

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.

Submit To: CHIEF ENGINEER
Division of Water Resources
Kansas Department of Agriculture
1320 Research Park Drive
Manhattan, Kansas 66502
<http://agriculture.ks.gov/dwr>

APPLICATION FOR TERM PERMIT

- GROUNDWATER
 SURFACE WATER
(check one)

MAY 15 2020
11:49
KS Dept Of Agriculture



State of Kansas

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

20209044

1. Applicant: (Please print or type)

Name KAW VALLEY COMPANIES
Street 5600 KANSAS AVE
City and State KANSAS CITY KS
Zip Code 66106 Telephone No. (913) 281-5600
E-Mail Address danh@kvco.net
and/or Taxpayer I.D. No. 48-1202712

2. Location of Point of Diversion: **Geo-Ctr of River Reach**

Sec. 36, Twp. 11S, Rng. 23E,
Wyandotte County, Kansas. (**NW SE SW**)

Distance from Southeast Corner of Section:
1263 feet North from Southeast Corner

3892 feet West from Southeast Corner

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

3. Water Use Data:

Proposed Max. Pumping Rate (gpm) 3,000
Amount Requested (acre-feet) 3,320 AF (1,081.8 million gals.)
per calendar year
Depth of Well (feet) _____
Date (completed) (will be completed) _____
Drainage Basin Kansas River
Name of Stream Kansas River

4. Water is to be used for (briefly describe proposed use and explain the rate and quantity requested):

HYD USE – Sand and Gravel Dredging in KS River Channel
6,000 hrs x 60 mins x 3,000 gpm = 1,080 million gals.

5. Location of place of use:

Sec. 36, T11S, R23E – Edwardsville Dredge
River Miles 15.4 to 16.9 (see map)

6. Period of use:

Commencing date: May 15, 2020
Ending Date: May 14, 2030 **Also enter on Item 12**

If off-stream pit, check here .

Will pit floor intersect water table? Yes No

7. Location of the proposed point of diversion and those of other water users within 1/2 mile shall be indicated on the diagram to the lower-left, scale 1 inch = 2,000 feet. If surface water, indicate on the diagram the course of the stream, and its name. List other D.W.R. permit numbers that cover the requested point(s) of diversion or place of use here:

Overlapping Term Permit, File No. 949159 will be voluntarily dismissed. PUseID: 26180

FEE SCHEDULE

1. The filing fee for an application is based on the maximum amount of water use proposed within a year. Except for storage, the fee is:

Acre-feet	Fee
0-100	\$200.00
101-320	\$300.00
More than 320	\$300.00

\$900

plus \$20 for each additional 100 acre-feet or any part thereof.

2. The fee for an application in which storage is requested, is:

Acre-feet	Fee
0-250	\$200.00
More than 250	\$200.00

plus \$20.00 for each additional 250 acre-feet of storage or any part thereof.

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

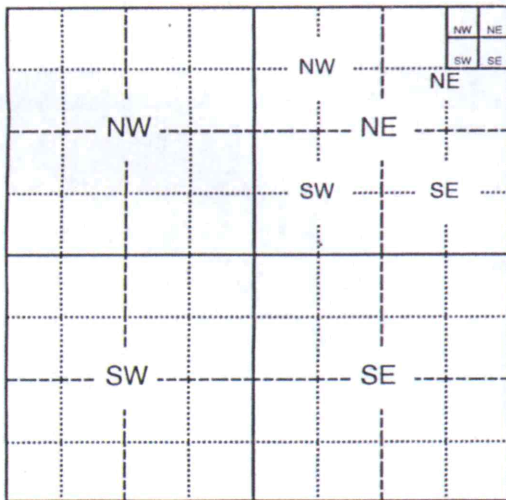
3. The fee for an application for a permit to appropriate water for water power or dewatering purposes shall be \$100.00 plus \$200.00 for each 100 cubic feet per second, or part thereof, of the diversion rate requested.

4. A request for an extension of time to extend the term of a term permit shall be accompanied by a fee of \$100.00.

5. There is a separate application form for domestic use. Do not use this form for domestic use.

CONVERSION FACTORS

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



Assisted by DWS/TFO

5/18/2020
BMM

For Office Use Only: F.O. <u>1</u> <u>GMD</u> Code <u>TR3</u>	<u>Meets K.A.R. 5-3-1 (YES/NO) Use</u> HYD DRG	Source <u>G/S</u> County WY	By <u>BMM</u> Date 5/18/20
Fee \$ <u>900.00</u>	TR # _____	Receipt Date <u>5/15/2020</u>	Check # <u>123766</u>

MAY 15 2020

KS Dept Of Agriculture

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

Other wells -

Well A Owner(s): _____
Address: _____

Well B Owner(s): _____
Address: _____

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

Tract A Owner(s): _____
Address: _____

Tract B Owner(s): _____
Address: _____

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

Applicant
(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 May 12, 2020. *Daniel J. Hays*
Applicant's Signature

The applicant must provide the required information or signature irrespective of whether they are the landowner. Failure to complete this portion of the application will cause it to be unacceptable for filing and the application will be returned to the applicant.

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

12. The applicant agrees to waive any right to a hearing on the matter of abandonment of this appropriation right and further agrees that this appropriation right may be dismissed and terminated upon completion of the proposed project, said dismissal date to be on May 14, 2030 or within any extension of time authorized by the Chief Engineer, Division of Water Resources, Kansas Department of Agriculture.

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

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

Name: Kaw Valley Companies, INC. Telephone No. (913) 281-9950
Daniel J. Hays or *Daniel J. Hays* 5/12/2020
Signature of Applicant Authorized Representative Date
Daniel J. Hays General Manager
Applicant's Name Printed Title

DO NOT WRITE BELOW THIS LINE

CONDITIONS OF APPROVAL:

The applicant shall maintain accurate and complete records from which the quantity of water diverted during each calendar year may be readily determined. Accurate and complete records shall be furnished to the Chief Engineer by March 1 following the end of each calendar year. Failure to file the annual water use report by the due date, shall cause the applicant to be subject to a civil penalty.

The use of water herein authorized shall not be made so as to impair any use under existing water rights nor prejudicially and unreasonably affect the public interest.

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

VOLUNTARY WAIVER OF HEARING & DISMISSAL OF WATER RIGHT OR PERMIT

To: Kansas Department of Agriculture
Division of Water Resources (DWR)
1320 Research Park Drive
Manhattan, Kansas 66502
<http://agriculture.ks.gov/dwr>

Re: Appropriation of Water
Water Right
Vested Right
Term Permit
File No. 949159

The undersigned owner(s) and/or authorized agent(s) of the above referenced water right or permit freely and voluntarily request that the file be dismissed and its priority forfeited. By signing this waiver, I am indicating my understanding and agreement that I am relinquishing all right, title and interest in said water right or permit.

The signature(s) below represent all present owners (or an authorized agent) for the file number shown above (attach duplicate copies of this document as necessary).

The signature(s) below also indicate(s) a waiver of any right to a hearing or an appeal that I/we may have had regarding the dismissal and termination of the above referenced file. I/we recognize that if this closure request is submitted to the Division of Water Resources, it will terminate this water right and forfeit any priority associated with it forever.

Indicate here if you wish to retain the well(s) for domestic use (DWR water right not required):

[Handwritten Signature]

Signature of Owner or Authorized Agent

Signature of Spouse or Title of Authorized Agent

KAW VALLEY COMPANIES %DAN HAYS

Print Name

Print Name

5600 KANSAS AVE

Address

Address

KANSAS CITY, KS 66106

City, State, Zip

City, State, Zip

State of Kansas)
County of Wyandotte)

I hereby certify that the foregoing instrument was signed in my presence and sworn to before me this 12 day of May, 2020.

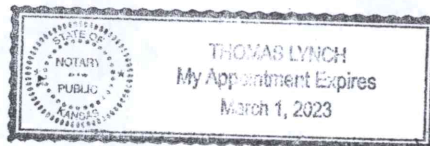
[Handwritten Signature]

Notary Public

My Commission Expires: 3/1/23

Water Resources
Received

MAY 15 2020



DWS
DWR Initials

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



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

Mike Beam, Secretary

Laura Kelly, Governor

May 20, 2020

KAW VALLEY COMPANIES
5600 KANSAS AVE
KANSAS CITY KS 66106

RE: Application, File No. **20209044**

Dear Sir or Madam:

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

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

Additional information about the process may be found on our website at agriculture.ks.gov/divisions-programs/dwr. If you have any other questions, please contact our office at 785-564-6640 or your local 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 black ink that reads "Kristen A. Baum".

Kristen A. Baum
New Applications Unit Supervisor
Water Appropriation Program