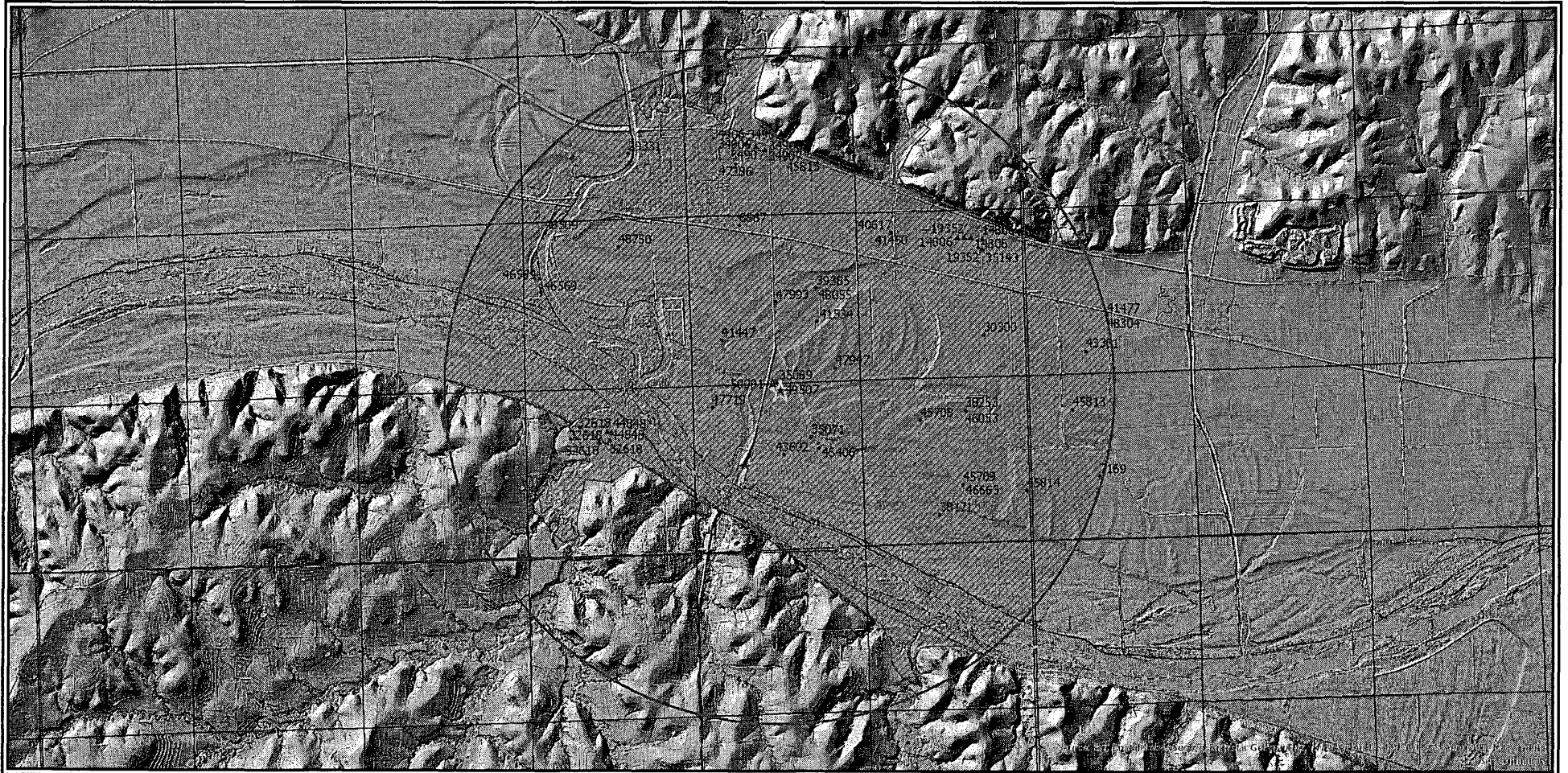
The percent of recharge available for appropriation is 75%.

Authorized Quantity values are as of 13-MAR-2019 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 28 water rights and 25 points 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	Tot Acres	Net Acres
A 14806 00	MUN NK	G		SE	NW	NE		4420	1888	25	11	18E	5	WR	8.13	8.13		
Same	MUN NK	G		SE	NW	NE		4413	1664	25	11	18E	6	WR				
Same	MUN NK	G		SW	NW	NE		4427	2113	25	11	18E	7	WR				
A 19352 00	MUN NK	G		SE	NW	NE		4420	1888	25	11	18E	5	WR	39.90	31.92 ✓		
Same	MUN NK	G		SE	NW	NE		4413	1664	25	11	18E	6	WR				
Same	MUN NK	G		SW	NW	NE		4427	2113	25	11	18E	7	WR				
A 32618 00	MUN NK	G		NW	SW	NE		3958	2615	34	11	18E	2	WR	62.08	62.08		
Same	MUN NK	G		SE	NE	NW		4010	2815	34	11	18E	3	WR				
Same	MUN NK	G		SE	NE	NW		3984	2715	34	11	18E	4	WR				
A 34906 00	MUN NK	G		NE	NE	SW		2088	2784	23	11	18E	1	WR	69.82	69.82		
Same	MUN NK	G		NW	NE	SW		2314	3351	23	11	18E	2	WR				
Same	MUN NK	G		NE	NE	SW		2201	3068	23	11	18E	5	WR				
A 34907 00	MUN NK	G		NE	NE	SW		2088	2784	23	11	18E	1	WR	68.05	66.72		
Same	MUN NK	G		NW	NE	SW		2314	3351	23	11	18E	2	WR				
Same	MUN NK	G		NE	NE	SW		2201	3068	23	11	18E	5	WR				
A 35143 00	MUN NK	G		SE	NW	NE		4420	1888	25	11	18E	5	WR	17.32	17.32		
Same	MUN NK	G		SE	NW	NE		4413	1664	25	11	18E	6	WR				
Same	MUN NK	G		SW	NW	NE		4427	2113	25	11	18E	7	WR				
A 39385 00	IRR NK	G		S2	S2	NE		2900	1320	26	11	18E	3	WR	51.00	51.00	58.00	58.00
A 39521 00	IRR NK	G		SW	NW	SE		1772	2156	23	11	18E	3	WR	43.00	43.00	112.00	112.00
A 40617 00	IRR NK	G		NE	NW	NW		4638	4174	25	11	18E	4	WR	25.00	25.00	36.00	36.00
A 41447 00	IRR NK	G		SE	NW	SW		1376	4304	26	11	18E	4	WR	20.00	20.00	51.00	51.00
A 43059 00	MUN MM	G		SE	NW	NE		4420	1888	25	11	18E	5	WR	171.24	113.86		
Same	MUN MM	G		SE	NW	NE		4413	1664	25	11	18E	6	WR				
Same	MUN MM	G		SW	NW	NE		4427	2113	25	11	18E	7	WR				

Safe Yield Report Sheet
Water Right- A50091A
Point of Diversion in 35-11S-18E
Footages from SE corner- 5,057 feet North 2,425 feet West



File Number	Use	ST	SR	Q4	Q3	Q2	Q1	FeetN	FeetW	Sec	Twp	Rng	ID	Qind	Auth Quant	Add Quant	Tot Acres	Net Acres
A 43361 00	IRR	NK	G			E2	SW	695	3326	30	11	19E	3	WR	33.00	33.00	37.00	37.00
A 44848 00	MUN	LO	G		NW	SW	NE	3958	2615	34	11	18E	2	WR	143.38	81.30		
Same	MUN	LO	G		SE	NE	NW	4010	2815	34	11	18E	3	WR				
Same	MUN	LO	G		SE	NE	NW	3984	2715	34	11	18E	4	WR				
A 45708 00	IRR	NK	G					3906	3437	36	11	18E	3	WR	55.00	55.00	55.00	55.00
A 45709 00	IRR	NK	G		SW	NW	SE	1848	2122	36	11	18E	4	WR	98.00	98.00	280.00	280.00
A 45813 00	IRR	NK	G		SW	NE	NW	4112	3854	31	11	19E	3	WR	102.00	102.00	102.00	102.00
A 45814 00	IRR	NK	G		SE	NE	SE	1589	82	36	11	18E	5	WR	110.00	110.00	110.00	110.00
A 45815 00	IRR	NK	G		SW	NW	SE	1772	2156	23	11	18E	3	WR	85.00	42.00	112.00	0.00
A 46406 00	IRR	NK	G		SE	SW	NE	3132	1368	35	11	18E	4	WR	83.00	83.00	143.00	143.00
A 46663 00	IRR	NK	G		SW	NW	SE	1848	2122	36	11	18E	4	WR	224.00	126.00	280.00	0.00
A 47286 00	IRR	KK	G		SW	NE	SW	1677	3718	23	11	18E	4	WR	28.90	28.90	10.50	10.50
A 47719 00	IRR	LR	G		SW	NW	NW	4470	4635	35	11	18E	5	WR	147.00	147.00	147.00	147.00
A 47947 00	IRR	LR	G		SW	SE	SE	415	758	26	11	18E	7	WR	67.00	67.00	67.00	67.00
A 47993 00	IRR	NK	G		NW	NW	SE	2516	2569	26	11	18E	8	WR	17.00	17.00	33.50	33.50
A 48055 00	IRR	MM	G		S2	S2	NE	2900	1320	26	11	18E	3	WR	87.00	36.00	58.00	0.00
A 48750 00	IRR	KE	G		SW	NW	NE	4580	2170	27	11	18E	5	WR	113.00	113.00	113.00	113.00
A 49507 00	IND	KE	G		NW	NW	NE	5057	2425	35	11	18E	8	WR	6.14	6.14		
A 50091 A	IND	AY	G		NW	NW	NE	5057	2425	35	11	18E	8	WR	30.69	30.69		

Limitations

File Number	Seq Num	Limitations
A 19352 00	39.9 AF	13 MGY @80 GPM COM/W #14806 $8.13 + 31.92 = 39.9$ ✓
A 34907 00	136.54 AF	44.491 MGY @200 GPM COM/W #34906 $69.82 + 66.72 = 136.54$ ✓
A 35143 00	1	110 GPM COM/W #14,806 & 19,352
A 43059 00	1	171.2 AF/YR @600 GPM COM/W #14,806, 19,352, & 35,143 $113.86 + 8.13 + 31.92 + 17.32 = 171.2$ ✓
A 44848 00	143.38 AF	46.72 MGY @ 800 GPM COM/W #32,618 $81.3 + 62.08 = 143.38$ ✓
A 45815 00	2	85 AF/YR COM/W #39521 (PU) $42 + 43 = 85$ ✓
Same	3	800 GPM COM/W #39521 (PD)
A 46663 00	2	224 AF/YR @ 1170 GPM COM/W #45709 $126 + 98 = 224$ ✓
A 48055 00	1	87 AF/YR @ 900 GPM COM/W #39385 $36 + 51 = 87$ ✓

AMOUNT STATISTICS REPORT FOR POINTS OF DIVERSION UNDER A 50091 A

#####

AMOUNT STATISTICS REPORT FOR POINTS OF DIVERSION UNDER A 50091 A IND

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

5057 Feet North and 2425 Feet West of the Southeast Corner of Section 35 T 11S R 18E

GROUNDWATER ONLY

*Meets well
Spacing all wells
> 1,320' (KS River Alluvium)*

File Number	Use	ST	SR	Dist (ft)	Q4	Q3	Q2	Q1	FeetN	FeetW	Sec	Twp	Rng	ID	Batt	Auth_Quan	Add_Quan	Unit	
A__ 14806	00	MUN	NK	G	7399	--	SE	NW	NE	4420	1888	25	11	18E	5	G 2	8.13	8.13	AF
Same					7572	--	SE	NW	NE	4413	1664	25	11	18E	6	B 2			
Same					7228	--	SW	NW	NE	4427	2113	25	11	18E	7	B 2			
A__ 19352	00	MUN	NK	G	7399	--	SE	NW	NE	4420	1888	25	11	18E	5	G 2	39.90	31.92	AF
Same					7572	--	SE	NW	NE	4413	1664	25	11	18E	6	B 2			
Same					7228	--	SW	NW	NE	4427	2113	25	11	18E	7	B 2			
A__ 32618	00	MUN	NK	G	5712	--	SE	NE	NW	3984	2715	34	11	18E	4	G 2	62.08	62.08	AF
Same					5618	--	NW	SW	NE	3958	2615	34	11	18E	2	B 2			
Same					5804	--	SE	NE	NW	4010	2815	34	11	18E	3	B 2			
A__ 34906	00	MUN	NK	G	7681	--	NE	NE	SW	2201	3068	23	11	18E	5	G 2	69.82	69.82	AF
Same					7549	--	NE	NE	SW	2088	2784	23	11	18E	1	B 2			
Same					7822	--	NW	NE	SW	2314	3351	23	11	18E	2	B 2			
A__ 34907	00	MUN	NK	G	7549	--	NE	NE	SW	2088	2784	23	11	18E	1		68.05	66.72	AF
Same					7822	--	NW	NE	SW	2314	3351	23	11	18E	2				
Same					7681	--	NE	NE	SW	2201	3068	23	11	18E	5				
A__ 35143	00	MUN	NK	G	7399	--	SE	NW	NE	4420	1888	25	11	18E	5	G 2	17.32	17.32	AF
Same					7572	--	SE	NW	NE	4413	1664	25	11	18E	6	B 2			
Same					7228	--	SW	NW	NE	4427	2113	25	11	18E	7	B 2			
A__ 39385	00	IRR	NK	G	3271	--	S2	S2	NE	2900	1320	26	11	18E	3		51.00	51.00	AF
A__ 39521	00	IRR	NK	G	7229	--	SW	NW	SE	1772	2156	23	11	18E	3		43.00	43.00	AF
A__ 40617	00	IRR	NK	G	5952	--	NE	NW	NW	4638	4174	25	11	18E	4		25.00	25.00	AF
A__ 41447	00	IRR	NK	G	2453	--	SE	NW	SW	1376	4304	26	11	18E	4		20.00	20.00	AF
A__ 41477	00	IRR	NK	G	10479	--	SW	NW	SE	1795	2627	30	11	19E	1		85.00	85.00	AF
A__ 43059	00	MUN	MM	G	7399	--	SE	NW	NE	4420	1888	25	11	18E	5	G 2	171.24	113.86	AF
Same					7572	--	SE	NW	NE	4413	1664	25	11	18E	6	B 2			
Same					7228	--	SW	NW	NE	4427	2113	25	11	18E	7	B 2			
A__ 43361	00	IRR	NK	G	9633	--	--	E2	SW	695	3326	30	11	19E	3		33.00	33.00	AF
A__ 44848	00	MUN	LO	G	5712	--	SE	NE	NW	3984	2715	34	11	18E	4	G 2	143.38	81.30	AF
Same					5618	--	NW	SW	NE	3958	2615	34	11	18E	2	B 2			
Same					5804	--	SE	NE	NW	4010	2815	34	11	18E	3	B 2			
A__ 45708	00	IRR	NK	G	4409	--	--	--	--	3906	3437	36	11	18E	3		55.00	55.00	AF
A__ 45709	00	IRR	NK	G	6428	--	SW	NW	SE	1848	2122	36	11	18E	4		98.00	98.00	AF
A__ 45813	00	IRR	NK	G	9174	--	SW	NE	NW	4112	3854	31	11	19E	3		102.00	102.00	AF
A__ 45814	00	IRR	NK	G	8363	--	SE	NE	SE	1589	82	36	11	18E	5		110.00	110.00	AF
A__ 45815	00	IRR	NK	G	7229	--	SW	NW	SE	1772	2156	23	11	18E	3		85.00	42.00	AF
A__ 46406	00	IRR	NK	G	2196	--	SE	SW	NE	3132	1368	35	11	18E	4		83.00	83.00	AF
A__ 46663	00	IRR	NK	G	6428	--	SW	NW	SE	1848	2122	36	11	18E	4		224.00	126.00	AF
A__ 47286	00	IRR	KK	G	7247	--	SW	NE	SW	1677	3718	23	11	18E	4		28.90	28.90	AF
A__ 47719	00	IRR	LR	G	2286	--	SW	NW	NW	4470	4635	35	11	18E	5		147.00	147.00	AF
A__ 47947	00	IRR	LR	G	1759	--	SW	SE	SE	415	758	26	11	18E	7		67.00	67.00	AF
A__ 47993	00	IRR	NK	G	2704	--	NW	NW	SE	2516	2569	26	11	18E	8		17.00	17.00	AF
A__ 48055	00	IRR	MM	G	3271	--	S2	S2	NE	2900	1320	26	11	18E	3		87.00	36.00	AF
A__ 48304	00	IRR	LR	G	10479	--	SW	NW	SE	1795	2627	30	11	19E	1		40.00	40.00	AF
A__ 48750	00	IRR	KE	G	6881	--	SW	NW	NE	4580	2170	27	11	18E	5		113.00	113.00	AF

A__	49507 00 IND KE G	0 -- NW NW NE	5057	2425	35	11	18E	8	6.14	6.14	AF
A__	50091 A IND AY G	0 -- NW NW NE	5057	2425	35	11	18E	8	30.69	30.69	AF
T__	20119462 00 CON GY G	6010 -- NW NW NW	5214	5055	26	11	18E	6	40.30	40.30	AF
T__	20149079 SU IND GY G	2207 -- SW SW NE	2850	2410	35	11	18E	6	77.50	77.50	AF

```

=====
Total Net Quantities Authorized:  Direct      Storage
Total Requested Amount (AF) =      30.69      .00
Total Permitted Amount (AF) =     265.84      .00
Total Inspected Amount (AF) =     335.30      .00
Total Pro_Cert Amount (AF) =     149.86      .00
Total Certified Amount (AF) =    1145.99      .00
Total Vested Amount (AF) =         .00      .00
TOTAL AMOUNT (AF) =      1927.67      .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:
 5057 Feet North and 2425 Feet West of the Southeast Corner of Section 35 T 11S R 18E

GROUNDWATER ONLY
 WATER USE CORRESPONDENTS:

- ```

=====
File Number Use ST SR
A__ 14806 00 MUN NK G
> JEFFERSON RWD 02
>
> PO BOX 804
> PERRY KS 66073
>-----
A__ 19352 00 MUN NK G
> JEFFERSON RWD 02
>
> PO BOX 804
> PERRY KS 66073
>-----
A__ 32618 00 MUN NK G
> CITY OF LECOMPTON
>
> PO BOX 100
> LECOMPTON KS 66050
>-----
A__ 34906 00 MUN NK G
> CITY OF PERRY
> CITY HALL
> 115 ELM PO BOX 724
> PERRY KS 66073
>-----
A__ 34907 00 MUN NK G
> CITY OF PERRY
> CITY HALL
> 115 ELM PO BOX 724

```

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



Phone: 785-296-5733  
Fax: 785-296-8298  
[www.agriculture.ks.gov](http://www.agriculture.ks.gov)

Mike Beam, Acting Secretary

Laura Kelly, Governor

March 1, 2019

JUSTIN D & BARBARA M HILL  
735 BROADVIEW DR  
LAWRENCE KS 66044-2438

Re: Pending New Application, File No. 50,091 A

Dear Sir or Madam:

This is to advise you that Midwest Concrete Materials has filed the new application referred to above for permit to appropriate 10 million gallons (30.69 acre-feet) of groundwater per calendar year to be diverted at a maximum rate of 99 gallons per minute for industrial use. Please note that this application is requesting more water **from an existing well** currently authorized under File No. 49,507. The existing well is in the Northwest Quarter of the Northwest Quarter of the Northeast Quarter of Section 35, in Township 11 South, Range 18 East, Jefferson County, Kansas.

Records in this office indicate that you may have a well or wells in this vicinity and 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 point of diversion and proposed use of water. Consideration will be given to comments or other information which you desire to submit to this office **within 15 days** from the date of this letter.

You can find the application and site map posted by the file number referenced above at:  
<http://agriculture.ks.gov/divisions-programs/dwr/water-appropriation/notices>

If you have any questions or comments, you may also contact me at (785) 296-3495. If you call, please reference the file number so I can help you more efficiently.

Sincerely,

A handwritten signature in black ink, appearing to read "Doug Schemm".

Douglas W. Schemm  
Environmental Scientist  
Topeka Field Office

pc: Midwest Concrete Materials

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



Phone: 785-296-5733  
Fax: 785-296-8298  
[www.agriculture.ks.gov](http://www.agriculture.ks.gov)

Mike Beam, Acting Secretary

Laura Kelly, Governor

March 1, 2019

RALPH E ROSE  
RR 1  
4020 NW HUXMAN RD  
SILVER LAKE KS 66539

Re: Pending New Application, File No. 50,091 A

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Sincerely,

  
Douglas W. Schemm  
Environmental Scientist  
Topeka Field Office

pc: Midwest Concrete Materials

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



Phone: 785-296-5733  
Fax: 785-296-8298  
[www.agriculture.ks.gov](http://www.agriculture.ks.gov)

Mike Beam, Acting Secretary

Laura Kelly, Governor

March 1, 2019

LESLIE BROTHERS  
2047 E 600 RD  
LECOMPTON KS 66050

Re: Pending New Application, File No. 50,091 A

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You can find the application and site map posted by the file number referenced above at:  
<http://agriculture.ks.gov/divisions-programs/dwr/water-appropriation/notices>

If you have any questions or comments, you may also contact me at (785) 296-3495. If you call, please reference the file number so I can help you more efficiently.

Sincerely,

  
Douglas W. Schemm  
Environmental Scientist  
Topeka Field Office

pc: Midwest Concrete Materials

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



Phone: 785-296-5733  
Fax: 785-296-8298  
[www.agriculture.ks.gov](http://www.agriculture.ks.gov)

Mike Beam, Acting Secretary

Laura Kelly, Governor

March 1, 2019

PHILLIP & THERESA HART  
11967 12<sup>TH</sup> ST  
PERRY KS 66073

Re: Pending New Application, File No. 50,091 A

Dear Sir or Madam:

This is to advise you that Midwest Concrete Materials has filed the new application referred to above for permit to appropriate 10 million gallons (30.69 acre-feet) of groundwater per calendar year to be diverted at a maximum rate of 99 gallons per minute for industrial use. Please note that this application is requesting more water **from an existing well** currently authorized under File No. 49,507. The existing well is in the Northwest Quarter of the Northwest Quarter of the Northeast Quarter of Section 35, in Township 11 South, Range 18 East, Jefferson County, Kansas.

Records in this office indicate that you may have a well or wells in this vicinity and 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 point of diversion and proposed use of water. Consideration will be given to comments or other information which you desire to submit to this office **within 15 days** from the date of this letter.

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Sincerely,

A handwritten signature in cursive script, appearing to read "Doug Schemm".

Douglas W. Schemm  
Environmental Scientist  
Topeka Field Office

pc: Midwest Concrete Materials





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

Phone: 785-296-5733  
Fax: 785-296-8298  
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Mike Beam, Acting Secretary

Laura Kelly, Governor

March 1, 2019

HOMER & RUTH LESLIE  
12015 12<sup>TH</sup> ST  
PERRY KS 66073

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Sincerely,

A handwritten signature in cursive script that reads "Doug Schemm".

Douglas W. Schemm  
Environmental Scientist  
Topeka Field Office

pc: Midwest Concrete Materials

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



Phone: 785-296-5733  
Fax: 785-296-8298  
[www.agriculture.ks.gov](http://www.agriculture.ks.gov)

Mike Beam, Acting Secretary

Laura Kelly, Governor

March 1, 2019

CHRISTOPHER & SAMANTHA ALEXANDER  
1250 LECOMPTON RD  
PERRY KS 66073

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Sincerely,

A handwritten signature in cursive script that reads "Doug Schemm".

Douglas W. Schemm  
Environmental Scientist  
Topeka Field Office

pc: Midwest Concrete Materials

49,507

50091-A

WELLS WITHIN ONE-HALF MILE

- #1) IRR. FILE NO. 41447  
JUSTIN D & BARBARA M HILL  
735 BROADVIEW DR  
LAWRENCE KS 66044-2438
  
- #2) IRR. FILE NO. 46406  
RCS PROPERTIES LLC  
2020 CAT CREEK CIR  
WAMEGO KS 66547
  
- #3) IRR FILE NO. 47719  
RALPH E ROSE  
4020 NW HUXMAN RD  
SILVER LAKE KS 66539
  
- #4) IRR FILE NO. 47947  
LESLIE BROTHERS  
2047 E 600 RD  
LECOMPTON KS 66050
  
- #5) DOMESTIC WELL  
OWNER = SAME AS #2
  
- #6) PHILLIP & THERESA HART (DOM.)  
11967 12<sup>TH</sup> ST  
PERRY KS 66073
  
- #7) HOMER & RUTH LESLIE (DOM.)  
12015 12<sup>TH</sup> ST  
PERRY KS 66073
  
- #8) CHISTOPHER & SAMANTHA ALEXANDER (DOM.)  
1250 LECOMPTON RD  
PERRY KS 66073

WATER RESOURCES  
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**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 |

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**FEE SCHEDULE**

1. The fee for an application for a permit to appropriate water for beneficial use, except for domestic use, shall be (see paragraph No. 2 below if requesting storage):

| ACRE-FEET     | FEE                                                                          |
|---------------|------------------------------------------------------------------------------|
| 0-100         | \$200.00                                                                     |
| 101-320       | \$300.00                                                                     |
| More than 320 | \$300.00 plus \$20.00 for each additional 100 acre-feet or any part thereof. |

2. The fee for an application in which storage is requested, except for domestic use, shall be:

| ACRE-FEET     | FEE                                                                                     |
|---------------|-----------------------------------------------------------------------------------------|
| 0-250         | \$200.00                                                                                |
| More than 250 | \$200.00 plus \$20.00 for each additional 250 acre-feet of storage or any part thereof. |

Note: If an application requests both direct use *and* storage, the fee charged shall be as determined under No. 1 or No. 2 above, whichever is greater, but not both fees.

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

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

**MAKE CHECKS PAYABLE TO THE KANSAS DEPARTMENT OF AGRICULTURE****ATTENTION**

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

**CONVERSION FACTORS**

1 acre-foot equals 325,851 gallons

1 million gallons equal 3.07 acre-feet

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# STATE OF KANSAS

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



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

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

7/26/2018

MIDWEST CONCRETE MATERIALS  
PO BOX 668  
MANHATTAN, KS 66502

RE: Application, File No. 50091-A

Dear Sir or Madam:

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

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

Additional information about the process may be found on our website at [agriculture.ks.gov/divisions-programs/dwr](http://agriculture.ks.gov/divisions-programs/dwr). If you have any other questions, please contact our office at 785-564-6640 or your local Topeka Field Office at 785-296-5733. If you call, please reference the file number so we can help you more efficiently.

Sincerely,

A handwritten signature in cursive script that reads "Kristen A. Baum".

Kristen A. Baum  
New Application Unit Supervisor  
Division of Water Resources

SCANNED

**INDUSTRIAL USE  
SUPPLEMENTAL SHEET**

File No. 50091-A

Name of Applicant (Please Print): MIDWEST CONCRETE MATERIALS

1. Please describe type of industry or product produced: CONCRETE BATCH PLANT  
 Standard Industrial Classification Code Number: 3531

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    |                   | 2 MG                     |                             |
| Present year |                   | 2 MG                     |                             |

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       | 80,000 YARDS      | 8 Million                      | 100 GALS/YARD               |
| Year 2       | 80,000 YARDS      | 8 Million                      | 100 GALS/YARD               |
| Year 3       | 80,000 YARDS      | 8 Million                      | 100 GALS/YARD               |
| Year 4       | 90,000 YARDS      | 9 Million                      | 100 GALS/YARD               |
| Year 5       | 100,000 YARDS     | 10 Million                     | 100 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 |       |
| 35 | 11 | 18E | CONCRETE PLANT LOCATED IN THE E½ NW¼ AND THE W½ NE¼<br>KAW HALF BREED INDIAN LAND SURVEY NO. 19 |    |    |    |     |    |    |    |     |    |    |    |     |    |    |    |       |
|    |    |     |                                                                                                 |    |    |    |     |    |    |    |     |    |    |    |     |    |    |    |       |

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

KS DEPT OF AGRICULTURE



1:12,000

New Application

JUL 20 2018

50091-A

KS DEPT OF AGRICULTURE

