

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)

WATER RESOURCES
 RECEIVED



AUG 25 2020

1:40

State of Kansas

20209062

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

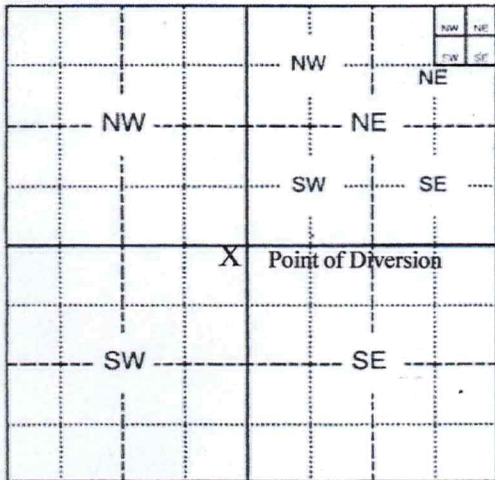
1. Applicant: (Please print or type)
 Name Martin Marietta Materials, Inc
 Street 7381 West 133rd Street, Suite 401
 City and State Overland Park, KS
 Zip Code 66213 Telephone No. (913) 378-1805
 E-Mail Address James.Nicholson@martinmarietta.com
 Social Security I.D. No. _____
 and/or Taxpayer I.D. No. 54-2163861

2. Location of Point of Diversion:
 Sec. 13, Twp. 16S, Rng. 19E, (E/W),
Franklin County, Kansas.

Distance from Southeast Corner of Section:
2557 feet North from Southeast Corner
2952 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) 3500
 Amount Requested (acre-feet) 2200
 per calendar year
 Depth of Well (feet) N/A
 Date (completed) (~~will be completed~~) Under 20059089
 Drainage Basin Marais De Cygnes
 Name of Stream Wilson Creek



4. Water is to be used for (briefly describe proposed use and explain the rate and quantity requested):
Limestone washing and dust suppression
(3500gpm*13.13hrs/day*260days)/325,851= 2200 AC-FT

5. Location of place of use:
Anywhere in Sec. 13, T16S, R19E

6. Period of use:
 Commencing date: 11/19/2020
 Ending Date: 11/18/2025 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:
20159040 PD&PU Overlap (Exp. 11-18-2020)
See attached map

FEE SCHEDULE

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

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

plus \$20 for each additional 100 acre-feet or any part thereof.
 $2200-320=1880/100=18.8$ $19*20=\$380.00+\$300.00=\$680.00$

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

8/27/2020
 LMoody

Assisted by _____

For Office Use Only:
 F.O. 1 GMD Meets K.A.R. 5-3-1 (YES/NO) Use IND Source G/S County FR By BMM Date 8/25/20
 Code TR3 Fee \$ 680.00 TR # _____ Receipt Date 8-25-2020 Check # 01953331

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): Almeda Edwards
Address: 3800 Montana Road, Ottawa, KS 66067

Tract B Owner(s): Martin Marietta Materials
Address: 2700 Wycliff Road, Raleigh, NC 27607

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

Almeda Edwards, see address above, 785-242-1330
(name, address and telephone number)

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

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

Executed on 8/19, 2020. Bill Gahan
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 11/18/2025 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: JR Downs Telephone No. (785) 242-3232

Bill Gahan
Signature of Applicant

or

Authorized Representative

8/19/2020
Date

Bill Gahan

Division President

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.

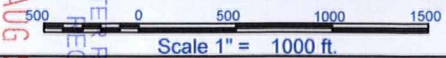
The use of water herein authorized shall not be made so as to impair any use under existing water rights nor prejudicially and unreasonably affect the public interest.

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.

WATER RESOURCES
RECEIVED

AUG 25 2020

KS DEPT OF AGRICULTURE



Martin Marietta

7381 W 133rd Street, Ste 401
Overland Park, KS
913/ 390-8396

DRAWING FILE NAME: Ottawa Master SP NAD83-S-FT V2014 Environmental	DWN BY: JBN	DATE: 08/17/2020	COUNTY: Franklin	STATE: KS	QUARRY: OTTAWA QUARRY
TIFF FILE NAME:	CHK BY:	SCALE: 1" = 1000'	PHOTO DATE: 03/2019	PHOTO FRAME: FRAME # Ortho	DRAWING NAME: TERM WATER USE RENEWAL

KS DEPT OF AGRICULTURE

AUG 25 2020
ITEM RECEIVED



James Nicholson
Senior Environmental Engineer

August 24, 2020

Kansas Department of Agriculture
Division of Water Resources
1320 Research Park Drive
Manhattan, KS 66502

WATER RESOURCES
RECEIVED

AUG 25 2020

KS DEPT OF AGRICULTURE

Re: **Application for New Term Permits**
Ottawa Quarry-Old File No. 20159040
Sunflower Quarry-Old File No. 2019039
Sunflower Quarry-Old File No. 20159043

Chief Engineer:

Please find attached an application for new term permits at the above referenced locations. The current permits (file no. 20159039-Sunflower, file no. 20159040-Ottawa and file no. 2015943-Sunflower) expire on October 2nd, Nov. 18th, and Dec. 2nd 2020 respectively. The appropriate checks are attached for the required filing fees for all three permit applications.

If you have any questions or need further assistance feel free to contact myself at 913-378-1805 or Neil Grant at 515-697-3425.

Respectfully,
Martin Marietta Materials Inc.

A handwritten signature in blue ink that reads 'James Nicholson'.

James B. Nicholson
Senior Environmental Engineer
Martin Marietta Materials – Central

Attachments

cc: Division File

[Martin Marietta](#)

7381 West 133rd Street, Suite 401 Overland Park, KS 66213

t. (913) 378-1805 f. (913) 390-6476 m. (913) 207-5344 e. James.Nicholson@martinmarietta.com

www.martinmarietta.com

C:\Users\nichojob\Documents\Quarries\Sunflower\Water Use\Renewal 2020\Kill Creek\Sunflower and Ottawa Term Water Use Permit Renewal All 08-24-2020.docx

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

August 25, 2020

MARTIN MARIETTA MATERIALS, INC
7381 WEST 133RD STREET, SUITE 401
OVERLAND PARK KS 66213

RE: Application, File No(s). **20209062**

Dear Sir or Madam:

The Division of Water Resources (Division) has received your application(s) for a permit to appropriate water for beneficial use. Your application(s) has been assigned the file number(s) 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(s) 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(s) 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,

Kristen A. Baum
New Applications Unit Supervisor
Water Appropriation Program

DATA ENTRY SYSTEM ID NUMBER SHEET

FILE NUMBER 20209062

APPLICANT PERSON ID & SEQ #	84841	PDIV ID	BATTERY ID
<u>64113</u>	<u> </u>	<u> </u>	<u> </u>
<u> </u>	<u> </u>	<u> </u>	<u> </u>
<u> </u>	<u> </u>	<u> </u>	<u> </u>
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<u> </u>	<u> </u>	<u> </u>	<u> </u>

LANDOWNER PERSON ID & SEQ #	14515	PUSE ID
<u>64113</u>	<u> </u>	<u> </u>
<u> </u>	<u> </u>	<u> </u>
<u> </u>	<u> </u>	<u> </u>
<u> </u>	<u> </u>	<u> </u>
<u> </u>	<u> </u>	<u> </u>

WATER USE CORRESPONDENT PERSON ID & SEQ #
<u>64113</u>
<u> </u>
<u> </u>
<u> </u>
<u> </u>

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

August 31, 2020

MARTIN MARIETTA MATERIALS, INC
7381 WEST 133RD STREET, SUITE 401
OVERLAND PARK KS 66213

RE: Application, File No(s). **20209062**

Dear Sir or Madam:

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Sincerely,

A handwritten signature in black ink that reads "Kristen A. Baum". The signature is written in a cursive style.

Kristen A. Baum
New Applications Unit Supervisor
Water Appropriation Program