

# 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)

APR 15 2021

4:07



KS DEPT OF AGRICULTURE State of Kansas

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

1. Applicant: (Please print or type)  
Name Deffenbaugh Industries, Inc.  
Street 2601 Midwest Drive  
City and State Kansas City, KS 66111  
Zip Code 66111 Telephone No. (913) 667-8764  
E-Mail Address dbasham1@wm.com  
Social Security I.D. No. \_\_\_\_\_  
and/or Taxpayer I.D. No. 43-1029944

4. Water is to be used for (briefly describe proposed use and explain the rate and quantity requested):  
Sedimentation of Stormwater Runoff + Dust Control

5. Location of place of use:  
Onsite quarry and landfill roads.

6. Period of use:  
Commencing date: 4/26/2021  
Ending Date: 4/25/2026 Also enter on Item 12

2. Location of Point of Diversion:  
Sec. 1, Twp. 12 S, Rng. 23 E, (EW),  
JOHNSON County, Kansas.

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

Distance from Southeast Corner of Section:  
878 feet North from Southeast Corner  
30 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) 800  
Amount Requested (acre-feet) 239  
per calendar year  
Depth of Well (feet) NA  
Date (completed) (will be completed) NA  
Drainage Basin Kansas River  
Name of Stream Mill Creek 2 - Trib 2 (KS)

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:  
Previous permit for the same: 20169046

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
<u>101-320</u>	<u>\$300.00</u>
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.

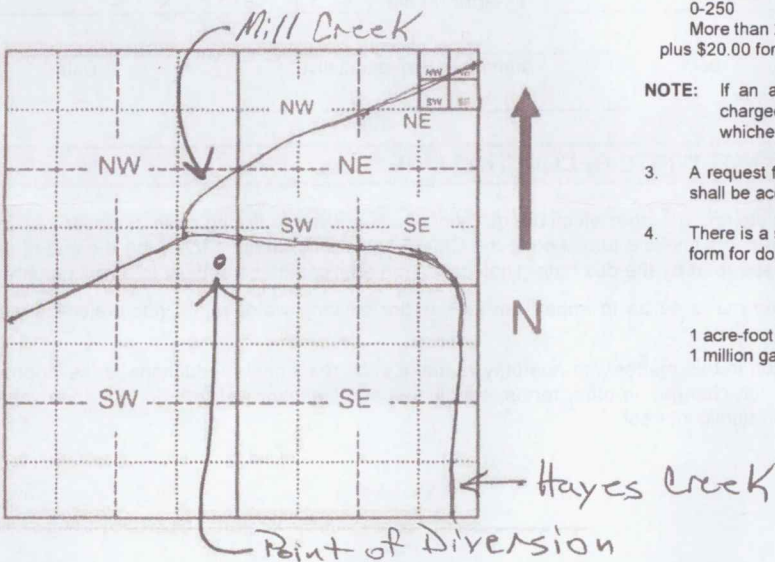
NOTE: If an application requests both direct use and storage, the fee charged shall be as determined under No. 1 or No. 2 above, whichever is greater, but not both fees.

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 \_\_\_\_\_

For Office Use Only:  
 F.O. 1 GMD Meets K.A.R. 5-3-1 (YES/NO) Use IND Source G/S County JO By BMM Date 4/16/21  
 Code TR2 Fee \$ 300 TR # \_\_\_\_\_ Receipt Date 4.15.21 Check # 15074171

4/20/2021  
LMoody



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): Deffenbaugh Industries, Inc.  
Address: 17955 Holliday Drive, Shawnee, KS 66203

Tract B Owner(s): \_\_\_\_\_  
Address: \_\_\_\_\_

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

\_\_\_\_\_  
(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 February 5, 2021. Darryl Basham  
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 4/25/2026 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: Darryl Basham Telephone No. (913) 667-8764

Darryl Basham \_\_\_\_\_  
Signature of Applicant or Authorized Representative Date

Darryl Basham \_\_\_\_\_  
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.

**DATA ENTRY SYSTEM ID NUMBER SHEET**

**FILE NUMBER** 20219025

<b>APPLICANT PERSON ID &amp; SEQ #</b>	<b>73425</b>	<b>PDIV ID</b>	<b>BATTERY ID</b>
<b>59360</b>			

<b>LANDOWNER PERSON ID &amp; SEQ #</b>	<b>58372</b>	<b>PUSE ID</b>	<b>SIC CODE: 1429</b>
<b>59360</b>			

**WATER USE CORRESPONDENT  
PERSON ID & SEQ #**  
**59360**

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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

April 21, 2021

DAFFENBAUGH INDUSTRIES, INC  
2601 MIDWEST DRIVE  
KANSAS CITY KS 66111

RE: Application, File No(s). **20219025**

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](http://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,

A handwritten signature in black ink that reads "Kris Neuhauser". The signature is written in a cursive style with a long horizontal flourish at the end.

Kris Neuhauser  
New Applications Lead  
Water Appropriation Program