

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.

APR 16 2018

12:30

KS DEPT OF AGRICULTURE

KANSAS DEPARTMENT OF AGRICULTURE
Jackie McClaskey, Secretary of Agriculture

DIVISION OF WATER RESOURCES
David W. Barfield, Chief Engineer

File Number 50037
This item to be completed by the Division of Water Resources.

Water Resources Received

APPLICATION FOR PERMIT TO APPROPRIATE WATER FOR BENEFICIAL USE

Filing Fee Must Accompany the Application
(Please refer to Fee Schedule attached to this application form.)

UNACCEPTED APR 02 2018
APR 02 11:32 AM
KS Dept Of Agriculture

To the Chief Engineer of the Division of Water Resources, Kansas Department of Agriculture,
1320 Research Park Drive, Manhattan, Kansas 66502:

1. Name of Applicant (Please Print): MS Real Estate Holdings, LLC
Address: N3569 Vandan Bosch Rd.
City: Kaukauna State WI Zip Code 54130
Telephone Number: (920) 766-5335

2. The source of water is: surface water in _____ (stream)
OR groundwater in Cimarron River (drainage basin)

Certain streams in Kansas have minimum target flows established by law or may be subject to administration when water is released from storage for use by water assurance district members. If your application is subject to these regulations on the date we receive your application, you will be sent the appropriate form to complete and return to the Division of Water Resources.

3. The maximum quantity of water desired is 21.28 acre-feet OR 6.934 million gallons per calendar year, to be diverted at a maximum rate of 200+ gallons per minute OR _____ cubic feet per second.

Once your application has been assigned a priority, the requested maximum rate of diversion and maximum requested quantity of water under that priority number can **NOT** be increased. Please be certain your requested maximum rate of diversion and maximum quantity of water are appropriate and reasonable for your proposed project and are in agreement with the Division of Water Resources' requirements.

4. The water is intended to be appropriated for (Check use intended):

- (a) Artificial Recharge
- (b) Irrigation
- (c) Recreational
- (d) Water Power
- (e) Industrial
- (f) Municipal
- (g) Stockwatering
- (h) Sediment Control
- (i) Domestic
- (j) Dewatering
- (k) Hydraulic Dredging
- (l) Fire Protection
- (m) Thermal Exchange
- (n) Contamination Remediation

YOU **MUST** COMPLETE AND ATTACH ADDITIONAL DIVISION OF WATER RESOURCES FORM(S) PROVIDING INFORMATION TO SUBSTANTIATE YOUR REQUEST FOR THE AMOUNT OF WATER FOR THE INTENDED USE REFERENCED ABOVE.

For Office Use Only:			
F.O. <u>4</u>	GMD <u>3</u>	Meets K.A.R. 5-3-1 (YES / NO) Use <u>STK</u>	Source <u>GYS</u> County <u>SW</u>
Code <u>REG</u>	Fee \$ <u>200.00</u>	TR # _____	By <u>AJW</u> Date <u>4/16/18</u>
		Receipt Date <u>4/16/18</u>	Check # <u>49591</u>

4/19/18 DAW

5. The location of the proposed wells, pump sites or other works for diversion of water is:

Note: For the application to be accepted, the point of diversion location must be described to at least a 10 acre tract, unless you specifically request a 60 day period of time in which to locate the site within a specifically described, minimal legal quarter section of land.

(A) One in the SE quarter of the SE quarter of the SE quarter of Section 5, more particularly described as being near a point 432 feet North and 325 feet West of the Southeast corner of said section, in Township 35 South, Range 32 East (West (circle one)), Seward County, Kansas.

(B) One in the _____ quarter of the _____ quarter of the _____ quarter of Section _____, more particularly described as being near a point _____ feet North and _____ feet West of the Southeast corner of said section, in Township _____ South, Range _____ East/West (circle one), _____ County, Kansas.

(C) One in the _____ quarter of the _____ quarter of the _____ quarter of Section _____, more particularly described as being near a point _____ feet North and _____ feet West of the Southeast corner of said section, in Township _____ South, Range _____ East/West (circle one), _____ County, Kansas.

(D) One in the _____ quarter of the _____ quarter of the _____ quarter of Section _____, more particularly described as being near a point _____ feet North and _____ feet West of the Southeast corner of said section, in Township _____ South, Range _____ East/West (circle one), _____ County, Kansas.

If the source of supply is groundwater, a separate application shall be filed for each proposed well or battery of wells, except that a single application may include up to four wells within a circle with a quarter (1/4) mile radius in the same local source of supply which do not exceed a maximum diversion rate of 20 gallons per minute per well.

A battery of wells is defined as two or more wells connected to a common pump by a manifold; or not more than four wells in the same local source of supply within a 300 foot radius circle which are being operated by pumps not to exceed a total maximum diversion rate of 800 gallons per minute and which supply water to a common distribution system.

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

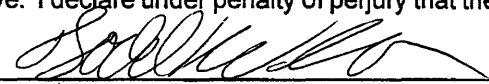
(name, address and telephone number)

(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 March 16, 2018.



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.

7. The proposed project for diversion of water will consist of one well
(number of wells, pumps or dams, etc.)

and (was)(will be) completed (by) June 10, 2003
(Month/Day/Year - each was or will be completed)

8. The first actual application of water for the proposed beneficial use was or is estimated to be June 30, 2003.
(Mo/Day/Year)

9. Will pesticide, fertilizer, or other foreign substance be injected into the water pumped from the diversion works?
 Yes No If "yes", a check valve shall be required.

All chemigation safety requirements must be met including a chemigation permit and reporting requirements.

10. If you are planning to impound water, please contact the Division of Water Resources for assistance, prior to submitting the application. Please attach a reservoir area capacity table and inform us of the total acres of surface drainage area above the reservoir.

Have you also made an application for a permit for construction of this dam and reservoir with the Division of Water Resources? Yes No

- If yes, show the Water Structures permit number here _____
- If no, explain here why a Water Structures permit is not required _____

11. The application must be supplemented by a U.S.G.S. topographic map, aerial photograph or a detailed plat showing the following information. On the topographic map, aerial photograph, or plat, identify the center of the section, the section lines or the section corners and show the appropriate section, township and range numbers. Also, please show the following information:

- (a) The location of the proposed point(s) of diversion (wells, stream-bank installations, dams, or other diversion works) should be plotted as described in Paragraph No. 5 of the application, showing the North-South distance and the East-West distance from a section line or southeast corner of section.
- (b) If the application is for groundwater, please show the location of any existing water wells of any kind within 1/2 mile of the proposed well or wells. Identify each existing well as to its use and furnish the name and mailing address of the property owner or owners. If there are no wells within 1/2 mile, please advise us.
- (c) If the application is for surface water, the names and addresses of the landowner(s) 1/2 mile downstream and 1/2 mile upstream from your property lines must be shown.
- (d) The location of the proposed place of use should be shown by crosshatching on the topographic map, aerial photograph or plat.
- (e) Show the location of the pipelines, canals, reservoirs or other facilities for conveying water from the point of diversion to the place of use.

A 7.5 minute U.S.G.S. topographic map may be obtained by providing the section, township and range numbers to: Kansas Geological Survey, 1930 Constant, Campus West, University of Kansas, Lawrence, Kansas 66047.

12. List any application, appropriation of water, water right, or vested right file number that covers the same diversion points or any of the same place of use described in this application. Also list any other recent modifications made to existing permits or water rights in conjunction with the filing of this application.

File No. 45,115; this is a rate-only application

**Water Resources
Received**

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KS Dept Of Agriculture

APR 16 2018

**STOCKWATER USE
SUPPLEMENTAL SHEET**

File No. 50037

Name of Applicant (Please Print): MS Real Estate Holdings, LLC

1. Please indicate type of livestock (cattle, hogs, etc.): dairy heifers

2. Please complete the following table showing past and present water requirements:

PAST NUMBER OF HEAD AND WATER DIVERTED, IF APPLICABLE

LAST 5 YEARS	NUMBER OF HEAD	WATER DIVERTED (GALLONS)	GALLONS PER HEAD PER DAY
5 years ago	13,000	118,937,498	25
Last year	21,000	117,855,700	15
Present Year	21,000	138,852,901	18

3. Please complete the following table showing estimated future water requirements:

ESTIMATED FUTURE NUMBER OF HEAD AND WATER DIVERTED

NEXT 5 YEARS	NUMBER OF HEAD	WATER TO BE DIVERTED (GALLONS)	GALLONS PER HEAD PER DAY
Year 1	21,000	147,000,000	19
Year 2	29,000	159,500,000	15
Year 3	37,000	203,500,000	15
Year 4	45,000	247,500,000	15
Year 5	53,000	259,027,804	13

Please attach any additional information, tables, or curves showing past, present and estimated future water requirements to substantiate the amount of water requested.

4. Please designate the legal description of the location where the water is to be used. Show in the space provided below the Section (S), Township (T), and Range (R), and the number of acres in each forty acre tract or fractional portion thereof.

S	T	R	NE¼				NW¼				SW¼				SE¼				TOTAL
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
5	35	32	40	40	40	40	40	40	40	40	40	40	40	40	40	40	40	40	640

5. Show quantities of water used and all associated water uses at the feedlot such as water used in feed mills, cooling of animals, washing, flushing of wastes, etc.:

DRINKING

53,000 head of dairy heifers x 13 gallons/head (avg.) x 365 days = 25,485,000 gallons
____ head of _____ x _____ gallons/head (avg.) x _____ days = _____ gallons
____ head of _____ x _____ gallons/head (avg.) x _____ days = _____ gallons

COOLING

_____ gallons/hour x _____ hour/day x _____ days = _____ gallons

SANITATION

_____ g.p.m. x 60 min/hr x _____ hr/wk x _____ wks/yr = _____ gallons

OTHER USE (Explain) _____ = _____ gallons

TOTAL ----- 25,485,000 gallons

6. Show location of present and future location of confinement pens on your attached maps or photographs.

7. Total feed bunk space for cattle or livestock is 40,450 linear feet.

8. Total size of stock pens for confinement area of cattle, hogs, etc. is 7,642,000 square feet.

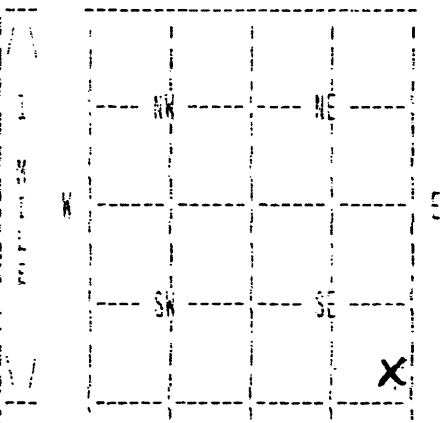
You may attach any additional information you believe will assist in informing the Division of Water Resources of the need for your request.

1 LOCATION OF WATER WELL: COUNTY: 088 SEWARD FRACTION: SE 1/4 SE 1/4 SE 1/4 SECTION NUMBER: 05 TOWNSHIP NUMBER: T 35 S RANGE NUMBER: R 32 W

DISTANCE AND DIRECTION FROM NEAREST TOWN OR CITY STREET ADDRESS OF WELL IF LOCATED WITHIN CITY?
FROM LIBERAL; APPX 5 1/4 MILES EAST & 1 MILE SOUTH

2 WATER WELL OWNER: LIBERAL FEEDERS BOARD OF AGRICULTURE, DIVISION OF WATER RESOURCES
RR#, ST. ADDRESS, BOX #: RT 2 BOX 150
CITY, STATE, ZIP CODE: LIBERAL, KS 67901-9418 APPLICATION NUMBER: 45,115

3 LOCATE WELL'S LOCATION WITH AN "X" IN SECTION BOX: 4 DEPTH OF COMPLETED WELL 288 ELEVATION: 0
DEPTH(S) GROUNDWATER ENCOUNTERED 1. 0 FT. 2. 0 FT. 3. 0 FT.



WELL'S STATIC WATER LEVEL 0 FT. BELOW LAND SURFACE MEASURED ON MO/DAY/YR
PUMP TEST DATA: WELL WATER WAS 0 FT. AFTER 0 HOURS PUMPING 0 GPM
ESTIMATED YIELD 0 GPM; WELL WATER WAS 0 FT. AFTER 0 HOURS PUMPING 0 GPM
BORE HOLE DIAMETER 18.5 IN. TO 288 FT., AND IN. TO 0 FT.
WELL WATER TO BE USED AS: 05 PUB. WTR SUP
WAS A CHEMICAL/BACTERIOLOGICAL SAMPLE SUBMITTED TO DEPARTMENT? No ;
IF YES, MO/DAY/YR SAMPLE WAS SUBMITTED WATER WELL DISINFECTED? Yes

5 TYPE OF BLANK CASING USED: 02 PVC CASING JOINTS: GLUED
BLANK CASING DIAMETER 8 IN. TO 288 FT., DIA IN. TO 0 FT., DIA IN. TO 0 FT.
CASING HEIGHT ABOVE LAND SURFACE 12 IN., WEIGHT 7 LBS/FT. WALL THICKNESS OF GAUGE NO. 1410
TYPE OF SCREEN OR PERFORATION MATERIAL: 07 PVC
SIZES OF PERFORATION OPENINGS ARE: 03 MILL SLOT

SCREEN PERFORATED INTERVALS: FROM 228 FT. TO 288 FT., FROM 0 FT. TO 0 FT.
GRAVEL PACK INTERVALS: FROM 0 FT. TO 0 FT., FROM 0 FT. TO 0 FT.
FROM 25 FT. TO 288 FT., FROM 0 FT. TO 0 FT.
FROM 0 FT. TO 0 FT., FROM 0 FT. TO 0 FT.

6 GROUT MATERIAL 03 BENTONITE
GROUT INTERVALS: FROM 5 FT. TO 25 FT., FROM 0 FT. TO 0 FT., FROM 0 FT. TO 0 FT.
WHAT IS THE NEAREST SOURCE OF POSSIBLE CONTAMINATION: NONE OBSERVED
DIRECTION FROM WELL? HOW MANY FEET? 0

FROM	TO	LITHOLOGIC LOG	FROM	TO	PLUGGING INTERVALS
0	15	02 SILT 07 FINE SAND 01 CLAY			
15	31	07 FINE SAND 01 CLAY			
31	45	01 CLAY 20 LIMESTONE			
45	75	01 CLAY 20 LIMESTONE			
75	90	01 CLAY 20 LIMESTONE 05 SAND			
90	105	01 CLAY 20 LIMESTONE			
105	120	01 CLAY 20 LIMESTONE			
120	150	01 CLAY 20 LIMESTONE			
150	165	05 SAND 01 CLAY			
165	167	05 SAND			

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APR 02 2018
KS Dept Of Agriculture

7 CONTRACTOR'S OR LANDOWNER'S CERTIFICATION: THIS WATER WELL WAS CONSTRUCTED UNDER MY JURISDICTION AND WAS COMPLETED ON (MO/DAY/YEAR) 06/10/03 AND THIS RECORD IS TRUE TO THE BEST OF MY KNOWLEDGE AND BELIEF, KANSAS WATER WELL CONTRACTOR'S LICENSE NO. 145 THIS WATER WELL RECORD WAS COMPLETED ON (MO/DAY/YEAR) 06/10/03 2018 BY (SIGNATURE)
WATER RESOURCES RECEIVED

(CONTINUED)

WATER WELL RECORD Form WWC-5 KSA 62A-1212

1 LOCATION OF WATER WELL: COUNTY: 088 SEWARD	FRACTION SE 1/4 SE 1/4 SE 1/4	SECTION NUMBER 05	TOWNSHIP NUMBER T 35 S	RANGE NUMBER R 32 W
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2 WATER WELL OWNER: RR#, ST. ADDRESS, Box # :	LIBERAL FEEDERS RT 2 BOX 150	BOARD OF AGRICULTURE, DIVISION OF WATER RESOURCES
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CITY, STATE, ZIP CODE :	LIBERAL, KS 67901-9418	APPLICATION NUMBER: 45,115
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FROM	TO	LITHOLOGIC LOG
167	174	01 CLAY
174	180	05 SAND
180	181	05 SAND
181	188	05 SAND
188	192	01 CLAY 20 LIMESTONE
192	198	05 SAND
198	201	01 CLAY
201	212	05 SAND
212	217	01 CLAY
217	218	20 LIMESTONE
218	223	01 CLAY 20 LIMESTONE
223	225	20 LIMESTONE 01 CLAY
225	228	01 CLAY
228	240	05 SAND
240	245	01 CLAY 05 SAND
245	246	20 LIMESTONE
246	252	05 SAND 01 CLAY
252	260	01 CLAY 20 LIMESTONE
260	264	07 FINE SAND 01 CLAY
264	269	01 CLAY 20 LIMESTONE
269	270	07 FINE SAND
270	274	07 FINE SAND 01 CLAY
274	295	01 CLAY 20 LIMESTONE
295	300	20 LIMESTONE 01 CLAY

APPROVED FOR THE

DEPARTMENT

CONTRACTOR'S OR LANDOWNER'S CERTIFICATION:

THIS WATER WELL WAS CONSTRUCTED UNDER MY JURISDICTION AND WAS COMPLETED ON (MO/DAY/YEAR) 06/10/03 AND THIS RECORD IS TRUE TO THE BEST OF MY KNOWLEDGE AND BELIEF. KANSAS WATER WELL CONTRACTOR'S LICENSE NO. 145 UNDER THE BUSINESS NAME OF HENKLE DRILLING & SUPPLY

THIS WATER WELL RECORD WAS COMPLETED ON (MO/DAY/YR) 09/10/03

BY (SIGNATURE) *James J. Richardson*

50037



Specific Water Well Detail

Well T35S, R32W, Sec. 5, SE SE SE , Action: Constructed

Location Info		
Owner: Liberal Feeders	Status: Constructed	
Location: T35S, R32W, Sec. 5, SE SE SE	County: Seward	
Directions: from Liberal: 5.25 mi E, 1 mi S		
Longitude: -100.8149775	Latitude: 37.025845	Datum: NAD 27
Longitude and latitude calculated by Survey from township-range-section-quarter calls. Only good to within the quarter call accuracy.		
View well on interactive map This link will create a new window and display an interactive map of this well and its neighbors.		
General Info		
Well Depth: 288 ft.	Elevation: ft.	
Static Water Level: ft.	Est. Yield: gpm.	
Comp. Date: 10-Jun-2003	Well Use: Public Water Supply	
DWR Applic. #: 45115	Other ID:	
Driller Info		
Driller: Hydro Resources Mid Continent, Inc.	License #: 145	
Scanned Form		
View form(s) on screen	Download scan(s)	
The file you download contains one or more TIFF images compressed into a ZIP archive. Your browser may be already set up to decompress these files. Commercial software to perform this is available from <u>PKWARE, Inc.</u> , the company that invented the format. A web page from a group of people creating shareware or public domain software is available at <u>Info-ZIP</u> . The TIFFs are 300 dpi archival-quality scans of the WWC5 forms and can be viewed by software like Corel PhotoPaint or Adobe PhotoShop.		
Lithologic Log (Log data entered by KGS.)		
From: 0 ft. to 15 ft.	silt fine sand clay	
From: 15 ft. to 31 ft.	fine sand clay	
From: 31 ft. to 45 ft.	clay limestone	
From: 45 ft. to 75 ft.	clay limestone	
From: 75 ft. to 90 ft.	clay limestone sand	
From: 90 ft. to 105 ft.	clay limestone	

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APR 16 2018

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From: 105 ft. to 120 ft.	clay limestone
From: 120 ft. to 150 ft.	clay limestone
From: 150 ft. to 165 ft.	sand clay
From: 165 ft. to 167 ft.	sand
From: 167 ft. to 174 ft.	clay
From: 174 ft. to 180 ft.	sand
From: 180 ft. to 181 ft.	sand
From: 181 ft. to 188 ft.	sand
From: 188 ft. to 192 ft.	clay limestone
From: 192 ft. to 198 ft.	sand
From: 198 ft. to 201 ft.	clay
From: 201 ft. to 212 ft.	sand
From: 212 ft. to 217 ft.	clay
From: 217 ft. to 218 ft.	limestone
From: 218 ft. to 223 ft.	clay limestone
From: 223 ft. to 225 ft.	limestone clay
From: 225 ft. to 228 ft.	clay
From: 228 ft. to 240 ft.	sand
From: 240 ft. to 245 ft.	clay sand
From: 245 ft. to 246 ft.	limestone
From: 246 ft. to 252 ft.	sand clay
From: 252 ft. to 260 ft.	clay limestone
From: 260 ft. to 264 ft.	fine sand clay
From: 264 ft. to 269 ft.	clay limestone
From: 269 ft. to 270 ft.	fine sand
From: 270 ft. to 274 ft.	fine sand clay
From: 274 ft. to 295 ft.	clay limestone
From: 295 ft. to 300 ft.	limestone clay

Kansas Geological Survey
 Comments to webadmin@kgs.ku.edu
 URL=<http://www.kgs.ku.edu/Magellan/WaterWell/index.html>
 Display Programs Updated July 2, 2014
 Data added continuously.

Kansas Geological Survey
 Water Resources
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 JUL 2 2014

Kansas Department of Agriculture

13. Furnish the following well information if the proposed appropriation is for the use of groundwater. If the well has not been completed, give information obtained from test holes, if available.

Information below is from: Test holes Well as completed Drillers log attached

Well location as shown in paragraph No.	(A)	(B)	(C)	(D)
Date Drilled	June 10, 2003			
Total depth of well	288 - 300			
Depth to water bearing formation				
Depth to static water level				
Depth to bottom of pump intake pipe				

14. The relationship of the applicant to the proposed place where the water will be used is that of Owner
(owner, tenant, agent or otherwise)

15. The owner(s) of the property where the water is used, if other than the applicant, is (please print):

(name, address and telephone number)

(name, address and telephone number)

16. The undersigned states that the information set forth above is true to the best of his/her knowledge and that this application is submitted in good faith.

Dated at Kawkauna, Wisconsin, Kansas, this 12th day of April, 2018
(month) (year)



(Applicant Signature)

By _____
(Agent or Officer Signature)

(Agent or Officer - Please Print)

Water Resources
Received
APR 16 2018
KS Dept Of Agriculture

Assisted by _____ Date: _____
(office/title)

STATE OF KANSAS



DEPARTMENT OF AGRICULTURE
1320 RESEARCH PARK DRIVE
MANHATTAN, KS 66502
PHONE: (785) 564-6700
FAX: (785) 564-6777

900 SW JACKSON, ROOM 456
TOPEKA, KS 66612
PHONE: (785) 296-3556
www.agriculture.ks.gov

GOVERNOR JEFF COLYER, M.D.
JACKIE McCLASKEY, SECRETARY OF AGRICULTURE

April 18, 2018

MS REAL ESTATE HOLDINGS, LLC
N3569 VANDAN BOSCH RD
KAUKAUNA WI 54130

RE: Application
File No. 50037

Dear Sir or Madam:

Your application for permit to appropriate water in 5-35S-32W in Seward County, was received and has been assigned the file number noted above.

As a matter of record, the Division of Water Resources has on hand a large number of applications awaiting processing. Therefore to be fair to all concerned, and so that we can process those applications on hand in the order they were received, we intend to concentrate on the backlog of applications until the issue is resolved. Once review of your application has begun, we will contact you, if additional information is required.

In accordance with the provisions of the Kansas Water Appropriation Act, a portion of which is included below, the use of water as proposed prior to approval of the application is unlawful. Once approved, compliance with the terms, conditions and limitations of the permit is necessary. Conservation of the water resources of Kansas is required.

Section 82a-728 of the Kansas Water Appropriation Act, provides (a) except for the appropriation of water for the purpose of domestic use, . . . it shall be unlawful for any person to appropriate or threaten to appropriate water from any source without first applying for and obtaining a permit to appropriate water in accordance with the provisions of the Water Appropriation Act or for any person to violate any condition of a vested right, appropriation right or an approved application for a permit to appropriate water for beneficial use.

(b) (1) The violation of any provision of this section by any person is a class C misdemeanor . . .

A class C misdemeanor is punishable by a fine not to exceed \$500 and/or a term of confinement not to exceed one month in the county jail. Each day that the violation occurs constitutes a separate offense.

If you have any questions, please contact me at (785) 564-6637. If you wish to discuss a specific file, please have the file number ready so that we may help you more efficiently.

Sincerely,

Kristen A. Baum
New Applications Unit Supervisor
Water Appropriation Program

BAT: dlw
pc: GARDEN CITY Field Office
GMD 3

S0037



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