Topeka Field Office 1131 SW Winding Rd, Suite 400 Topeka, KS 66615



Phone: 785-296-5733 www.agriculture.gov

Mike Beam, Secretary

Laura Kelly, Governor

GP INDUSTRIAL PLASTERS LLC 2127 HWY 77 BLUE RAPIDS, KS 66411 November 6, 2020

Re: Water Right, File No. 8,828

Dear Sir or Madam:

Enclosed is the order executed by the Chief Engineer, Division of Water Resources, Kansas Department of Agriculture, approving the application for change under the above referenced file number.

Your attention is directed to the terms, conditions, and limitations specified in this approval for change. A condition of this order requires the installation of water flow meter(s) before the first use of water in accordance with the Chief Engineer's specifications found in K.A.R. 5-1-4 through K.A.R. 5-1-12. A copy of these specifications and a list of acceptable meters can be obtained from our website at the following web address:

http://agriculture.ks.gov/meters

This order also requires that the diversion works should be completed, including installation of the flow meter(s), by December 31, 2021. If you do not have access to the internet, please contact this office and we will send you a paper copy of the referenced information.

Because this order modifies the original certificate issued under your water right file, it should be recorded with the Register of Deeds as other instruments affecting real estate.

This document is a summary order by this agency regarding this matter. This order shall become final if a request for a hearing is not filed with the Chief Engineer within 15 days of the date of service of this order.

If you have any questions, please feel free to contact this office. If you wish to refer to a specific file, please reference it when you contact us.

Sincerely,

Katherine A. Tietsort Water Commissioner

KAT:Ihh Enclosures

Submit completed application to: Kansas Department of Agriculture Division of Water Resources Field Office for your area. Call for address:

Topeka -- (785) 296-5733 Stafford -- (620) 234-5311 Stockton -- (785) 425-6787 Garden City -- (620) 276-2901 http://agriculture.ks.gov/dwr

DWR FIELD OFFICE APPLICATION FOR APPROVAL TO CHANGE THE PLACE OF **USE AND/OR THE** POINT OF DIVERSION



STATE OF KANSAS

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Filing Fee Must Accompany the Application, K.S.A. 82a-708b(b), as amended. Fee Schedule is on the third page of this application form.

Topeka Field Office Paragraph Nos. 1, 2, 3 & 5 must be completed. Complete all other applicable portions. If change in point of diversion is greater

than 100 feet, or if place of use will be changed, include a topographic map or detailed plat showing the authorized and proposed point(s) of diversion and/or place of use. File No. 8828 Application is hereby made for approval of the Chief Engineer to change the (check one or both): ☐ Place of Use Point of Diversion under the water right which is the subject of this application in accordance with the conditions described below. The source of supply is: ☐ Surface water 2. Name and address of Applicant: GP INDUSTRIAL PLASTERS LLC 2127 HWY 77 BLUE RAPIDS KS 66411 Phone Number: <u>(785)363-2844</u> (Mike Minihan) Email address: Name and address of Water Use Correspondent: SAME AS APPLICANT Phone Number: () Email address: 3. The presently authorized place of use is: Owner of Land ---- NAME: GP INDUSTRIAL PLASTERS LLC ADDRESS: 2127 HWY 77 BLUE RAPIDS KS 66411 (If there is more than one landowner, attach supplemental sheets as necessary.) TOTAL NW¼ SW¼ SE¼ NE¼ NW¼ SW¼ SE¼ NE½ NW¼ SW½ SE¼ NE½ NE½ NW½ SE¾ ACRES Twp. Range 16 **4S** 7E BESTWALL GYPSUM CO. PLANT, NE 16-4S-7E If this application is for a change in place of use, it is proposed that the place of use be changed to: Owner of Land ---- NAME: NO CHANGE TO PLACE OF USE ADDRESS: (If there is more than one landowner, attach supplemental sheets as necessary.) NW1/4 SW1/4 SE1/4 TOTAL Twp. Range NE1/4 NW1/4 SW1/4 SE1/4 NE1/4 NW1/4 SW1/4 SE1/4 NE1/4 NW1/4 SW1/4 SE1/4 NW1/4 SW1/4

For Office Use Only: Code CTO Fee \$ 100 TR # YYOON 73 Receipt Date _ File No. 8828

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.		point of diversion: SEE SUF				12:3984	
1	One in the	Quarter of the _		Quart	er of the	OCT 3 0 2020	Quarter
1	of Section	, Township		South	. Range	T I TINI Office	(E/\/\)
1	ın	County, Kansas,	feet N	North f	eet Westrof	Southeasterree	Section.
1	Authorized Rate	Authorized Quant	tity	Depth o	f well	(feet)	
1	(DWR use only: Con	iputer ID No	GPS	feet No	orth	feet West)	
1	☐This point will not be	changed □This point will be cha	anged as fol	lows: No change	point better	described with GPS as	s follows:
1	Proposed point of di	version: (Complete only if ch	ange is re	quested or if exist	ing point is	better described	by GPS)
1	One in the	Quarter of the _		Quart	er of the		Quarter
1	of Section	, Township		South	Range		(ΕΛΛ/)
1	in	County, Kansas,	feet N	North f	eet West of	Southeast corner of	section.
	Proposed Rate	Proposed Quantit	ty	Propose	ed well depth	(feet)	
	This point is: Addit	ional Well	st other wa	ter rights that will u	se this point	(1003)	•
				3	ar and point		
. [Presently authorized	point of diversion: SEE SUF	PPLEMENT	TAL SHEET			
1		Quarter of the _			er of the		Quarter
1	of Section	, Township		South	Pange		_ Quarter
1	in	, County, Kansas,	foot N	Jorth f	oot Woot of	Courth agat agreement of	(⊏/VV),
	Authorized Rate	Authorized Quant	tity	Donth o	eet vvest or .	Southeast corner of	section.
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	Drange d Data	County, Kansas,	feet N	North f	eet West of	Southeast corner of	section.
1	Proposed Rate	Proposed Quantit	:у	Propose	d well depth	(feet)	·
L	This point is: Addit	ional Well	st other wa	ter rights that will u	se this point		·
	The changes herein as	re desired for the following rea	0				
•	(please be specific)		sons?		EAST WE	LL ONLY	
		ea - change to submersible well.			Nort	h	
	For ease of access to p	ower and for maintenance.		100		50 100	
•	If a well, is the test hole	log attached? Yes No	1			and 6 feet =	
	The change(s) (was)(wi	Il ha) completed by a		50 E so	uth of extst	ing well = 50	
		ii be) completed by?		⊸" E		. 3	
	Following approval			F	_	7	
Λ	If the point of diversion i	o o well		West 0 ⊟ i i	1 1 1 1 <u>X</u>	<u>⊌</u>	ast
				F	_ =	~ : :	
	(a) What are you going	to do with the old well?		L	=		
	plug it			50 ├	+ =	+ ∃50	
		-		-	<u></u>	7	
	(b) When will this be do	one? at completion of new well		Fire	1 1 1 1 1 - 1		
				100	50 0	. 50 100	
1.	Groundwater Managem	ent District recommendation attached	ched?	100	Sour	th	
	∐ Yes	⊠ No	TH	E NEW GEOGRAP	HIC CENTER	WILL BE 12 FT EA	ST & 3 FT
^	A			OUTH OF EXISTING			
2.	Assisted by Lloyd Hemp	hill/TFO					
3a.	If the proposed point of a	diversion will be relocated more th	nan 300 13l	b.If the proposed po	int of diversi	on will be relocated	within a 300
	feet but within 2,640 fee	t of the existing point of diversion	attach	on the diagram sh	existing point	of diversion, indicated relation to the exis	e its location
	a topographic map or	aerial photograph. For grour (including domestic) within one-h	ndwater	diversion. The p	roposed poir	it of diversion must	be located
	of the proposed point of	of diversion and the names and	mailing	within the circle s	hown above.	(PLEASE NOTE:	The "X" is
	addresses of the owner	 For surface water sources, sh 	now the	center of diag authorized point	ram above	represents the	presently
	names and addresses	s of the landowner(s) one-hanalf mile upstream from your p	alf mile	authorized point	oi diversion	.)	
	lines	ian inne apsileam nom your p	noperty		RECEIVE	de	
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WF	R 1-121 (Revised 09/11/201	9)	Page 2	_ n	Q+29 802	O Eile Ne	9929
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				LA LA TOTAL	opeka Field Offi N OF WATER RE	SOURCES	
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APPLICATION FOR APPROVAL TO CHANGE THE PLACE OF USE AND/OR POINT OF DIVERSION

SUPPLEMENTAL SHEET

FILE NO. <u>8828</u>

RECEIVED
12:39PM



Presently authorize	d point of	diversion:	GEO CT	R	001 00 2020		
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of Section	21	. Towns	ship	4	DIVISION OF WATER RESOURCE	ES 7	FAST
in Marshall	Cou	unty, Kansas.	4063	feet North	4897 feet West of	Southeast corr	ner of section
Authorized Rate		Authorize	d Quantity		Depth of well	/f	eet)
(DWR use only: Co	mputer ID	No. 5	ĞF	PS 4105	Depth of well feet North 494	0 feet V	Vest)
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☐ This point will not be changed ☐ This point will be changed as follows: ☐ No change, point better described with GPS as follows: Proposed point of diversion: (Complete only if change is requested)							0. 0 40 10
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Proposed Rate		Proposed	Quantity	reet North _	Dropoled well don't	Southeast corr	ner of section.
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			ALC: FISE	outer water rig	itis that will use this point	INOINE	·
Presently authorize	d point of	diversions	DATT	OF A WELLO	(MEOT MELL)		
Presently authorize	OW.	uiversion:	DATIT	OF 2 WELLS	(WEST WELL)		
of Cartina	SW	Quarter	of the	NW	Quarter of the	NW	Quarter
of Section	21	, Towns	ship	4	South, Range	7	FAST
i iri iviarshali	Col	Intv. Kansas.	3975	teet North	5043 feet West of 9	Southeast corr	per of section
Authorized Rate	ID	Authorize	d Quantity		Depth of well feet North 512	(fo	eet)
DVVK use only: Co	mputer ID	No. <u>02</u>	GF	PS <u>4032</u>	feet North <u>512</u>	4 feet V	Vest)
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in <u>Marshall</u>	Cοι	ınty, Kansas,	4032	feet North _	South, Range 5124 feet West of S Proposed well depth	Southeast corr	ner of section.
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14. If the proposed groundwater point of diversion is 300 or fewer feet from	m the existing point of diversion, complete the CANALA 2020						
1. If the proposed groundwater point of diversion is 300 or fewer feet from the existing point of diversion, complete the following []20 (a) Does the undersigned represent all owners of the currently authorized place(s) of use identified in this application? Types Diversity and owners must sign this application?							
 Yes ☐ No (If no, all owners must sign this application.) Will the ownership interest of any owner of the currently authorized place(s) of use identified in this application be adversely affected if this application is approved as requested? ☐ Yes ☐ No (If yes, all owners must sign this application.) 							
(c) If this application is not approved expeditiously, will there be subs	stantial damage to property, public health or safety?						
☐ Yes ☐ No (If no, all owners must sign this application	ation.)						
If the application proposes a surface water change in point of diversion, a or a change in place of use, the application must be signed by all owners agent (attach notarized statement authorizing representation).	groundwater change in point of diversion greater than 300 feet, of the currently authorized place of use, or their duly authorized						
I hereby verify, being first duly sworn upon my oath or affirmating age and the owner, the spouse of the owner, or a duly authorize their behalf, in regards to the water right(s) to which this application are true, correct and complete.	ged agent of the owner(s) to make this application on						
Dated at, Kansas, this _	day of, 20						
Jeff m							
(Owner)	(Spouse)						
(Please Print)	(Please Print)						
(Owner)	(Chause)						
(Owner)	(Spouse)						
(Please Print)	(Please Print)						
(Owner)	(Spouse)						
(Please Print)	(Please Print)						
State of Kansas County of							
I hereby certify that the foregoing application was signed in m of, 20, 20	y presence and sworn to before me this 14th day						
HOTARY PUBLIC - State of Kansas THERESA L. MINIHAN My Appt. Exp. 2-16 - 2021	Theresa S. Minilar						
My Commission Expires 2 - 16 - 2021	Theresa L. Minihan						
ONLY COMPLETE APPLICATIONS WILL BE PROCESSED. To be complete, all of accurate information; maps, if necessary, must be included; signatures of all the appropriate fee must be paid.	of the applicable portions of the application form must be completed with coropriate owners' must be affixed to the application and notarized; and						
FEE SCHEDU							
Each application to change the place of use or the point of diversion under forth in the schedule below: Make checks payable to: Kansas Departme (1) Application to change a point of diversion 300 feet or less (2) Application to change a point of diversion more than 300 feet (3) Application to change the place of use	nt of Agriculture \$100 \$200						
	RECEIVEDAN						
DWR 1-121 (Revised 09/11/2019) Page 3	OCT 29 2020 File No. 8828 Propeka Field Office DIVISION OF WATER RESOURCES						



GP Industrial Plasters LLC

2127 Highway 77 Blue Rapids, Kansas 66411 785-363-7767 785-363-7905 (Fax)

October 15, 2020

Kansas Department of Agriculture Topeka Field Office 1131 SW Winding Rd, Suite 400 Topeka, KS 66615 RECEIVED

OCT 3 0 2020

Topeka Field Office
DIVISION OF WATER RESOURCES

REF; G P Industrial Plasters, File # 8828

Dear Water Resources Representative,

Please find attached a completed application requesting approval to relocate our "East Well" and geo-center position for G P Industrial Plasters, File # 8828.

Payment arrangement are under way with the assistance of Ms. Ashlee Freeman.

We greatly appreciate the Bureau's support and assistance in this matter.

Sincerely,

Mike Minihan

Environmental Manager

GP Industrial Plasters

Attachment

RECEIVES OF THE PROPERTY OF WATER RESOURCES

SUMMARY ORDER APPROVING APPLICATION FOR CHANGE AND IMPOSING CONDITIONS

This Summary Order is issued under authority of K.S.A. 82a-708b, as amended, and K.A.R. 5-5-1, *et seq.* and other applicable provisions of the *Kansas Water Appropriation Law, K.S.A. 82a-701 et. seq.*, and rules and regulations promulgated thereunder, With the exception of those conditions expressly contained herein, this Summary Order does not change the terms, conditions and limitations of File No. 8,828 A change application was received on _ October 30, 2020 requesting that the place of use and / or point of diversion authorized under the above-referenced file number be changed as described in the application. On and after the effective date of this summary order, the authorized place(s) of use shall be located substantially as shown on the topographic map accompanying the application to change the place of use. ☐ Applicable The change in point of diversion shall not impair existing rights and shall be limited to the same source or sources of water as previously authorized. The point of diversion authorized by this summary order shall be located within a radius of the authorized point(s) of diversion. The point(s) of diversion described herein is administratively corrected to be more accurately described using the Global Positioning System (GPS), as described in the application.

☐ Applicable ☐ Not Applicable WEST WELL ONLY The point(s) of diversion authorized herein shall not actually be located more than authorized point(s) of diversion. ☐ Applicable ☒ Not Applicable feet from the previously As required by K.A.R. 5-3-5d, if the works for diversion is a well with a diversion rate of 100 gallons per minute or more, a tube or other device suitable for making water level measurements shall be installed, operated and maintained in accordance with K.A.R. 5-6-13. ☐ Not Applicable The owner of the authorized place(s) of use shall properly install an acceptable water flow meter on or before December 31, 2021, or before the first use of water, whichever occurs first. The water flow meter shall be installed, operated and maintained in accordance with K.A.R. 5-1-4 through 5-1-12. As required by K.S.A. 82a-732, as amended, and K.A.R. 5-3-5e, the owner shall maintain records and report the reading of the water flow meter and the total quantity of water diverted annually to the Chief Engineer by March 1 following the end of each calendar year. ☐ Not Applicable Installation of the works for diversion of water shall be completed on or before December 31, 2021, or within any authorized extension of time. By March 1, 2022 the applicant shall notify the Chief Engineer that construction of the works for diversion has been completed, on the form provided by the Chief Engineer, as required by K.A.R. 5-8-4e. ☐ Not Applicable The completed well log shall be submitted with the required notice. ☐ Not Applicable 10. All diversion works into which any type of chemical or other foreign substance will be injected into the water shall be equipped with an in-line, automatic, quick-closing check valve capable of preventing pollution of the source of the water supply. The check valve(s) shall be installed, operated and maintained in accordance with K.A.R. 5-3-5c. Applicable \(\subseteq \) Not Applicable 11. Additional Conditions are attached. ☐ Yes ⊠ No 12. In accordance with K.S.A. 82a-708a, as amended, and K.A.R. 5-5-14, all of the owners of the authorized place(s) of use of water appropriated under the above-referenced file number are responsible for compliance with its terms, conditions and limitations, as amended and/or supplemented by this Summary Order, and with applicable provisions of the Kansas Water Appropriation Law and the Rules and Regulations promulgated thereunder. Failure to comply with these provisions may result in civil penalties pursuant to K.S.A. 82a-737, as amended, and/or the suspension or revocation and dismissal of the water or appropriation right or any other enforcement actions authorized by law. Administrative Appeal and Effective Date of Order FOR OFFICE USE ONLY APPLICATION APPROVED AND If you are aggrieved by this order, pursuant to K.S.A. 82a-1901, SUMMARY ORDER ISSUED you may request an evidentiary hearing before the Chief Engineer or request administrative review by the Secretary of Agriculture. A request for hearing by the Chief Engineer must be filed within 15 days of service of this Order and a request for Duly Authorized Designee of the Chief Engineer administrative review by the Secretary must be filed within 30 days pursuant to K.S.A. 77-531. Any request for administrative Catherinet Wetsolt (Print Name): review must state a basis for review pursuant to K.S.A. 77-527. Division of Water Resources - Kansas Department of Agriculture File any request with Kansas Department of Agriculture, Legal Division, 1320 Research Park Drive, Manhattan, KS Date of Issuance: 66502. Failure to timely request a hearing or review may State of Kansas preclude review under the Kansas Judicial Review Act. SS For Use by Register of Deeds Acknowledged before me on Signature: 0 Put DEBBIE CROUCHER My Appointment Expires My commission expires av 20, 2023

CERTIFICATE OF SERVICE

On this 6th day of November, 2020, I hereby certify that the attached **APPROVAL OF APPLICATION FOR CHANGE IN POINT OF DIVERSION**, Water Right, File No. 8,828, dated November 5, 2020 was mailed postage prepaid, first class, US mail to the following:

GP INDUSTRIAL PLASTERS LLC 2127 HWY 77 BLUE RAPIDS, KS 66411

Staff