

# 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

JAN 12 2021

11:21



State of Kansas

20219004

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

AGRICULTURE

1. Applicant: (Please print or type)  
 Name MCCARTY FARMS (SCOTT CITY) LLC  
 Street 6650 N HWY 83  
 City and State SCOTT CITY  
 Zip Code 67871 Telephone No. (      )  
 E-Mail Address \_\_\_\_\_  
 Social Security I.D. No. \_\_\_\_\_  
 and/or Taxpayer I.D. No. \_\_\_\_\_

2. Location of Point of Diversion:  
 Sec. 18, Twp. 17, Rng. 32, W,  
SC County, Kansas.  
 Distance from Southeast Corner of Section:  
5230 feet North from Southeast Corner  
2323 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) 350 GPM  
 Amount Requested (acre-feet) 249.87 AF (81.42 MGY)  
 per calendar year  
 Depth of Well (feet) \_\_\_\_\_  
 Date (completed) (will be completed) JANYUARY 7, 2021  
 Drainage Basin LADDER CREEK  
 Name of Stream \_\_\_\_\_

4. Water is to be used for (briefly describe proposed use and explain the rate and quantity requested):  
STOCKWATER/DAIRY USE  
ALLOW GROUPING OF QUANTITY TO MANAGE DEMAND  
 5. Location of place of use:  
DAIRY LOCATED IN THE SOUTH HALF OF THE  
NORTHWEST QUARTER OF 18-17-32W  
 6. Period of use:  
 Commencing date: 1-7-2021  
 Ending Date: 12-31-2025 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 1/4 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:  
PD & PU - 8993, 14850, 19031

FEE SCHEDULE

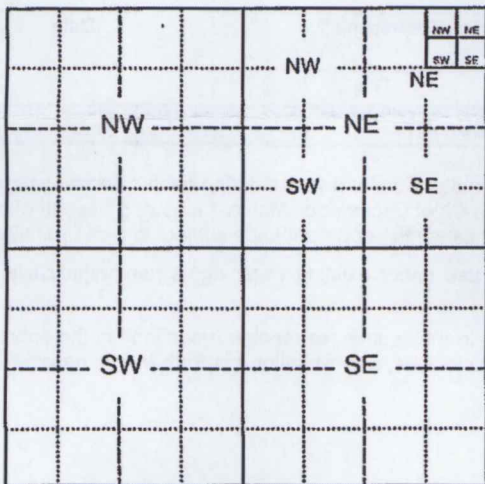
1. The filing fee for an application is based on the maximum amount of water use proposed within a year. Except for storage, the fee is:
- | Acre-feet     | Fee      |
|---------------|----------|
| 0-100         | \$200.00 |
| 101-320       | \$300.00 |
| More than 320 | \$300.00 |
- plus \$20 for each 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



1/13/2021  
 LMoody

Assisted by MM

For Office Use Only:  
 F.O. 4 GMD 1 Meets K.A.R. 5-3-1 (YES/NO) Use STK Source G/S County SC By BMM Date 1/12/21  
 Code TR2 Fee \$ 300 TR # \_\_\_\_\_ Receipt Date 1-12-21 Check # 19699

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): FILE NO. 4836  
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): NA  
Address: \_\_\_\_\_

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

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

SAME  
(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 January 7th, 2021. \_\_\_\_\_  
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 December 31, 2025 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: Ken McCarty Telephone No. (785) 443-2453

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

Ken McCarty  
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.

WATER RESOURCES RECEIVED

JAN 12 2021

KS DEPT OF AGRICULTURE

WATER RESOURCES  
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ATTACHMENT TO TERM PERMIT

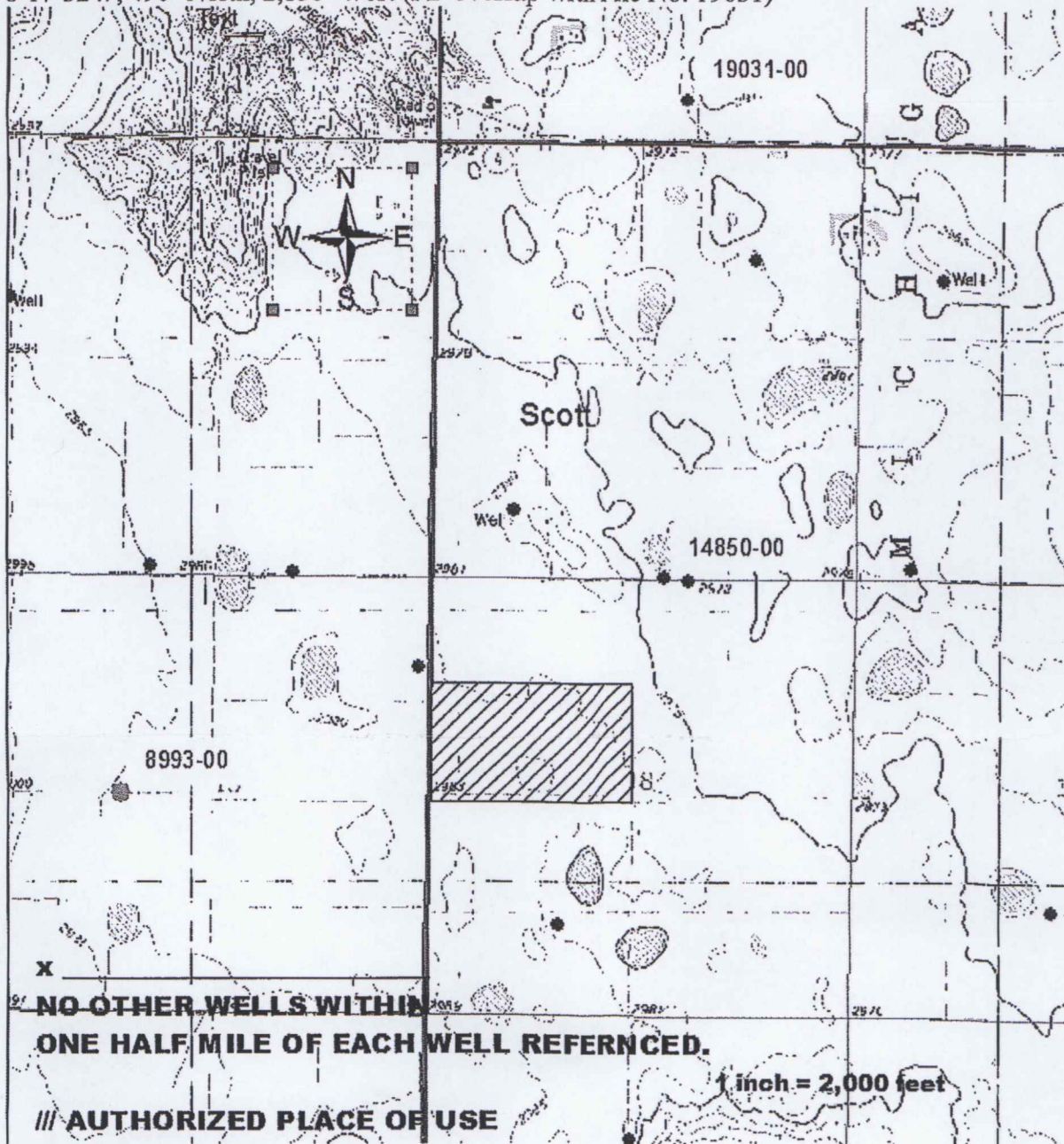
MCCARTY DAIRY

CONTINUATION OF PAGE 1, NO. 2 (2 of 3 LOCATIONS OF POINT OF DIVERSION)

Section, Township, Range (West), all Scott County, and Distance from SE corner of Section:

13-17-33W, 2,585' North, 3753' West (PD overlap with File No. 8993)

8-17-32W, 490' North, 2,150' West (PD overlap with File No. 19031)



**DATA ENTRY SYSTEM ID NUMBER SHEET**

**FILE NUMBER** 20219004

<b>APPLICANT PERSON ID &amp; SEQ #</b>	<b>66065</b>	<b>PDIV ID</b>	<b>BATTERY ID</b>
<b>11326</b>			

<b>LANDOWNER PERSON ID &amp; SEQ #</b>	<b>54136</b>	<b>PUSE ID</b>
<b>55749</b>		

<b>WATER USE CORRESPONDENT PERSON ID &amp; SEQ #</b>
<b>11326</b>

Garden City Field Office  
4532 W. Jones, Suite B  
Garden City, KS 67846



Phone: 620-276-2901  
Fax: 620-276-9315  
[www.agriculture.ks.gov](http://www.agriculture.ks.gov)

Mike Beam, Secretary

Laura Kelly, Governor

March 25, 2021

KEITH BURGESS  
Attn: NEIL ROSE  
1020 RUSSEL ST  
SCOTT CITY, KS 67871

RE: Term Permit Application, File No. 20219004

Dear Sir or Madam:

This is to advise you that McCarty Farms (Scott City) LLC has filed the application referenced above for a permit to divert 81.42 million gallons of water per calendar year for a period of five years to be utilized for stockwatering use. The requested quantity is not additional water to the quantities currently authorized, this permit is requesting to provide flexibility to divert existing water from existing wells authorized under File Nos. 8,993; 14,850 and 19,031.

You can find the complete application posted by water right file number as referenced above at: [www.Agriculture.ks.gov/DWRNotices](http://www.Agriculture.ks.gov/DWRNotices)

You are notified of the proposed appropriation so that you may furnish this office with any comments or other information you want to submit. Such comments or other information must be received in this office within 15 days from the date of this letter.

Should you have any questions, please feel free contact this office. If you would prefer, you could arrange an appointment for additional assistance. Please refer to the file number when you contact us if you wish to discuss a specific file.

Sincerely,

A handwritten signature in blue ink, appearing to read "Austin J. McColloch".

Austin J. McColloch  
Assistant Water Commissioner

AM:  
enclosures

pc:  
GROUNDWATER MANAGEMENT DISTRICT NO. 1

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Laura Kelly, Governor

March 25, 2021

STEVEN D COMPTON  
PO BOX 348  
SCOTT CITY, KS 67871

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Mike Beam, Secretary

Laura Kelly, Governor

March 25, 2021

ROBERT WINDERLIN  
993 HIGHWAY 4  
SCOTT CITY, KS 67871-4018

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Assistant Water Commissioner

AM:  
enclosures

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Mike Beam, Secretary

Laura Kelly, Governor

March 25, 2021

WILLIAM J WINDERLIN  
991 HIGHWAY 4  
SCOTT CITY, KS 67871-4018

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GROUNDWATER MANAGEMENT DISTRICT NO. 1

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

January 26, 2020

MCCARTY FARMS (SCOTT CITY) LLC  
6650 N HWY 83  
SCOTT CITY KS 67871

RE: Application, File No(s). **20219004**

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 Garden City Field Office at 620-276-2901. *Garden City Field Office at 620-276-2901*. If you call, please reference the file number so we can help you more efficiently.

Sincerely,

Kris Neuhauser  
New Applications Lead  
Water Appropriation Program