

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

DEC 23 2020

12:47

KS DEPT OF AGRICULTURE



State of Kansas

20209094

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

1. Applicant: (Please print or type)
 Name EBERT CONST. CO., INC.
 Street 103 W VALLEY ST.
 City and State WAMEGO, KS
 Zip Code 66547 Telephone No. (785) 456 2455
 E-Mail Address dunne@ebertconstruction.com
 Social Security I.D. No. _____
 and/or Taxpayer I.D. No. 48-0817762

4. Water is to be used for (briefly describe proposed use and explain the rate and quantity requested):
Construction for Highway compaction requirements
 5. Location of place of use:
K-99 Hwy - beginning approx 1.5 mi N-I-70 continuing for 4 mi
 6. Period of use:
 Commencing date: 01 FEB 2021
 Ending Date: Aug 2022 Also enter on Item 12

2. Location of Point of Diversion:
 Sec. 17 Twp. 10S Rng. 10 E (EW),
WABAUNSEE County, Kansas.
 Distance from Southeast Corner of Section:
1030 1400 feet North from Southeast Corner
1880 feet West from Southeast Corner
 NOTE: If point of diversion is not site specific (i.e. groundwater pit) show the approximate geographic center.

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

3. Water Use Data:
 Proposed Max. Pumping Rate (gpm) 500
 Amount Requested (acre-feet) 4
 per calendar year
 Depth of Well (feet) UNKNOWN-
 Date (completed) (will be completed) Aug 2022
 Drainage Basin KAW RIVER
 Name of Stream SAND PIT - ACTIVE

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:

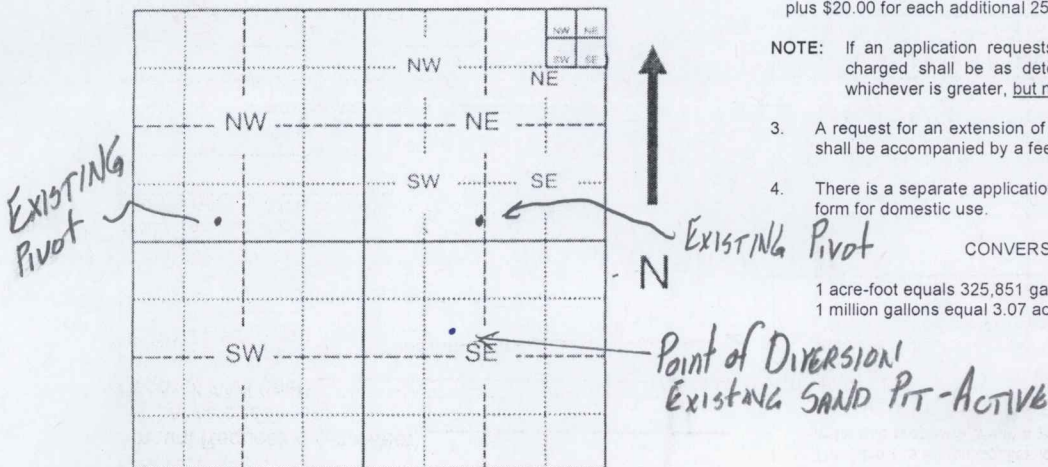
FEE SCHEDULE

1. The filing fee for an application is based on the maximum amount of water use proposed within a year. Except for storage, the fee is:
- | Acre-feet | Fee |
|---------------|----------|
| 0-100 | \$200.00 |
| 101-320 | \$300.00 |
| More than 320 | \$300.00 |
- plus \$20 for each additional 100 acre-feet or any part thereof.
2. The fee for an application in which storage is requested, is:
- | Acre-feet | Fee |
|---------------|----------|
| 0-250 | \$200.00 |
| More than 250 | \$200.00 |
- plus \$20.00 for each additional 250 acre-feet of storage or any part thereof.

- NOTE: If an application requests both direct use and storage, the fee charged shall be as determined under No. 1 or No. 2 above, whichever is greater, but not both fees.
3. A request for an extension of time to extend the term of a term permit shall be accompanied by a fee of \$100.00.
4. 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 _____ EXISTING Pivot

For Office Use Only:
 F.O. 1 GMD Meets K.A.R. 5-3-1 (YES/NO) Use IND Source G S County WB By AC Date 12/23/2020
 Code TRP Fee \$ 200 TR # _____ Receipt Date 12-23-2020 Check # 45389

DEC 23 2020

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 -

KS DEPT OF AGRICULTURE

Well A Owner(s): SOELTER FARM TRUST
Address: _____

Well B Owner(s): D MARIE J INC
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): Michael Stich ; ELDON SYLVESTER
Address: _____

Tract B Owner(s): RICHARD WEINKELMAN ; CARL MEYER
Address: _____

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

MIDWEST CONCRETE MATERIALS
(name, address and telephone number)

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

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

Executed on _____, 20____.

SEE ATTACHED EMAIL CORRESPONDENCE
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 _____ 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: JAMES E. EBERT II Telephone No. (785) 456 4405

[Signature] Signature of Applicant or _____ Authorized Representative Date
JAMES E EBERT II Applicant's Name Printed or VICE PRESIDENT 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.

DEC 23 2020

Duane Jackson

From: Chris Eichman <Chris.Eichman@midwestconcretematerials.com>
Sent: Tuesday, December 15, 2020 4:29 PM
To: Duane Jackson
Subject: Fwd: Highway 99 Construction - Term Permit for Water from Wabaunsee County Pit, Plant 4
Attachments: image001.jpg; KDOA Div of Water Resources Term Permit Application 1_100_7.pdf
Categories: Orange Category, Green Category

Duane - I'm sure you've seen and filled out a term permit in the past on other construction projects similar to the attached permit. MCM Properties, LLC is the property owner and Ebert Construction would be the applicant. Please let me know if you have any questions.

Thanks,

Chris

Sent from my iPad

Begin forwarded message:

From: Richard Shermoen <Richard.Shermoen@midwestconcretematerials.com>
Date: December 14, 2020 at 5:27:30 PM CST
To: Chris Eichman <Chris.Eichman@midwestconcretematerials.com>
Subject: Highway 99 Construction - Term Permit for Water from Wabaunsee County Pit, Plant 4

Chris:

Please see below information from the Kansas Dept. of Agriculture, Division of Water Resources and the applicable url. Also attached is the Term Permit Application. Ebert Construction Co. Inc. is the applicant and MCM Properties, LLC is the owner of the pit and point of diversion.

<https://agriculture.ks.gov/divisions-programs/dwr/water-appropriation/temporary-and-term-permits>

Term Permits

Term permits to appropriate water are defined in K.A.R. 5-1-1 and are issued for a specified period of time for projects that do not qualify for authorization for use of water by a temporary permit. The Term Permit Application Form is generally submitted for projects with a period of use of greater than six (6) months, such as highway construction projects or contamination remediation projects. At the end of the time specified in the application, or within any authorized extension of time, the permit will be automatically dismissed and its priority will be considered forfeited. Term permits may be considered for periods of up to ten (10) years, but since all term applications requesting a period of use of greater than five (5) years are

subject to safe yield requirements, most terms are granted for five (5) years or less. Holders of term permits are required to file an annual water use report.

Pertinent Regulations

WATER RESOURCES
RECEIVED

DEC 23 2020

- K.A.R. Article 5-9 which includes:
 - K.A.R. 5-9-1a -- Term Permit Application Requirements
 - K.A.R. 5-9-1b -- Approvals and Extensions of Term Permits
 - K.A.R. 5-9-1c -- Requests to Extend Term Permits
 - K.A.R. 5-9-1d -- No Water Right Perfected under Term Permits

KS DEPT OF AGRICULTURE

Thanks

Richard C. Shermoen
Chief Financial Officer
Midwest Concrete Materials, Inc.
(785) 776-8811 Ext. 106

This email is intended solely for the person or entity to which it is addressed and may contain confidential and/or privileged information. Any review, dissemination, copying, printing or other use of this email by persons or entities other than the addressee is prohibited. If you have received this email in error, please contact the sender immediately and delete the material from any computer.