

Kansas Department of Agriculture
Division of Water Resources
PERMIT OF NEW APPLICATION WORKSHEET

1. File Number: 49639	2. Status Change Date: 10/13/2016	3. Field Office: 02	4. GMD: 5
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5. Status: Approved Denied by DWR/GMD Dismiss by Request/Failure to Return

6. Enclosures: Check Valve N of C Form Water Tube Driller Copy Meter

<p>7a. Applicant(s) New to system <input type="checkbox"/> Person ID <u>64986</u> Add Seq# <u>52</u></p> <p>SKYLAND GRAIN GUY MARTIN PO BOX 280 JOHNSON KS 67855</p>	<p>7c. Landowner(s) New to system <input type="checkbox"/> Person ID _____ Add Seq# _____</p>
<p>7b. Landowner(s) New to system <input type="checkbox"/> Person ID _____ Add Seq# _____</p> <p>7A</p>	<p>7d. Misc. New to system <input type="checkbox"/> Person ID _____ Add Seq# _____</p>

<p>8. WUR Correspondent New to system <input type="checkbox"/> Person ID _____ Add Seq# _____ Overlap File (s) WUC Notarized WUC Form <input type="checkbox"/> Agree <input type="checkbox"/> Yes <input type="checkbox"/> No</p> <p>7A</p>	<p>9. Use of Water: Changing? <input type="checkbox"/> Yes <input type="checkbox"/> No</p> <p style="padding-left: 40px;"><input checked="" type="checkbox"/> Groundwater <input type="checkbox"/> Surface Water</p> <p><input type="checkbox"/> IRR <input type="checkbox"/> REC <input type="checkbox"/> DEW <input type="checkbox"/> MUN</p> <p><input type="checkbox"/> STK <input type="checkbox"/> SED <input type="checkbox"/> DOM <input type="checkbox"/> CON</p> <p><input type="checkbox"/> HYD DRG <input type="checkbox"/> WTR PWR <input type="checkbox"/> ART RECHRG</p> <p><input checked="" type="checkbox"/> IND SIC:<u>2874</u> <input type="checkbox"/> OTHER: _____</p>
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10. Completion Date: 12/31/2017 11. Perfection Date: 12/31/2021 12. Exp Date: _____

13. Conservation Plan Required? Yes No Date Required: _____ Date Approved: _____ Date to Comply: _____

14. Water Level Measuring Device? Yes No Date to Comply: _____ Date WLMD Installed: _____

Date Prepared: **9/28/2016** By: **EMC**
Date Entered: **10/14/2016** By: **LCM**

File No. **49,639** 15. Formation Code: 113 Drainage Basin: **South Fork Ninnescah River** County: PRATT Special Use: Stream:

16. Points of Diversion										17. Rate and Quantity MOD					
MOD	DEL	ENT	PDIV	Qualifier	S	T	R	ID	'N	'W	Authorized		Additional		
											Rate gpm	Quantity mgy	Rate gpm	Quantity mgy	Overlap PD Files
√			85325	NW NW SW	32	27S	11W	3	2431	5191	92GPM	4.887 MGY	92GPM	4.887 MGY	NONE

18. Storage: Rate _____ NF Quantity _____ ac/ft Additional Rate _____ NF Additional Quantity _____ ac/ft

19. Limitation: _____ af/yr at _____ gpm (_____ cfs) when combined with file number(s) _____
 Limitation: _____ af/yr at _____ gpm (_____ cfs) when combined with file number(s) _____

20. Meter Required? Yes No To be installed by **12/31/2017** Date Acceptable Meter Installed _____

21. Place of Use				NE¼				NW¼				SW¼				SE¼				Total	Owner	Chg?	Overlap Files			
MOD	DEL	ENT	PUSE	S	T	R	ID	NE ¼	NW ¼	SW ¼	SE ¼	NE ¼	NW ¼	SW ¼	SE ¼	NE ¼	NW ¼	SW ¼	SE ¼							
MOD			67771	32	27S	11W	2	CO-OP MIXING FERTILIZER FOR SPRAYERS IN SW1/4																7a	NO	NONE

Comments:

Kansas Department of Agriculture
 Division of Water Resources
WAIVER REQUEST & WAIVER RULE WORKSHEET

File Number: 49,639

FO: 2 GMD: 5

WAIVER REQUEST:

UMW	Date Requested	Rule ID	Applies	Rule Type	Rule Subtype
IND	9/28/2016	139	GMD 5	Well Spacing Domestic	Well to Well Spacing Domestic
Rule Number	Date Granted	Date Denied	Justification:	Proposed existing well fails to meet spacing to several domestic wells. GMD No.5 recommends waiver of spacing K.A.R. 5-25-2(a)(2).	
K.A.R. 5-25-2(a)(2)	10/3/2016				

WAIVER RULE:

Rule ID	Applicability	Type	Subtype	Rule Number	Date Active	Date Inactive

Date Prepared 9/28/2016 By emc

Date Entered 10/3/2016 By LCM



KANSAS DEPARTMENT OF AGRICULTURE
Jackie McClaskey, Secretary of Agriculture

DIVISION OF WATER RESOURCES
David W. Barfield, Chief Engineer

**WAIVER OF REGULATION
K.A.R. 5-25-2 (a) (2) Well Spacing**

Date: Oct. 3, 2016

Re: Application, File No. 49,639

1. That the according to K.A.R.5-25-2 (a) (2) states in part that the spacing criteria for domestic wells shall be 660 feet from the proposed point of diversion.
2. That the proposed point of diversion under the new application File No. 49,639 is located less than the required 660 feet from several domestic wells within the town of Cairo, Kansas.
3. That there are six domestic wells located within the 660 feet spacing radius of the proposed point of diversion. That the proposed point of diversion under the referenced file is an existing well and has been in place since 1992 without any recorded impairment concerns.
4. That the application was filed to bring the existing well into compliance with the Kansas Water Appropriation Act for a permanent water appropriation permit.
5. That the Groundwater Management District No. 5 recommended a wavier which is consistent with the Groundwater Management District No. 5 Well Spacing Rules and Regulations based on K.A.R. 5-25-2 (a) (2).
6. That a waiver of well spacing will not prejudicially or unreasonably affect the public interest and should not impair any existing water rights.

Comments:

A handwritten signature in black ink that reads "David W. Barfield".

David W. Barfield, P.E.
Chief Engineer
Division of Water Resources
Kansas Department of Agriculture

KANSAS DEPARTMENT OF AGRICULTURE
Division of Water Resources

M E M O R A N D U M

TO: Files

DATE: September 28, 2016

FROM: Erin McGrogan

RE: Application File No. 49,639

The referenced application has been filed by Skyland Grain of Cairo, Kansas to appropriate 4.887 mgy (15 acre-feet) of groundwater per calendar year for industrial use at a revised diversion rate not to exceed 92 gallons per minute. The proposed quantity will be used in a co-op for mixing fertilizer for sprayers. The proposed point of diversion is located within the South Fork Ninnescah River and within the boundaries of the Big Bend Groundwater Management District No. 5. The proposed quantity meets the criteria requirement of 15 acre-feet based on K.A.R. 5-25-15.

The proposed point of diversion is located in the Northwest Quarter of the Northwest Quarter of the Southwest Quarter of Section 32, Township 27 South, Range 11 West, Pratt County. The proposed place of use is located in the Southwest Quarter of Section 32, Township 27 South Range 11 West, Pratt County. The applicant provided information that this is an existing well. The source of the water appears to be the alluvial aquifer. The coo-op has two additional wells that are located within 1,000 feet east of the proposed point of diversion. The two wells are defined as domestic use and are utilized for emergency purposes only.

The applicant provided an updated list of all wells located within a one-half mile radius of the proposed point of diversion and within the town of Cairo, Kansas. There are approximately 22-25 domestic wells located within this radius. Well spacing requirements based on K.A.R. 5-25-2 are 660 feet for domestic wells and 1,320 feet radius of non-domestic wells. There are no non-domestic well located within the required radius. All known domestic well owners were notified by letter on the proposed appropriation. A petition letter received from 10 nearby well owners was received in DWR on July 18, 2016 expressing concerns of the applicant's use of water. A DWR response letter was sent on July 20, 2016 to the respondent Nancy Armstrong, who stated that the response letter will be circulated to all well owners with all of the domestic well owners residing in the town of Cairo.

A request for review and a copy of the application was sent to the Groundwater Management District No. 5 was sent on August 8, 2016. All the information on nearby domestic wells along with comments were copied to the District. Due to the large number of domestic wells in this area, the District elected to perform a field inspection to verify all existing domestic well locations within the 660 feet of the proposed point of diversion. A total of six existing domestic wells were located within this spacing radius. (See map) On September 13, 2016 DWR received a recommendation from the District for the referenced file. In this recommendation the district stated that the application met the criteria for the 15 acre-feet exemption based on K.A.R. 5-25-15, but failed to meet the spacing requirements for existing domestic wells. In addition the applicant's two wells on the co-op facility property were determined to be domestic wells. The District recommended a waiver of well spacing to the existing domestic wells and the condition that the co-op facility remaining two wells be used only for domestic purposes.

In accordance with K.S.A. 82a-706c, the Chief Engineer retains full authority to require any water user to install meters, gages, or other measuring devices, which devices he or she or his or her agents may read at any time. Water flowmeter requirements are further described in K.A.R. 5-1-4 and K.A.R 5-1-12. If any chemical or foreign substance is injected into the water pumped under this permit, a check valve will also need to be installed.

In an e-mail correspondence dated September 23, 2016 from Jeff Lanterman Water Commissioner of the Stafford Field Office, Mr. Lanterman indicated he had no objection to the approval of the referenced application.

Based on the above discussion, and that no water rights will be effected with the approval, it is recommended that the referenced application be approved as a 15 acre-feet exemption with a waiver of spacing based on the District recommendations.

Erin McGrogan
Erin McGrogan
Environmental Scientist
Permits Unit

McGrogan, Erin

From: Lanterman, Jeff
Sent: Friday, September 23, 2016 8:59 AM
To: McGrogan, Erin
Cc: Conant, Cameron
Subject: FW: File No. 49,639 Skyland Grain 32-27S-11W, Pratt County; Ind use; GW; GMD No. 5;15AF exemption @92gpm
Attachments: 49639Skyland Grain MEMO Ind use 15AF gmd 5.docx; 49639.jpg; 20160915100756267.pdf

Erin;

I attended this meeting and helped this application along. There is ample water available here with no area groundwater level declines. I think it can be approved.

I think we can go ahead and approve this application without additional conditions related to the other domestic wells owned by Skyland grain. I would just mention that they are for domestic use only in the cover letter.

If they are used for other than that we would address the potential compliance problem.

The Armstrong's who were present stated that their well was only 18' deep. So they can't claim impairment until they are actually able to access the aquifer.

Thanks Erin and have a good weekend!

Jeff

From: Conant, Cameron
Sent: Friday, September 23, 2016 8:38 AM
To: Lanterman, Jeff <Jeff.Lanterman@ks.gov>
Subject: FW: File No. 49,639 Skyland Grain 32-27S-11W, Pratt County; Ind use; GW; GMD No. 5;15AF exemption @92gpm

Jeff, you were at the GMD#5 meeting when this was discussed and ultimately recommended for approval (your notes from that meeting are below in red). GMD provided a recommendation with a waiver of spacing and no additional conditions. Please recall, there are 2 additional wells on site at the COOP. These wells should only be used for domestic purposes. Erin indicated in her email that we would add additional conditions to say that only the one well is permitted for industrial use, the other two can only be used for domestic purposes. Erin, this was not in the GMD recommendation, it appears that this additional condition would be from DWR. Might change the last line of paragraph 4 in the memo as necessary.

I guess with the additional condition, we are covered regarding the other two wells. I wonder if we should send a NONC-CD on the other two wells for anything but domestic uses (threat to divert w/out a permit) when the approval document is sent out? If we NONC-CD on the front end, it should be really clear that they can only use the one well. Your call on the additional condition/NONC-CD and I'm open to discussion about the necessity of the additional condition or the NONC-CD.

In any event, this application can be recommended for approval with a waiver of spacing. We've discussed the existing logs, proposed rate (which has been lowered to 92gpm), and distance to domestic wells.

Please pass on to Erin if you agree.

Cameron

Erin;

GMD voted to approve it last night as is with a waiver of spacing.

That east well GMD was wanting plugged is kind of a safety wash for employees if they get chemicals on them so they want to leave the well. It isn't used for much other than they sometimes wash rigs or a truck(Murphy said they would stop that). They decided to leave it and call it domestic. The Armstrong's were present and we explained impairment to them. Their wells are only 18' deep and they know that they may have to go deeper before they can claim impairment.

I chatted with Aaron Murphy last night about the measurement tube. They only pump 90-94 gpm out of the well and he said he doesn't want to drill an observation well so I told him you would get with him about decreasing the flow rate on the app and permit.

If for some reason he decides he wants the 150 be sure to highlight the measurement tube requirements in the transmittal letter and that an observation well will probably be required in place of a measurement tube.

From: McGrogan, Erin
Sent: Thursday, September 15, 2016 10:15 AM
To: Lanterman, Jeff
Cc: Conant, Cameron
Subject: File No. 49,639 Skyland Grain 32-27S-11W, Pratt County; Ind use; GW; GMD No. 5;15AF exemption @92gpm

Jeff and Cameron, Attached is the memo, map, GMD No. 5 recommendation with waiver of well spacing for the above file. We will condition the permit for the two co-op wells that they be used for domestic purposes only. The rate was revised to reflect the actual pump capacity and no water well measurement tube requirement. Erin

Erin McGrogan, Environmental Scientist
Division of Water Resources
1320 Research Park Drive
Manhattan, Kansas 66502
(785) 564-6640
erin.mcgrogan@ks.gov

1320 Research Park Drive
Manhattan, Kansas 66502
(785) 564-6700



900 SW Jackson, Room 456
Topeka, Kansas 66612
(785) 296-3556

Jackie McClaskey, Secretary

Governor Sam Brownback

SKYLAND GRAIN
ATTN GUY MARTIN
PO BOX 280
JOHNSON KS 67855

October 4, 2016

FILE COPY

Re: Appropriation of Water, File No. 49,639

Dear Mr. Martin:

There is enclosed a permit to appropriate water authorizing you to proceed with construction of the proposed diversion works (except those dams and stream obstructions regulated by K.S.A. 82a-301 through 305a), to divert such unappropriated water as may be available from the source and at the location specified in the permit, and to use it for the purpose and at the location described in the permit.

Your attention is directed to the enclosures and to the terms, conditions, and limitations specified in this permit. A water meter is required and you must install it prior to water being put to beneficial use in order for you to maintain accurate records of water use. The meter should be used to provide the information required on the annual water use report.

Failure to notify the Chief Engineer of the Division of Water Resources of the completion of the diversion works within the time allowed, or within any authorized extension of time thereof, will result in the dismissal of this permit. Enclosed is a form which may be used to notify the Chief Engineer that the proposed diversion works have been completed.

All requests for extensions of time to complete diversion works, or to perfect appropriations, must be submitted to the Chief Engineer before the expiration of time originally set forth in the permit to complete diversion works or to perfect an appropriation. If for any reason, you require an extension of time, you must request it before the expiration of time set forth in this permit. Failure to comply with this regulation will result in the dismissal of your permit or your water right. Any request for an extension of time shall be accompanied by the required statutory fee, which is currently \$100.00.

There is also enclosed an information sheet setting forth the procedure to obtain a Certificate of Appropriation which will establish the extent of your water right. If you have any questions, please contact our office. If you wish to discuss a specific file, please have the file number ready so that we may help you more efficiently.

Sincerely,

A handwritten signature in cursive script that reads "Brent A. Turney".

Brent A. Turney, P.E.
New Application Unit Supervisor
Water Appropriation Program

BAT: emc
Enclosures
pc: Stafford Field Office
GMD No. 5



KANSAS DEPARTMENT OF AGRICULTURE
Jackie McClaskey, Secretary of Agriculture

DIVISION OF WATER RESOURCES
David W. Barfield, Chief Engineer

APPROVAL OF APPLICATION
and
PERMIT TO PROCEED
(This is not a Certificate of Appropriation)

This is to certify that I have examined Application **File No. 49,639** of the applicant

Skyland Grain
PO Box 280
Johnson Kansas 67855

for a permit to appropriate water for beneficial use, together with the maps, plans and other submitted data, and that the application is hereby approved and the applicant is hereby authorized, subject to vested rights and prior appropriations, to proceed with the construction of the proposed diversion works (except those dams and stream obstructions regulated by K.S.A. 82a-301 through 305a, as amended), and to proceed with all steps necessary for the application of the water to the approved and proposed beneficial use and otherwise perfect the proposed appropriation subject to the following terms, conditions and limitations:

1. That the priority date assigned to such application is **May 19, 2016**.
2. That the water sought to be appropriated shall be used for industrial use located in the Southwest Quarter (SW $\frac{1}{4}$) of Section 32, Township 27 South, Range 11 West, Pratt County, Kansas.
3. That the authorized source from which the appropriation shall be made is groundwater from the alluvial aquifer, to be withdrawn by means of one (1) well located in the Northwest Quarter of the Northwest Quarter of the Southwest Quarter (NW $\frac{1}{4}$ NW $\frac{1}{4}$ SW $\frac{1}{4}$) of Section 32, more particularly described as being near a point 2,431 feet North and 5,191 feet West of the Southeast corner of said section, in Township 27 South, Range 11 West, Pratt County, Kansas, located substantially as shown on the topographic map accompanying the application.
4. That the appropriation sought shall be limited to a maximum diversion rate not in excess of **92 gallons per minute (0.204 c.f.s.)** and to a quantity not to exceed **4.887 million gallons (15.0 acre-feet)** of water for any calendar year.
5. That installation of works for diversion of water shall be completed on or before **December 31, 2017** or within any authorized extension thereof. The applicant shall notify the Chief Engineer and pay the statutorily required field inspection fee of \$400.00 when construction of the works has been completed. Failure to timely submit the notice and the fee will result in revocation of the permit. Any request for an extension of time shall be submitted prior to the expiration of the deadline and shall be accompanied by the required statutory fee of \$100.00.
6. That the proposed appropriation shall be perfected by the actual application of water to the proposed beneficial use on or before **December 31, 2021** or any authorized extension thereof. Any request for an extension of time shall be submitted prior to the expiration of the deadline and shall be accompanied by the required statutory fee, which is currently \$100.00.

7. That the applicant shall not be deemed to have acquired a water appropriation for a quantity in excess of the amount approved herein nor in excess of the amount found by the Chief Engineer to have been actually used for the approved purpose during one calendar year subsequent to approval of the application and within the time specified for perfection or any authorized extension thereof.

8. That 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.

9. That the right of the appropriator shall relate to a specific quantity of water and such right must allow for a reasonable raising or lowering of the static water level and for the reasonable increase or decrease of the streamflow at the appropriator's point of diversion.

10. That this permit does not constitute authority under K.S.A. 82a-301 through 305a to construct any dam or other obstruction; nor does it grant any right-of-way, or authorize entry upon or injury to, public or private property.

11. That all diversion works constructed under the authority of this permit into which any type of chemical or other foreign substance will be injected into the water pumped from the diversion works shall be equipped with an in-line, automatic quick-closing, check valve capable of preventing pollution of the source of the water supply. The type of valve installed shall meet specifications adopted by the Chief Engineer and shall be maintained in an operating condition satisfactory to the Chief Engineer.

12. That an acceptable water flow meter shall be installed and maintained on the diversion works authorized by this permit in accordance with the Kansas Administrative Regulations 5-1-4 through 5-1-12 adopted by the Chief Engineer. This water flow meter shall be used to provide an accurate quantity of water diverted as required for the annual water use report (including the meter reading at the beginning and end of the report year).

13. That the applicant shall maintain accurate and complete records from which the quantity of water diverted during each calendar year may be readily determined and the applicant shall file an annual water use report with 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.

14. That no water user shall engage in nor allow the waste of any water diverted under the authority of this permit.

15. That failure without cause to comply with provisions of the permit and its terms, conditions and limitations will result in the forfeiture of the priority date, revocation of the permit and dismissal of the application.

16. That the right to appropriate water under authority of this permit is subject to any minimum desirable streamflow requirements identified and established pursuant to K.S.A. 82a-703c for the source of supply to which this water right applies.

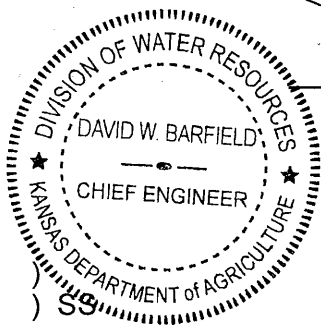
This Order shall become a final agency action, as defined by K.S.A. 77-607 (b), without further notice to the parties, if a request for hearing or a petition for administrative review is not filed as set forth below.

Request for Hearing. According to K.A.R. 5-14-3(c), any party who desires a hearing must submit a request within 15 days after the date shown on the Certificate of Service attached to this Order. Filing a request for a hearing will give you the opportunity to submit additional facts for consideration, contest any findings made by the Chief Engineer or present any other information you believe should be considered in this matter. A timely-filed request for hearing will stay the deadline for requesting administrative review of this Order pending the outcome of the hearing.

Petition for Review. The applicant, if aggrieved by this Order, may petition for administrative review, pursuant to K.S.A. 82a-711(c) and K.S.A. 82a-1901 (a). The petition must be filed within 30 days after the date shown on the Certificate of Service attached to this Order and must set forth the basis for the review, unless stayed by the timely filing of a request for hearing.

Any request for hearing or petition for administrative review shall be in writing and shall be submitted to the attention of: Chief Legal Counsel, Kansas Department of Agriculture, 1320 Research Park Drive, Manhattan, Kansas 66502, Fax: (785) 564- 6777.

Ordered this 3rd day of October, 2016, in Topeka, Shawnee County, Kansas.



David W. Barfield

David W. Barfield, P.E.
Chief Engineer
Division of Water Resources
Kansas Department of Agriculture

State of Kansas

County of Riley

The foregoing instrument was acknowledged before me this 3rd day of October, 2016, by David W. Barfield, P.E., Chief Engineer, Division of Water Resources, Kansas Department of Agriculture.



Karen Hunter

Notary Public

CERTIFICATE OF SERVICE

On this 4~~th~~ day of October, 2016, I hereby certify that the foregoing Approval of Application and Permit to Proceed, for File No. 49,639, dated October 3~~rd~~, 2016, was mailed postage prepaid, first class, US mail to the following:

SKYLAND GRAIN
ATTN GUY MARTIN
PO BOX 280
JOHNSON KS 67855

WITH PHOTOCOPIES TO

GMD NO 5

STAFFORD FIELD OFFICE


DIVISION OF WATER RESOURCES

APPLICATION COMPLETE
9/14/2016
Reviewer emc

WATER RESOURCES RECEIVED

THE STATE OF KANSAS



MAY 19 2016

11:40

KS DEPT OF AGRICULTURE

KANSAS DEPARTMENT OF AGRICULTURE
Jackie McClaskey, Secretary of Agriculture

DIVISION OF WATER RESOURCES
David W. Barfield, Chief Engineer

WATER RESOURCES RECEIVED

File Number 49639
This item to be completed by the Division of Water Resources.

WATER RESOURCES RECEIVED

UNACCEPTABLE FOR PRIORITY
MAY 19 2016
11:24
KS DEPT OF AGRICULTURE

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.)

UNACCEPTABLE FOR PRIORITY
APR 29 2016
11:40
KS DEPT OF AGRICULTURE

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

1. Name of Applicant (Please Print): Skyland Grain (Attention of Guy Martin)
Address: P O Box 280
City: Johnson State KS Zip Code 67855
Telephone Number: (620) 318-6050

2. The source of water is: surface water in _____ (stream)
OR groundwater in South Fork Ninnescah 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 15 acre-feet OR 4,887,765 gallons per calendar year, to be diverted at a maximum rate of 600 ~~150~~ ~~92~~ 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. 2 GMD 5 Meets K.A.R. 5-3-1 (YES/NO) Use IND Source GS County RR By AM Date 5/19/16
Code REG Fee \$ 200 TR # _____ Receipt Date 5/19/16 Check # 093699

* * 4-3-2016 per applicant emc/DWR

5/19/2016 LCM

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 NW quarter of the NW quarter of the SW quarter of Section 32, more particularly described as being near a point 2,431 feet North and 5,191 feet West of the Southeast corner of said section, in Township 27 South, Range 11 West, Pratt 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):

Same as applicant
(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 5-17, 2016. August
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 1 well & 1 pump
(number of wells, pumps or dams, etc.)
and was completed (by) JULY 8, 1992
(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 ASAP
(Mo/Day/Year)

WATER RESOURCES
RECEIVED

MAY 19 2016

SCANNED

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 N.A.

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.

SEE ATTACHED

(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.

None

WATER RESOURCES RECEIVED

MAY 19 2016

KS DEPT OF AGRICULTURE

WATER RESOURCES RECEIVED

MAY 19 2016

KS DEPT OF AGRICULTURE

WATER RESOURCES RECEIVED

MAY 22 2016

KS DEPT OF AGRICULTURE

SCANNED

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	<u>7/8/92</u>	_____	_____	_____
Total depth of well	<u>14</u>	_____	_____	_____
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):
Same as applicant
(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 Johnson City, Kansas, this 16th day of MAY, 2016.
(month) (year)

SKYLAND GRADU, LLC
(Applicant Signature)

By Huy nt
(Agent or Officer Signature)

Guy MARTIN
(Agent or Officer - Please Print)

Assisted by MJM/SFFO ESII Date: 4/4/2016
(office/title)

WATER RESOURCES RECEIVED
UNACCEPTABLE PRIORITY
KS DEPT OF AGRICULTURE
WATER RESOURCES RECEIVED
MAY 19 2016
SCANNED
KS DEPT OF AGRICULTURE

May 10, 2016
(Date)

Kansas Department of Agriculture
Division of Water Resources
David W. Barfield, Chief Engineer
109 SW 9th Street, 2nd Floor
Topeka, Kansas 66612-1283

Re: Application File No. 49639

Minimum Desirable Streamflow

Dear Sir:

I understand that a Minimum Desirable Streamflow requirement has been established by the legislature for the source of supply to which the above referenced application applies.

I understand that diversion of water pursuant to this application will be subject to regulation any time Minimum Desirable Streamflow requirements are not being met.

I also understand that if this application is approved, there could be times, as determined by the Division of Water Resources, when I would not be allowed to divert water. I realize that this could affect the economics of my decision to appropriate water.

I am aware of the above factors, and with the knowledge thereof, request that the Division of Water Resources proceed with processing and approval, if possible, of the above referenced application.

Aunt
Signature of Applicant

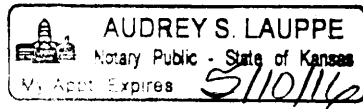
State of Kansas)
County of Stanton) ss

Guy MARTIN
(Print Applicant's Name)

I hereby certify that the foregoing instrument was signed in my presence and sworn to before me this 10th day of May, 2016.

Audrey S. Lauppe
Notary Public

My Commission Expires:



WATER RESOURCES
RECEIVED

WATER RESOURCES
RECEIVED

DWR 1-100.171 (Revised 03/27/2008)

MAY 19 2016

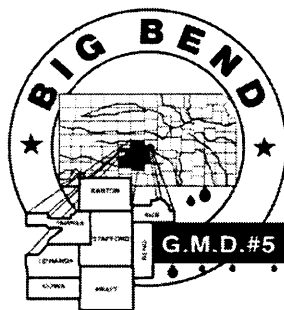
UNACCEPTABLE FOR PRIORITY
MAY 13 2016

KS DEPT OF AGRICULTURE

KS DEPT OF AGRICULTURE

SCANNED

Darrell Wood - Edwards (Pres.)
Fred Grunder - Pratt (V Pres.)
John Janssen - Kiowa (Treas.)
Curtis Tobias - Rice (Sec.)
Justin Gatz - Reno
Kent Lamb - Stafford
Phil Martin - Barton
Bob Standish - Pawnee
Tom Taylor - At-Large



Orrin Feril, Manager
125 South Main Street
Stafford, Kansas 67578
ph: (620) 234-5352
fx: (620) 234-5718
gmd5@gmd5.org
www.gmd5.org

September 9, 2016

Erin McGrogan
Division of Water Resources
Kansas Department of Agriculture
1320 Research Park Drive
Manhattan, KS 66502

RE: Application File No. 49,639

Dear Ms. McGrogan,

Big Bend Groundwater Management District #5 has reviewed the above referenced application which proposes to divert up to 15 acre-feet of groundwater for industrial use in the SW¼ of Section 32, Township 27S, Range 11W in Pratt County, Kansas.

Applications that meet or exceed the provisions outlined in K.A.R. 5-25-15 are exempt from meeting the requirements of K.A.R. 5-25-4 (a). However, the above referenced application does not meet the minimum well spacing to nearby domestic wells per K.A.R. 5-25-2. The Board of Directors for the District reviewed the application at the September board meeting. Based on the information presented in the application and provided at the meeting by the applicant and nearby landowners, the Board voted to waive K.A.R. 5-25-2 to recommend approval of the above referenced application as presented.

The application is subject to the District's well equipment regulation K.A.R. 5-25-5 for a required flow meter.

Please feel free to give me a call if you have any questions.

Sincerely,

Orrin Feril
Manager

WATER RESOURCES
RECEIVED

SEP 13 2016

KS DEPT OF AGRICULTURE

1320 Research Park Drive
Manhattan, Kansas 66502
(785) 564-6700



900 SW Jackson, Room 456
Topeka, Kansas 66612
(785) 296-3556

Jackie McClaskey, Secretary

Governor Sam Brownback

August 8, 2016

BIG BEND GROUNDWATER MANAGEMENT
DISTRICT NO 5
P O BOX 7
125 S MAIN
STAFFORD KS 67578

FILE COPY

Re: Application File No. 49,639 Skyland Grain Cairo, Kansas

Ladies and Gentlemen:

We are enclosing a copy of the application referred to above which appears to be in proper form. Please note the extensive nearby well information, maps, and comments from the nearby well owners.

We are delaying any further action for a period of 30 days from the date of this letter to allow you time to submit your recommendations concerning this application.

Please submit your recommendations within the allotted time, or any authorized extension of time thereof. If you wish to discuss a specific file, please have the file number ready so that we may help you more efficiently.

Sincerely,

A handwritten signature in cursive script that reads "Erin McGrogan".

Erin McGrogan
Environmental Scientist
Water Appropriation Program

EMC
Enclosures
Pc: Stafford Field Office

SCANNED

1320 Research Park Drive
Manhattan, Kansas 66502
(785) 564-6700



900 SW Jackson, Room 456
Topeka, Kansas 66612
(785) 296-3556

Jackie McClaskey, Secretary

Governor Sam Brownback

July 12, 2016

SKYLAND GRAIN
ATTN GUY MARTIN
PO BOX 280
JOHNSON KS 67855

FILE COPY

RE: Application File No. 49,639

Dear Mr. Martin:

We have reviewed your application where you propose the quantity of 15 acre-feet (4.887 mgy) of groundwater at a rate of 600 gallons per minute for industrial use in a co-operative located in Cairo, Kansas. The following information is necessary in order to complete the review and processing of your application.

- Please provide a complete listing (full name and address) of all groundwater wells, non-domestic and domestic within a one-half mile radius of the proposed point of diversion. The list provided with the application was incomplete. Please plot each of the well locations with an X and sign the enclosed map.
- Also please provide justification for the rate based on the production days and use of the water.

We are advising you of these requirements in order to allow you an opportunity to supply the requested information. In order for the application to retain its priority of filing, the requested information, must be submitted to this office within 30 days or before **August 12, 2016**, or within any authorized extension of time thereof. Failure to provide the requested information within the time allowed shall constitute forfeiture of your priority date and dismissal of the application. If you have any questions, please contact me at (785) 564-6640. If you wish to discuss a specific file, please have the file number ready so that I may help you more efficiently.

Sincerely,

A handwritten signature in cursive script that reads "Erin McGrogan".

Erin McGrogan
Environmental Scientist
Water Rights Section

Encls: EMC

pc: Stafford Field Office
GMD No. 5

SCANNED

Address for land owners

Frank Allbritten
408 Cairo Main St
Cunningham, Ks 67035

Steve Armstrong
102 w 1st Ave Cairo
Cunningham, KS 67035

Cairo Repair/Mike Toalston
405 Pine St
Cunningham, KS 67035

Jim Bergner
573 Sunrise Ave
Pratt, KS 67124

Mary Bergner c/o Jim Bergner
573 Sunrise Ave
Pratt, KS 67124

Dave Ward
805 S Oak St
Pratt, ks 67124

Jeff Ward
401 S Thompson
Pratt, Ks 67035

Georgia Perry
304 Pine St
Cunningham, KS 67035-9105

No address for the 4 wells west of the blacktop or Block

SCANNED

WATER RESOURCES
RECEIVED

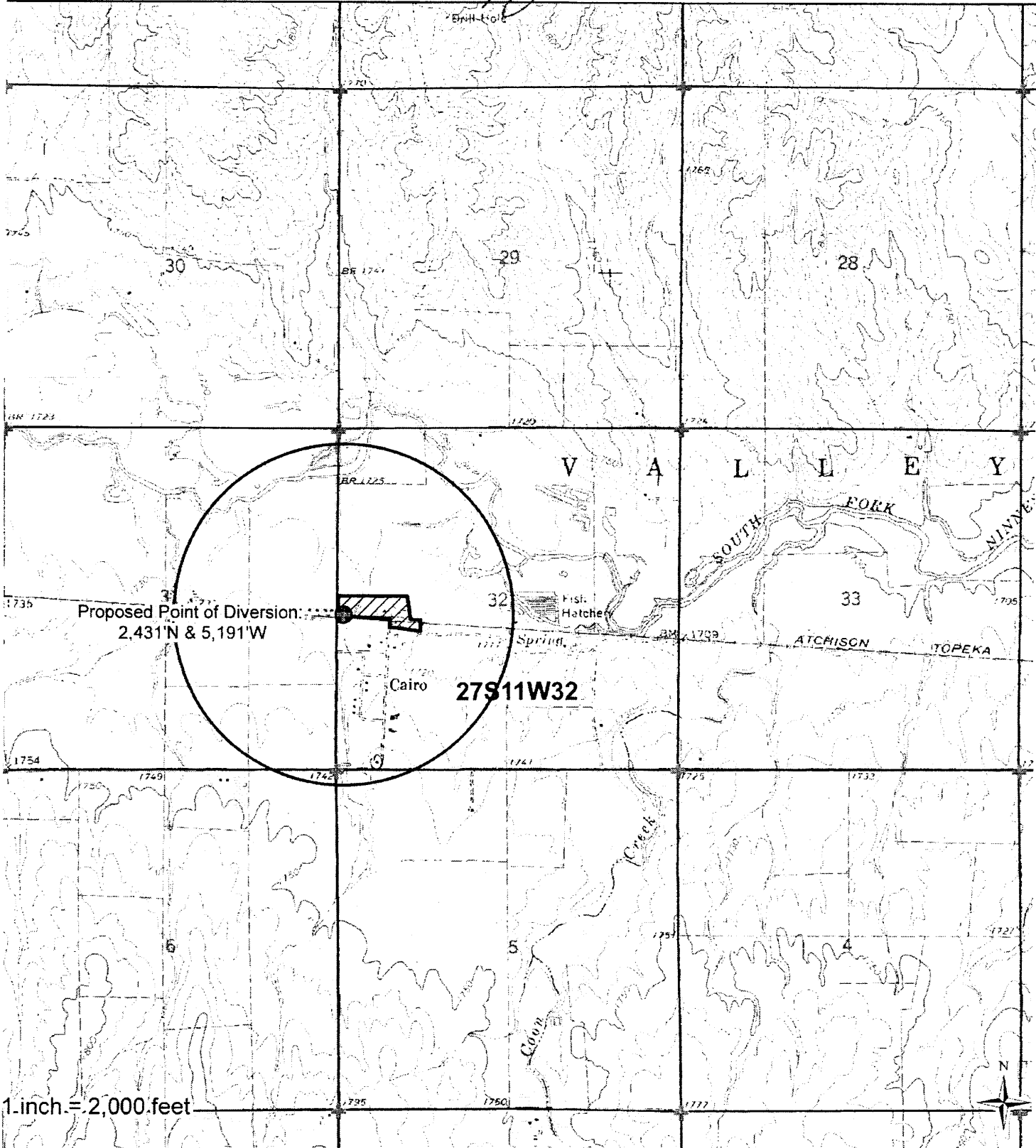
JUL 26 2016

KS DEPT OF AGRICULTURE

File No. _____

Handwritten signature

File No. 41639.



I declare that all water wells or diversion sites using the same source of supply and within 1/2 mile of the proposed point of diversion have been plotted on the application.

- Proposed PD
- Water Rights
- SFFOsec_corners
- Proposed Place Of Use

Signature _____ Date _____
 MAY 13 2016 APR 22 2016
 UNACCEPTABLE FOR PRIORITY
 RECEIVED RECEIVED
 Created By: Matt Meier
 F.O. 2
 Date: 4/4/2016
 0 800 1,600 3,200 4,800 6,400
 FT
 MS DEPT OF AGRICULTURE KS DEPT OF AGRICULTURE

SCANNED

1320 Research Park Drive
Manhattan, Kansas 66502
(785) 564-6700



900 SW Jackson, Room 456
Topeka, Kansas 66612
(785) 296-3556

Jackie McClaskey, Secretary

Governor Sam Brownback

July 20, 2016

July 20, 2016

NANCY ARMSTRONG
102 W FIRST
CUNNINGHAMKS 67035

FILE COPY

Re: Pending Application, File No. 49,639

Dear Ms. Armstrong:

This will acknowledge receipt of your letter, received in this office on July 18, 2016 in which you and the residents of Cairo, Kansas expressed concerns regarding the proposed appropriation of groundwater by Skyland Grain of Cairo, Kansas under the above referenced application. The application is proposing to appropriate groundwater for industrial use for mixing fertilizer for use in sprayers. The proposed existing well or wells are located within the boundaries of the Big Bend Groundwater Management District No. 5 located in Stafford, Kansas.

We are in the process of thoroughly reviewing this pending application to ensure that it complies with the Kansas Water Appropriation Act and applicable rules and regulations. The Chief Engineer is required to approve applications for water appropriation unless the proposed appropriation will impair existing water rights or prejudicially and unreasonably affect the public interest. Impairment is indicated if existing water rights will experience an unreasonable lowering of the static water level. Incidentally as part of the review process the application will be reviewed by the Big Bend Groundwater Management District No. 5 before any further processing can proceed. The Big Bend Management District No. 5 District Manager Orrin Feril can be reached at (620)-234-5352 for additional information on review schedule and comments.

The applicable rules and regulations (K.A.R. 5-25-2) require that new non-domestic wells must meet specific spacing guidelines based on the source of water supply in order to minimize the potential that existing water wells of any kind would be impaired. The source of water (aquifer) for this pending application appears to be the alluvial aquifer, based on the well log that was submitted for the existing well. This source of water requires a minimum well spacing of 660 feet from any existing domestic well. Based on the location of your existing domestic wells in Cairo it appears there are several wells within this radius.

Additionally, the rules and regulations (K.A.R. 5-4-1 and 5-4-1a) require the Chief Engineer to investigate any complaint that a prior right to the use of water is being impaired. If such impairment is found, the Chief Engineer must secure water to satisfy prior water rights. Therefore, if this permit application is approved by the Chief Engineer and you believe the diversion of water is impairing your water rights, you should notify Jeff Lanterman, Water Commissioner, Stafford Field Office, as follows, so that an investigation can be made.

Division of Water Resources
Stafford Field Office
300 South Main
Stafford, Kansas 67578
Telephone: (620)-234-5311

SCANNED

Skyland Grain
File No. 49,639
Page 2

If an applicant without cause fails to comply with the provisions of the permit and its terms, conditions and limitations, it could result in the forfeiture of the priority date, revocation of the permit and dismissal of the application. If you have any further questions, please contact me at 785-564-6640. If you wish to discuss a specific file, please have the file number ready so that I may help you more efficiently.

Sincerely,

Erin McGrogan

Erin McGrogan
Environmental Scientist
Water Rights Section

pc: Stafford Field Office
GMD No. 5

Erin McGrogan
Environmental Scientist
Permits Unit
1320 Research Park Drive
Manhattan, Ks 66502

July 6, 2016

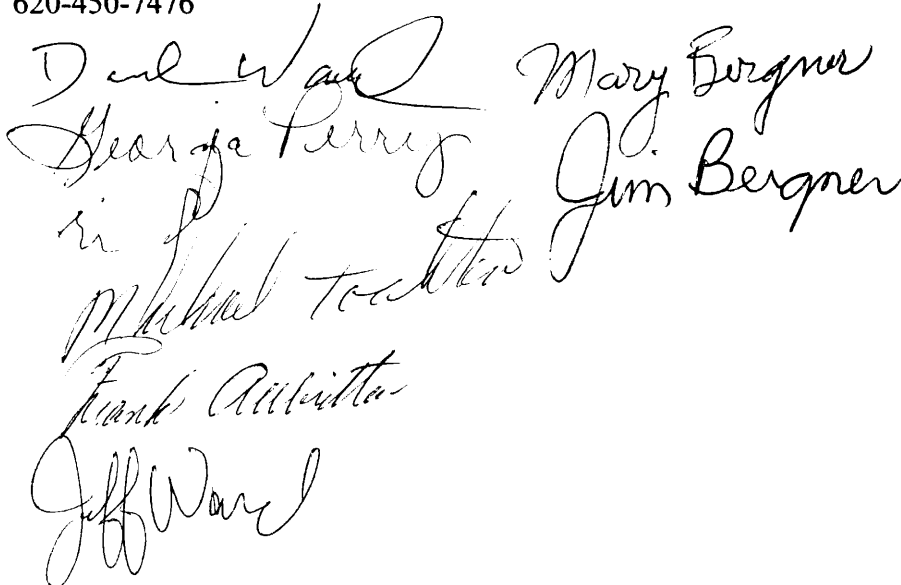
Erin,

Thank you for returning my phone call regarding the Skyland Grain application for a water well permit – Application File No. 49,639 – in Cairo, Ks. As per our phone conversation, my husband and I as well as many of our neighbors are concerned that the permit does not show many of the domestic wells in our community. We have had conversations with our neighbors that live in our community and others who own property in our community. We have two neighbors planning to build dwellings in our small town soon. We want to assure that we have plenty of usable and clean water now and in the future. As we discussed our wells are very shallow so we are very concerned about water usage by Skyland Grain now and in the future. As times change we are concerned about what they may choose to do with this well. We have put together a map that is more representative of the domestic wells that exist and I am including a copy of that rendition. We have not been able to contact all of our neighboring land owners in the the half mile radius of Skyland's well but we have a pretty good idea of the wells that exist and would like to have those wells noted in case there are problems in the future.

Please feel free to contact us for any information that may prove to be useful to you in regard to this permit application. We have chosen to send this as a group and our neighbors and neighboring land owners have signed this petition. Again thank you for your explanation of this process and your kind attention to this matter.



Nancy Armstrong
102 W. First
Cunningham, Ks 67035
620-450-7476



WATER RESOURCES
RECEIVED

JUL 18 2016

KS DEPT OF AGRICULTURE

SCANNED

NORTH

2 CABINS
2 WELLS

SKYLAND
WELL

SKYLAND
OFFICE
1 WELL

SKYLAND
FERTILIZER
1 WELL

RR TRACKS

5th AVE

2 WELLS

DAVID
WARD

2 WELLS

CHIRO MAIN

2 WELLS

BERNER

1st AVE

49001

BOCH
2 WELLS

JEFF
WARD

1 WELL

WATER RESOURCES
RECEIVED

JUL 18 2016

KS DEPT OF AGRICULTURE

Ferguson
2 WELLS

PERRY

1 WELL

BERNER
OWNER

ALBERTSON
1 WELL
BERNER

1 WELL

TOLSON

PRANCO
FIRE
DEPT
1 WELL

SCANNED

1320 Research Park Drive
Manhattan, Kansas 66502
(785) 564-6700



900 SW Jackson, Room 456
Topeka, Kansas 66612
(785) 296-3556

Jackie McClaskey, Secretary

Governor Sam Brownback

June 20, 2016

NANCY ARMSTRONG
102 W FIRST
CUNNINGHAM KS 67035

Re: Application File No. 49,639

Dear Sir or Madam:

This is to advise you that Skyland Grain of Cairo, Kansas has filed the application referred to above for a permit to appropriate 15 acre-feet (4.887 million gallons) of ground water per calendar year for industrial use to be diverted at a maximum rate of 600 gallons per minute, from one well at the following location:

one (1) well located at the Northwest Quarter of the Northwest Quarter of the Southwest Quarter of Section 32, Township 27 South, Range 11 West, Pratt County, Kansas.

Records in this office indicate that you may have a well or wells in this vicinity and you are being notified of receipt of this application in order that you may be fully informed of the proposed location of the applicant's point of diversion and proposed use of water. Consideration will be given to comments or other information which you desire to submit to this office within 15 days from the date of this letter. If you have any questions about the referenced application please contact me at 1-785-564- 6640.

Sincerely,

A handwritten signature in cursive script that reads "Erin McGrogan".

Erin McGrogan
Environmental Scientist
Permits Unit

Enclosure: emc
pc: Stafford Field Office
Skyland Grain

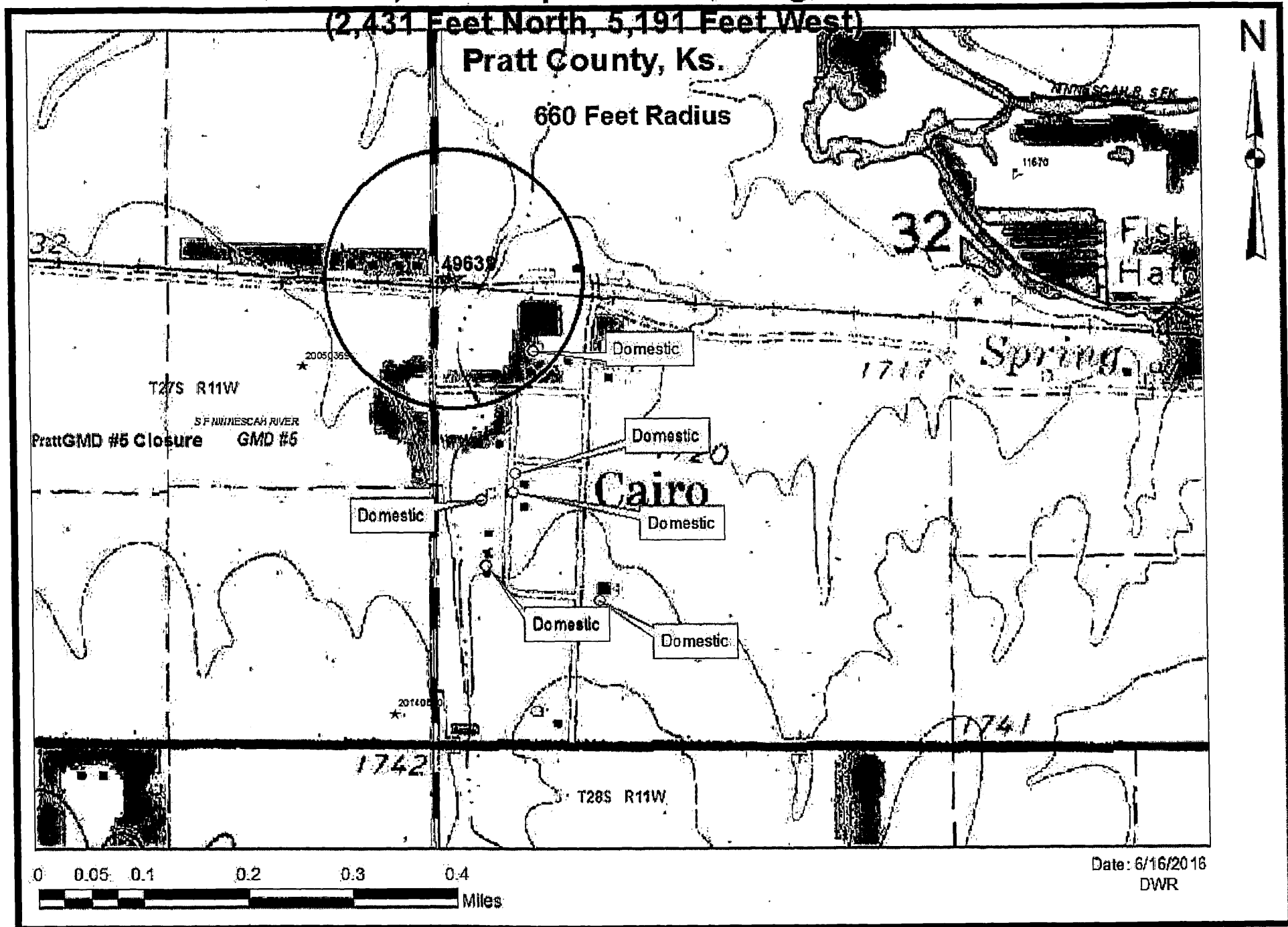
FILE COPY

SCANNED

**File No. 49,639 Skyland Grain
Section 31, Township 27 South, Range 11 West
(2,431 Feet North, 5,191 Feet West)**

Pratt County, Ks.

660 Feet Radius





1320 Research Park Drive
Manhattan, Kansas 66502
(785) 564-6700

900 SW Jackson, Room 456
Topeka, Kansas 66612
(785) 296-3556

Jackie McClaskey, Secretary

Governor Sam Brownback

FILE COPY

June 20, 2016

RANDY REIF
304 PINE
CUNNINGHAM KS 67035

Re: Application File No. 49,639

Dear Sir or Madam:

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Sincerely,

Erin McGrogan
Environmental Scientist
Permits Unit

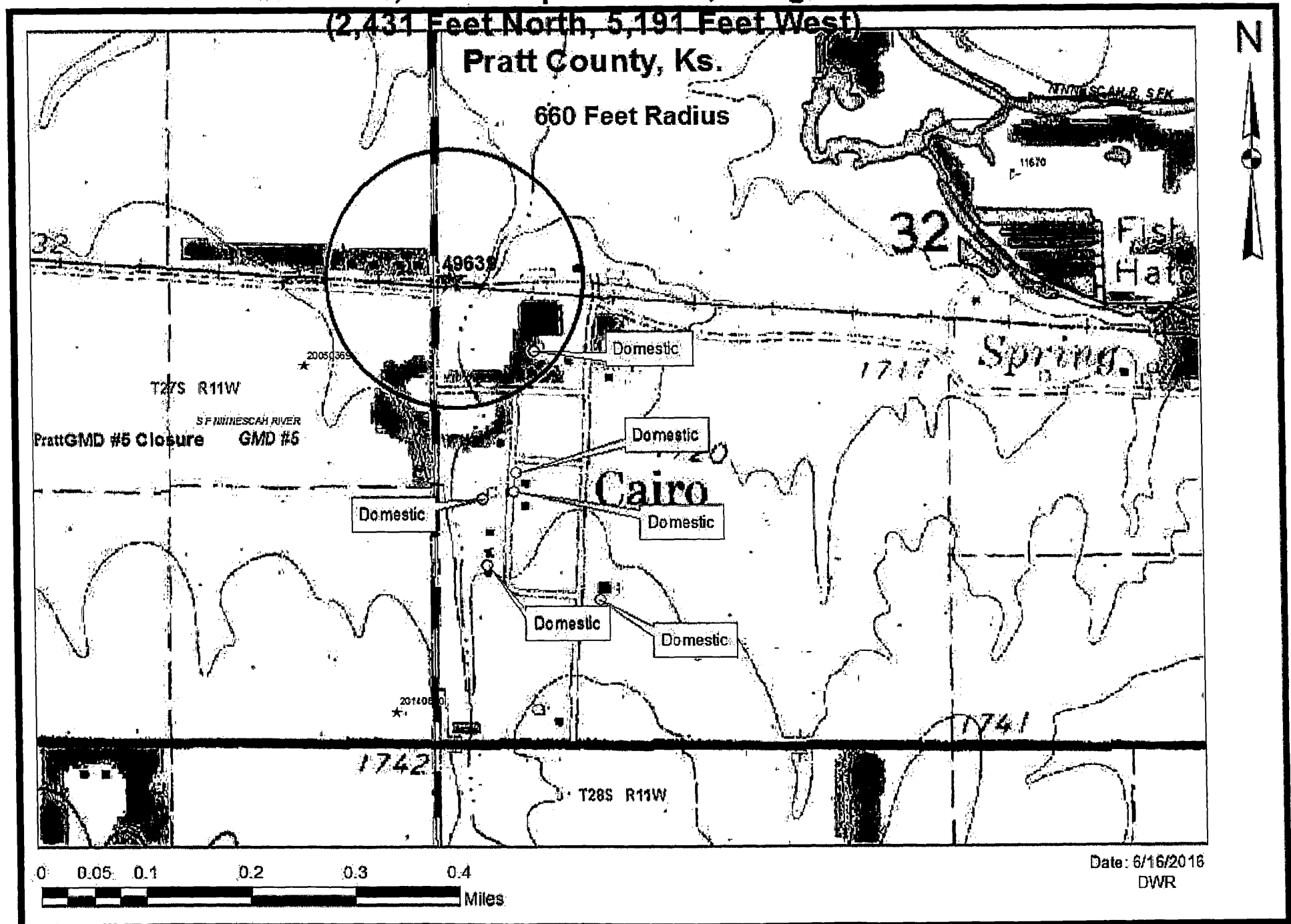
Enclosure: emc
pc: Stafford Field Office
Skyland Grain

SCANNED

File No. 49,639 Skyland Grain
Section 31, Township 27 South, Range 11 West
(2,431 Feet North, 5,191 Feet West)

Pratt County, Ks.

660 Feet Radius



Date: 6/16/2016
DWR

1320 Research Park Drive
Manhattan, Kansas 66502
(785) 564-6700



900 SW Jackson, Room 456
Topeka, Kansas 66612
(785) 296-3556

Jackie McClaskey, Secretary

Governor Sam Brownback

June 20, 2016

MIKE TOALSTON
405 PINE ST
CUNNINGHAM KS 67035

FILE COPY

Re: Application File No. 49,639

Dear Sir or Madam:

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Sincerely,

Erin McGrogan
Environmental Scientist
Permits Unit

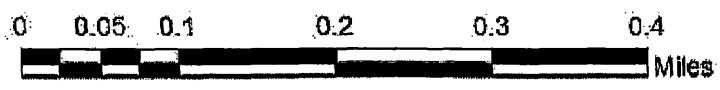
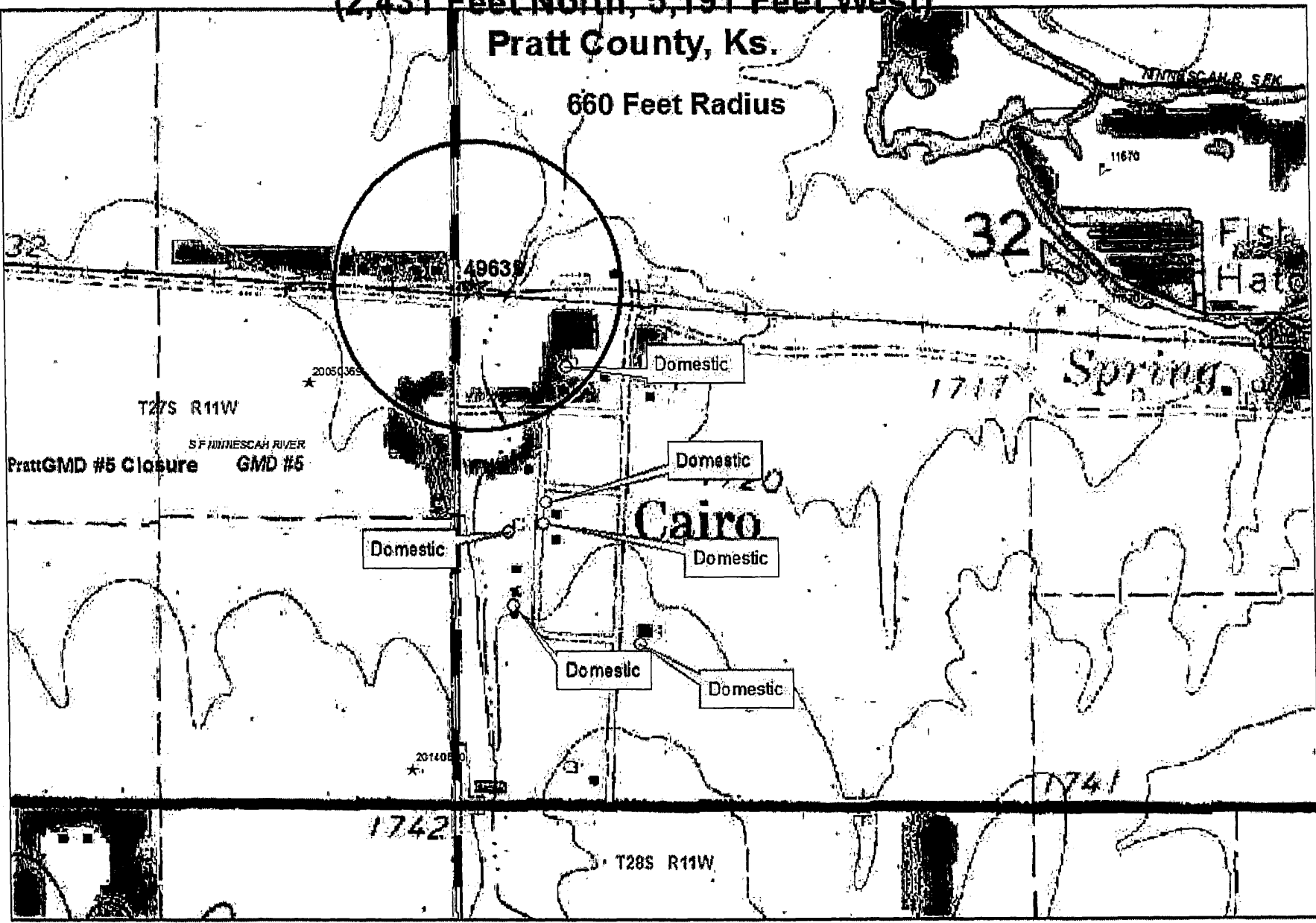
Enclosure: emc
pc: Stafford Field Office
Skyland Grain

SCANNED

File No. 49,639 Skyland Grain
Section 31, Township 27 South, Range 11 West
(2,431 Feet North, 5,191 Feet West)

Pratt County, Ks.

660 Feet Radius



Date: 6/16/2016
DWR



1320 Research Park Drive
Manhattan, Kansas 66502
(785) 564-6700

900 SW Jackson, Room 456
Topeka, Kansas 66612
(785) 296-3556

Jackie McClaskey, Secretary

Governor Sam Brownback

June 20, 2016

DEE DEE FLETCHER
306 PINE ST
CUNNINGHAM KS 67035

FILE COPY

Re: Application File No. 49,639

Dear Sir or Madam:

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Sincerely,

Erin McGrogan
Environmental Scientist
Permits Unit

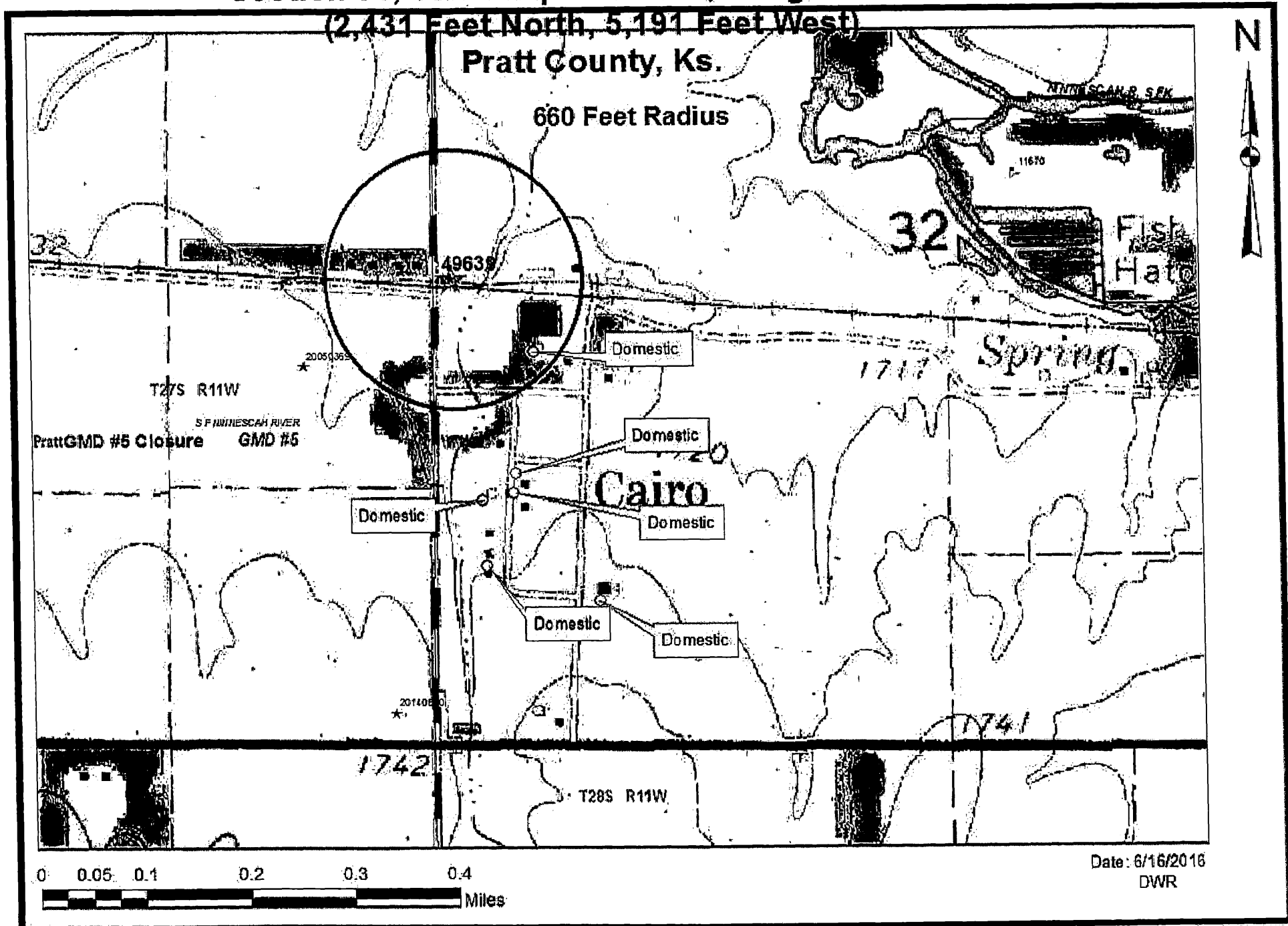
Enclosure: emc
pc: Stafford Field Office
Skyland Grain

SCANNED

File No. 49,639 Skyland Grain
Section 31, Township 27 South, Range 11 West
(2,431 Feet North, 5,191 Feet West)

Pratt County, Ks.

660 Feet Radius



1320 Research Park Drive
Manhattan, Kansas 66502
(785) 564-6700



900 SW Jackson, Room 456
Topeka, Kansas 66612
(785) 296-3556

Jackie McClaskey, Secretary

Governor Sam Brownback

June 20, 2016

CAIRO REPAIR
405 PINE
CUNNINGHAM KS 67035

FILE COPY

Re: Application File No. 49,639

Dear Sir or Madam:

This is to advise you that Skyland Grain of Cairo, Kansas has filed the application referred to above for a permit to appropriate 15 acre-feet (4.887 million gallons) of ground water per calendar year for industrial use to be diverted at a maximum rate of 600 gallons per minute, from one well at the following location:

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Sincerely,

Erin McGrogan
Environmental Scientist
Permits Unit

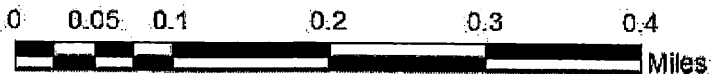
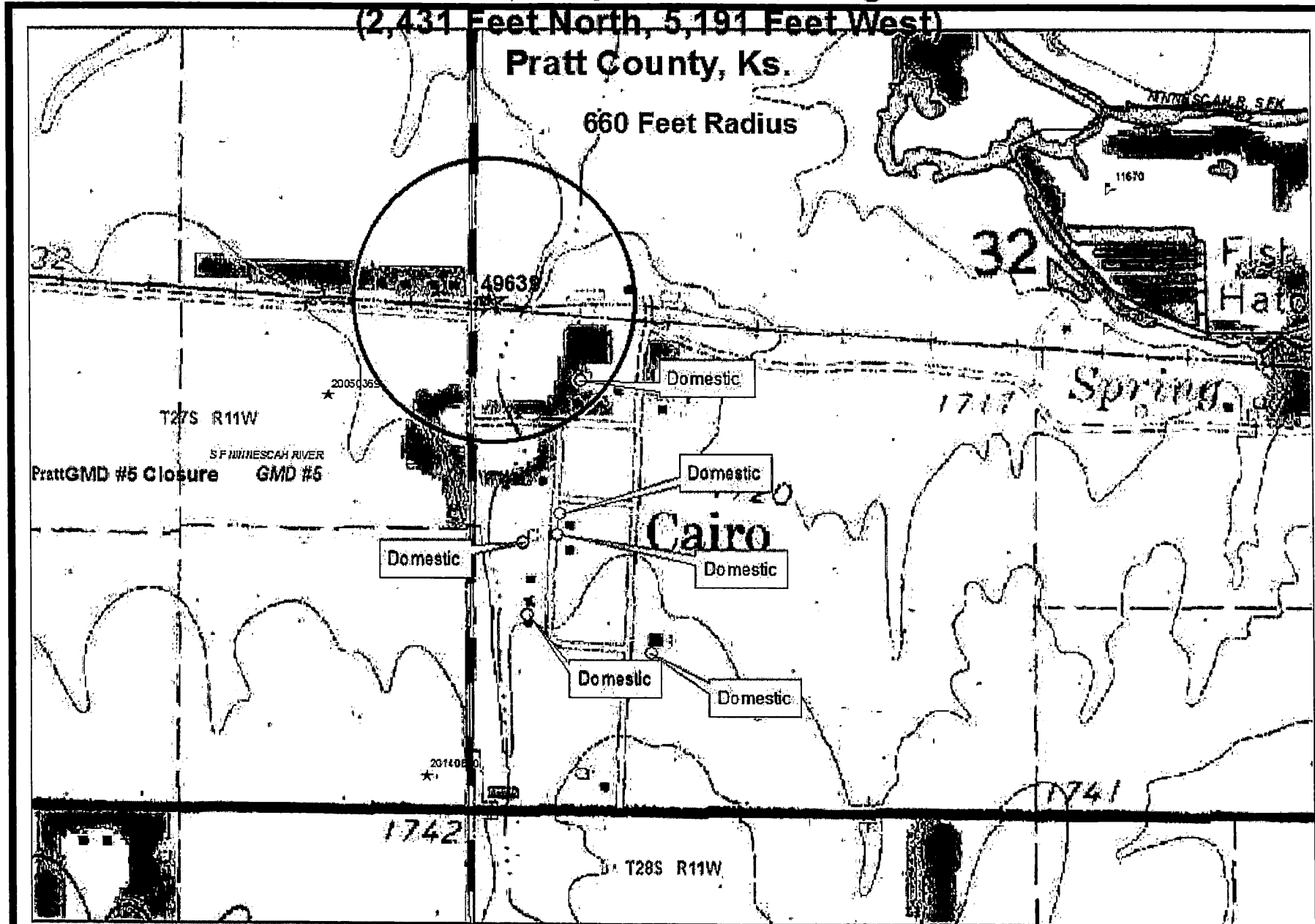
Enclosure: emc
pc: Stafford Field Office
Skyland Grain

SCANNED

**File No. 49,639 Skyland Grain
Section 31, Township 27 South, Range 11 West
(2,431 Feet North, 5,191 Feet West)**

Pratt County, Ks.

660 Feet Radius



Date: 6/16/2016
DWR

1320 Research Park Drive
Manhattan, Kansas 66502
(785) 564-6700



900 SW Jackson, Room 456
Topeka, Kansas 66612
(785) 296-3556

Jackie McClaskey, Secretary

Governor Sam Brownback

June 20, 2016

FRANK ALBRITTEN
408 CAIRO MAIN ST
CUNNINGHAM KS 67035

FILE COPY

Re: Application File No. 49,639

Dear Sir or Madam:

This is to advise you that Skyland Grain of Cairo, Kansas has filed the application referred to above for a permit to appropriate 15 acre-feet (4.887 million gallons) of ground water per calendar year for industrial use to be diverted at a maximum rate of 600 gallons per minute, from one well at the following location:

one (1) well located at the Northwest Quarter of the Northwest Quarter of the Southwest Quarter of Section 32, Township 27 South, Range 11 West, Pratt County, Kansas.

Records in this office indicate that you may have a well or wells in this vicinity and you are being notified of receipt of this application in order that you may be fully informed of the proposed location of the applicant's point of diversion and proposed use of water. Consideration will be given to comments or other information which you desire to submit to this office within 15 days from the date of this letter. If you have any questions about the referenced application please contact me at 1-785-564- 6640.

Sincerely,

A handwritten signature in cursive script that reads "Erin McGrogan".

Erin McGrogan
Environmental Scientist
Permits Unit

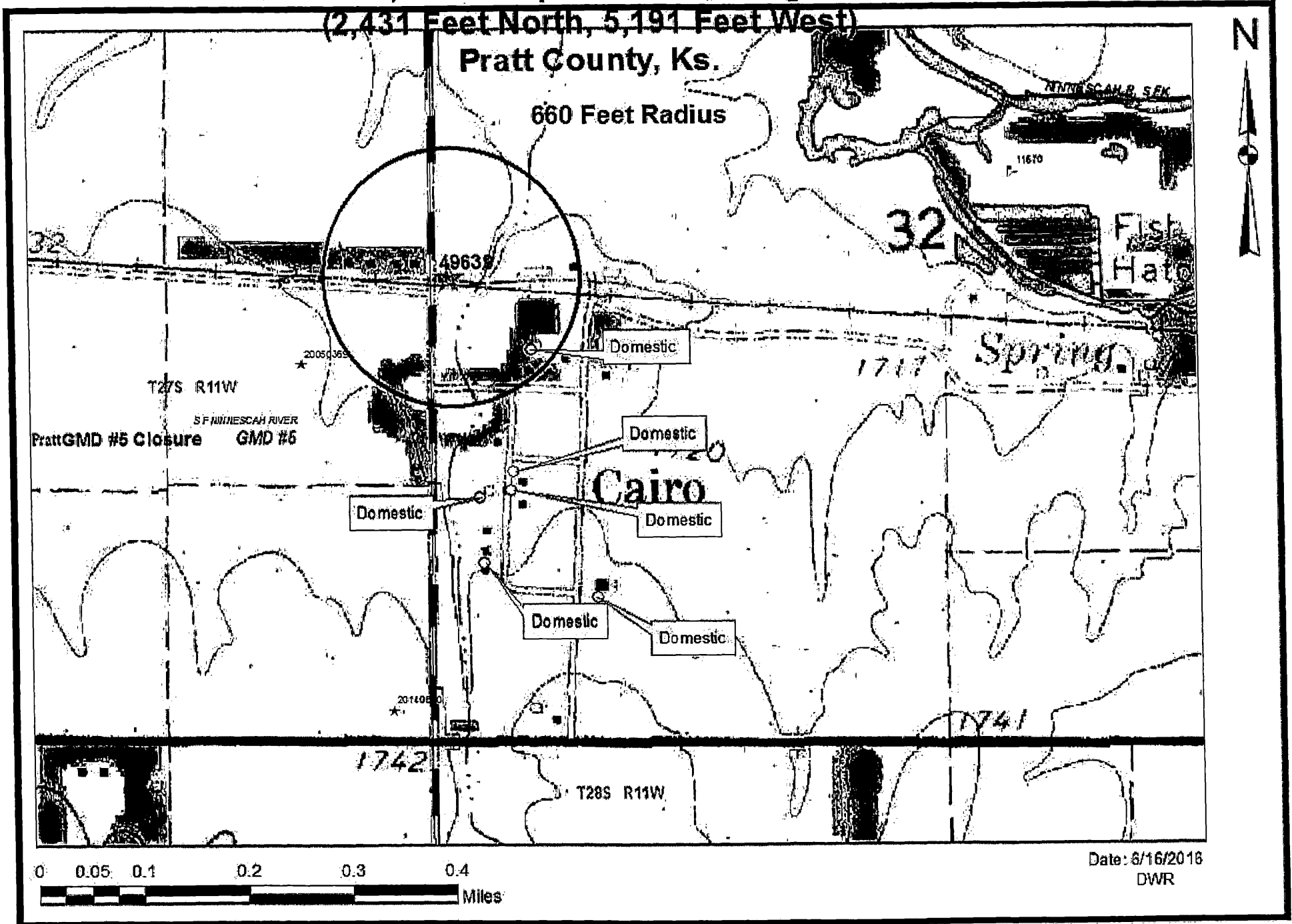
Enclosure: emc
pc: Stafford Field Office
Skyland Grain

SCANNED

File No. 49,639 Skyland Grain
Section 31, Township 27 South, Range 11 West
(2,431 Feet North, 5,191 Feet West)

Pratt County, Ks.

660 Feet Radius





1320 Research Park Drive
Manhattan, Kansas 66502
(785) 564-6700

900 SW Jackson, Room 456
Topeka, Kansas 66612
(785) 296-3556

Jackie McClaskey, Secretary

Governor Sam Brownback

April 25, 2016

SKYLAND GRAIN
ATTN GUY MARTIN
PO BOX 280
JOHNSON KS 67855

Re: Unacceptable Application

Dear Mr. Martin:

Returned herewith is your Application for Permit to Appropriate Water for Beneficial Use received by the Division of Water Resources on April 22, 2016. This application is not acceptable for filing in its present form.

The required fee as stated on the enclosed fee schedule OR as stated on the bottom of the signature page of the application was not included. Therefore, we find it necessary to return the application to you. Upon submitting the application to this office with the required fee, it will be further examined and processed. Based on the information received, \$200 is needed for the filing fee.

Upon examining the application, we find that the signatures for Paragraph Nos. 6 & 16 appear to be photocopies. Because the signatures must be original in order for the application to be accepted, they are being returned herewith. Photocopies or fax signatures are not acceptable.

Upon return of the acceptable application with required original signatures and filing fee, it will be assigned a priority based upon the date and time it is received in the office of the Chief Engineer. If you have any questions, please contact me at (785) 564-6631 or alexander.whitesell@kda.ks.gov.

Sincerely,

Alex Whitesell
Environmental Scientist
Water Appropriation Program

enclosures

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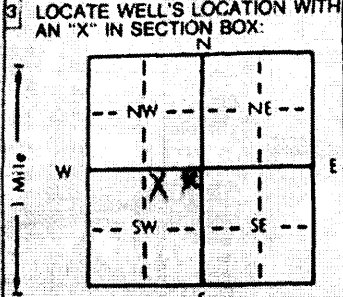
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SCANNED

WATER WELL RECORD Form WWC-5 KSA 82a-1212

1 LOCATION OF WATER WELL: County: **PRATT** Fraction: **NE 1/4 NE 1/4 SW 1/4** Section Number: **32** Township Number: **T 27 S** Range Number: **R 11 E/W**
 Distance and direction from nearest town or city street address of well if located within city?

2 WATER WELL OWNER: **CAIRO COOP** RR#, St Address, Box #: **Box 45 Road 2** City, State, ZIP Code: **Cunningham, KS 67035**
 Board of Agriculture, Division of Water Resources Application Number:



4 DEPTH OF COMPLETED WELL: **14** ft. ELEVATION: **-**
 Depth(s) Groundwater Encountered 1. _____ ft. 2. _____ ft. 3. _____ ft.
 WELL'S STATIC WATER LEVEL: **3** ft. below land surface measured on mo/day/yr **7/2/14**
 Pump test data: Well water was _____ ft. after _____ hours pumping _____ gpm
 Est. Yield _____ gpm: Well water was _____ ft. after _____ hours pumping _____ gpm
 Bore Hole Diameter _____ in. to _____ ft. and _____ in. to _____ ft.
 WELL WATER TO BE USED AS: 5 Public water supply 8 Air conditioning 11 Injection well
 Domestic 3 Feedlot 6 Oil field water supply 9 Dewatering 12 Other (Specify below)
 2 Irrigation 4 Industrial 7 Lawn and garden only 10 Monitoring well
 Was a chemical/bacteriological sample submitted to Department? Yes _____ No If yes, mo/day/yr sample was submitted
 Water Well Disinfected? Yes _____ No

5 TYPE OF BLANK CASING USED: 1 Steel 3 RMP (SR) 5 Wrought iron 8 Concrete tile CASING JOINTS: Glued _____ Clamped _____
 2 PVC 4 ABS 6 Asbestos-Cement 9 Other (specify below) Welded _____
 7 Fiberglass Threaded _____
 Blank casing diameter _____ in. to _____ ft. Dia _____ in. to _____ ft. Dia _____ in. to _____ ft.
 Casing height above land surface _____ in., weight _____ lbs./ft. Wall thickness or gauge No. _____
 TYPE OF SCREEN OR PERFORATION MATERIAL: 7 PVC 10 Asbestos-cement
 1 Steel 3 Stainless steel 5 Fiberglass 8 RMP (SR) 11 Other (specify) _____
 2 Brass 4 Galvanized steel 6 Concrete tile 9 ABS 12 None used (open hole)
 SCREEN OR PERFORATION OPENINGS ARE: 5 Gauzed wrapped 8 Saw cut 11 None (open hole)
 1 Continuous slot 3 Mill slot 6 Wire wrapped 9 Drilled holes
 2 Louvered shutter 4 Key punched 7 Torch cut 10 Other (specify) _____
 SCREEN-PERFORATED INTERVALS: From _____ ft. to _____ ft. From _____ ft. to _____ ft.
 From _____ ft. to _____ ft. From _____ ft. to _____ ft.
 GRAVEL PACK INTERVALS: From _____ ft. to _____ ft. From _____ ft. to _____ ft.
 From _____ ft. to _____ ft. From _____ ft. to _____ ft.

6 GROUT MATERIAL: 1 Neat cement 2 Cement grout 3 Bentonite 4 Other _____
 Grout extends from _____ ft. to _____ ft. From _____ ft. to _____ ft. From _____ ft. to _____ ft.
 What is the nearest source of possible contamination: 10 Livestock pens 14 Abandoned water well
 1 Septic tank 4 Lateral line 7 Pit privy 11 Fuel storage 15 Oil well/Gas well
 2 Sewer lines 5 Cess pool 8 Sewage lagoon 12 Fertilizer storage 16 Other (specify below) **Cropland**
 3 Wateright cover lines 6 Seepage pit 9 Feedyard 13 Insecticide storage
 Direction from well? **South** How many feet? **50**

FROM	TO	LITHOLOGIC LOG	FROM	TO	PLUGGING INTERVALS
			14	8	Chlorinated SAND
			8	3	Bentonite
			3	0	Soil

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 MAY 19 2015
 APR 22 2016
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 KS DEPT OF AGRICULTURE

I certify that (1) constructed, (2) reconstructed, or (3) plugged under my supervision and that the record is true to the best of my knowledge and belief. Kansas
 Record was completed on (mo/day/yr) **7/8/14**
 (Signature)
 I certify that I am the owner of the well and that the information provided is true and correct.
 (Signature)
 UNACCEPTABLE FOR PRIORITY

FEE SCHEDULE

1. The fee for an application for a permit to appropriate water for beneficial use, except for domestic use, shall be (see paragraph No. 2 below if requesting storage):

ACRE-FEET	FEE
0-100	\$200.00
101-320	\$300.00
More than 320	\$300.00 plus \$20.00 for each additional 100 acre-feet or any part thereof.

2. The fee for an application in which storage is requested, except for domestic use, shall be:

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. The fee for an application for a permit to appropriate water for water power or dewatering purposes shall be \$100.00 plus \$200.00 for each 100 cubic feet per second, or part thereof, of the diversion rate requested.

Note: The applicant shall notify the Chief Engineer and pay the statutorily required field inspection fee of \$400.00 when construction of the works for diversion has been completed, except that for applications filed on or after July 1, 2009, for works constructed for sediment control use and for evaporation from a groundwater pit for industrial use shall be accompanied by a field inspection fee of \$200.00.

MAKE CHECKS PAYABLE TO THE KANSAS DEPARTMENT OF AGRICULTURE

ATTENTION

A Water Conservation Plan may be required per K.S.A. 82a-733. A statement that your application for permit to appropriate water may be subject to the minimum desirable streamflow requirements per K.S.A. 82a-703a, b, and c may also be required from you. After the Division of Water Resources has had the opportunity to review your application, you will be notified whether or not you will need to submit a Water Conservation Plan. You also may be required to install a water flow meter or water stage measuring device on your diversion works prior to diverting water. There may be other special conditions or Groundwater Management District regulations that you will need to comply with if this application is approved.

CONVERSION FACTORS

1 acre-foot equals 325,851 gallons

1 million gallons equal 3.07 acre-feet

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UNACCEPTABLE FOR PRIORITY

AMOUNT STATISTICS REPORT FOR POINTS OF DIVERSION UNDER A 49639 00

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AMOUNT STATISTICS REPORT FOR POINTS OF DIVERSION UNDER A 49639 00 IND

Water Right and Points of Diversion Within 2.00 miles of point defined as:

2431 Feet North and 5191 Feet West of the Southeast Corner of Section 32 T 27S R 11W

GROUNDWATER ONLY

```

=====
File Number   Use ST SR Dist (ft) Q4 Q3 Q2 Q1 FeetN FeetW Sec Twp Rng ID Batt Auth_Quan Add_Quan Unit
A__ 11670 00 REC NK G      2896 -- NW NW SE ----- 32 27 11W 1      31.00    31.00 AF
Same          2953 -- SW SW NE ----- 32 27 11W 2
A__ 23279 00 IRR NK G      7358 -- -- -- -- 5130 3630 4 28 11W 1      180.00   180.00 AF
A__ 29688 00 IRR NK G      9199 -- -- NC NW 3911 3960 8 28 11W 1      195.00   195.00 AF
A__ 49639 00 IND AY G         0 -- NW NW SW 2431 5191 32 27 11W 3      15.00    15.00 AF
=====
    
```

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=====
Total Net Quantities Authorized:   Direct           Storage
Total Requested Amount (AF) =      15.00             .00
Total Permitted Amount (AF) =         .00             .00
Total Inspected Amount (AF) =         .00             .00
Total Pro_Cert Amount (AF) =         .00             .00
Total Certified Amount (AF) =      406.00             .00
Total Vested Amount (AF) =          .00             .00
TOTAL AMOUNT (AF) =      421.00             .00
=====
    
```

An * after the source of supply indicates a pending application for change under the file number.
 An * after the ID indicates a 15 AF exemption was granted under the file number.
 A "G" in the Batt column indicates the GEO CTR of a battery. A "B" indicates a well in the battery.
 The number in the Batt column is the number of wells in the battery.

Water Rights and Points of Diversion Within 2.00 miles of point defined as:

2431 Feet North and 5191 Feet West of the Southeast Corner of Section 32 T 27S R 11W

GROUNDWATER ONLY

WATER USE CORRESPONDENTS:

```

=====
File Number   Use ST SR
A__ 11670 00 REC NK G
> PRATT WELL SERVICE INC
> KEN GATES
> PO BOX 847
> PRATT KS 67124
>-----
A__ 23279 00 IRR NK G
> JEREMY A BETZEN
>
> 120182 NE 5TH ST
> CUNNINGHAM KS 67035
>-----
A__ 29688 00 IRR NK G
> LESTER GOYEN
>
> 100287 SE 10TH ST
> CUNNINGHAM KS 67035
>-----
A__ 49639 00 IND AY G
    
```

> SKYLAND GRAIN
> GUY MARTIN
> PO BOX 280
> JOHNSON KS 67855

>-----

=====

#####

1320 Research Park Drive
Manhattan, Kansas 66502
Jackie McClaskey, Secretary



Phone: (785) 564-6700
Fax: (785) 564-6777
Email: ksag@kda.ks.gov
www.agriculture.ks.gov
Sam Brownback, Governor

May 19, 2016

FILE COPY

GUY MARTIN
PO BOX 280
JOHNSON KS 67855

RE: Application
File No. 49639

Dear Sir or Madam:

Your application for permit to appropriate water in 32-27S-11W in Pratt 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) 564-6645. If you wish to discuss a specific file, please have the file number ready so that we may help you more efficiently.

Sincerely,

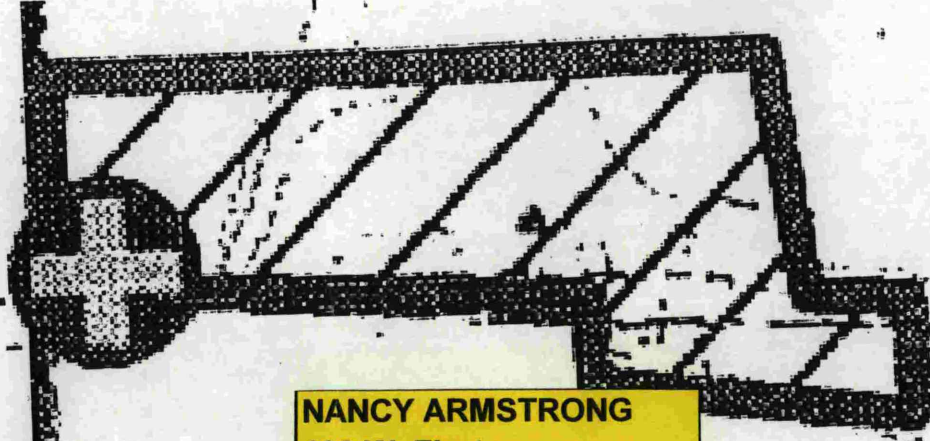
A handwritten signature in cursive script that reads "Brent A. Turney".

Brent A Turney, P.G.
Change Application Unit Supervisor
Water Appropriation Program

BAT: ALH
pc: STAFFORD Field Office
GMD 5

SCANNED

491639



NANCY ARMSTRONG
102 W. First
Cunningham, KS. 67035

Randy Reif
Georgia Perry
304 Pine St.
Cunningham, KS. 67035

Dee Dee Fletcher
306 Pine St.
Cunningham, KS. 67035

Mike Toalston
405 Pine St.
Cunningham, KS. 67035

Cairo Repair
405 Pine St.
Cunningham, KS. 67035

Frank Albritten
408 Cairo Main St.
Cunningham, KS. 67035

Cairo

21

WATER RESOURCES
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WATER RESOURCES
RECEIVED

WATER RESOURCES
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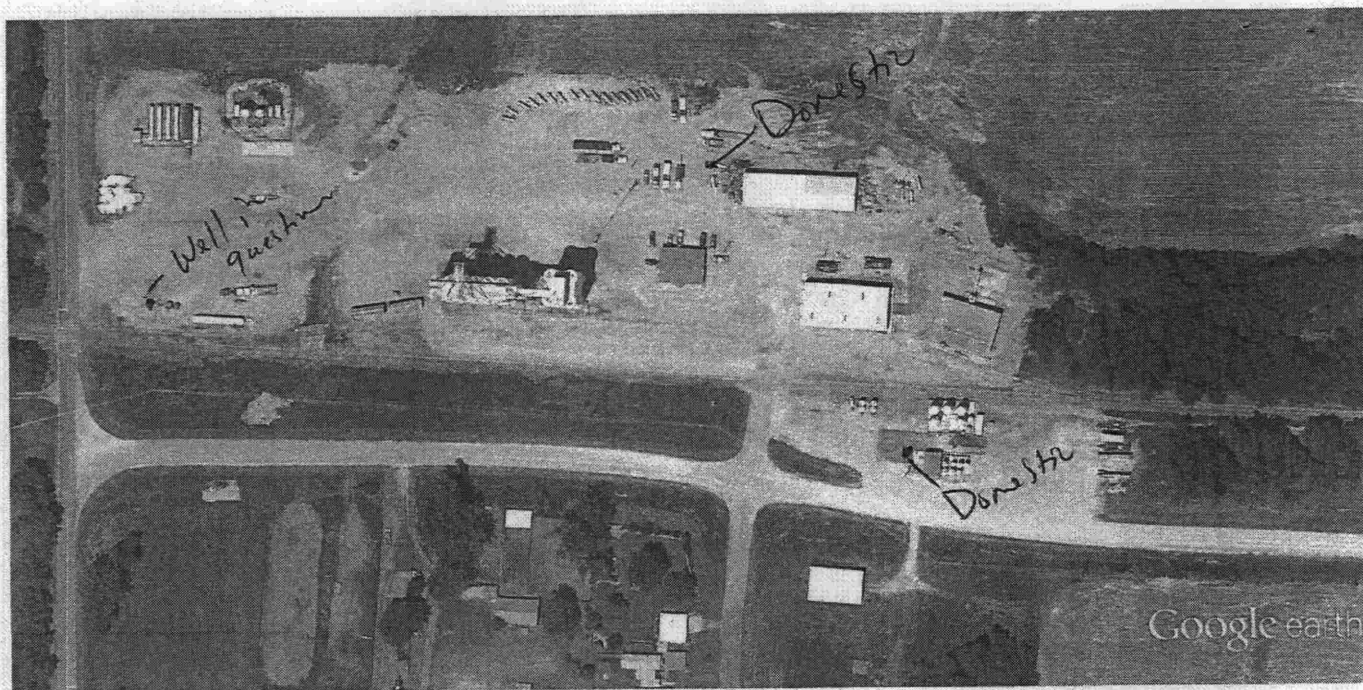
APR 22 2016 SCANNED
MA UNACCEPTABLE FOR PRIORITY

MAY 19 2016

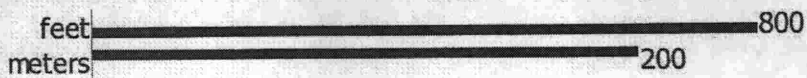
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Google earth



Skyland Creek

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JUL 26 2016

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Google earth

feet
meters



No body
knows who this
is.

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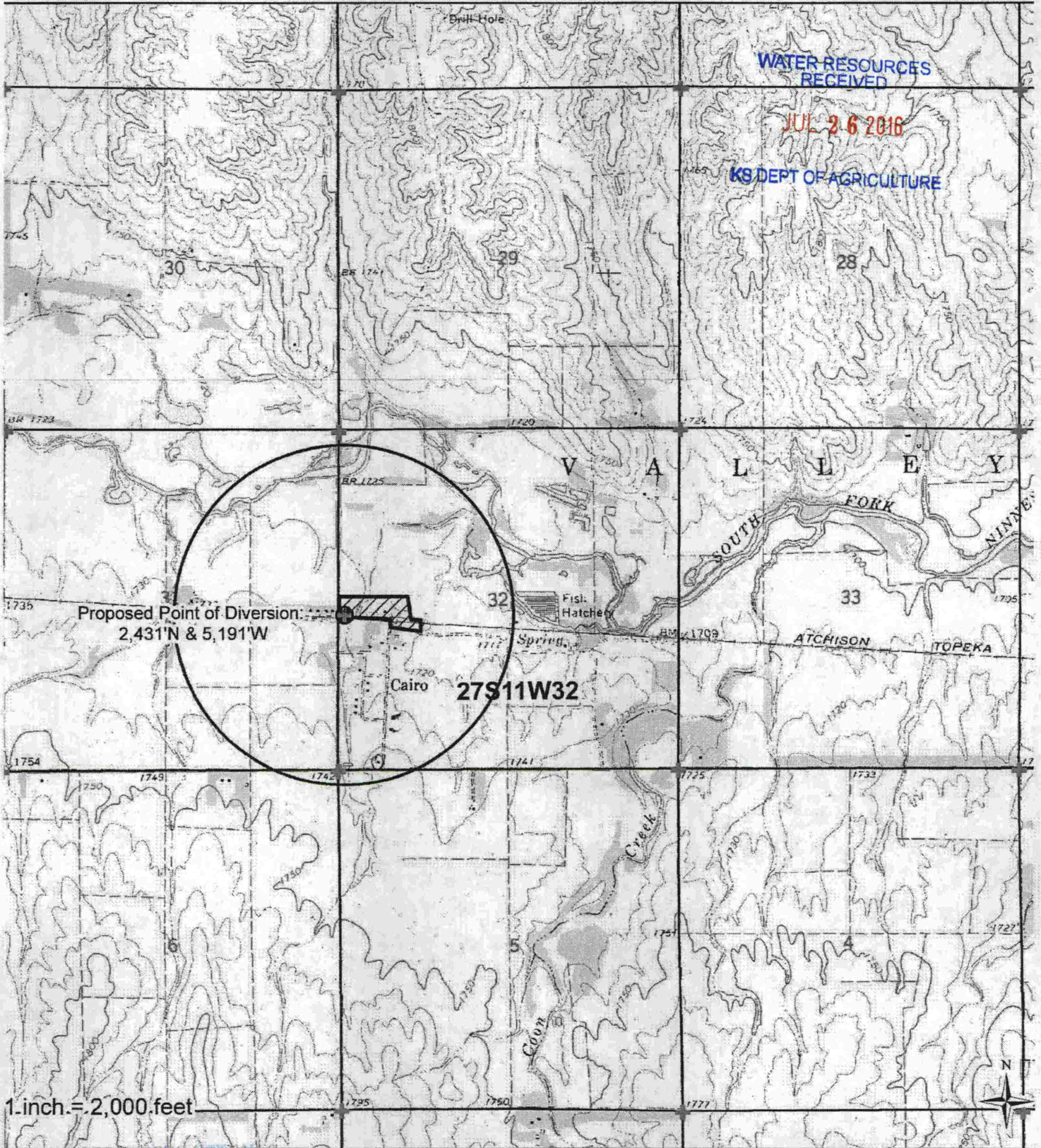
SCANNED

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23
we 1/5
7/2/16

File No. _____

File No. 49639,



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Proposed Point of Diversion:
2,431'N & 5,191'W

27S11W32

1 inch = 2,000 feet

I declare that all water wells or diversion sites using the same source of supply and within 1/2 mile of the proposed point of diversion have been plotted on the application.

- ⊕ Proposed PD
- △ Water Rights
- ⊕ SFFOsec_corners
- ▨ Proposed Place Of Use

WATER RESOURCES RECEIVED SCANNED

UNACCEPTABLE FOR PRIORITY

Signature _____ Date _____

0 800 1,600 3,200 4,800 6,400

KS DEPT OF AGRICULTURE

Created By: Matt Meier
F.O. 2
Date: 4/4/2016

MAY 18 2016

APR 22 2016

49639



Google earth

feet 300
 meters 90



Bergner

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Google earth

feet
meters



Ward

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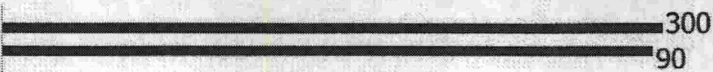
KS DEPT OF AGRICULTURE

49639



Google earth

feet
meters



Jeff Ward

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 JUL 26 2016
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Google earth



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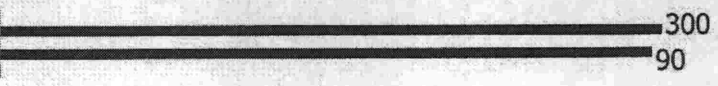
A4639



Google earth

Google earth

feet
meters



Cecilia Perry

Mary Berger

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JUL 26 2016

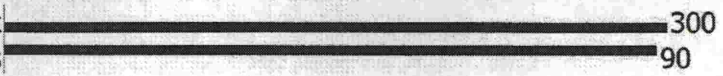
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WATER RESOURCES
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JUL 26 2016
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Google earth

feet
meters



Ferguson

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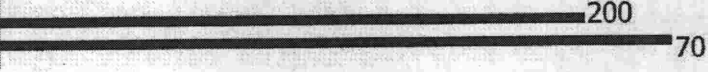
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Google earth

Google earth

feet
meters



Armstrong

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WATER RESOURCES
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JUL 26 2016

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Google earth

feet
meters



50'
to water - 18'
Water - 37'

Allbritten.

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WATER RESOURCES
RECEIVED

JUL 26 2016

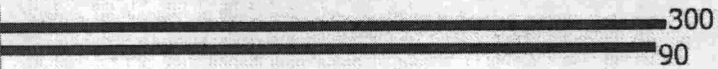
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49639,



Google earth

feet
meters



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SEP 08 2016

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New
Appropriation
Application

Big Bend Groundwater Management District #5 Board Review Worksheet

Application File # 49,639 Applicant: Skyland Grain [attn: Guy Martin]

Legal Description: NW NW SW Section: 32 Township: 27S Range: 11W

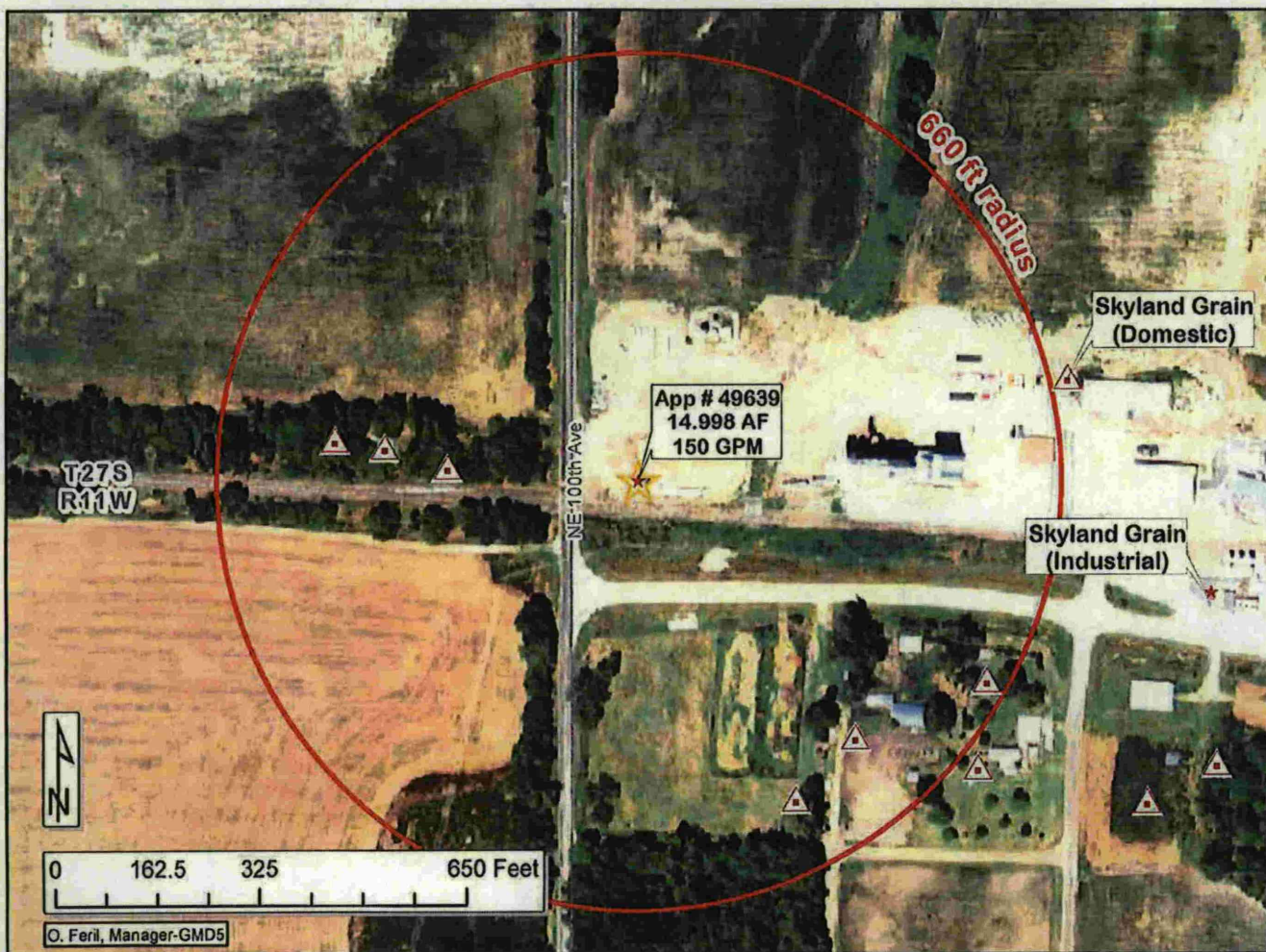
County: Pratt Location from nearest town/city: North side of Cairo

Sustainable Yield: (Two-Mile Area) ~3700 AF Depth to Water: +/- 10 ft Historical Water Level Change: +/- 2 ft

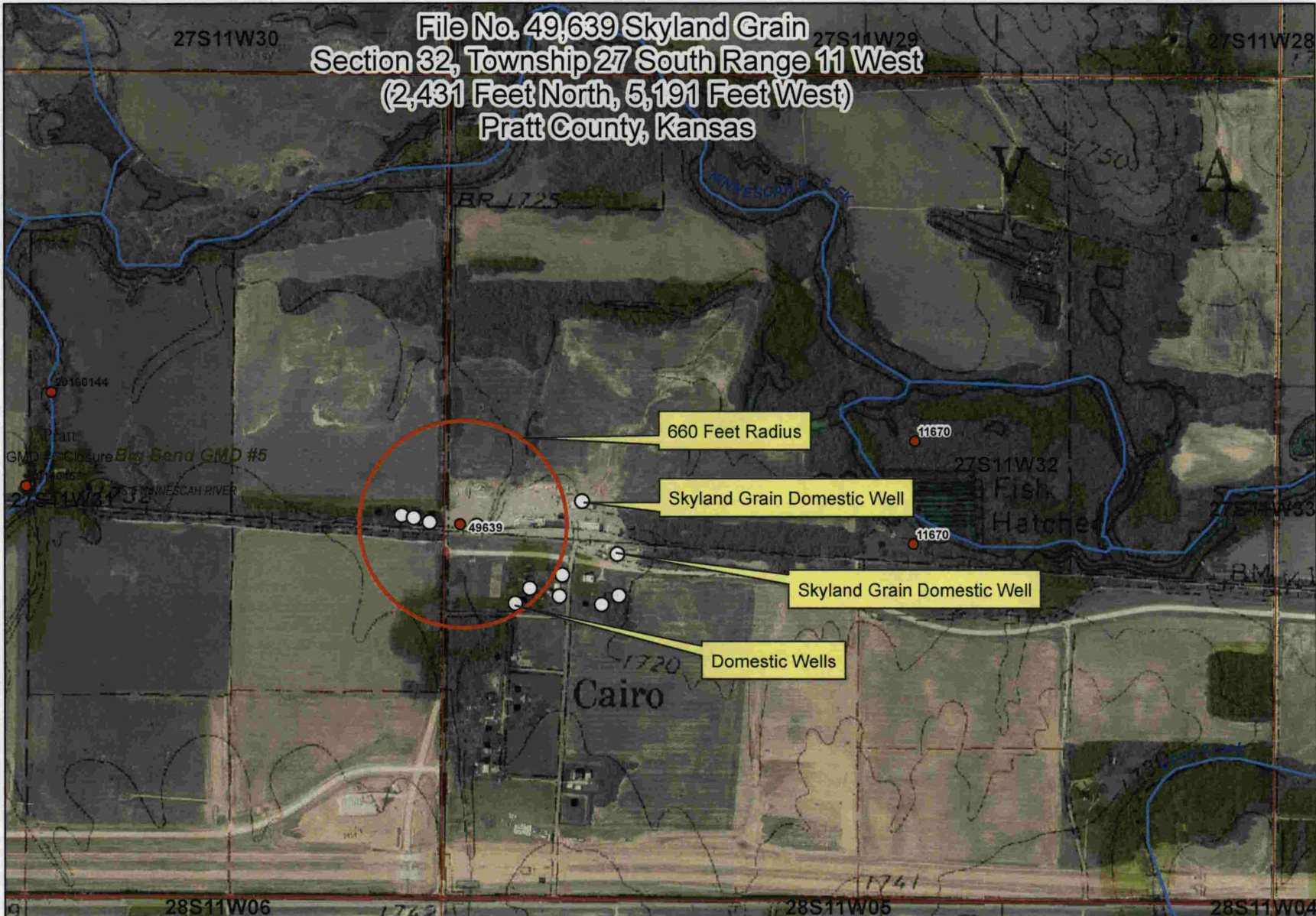
Authorized Acre-Feet: <u>No appropriation</u>	Authorized Gallons/Min: <u>No appropriation</u>	Authorized Point of Div: <u>No appropriation</u>
Proposed Acre-Feet: <u>15 AF</u>	Proposed Gallons/Min: <u>150 gpm</u>	Proposed Point of Div: <u>2431'N, 5191'W</u>

Requested Waiver of Rule and Regulation: K.A.R. 5-25-2 Well Spacing

Comments/Recommendation: The application is to divert up to 15 acre-feet from an existing illegal well at the Skyland Grain facility for industrial use for fertilizer mixing and cleanup. The well has been in operation since 1992. It does not meet spacing requirements to nearby domestic wells (660 ft). There is an additional illegal well (Skyland Grain Industrial) to the east. The applicant uses this for industrial purpose, but calls it domestic use. Recommendation: Waive K.A.R. 5-25-2 with the condition to plug the second illegal well and recommend approval of the application.



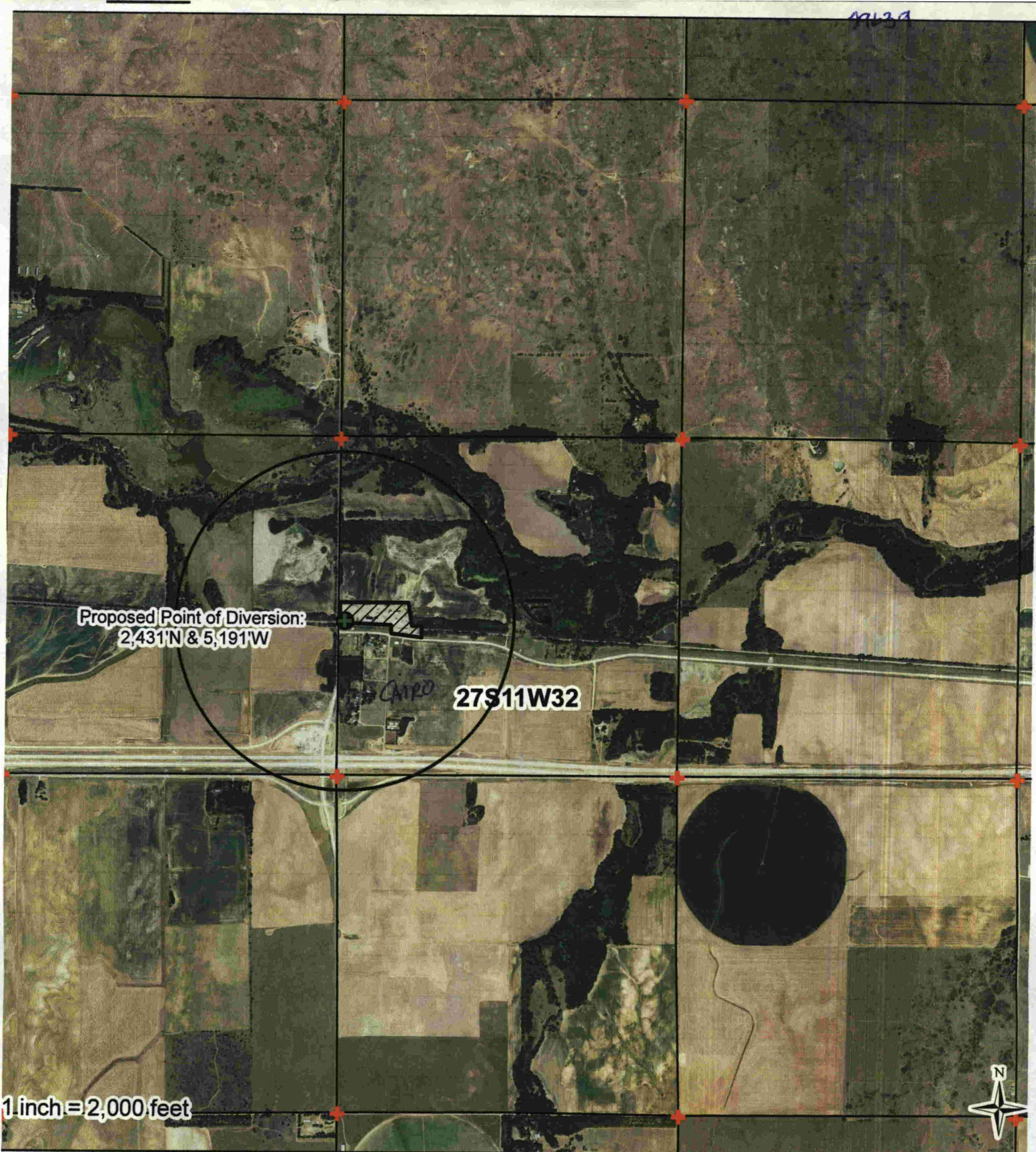
File No. 49,639 Skyland Grain
Section 32, Township 27 South Range 11 West
(2,431 Feet North, 5,191 Feet West)
Pratt County, Kansas



1:10,000

9/14/2016 DWR

49634







Proposed Point of Diversion:
2,431'N & 5,191'W

27S11W32

1 inch = 2,000 feet



I declare that all water wells or diversion sites using the same source of supply and within 1/2 mile of the proposed point of diversion have been plotted on the application map.

-  Proposed PD
-  Water Rights
-  SFFOsec_corners
-  Proposed Place of Use

WATER RESOURCES RECEIVED

Signature

WATER RESOURCES RECEIVED

Date

WATER RESOURCES RECEIVED

Created By: Matt Meier
Date: 4/4/2016

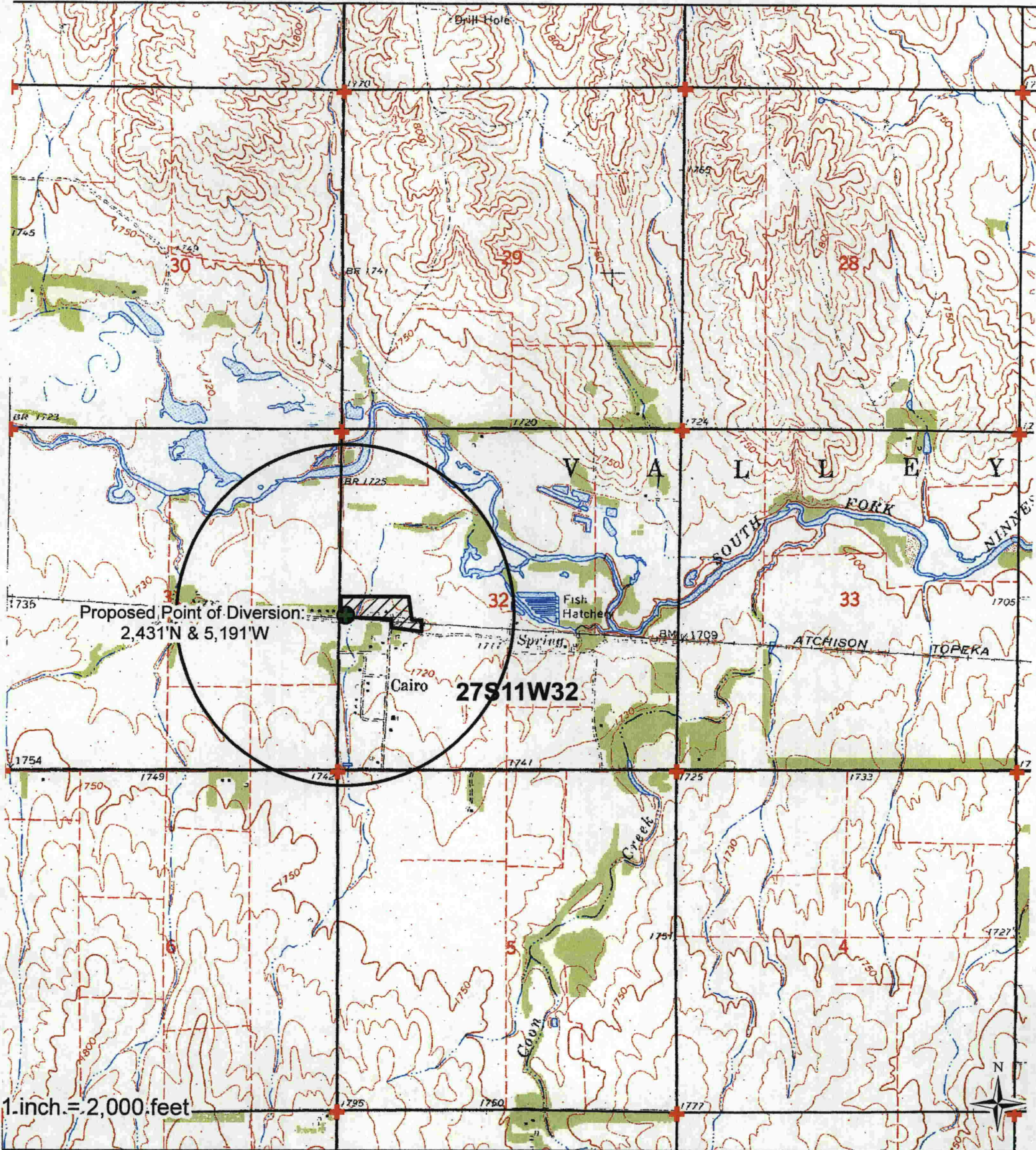
0 800 1,600 3,200 4,800 6,400

MAY 19 2016

MAY 13 2016

APR 22 2016

SCANNED



I declare that all water wells or diversion sites using the same source of supply and within 1/2 mile of the proposed point of diversion have been plotted on the application.

- Proposed PD
- ▲ Water Rights
- ⊕ SFFOsec_corners
- ▨ Proposed Place Of Use

WATER RESOURCES RECEIVED WATER RESOURCES RECEIVED SCANNED

UNACCEPTABLE FOR PRIORITY

MAY 18 2016

APR 22 2016

Created By: Matt Meier
F.O. 2
Date: 4/4/2016

Signature

Date

0 800 1,600 3,200 4,800 6,400 Feet

KS DEPT OF AGRICULTURE

KS DEPT OF AGRICULTURE