

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



State of Kansas

DEC 14 2020

1:58

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

20209091

1. Applicant: (Please print or type)
 Name SW KS GMD3
 Street 2009 E. SPRUCE ST.
 City and State GARDEN CITY, KANSAS
 Zip Code 67846 Telephone No. (620) 275-7147
 E-Mail Address MRUDE@GMD3.ORG
 Social Security I.D. No. _____
 and/or Taxpayer I.D. No. _____

2. Location of Point of Diversion:
 Sec. 2, Twp. 10, Rng. 23, (E/W),
LEAVENWORTH County, Kansas.

Distance from Southeast Corner of Section:
1760 feet North from Southeast Corner
2220 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) 400
 Amount Requested (~~acre-feet~~) 6000 GAL.
 per calendar year
 Depth of Well (feet) N/A
 Date (completed) (will be completed) 12/31/2021
 Drainage Basin MISSOURI RIVER
 Name of Stream " "

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

5. Location of place of use:
SITE 1 - SW/4 18-35-34W, KANSAS
SITE 2 - RECHARGE POND - 31-3N-66W, COLORADO

6. Period of use:
 Commencing date: 1/1/21
 Ending Date: 12/31/21 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:
NO OVERLAPS
PRIOR PERMIT -

FEE SCHEDULE

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

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

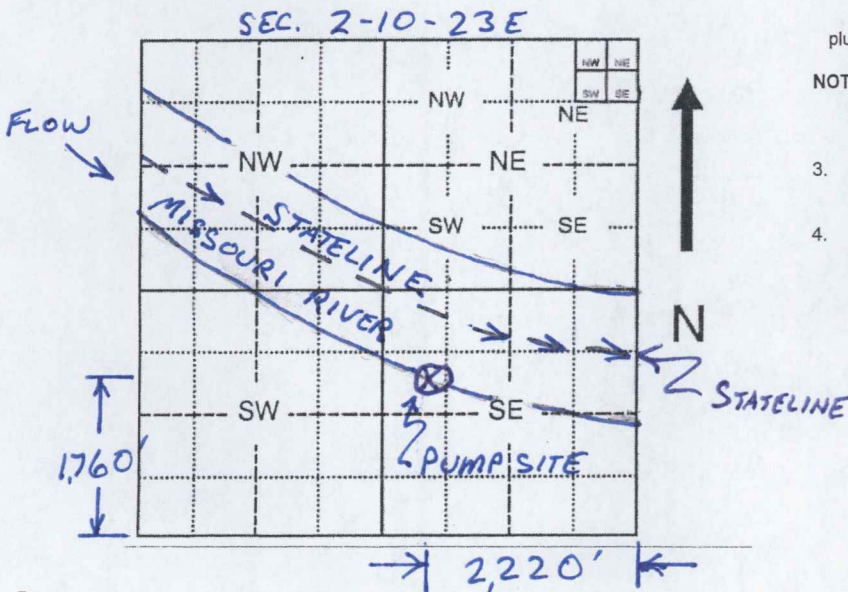
 plus \$20.00 for each additional 250 acre-feet of storage or any part thereof.

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.

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

12/17/2020
 LMoody

For Office Use Only:
 F.O. 1 GMD 3 Meets K.A.R. 5-3-1 (YES/NO) Use AR Source G/S County LV By KJN Date 12/14/20
 Code TRP Fee \$ 200 TR # _____ Receipt Date 12-14-2020 Check # 29420

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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): N/A
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): ADM WOLCOTT ELEVATOR TERMINAL
Address: 10520 WOLCOTT DR., KANSAS CITY, KS 66109
Tract B Owner(s): _____
Address: _____

10. The owner of the point of diversion, if other than the applicant is (please print):
ERGON ASPHALT & EMULSIONS, 10520 WOLCOTT DR., KANSAS CITY, KS 66109
(name, address and telephone number) CRAIG.GOBIN@ERGON.COM

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 DEC. 11, 2020. Mark E. Rude
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 12/31/2021 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: MARK RUDE Telephone No. (620) 275-7147
Signature of Applicant _____ or Mark E. Rude 12/11/2020
Authorized Representative Date
Applicant's Name Printed _____ Title EXECUTIVE DIRECTOR

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.

Missouri High Flow Interstate Transfer POC - KS and CO

Action is needed to secure the unsecured surface water supplies that Western Kansas and Colorado partners will need. A proof-of-concept (POC) project is a small realization of an idea in order to demonstrate some elements in principle with the aim of verifying one or more concepts have practical potential. Big water project ideas like moving floodwater across Kansas and to Colorado requires a series of small foundational POC's to illustrate and verify key elements that may otherwise become confusing or impair stakeholder capacity to development preferred projects. GMD3 seeks support for a POC project to verify key concepts of interstate water transport cooperation and bridge the gap between theory and reality.

POC project - The project proponents will execute a 6000-gallon interstate transfer of Missouri River high flow (above target navigation) water and conserve it to dry release locations to inflow into the western Kansas Ogallala/High Plains Aquifer and also to groundwater storage in northeastern Colorado. Future transfers could occur to other locations and from other source waters under separate permitting. The potential for new beneficial water supply will be demonstrated in the results.

- Key Water Transfer concepts:**
- 1) Conserves Water for beneficial use
 - 2) Restores/supports basin supply distribution
 - 3) Improves native poor-quality water
 - 4) Adds local water storage in Kansas and Colorado
 - 5) Demonstrates cooperative interstate water permitting

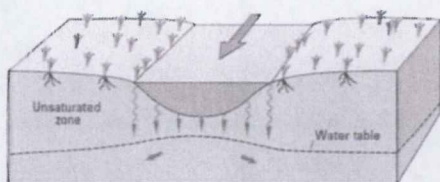
Authority – Southwest Kansas GMD3 and Western Kansas GMD1 have the authority to “*construct, operate and maintain such works as may be determined necessary for drainage, recharge, storage, distribution or importation of water, and all other appropriate facilities of concern to the district.*” (K.S.A.82a-1028(g)) In the case of a transfer to Colorado, the project develops potential partnerships for developing future preferred projects with multiple shared benefits.

Management Program - The Kansas GMD3 management program seeks capacity to move unappropriated high flow water west across the High Plains of Kansas to close the local gaps between water demands, use and water replenishment while benefiting supply to potential partners in the western US. Access to the full draft GMD3 management program document is provided at <http://www.gmd3.org/what-we-do/management-program/>

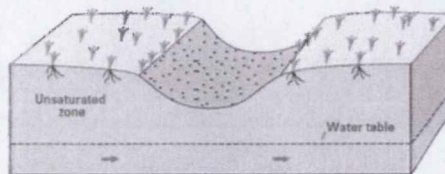
The Central Colorado Water Conservancy District has similar needs and interests in building capacity for new water imports to their area.

Cost estimate. Estimated cost of this POC project involves permitting fees, \$3000 budget for a water truck transport, testing and reports. The cash budget needed is not expected to exceed \$6000.

Funding. Options for funding in whole or in partnership may include GMD3 general fund, the non-profit Kansas Aqueduct Coalition Fund at the Kansas Rural Communities Foundation, and CCWCD.



Imported water release flow direction into groundwater storage



Dry channel groundwater storage condition before and after import release

Missouri High Flow Interstate Transfer POC - KS and CO

Permitting. Government partners assure public interest benefits while addressing concerns. A brief summary of the review and permitting necessary from Kansas state water related agencies:

KDA/DWR water appropriation permitting.

- Temporary Permit for groundwater recharge beneficial use appropriated from the Missouri River high flow surface water and transferred to site one and two where land access has been authorized by the landowner for a release. Site one is into Rocky Draw, and overlying the Ogallala/High Plains Aquifer, a dry tributary to the dry Whitewoman Creek of Wichita County, Kansas, and also site two is the Gary Herman alluvial groundwater Recharge Pond #1 in Weld County, Colorado where there the CCWCD operates a siltation forebay pond which gravity flows to the larger Herman No. 1 infiltration basin/recharge pond. The South Platte River is to the west and local water supply is delivered by two canals, the Platte Valley canal immediately to the east and the smaller Platteville Milling & Irrigation Canal further to the east another 300'. There is good access to the pond for the transportation release.

Kansas Department of Health & Environment water quality requirements:

- No permit required due to EPA Water Transfer Rule.

Kansas Department of Wildlife Parks & Tourism environmental reviews:

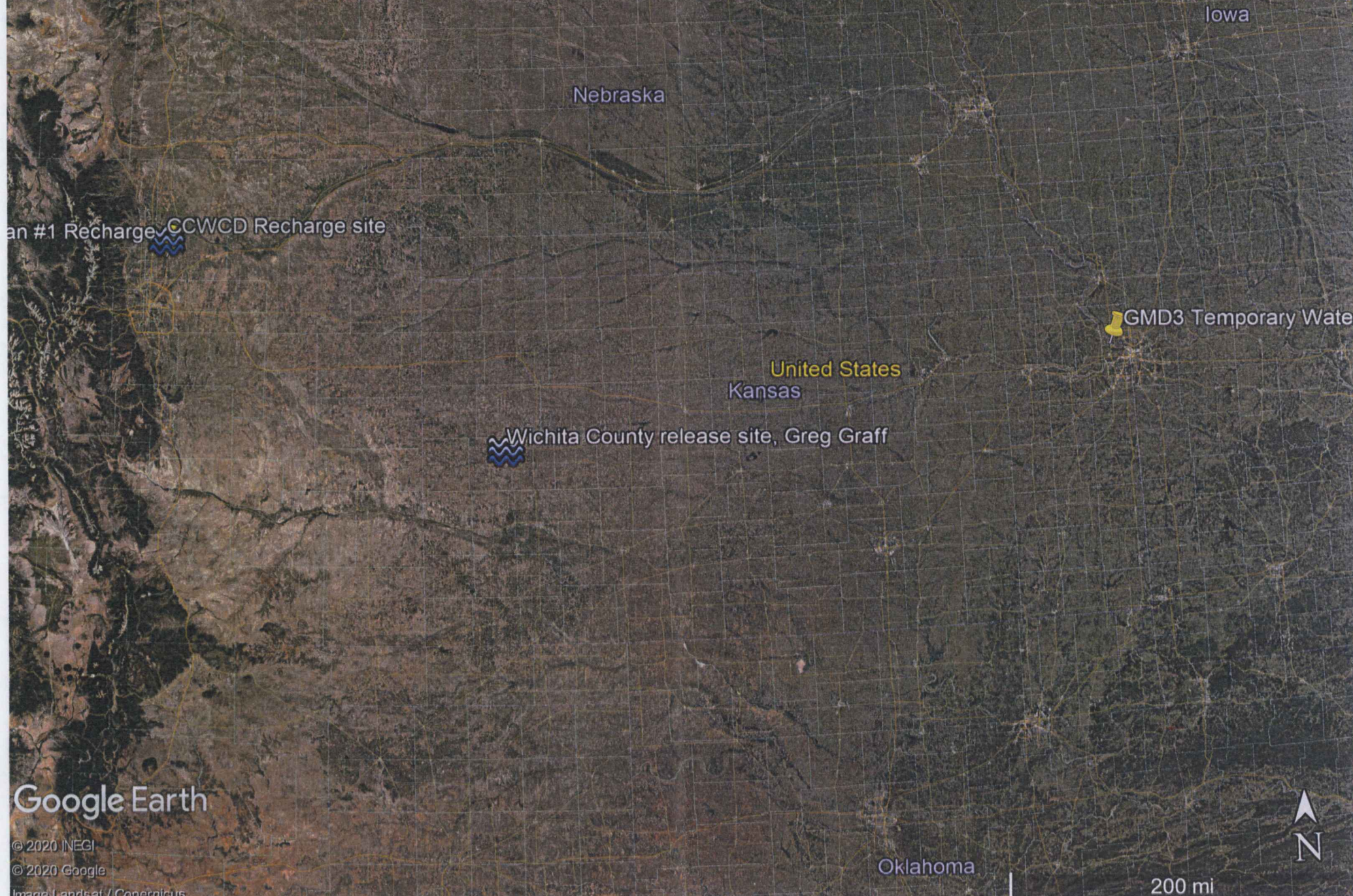
- Aquatic nuisance species (ANS) possession permit required. Will use the "Edwards Protocol" with contained and dry release sites for complete deep percolation into groundwater storage.
- Kansas Action Permit required for review of any risk to threatened or endangered species (TES) inhabiting the source water or destination environment. Appropriate fish screen and low intake operating strategy will be used to avoid impinging and impaling protected species.

Possible Colorado cooperating state and local permitting agencies...

GMD3 Missouri River Interstate Transfer POC

Central Colorado Water Conservancy District Place of Use

Legend



Google Earth

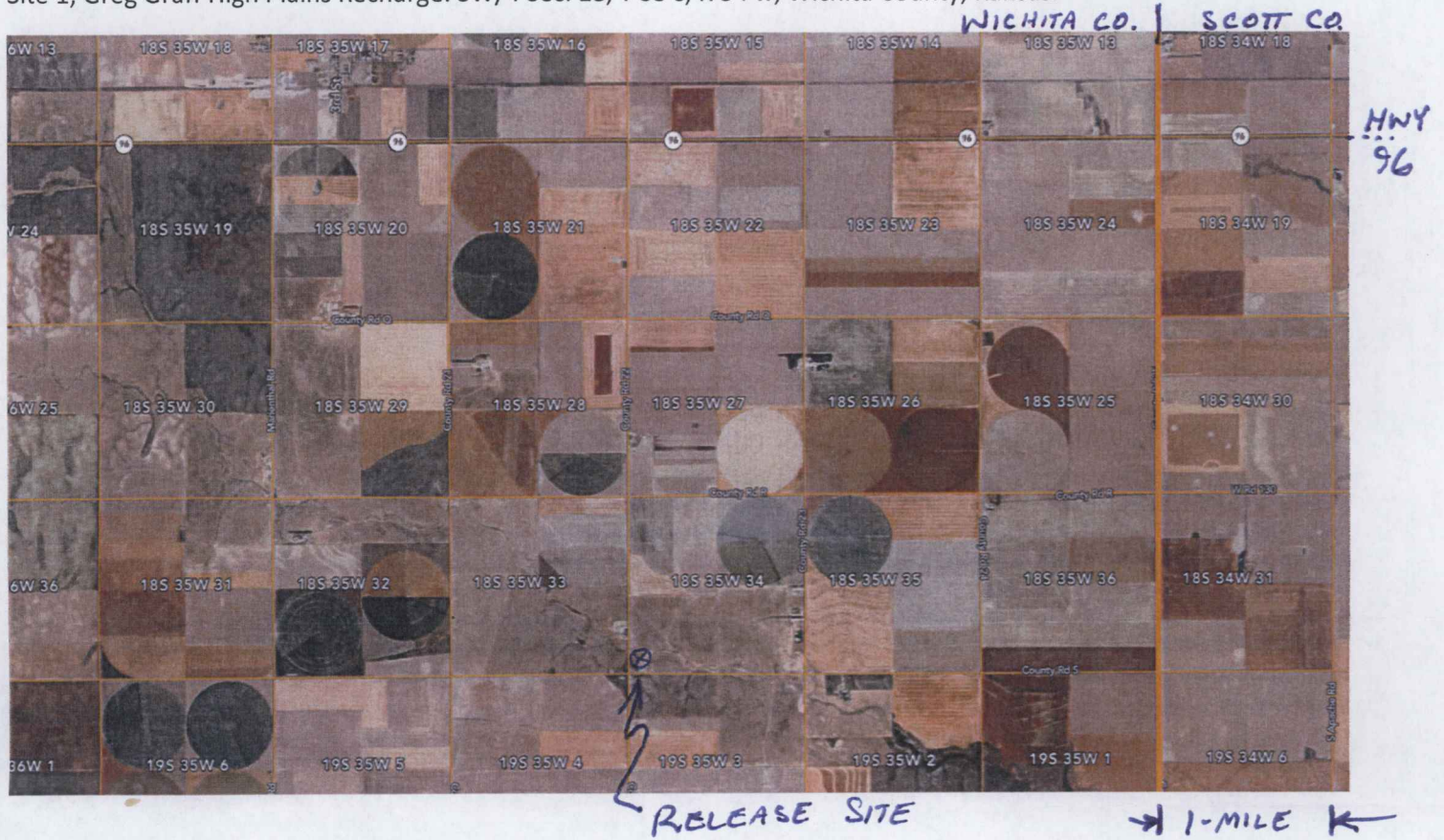
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Image Landsat / Copernicus

Oklahoma

200 mi

GMD3 Missouri River Interstate Water West POC Recharge sites

Site 1, Greg Graff High Plains Recharge. SW/4 Sec. 18, T 35 s, R 34 w, Wichita County, Kansas.



Site 2, Herman #1 Recharge Pond, Sec. 31, T 3 N, R 66 w, near Platteville in Weld County, Colorado.



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GMD3 Missouri River Interstate Transfer POC

Central Colorado Water Conservancy District Place of Use

Site 2

Legend

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Herman #1 Recharge



CCWCD Recharge site



Google Earth

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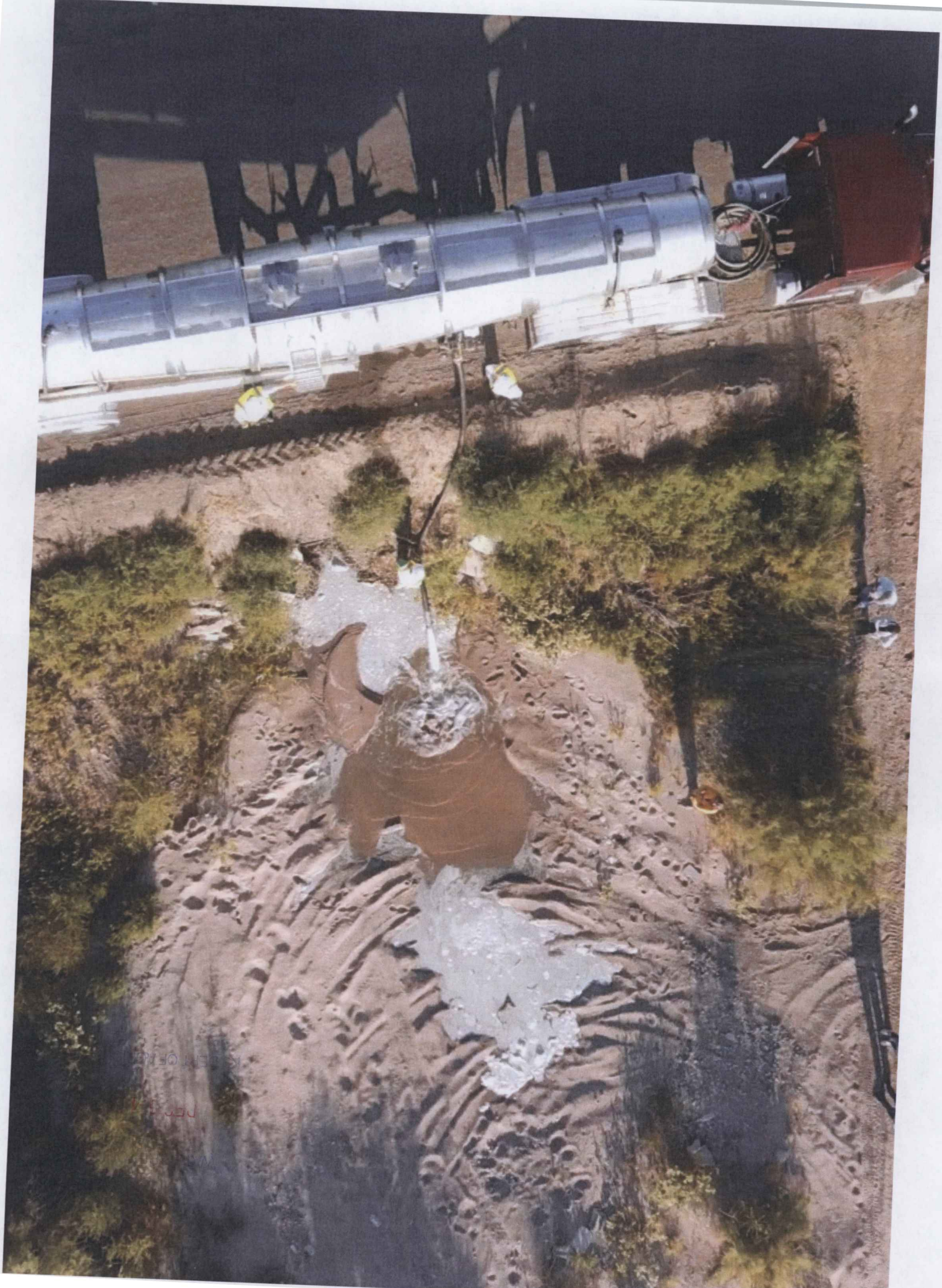
2000 ft

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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

December 15, 2020

SW KS GMD 3
20090E. SPRUCE ST
GARDEN CITY KS 67846

RE: Application, File No(s). **20209091**

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. *Topeka Field Office at 785-296-5733*. If you call, please reference the file number so we can help you more efficiently.

Sincerely,

Kris Neuhauser
New Applications Lead
Water Appropriation Program

DATA ENTRY SYSTEM ID NUMBER SHEET

FILE NUMBER 20209091

APPLICANT PERSON ID & SEQ #	83875	PDIV ID	BATTERY ID
16886			

LANDOWNER PERSON ID & SEQ #	70043	PUSE ID
16886	70044	

WATER USE CORRESPONDENT PERSON ID & SEQ #
16886