

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

1. File Number: <p style="text-align: center; font-size: 1.2em;"><b>49,717</b></p>	2. Status Change Date: <p style="text-align: center; font-size: 1.2em;"><b>12/15/2017</b></p>	3. Field Office: <p style="text-align: center; font-size: 1.2em;"><b>02</b></p>	4. GMD: <p style="text-align: center; font-size: 1.2em;"><b>05</b></p>
---	--	--	---

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

7a. Applicant(s)    Person ID 31265  
New to system     Add Seq# \_\_\_\_\_

**KINSLEY READY MIX INC  
PRESIDENT  
220 W 10TH ST  
KINSLEY KS 67547**

7b. Landowner(s)    Person ID \_\_\_\_\_  
New to system     Add Seq# \_\_\_\_\_

**7A.**

7c. Landowner(s)    Person ID \_\_\_\_\_  
New to system     Add Seq# \_\_\_\_\_

7d. Misc.    Person ID \_\_\_\_\_  
New to system     Add Seq# \_\_\_\_\_

8. WUR Correspondent    Person ID \_\_\_\_\_  
New to system     Add Seq# \_\_\_\_\_  
Overlap File (s) WUC    Notarized WUC Form   
Agree  Yes  No

**7b.**

9. Use of Water:    Changing?     Yes     No

Groundwater     Surface Water

IRR     REC     DEW     MUN

STK     SED     DOM     CON

HYD DRG     WTR PWR     ART RECHRG

IND SIC: 3273     OTHER: \_\_\_\_\_

10. Completion Date: 12/31/2018 <sup>2019</sup>    11. Perfection Date: 12/31/2022 <sup>2023</sup>    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: **11/20/17**    By: **MJM**  
Date Entered: 12/18/2017    By: UM

File No. **49,717**      15. Formation Code: 113      Drainage Basin: **Arkansas River**      County: **ED**      Special Use:      Stream:

16. Points of Diversion											
T	MOD	DEL	ENT	PDIV	Qualifier	S	T	R	ID	'N	'W
✓				63307	SENE	35	24S	19W	7	<del>4,158</del>	246
4518											

17. Rate and Quantity				
Authorized		Additional		
Rate gpm	Quantity af	Rate gpm	Quantity af	Overlap PD Files
99	<del>4.87</del> <sup>mg</sup>	99	<del>4.87</del>	43689
	1.587		1.587	

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 12/31/2018 19      Date Acceptable Meter Installed \_\_\_\_\_

21. Place of Use	NE¼				NW¼				SW¼				SE¼				Total	Owner	Chg? NO	Overlap Files
	NE ¼	NW ¼	SW ¼	SE ¼	NE ¼	NW ¼	SW ¼	SE ¼	NE ¼	NW ¼	SW ¼	SE ¼	NE ¼	NW ¼	SW ¼	SE ¼				
✓ 54681 35 24S 19W 7	Concrete Plant (NE NE)																7b		43689	

Comments: **Application is replacing File # 43,689, which is being dismissed to partially cover offset for new application.**

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

December 20, 2017

**FILE COPY**

KINSLEY READY MIX INC  
PRESIDENT  
220 W 10TH ST  
KINSLEY KS 67547

RE: Application, File No. 49,717  
Appropriation of Water, File No. 45,515  
Water Right, File No. 43,689

Dear Water User:

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 this specific file, please have the file number ready so that we may help you more efficiently.

(over)

There is also enclosed a Findings and Order by the Chief Engineer, Division of Water Resources, Kansas Department of Agriculture, dismissing Water Right, File No. 43,689 as you requested in the "Voluntary Waiver of Hearing & Dismissal of Water Right" form received in our office on October 17, 2016. Additionally, enclosed is a Findings and Order by the Chief Engineer which sets forth the modified place of use and quantity of water under Appropriation of Water, File No. 44,515.

Sincerely,



Kristen A. Baum  
New Application Unit Supervisor  
Water Appropriation Program

Enclosures

pc: Stafford Field Office  
GMD#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. 49,717** of the applicant

**KINSLEY READY MIX INC  
PRESIDENT  
220 W 10TH ST  
KINSLEY KS 67547**

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 **October 17, 2016**.
2. That the water sought to be appropriated shall be used for industrial use on a concrete plant located in the Northeast Quarter of the Northeast Quarter (NE $\frac{1}{4}$  NE $\frac{1}{4}$ ) of Section 35, Township 24 South, Range 19 West, Edwards County, Kansas
3. That the authorized source from which the appropriation shall be made is groundwater, to be withdrawn by means of a one (1) well, which is to located in the Southeast Quarter of the Northeast Quarter of the Northeast Quarter (SE $\frac{1}{4}$  NE $\frac{1}{4}$  NE $\frac{1}{4}$ ) of Section 35, more particularly described as being near a point 4,518 feet North and 246 feet West of the Southeast corner of said section, in Township 24 South, Range 19 West, Edwards County, 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 **99 gallons per minute (0.221 c.f.s.)** and to a quantity not to exceed **1.587 million gallons (4.87 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, 2019** or within any authorized extension thereof. The applicant shall notify the Chief Engineer and pay the statutorily required field inspection fee, which is currently \$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, which is currently \$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, 2023** 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 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 ending 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.

**RIGHT TO A HEARING AND TO ADMINISTRATIVE REVIEW**

If you are aggrieved by this Order, then pursuant to K.S.A. 82a-1901, you may:

- 1) request an evidentiary hearing before the Chief Engineer, or
- 2) request administrative review by the Secretary of Agriculture.

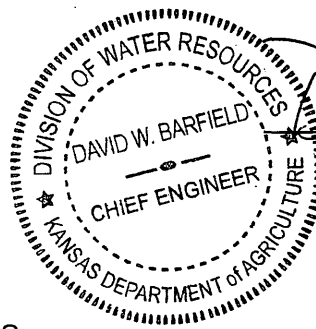
Failure to request an evidentiary hearing before the Chief Engineer does not preclude your right to administrative review by the Secretary.

To obtain an evidentiary hearing before the Chief Engineer, a written request for hearing must be filed within 15 days after service of this Order as provided in K.S.A. 77-531 (i.e., **within a total of 18 days after this Order was mailed to you**), with: Kansas Department of Agriculture, Attn: Legal Section, 1320 Research Park Drive, Manhattan, Kansas 66502, FAX (785) 564-6777.

If you do not file a request for an evidentiary hearing before the Chief Engineer, you may petition for administrative review of the Order by the Secretary of Agriculture. A petition for review shall be in writing and state the basis for requesting administrative review. The request for hearing may be denied if the request fails to clearly establish factual or legal issues for review. See K.S.A. 77-527. The petition must be filed within 30 days after service of this Order as provided in K.S.A. 77-531 (i.e., **within a total of 33 days after this Order was mailed to you**), and be filed with: Secretary of Agriculture, Attn: Legal Division, Kansas Department of Agriculture, 1320 Research Park Drive, Manhattan, Kansas 66502, FAX (785) 564-6777.

If neither a request for an evidentiary hearing nor a petition for administrative review is filed as set forth above, then this Order shall be effective and become a final agency action as defined in K.S.A. 77-607(b). Failure to timely request either an evidentiary hearing or administrative review may preclude further judicial review under the Kansas Judicial Review Act.

Ordered this 15<sup>th</sup> day of December, 2017, 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            )  
                                       ) SS  
 County of Riley            )

The foregoing instrument was acknowledged before me this 15<sup>th</sup> day of December, 2017, by David W. Barfield, P.E., Chief Engineer, Division of Water Resources, Kansas Department of Agriculture.



*Karen Hunter*  
 \_\_\_\_\_  
 Notary Public

## CERTIFICATE OF SERVICE

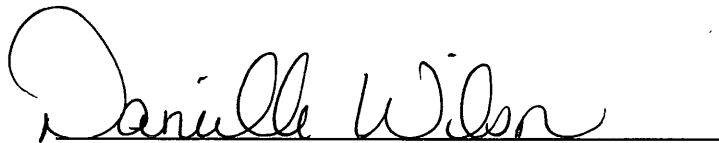
On this 20<sup>th</sup> day of December, 2017, I hereby certify that the foregoing Approval of Application and Permit to Proceed, File No. 49,717, dated December 15, 2017 was mailed postage prepaid, first class, US mail to the following:

KINSLEY READY MIX INC  
PRESIDENT  
220 W 10TH ST  
KINSLEY KS 67547

With photocopies to:

Big Bend Groundwater Management District #5

Stafford Field Office

A handwritten signature in cursive script that reads "Danielle Wilson". The signature is written in black ink and is positioned above a solid horizontal line.

Division of Water Resources



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

File Number: 49,717

FO: 2

GMD: 5

**WAIVER REQUEST:**

UMW	Date Requested	Rule ID	Applies	Rule Type	Rule Subtype
<del>JRR</del> IND	11/20/17	123	GMD 5	Well Spacing	Well to Well Spacing
Rule Number	Date Granted	Date Denied	Justification:	Application fails to meet spacing to File No. 44,515 which is a sand and gravel pit (Evap Only) owned by the applicant. Application is replacing File No. 43,689 which was previously granted a waiver of spacing.	
K.A.R. 5-25-2(a)(1)	12/15/2017				

**WAIVER RULE (complete only if a new rule needs to be created):**

Rule ID	Applicability	Type	Subtype	Rule Number	Date Active	Date Inactive
				K.A.R.		

Date Prepared m Meier By 11/20/17  
 Date Entered 12/18/2017 By UM

THE STATE OF KANSAS



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)(1) Well Spacing**

Date: Dec 15, 2017

Re: Application, File No. 49,717

1. That the proposed point of diversion under the above referenced application fails to meet the minimum well spacing criteria of 1,320 feet to the Geo-Center of a Sand and Gravel Pit (authorized by Water Right, File No. 44,515 which is owned by the applicant) as required by K.A.R. 5-25-2(a)(1). The proposed application is replacing File No. 43,689 as the applicant needed additional water. The proposed well is located approximately 1,254 feet from the Geo-Center of File No. 44,515.
2. That the proposed well is currently permitted under Water Right, File No. 43,689, and there have been no known impairment concerns.
3. That a waiver of spacing had previously been granted for Water Right, File No. 43,689 which the application is replacing.
4. That the proposed well meets spacing to all other existing wells and Water Rights that are not owned by the applicant.
5. That the Board of Directors of Big Bend Groundwater Management District #5 reviewed the application and recommended it for approval in a letter received on October 23, 2017.
6. That a waiver of K.A.R. 5-25-2(a)(1) will not prejudicially or unreasonably affect the public interest and should not impair any existing water rights.

Comments:

A handwritten signature in cursive script 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:** November 20, 2017

**FROM:** Matt Meier

**RE:** Application File Nos. 49,717

Kinsley Ready Mix Inc has filed the above referenced application proposing to appropriate 4.87 acre-feet of groundwater for industrial use at a proposed rate of 99 gallons per minute. The proposed point of diversion is an existing well, previously covered by File No. 43,689, located in the Southeast Quarter of the Northeast Quarter of the Northeast Quarter (SE1/4 NE1/4 NE1/4) of section 35, more particularly described as being near a point 4,518 feet North and 246 feet West of the Southeast corner of said section, Township 24 South, Range 19 West, Edwards County, within the Arkansas River drainage basin. The entire proposed place of use is owned by Kinsley Ready Mix Inc. File No. 43,689 overlaps the proposed point of diversion and place of use. File No. 43,689 is being dismissed to offset a portion of the new application and File No. 44,515 is being reduced to cover the rest of the requested quantity.

The application is being requested due to repeated over pumping of File No. 43,689 and to give some additional quantity for possible future expansion if needed.

The five domestic wells were located within one-half mile of the proposed well and 3 non-domestic well (which are all owned by applicant), which WRIS confirmed. Nearby well notification letters were sent out on September 14, 017. No contact of any kind was received. Based on WRIS, the nearest water right (File No. 44,515 which is a groundwater pit owned by the applicant) is located 1254 feet away. The nearest domestic well appears to be approximately 700 feet away. The proposed point of diversion meets minimum well spacing to all existing wells except for the groundwater pit they also own (File No. 44,515). Per the requirements in K.A.R. 5-25-2 for all other aquifers, the minimum well spacing should be one-quarter mile to all other non-domestic wells and 660 feet to domestic wells.

The source formation had previously been identified from the Quaternary System (Main Stem Alluvium). The drillers log shows top soil from 0 to 9 feet, sandy brown clay from 9 to 14 feet, fine to coarse sand and gravel from 14 to 36 feet, tan clay from 36 to 41 feet, and red, yellow and white clay from 41 to 50 feet below ground. The static water level was at 17.85 feet which provides a saturated thickness of approximately 32.15 feet.

A copy of the application was submitted to Big Bend Groundwater Management District No. 5 on October 4, 2017. GMD #5 recommended approval of the application in a letter, received via email, on October 23, 2017. In the letter, they said the Board of Directors had reviewed the application and voted to approve the application.

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 through 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.

The proposed application is subject to minimum desirable streamflow requirements. The applicant signed, notarized, and returned the required form to our office.

A signed dismissal form was received on October 17, 2016 stating that they would dismiss File No. 43,689 contingent on the approval of their new water right application.

Jeff Lanterman, Water Commissioner, Stafford Field Office, recommended approval of the referenced application on November 6, 2017. Based on the above discussion, GMD#5 Board recommendation of approval, and approval of the application will not impair senior water rights nor prejudicially or unreasonably affect the public interest, it is recommended that the referenced application be approved and File No. 43,689 be dismissed.

Matthew J. Meier  
Environmental Scientist  
Permits Unit

THE STATE OF KANSAS



KANSAS DEPARTMENT OF AGRICULTURE  
Jackie McClaskey, Secretary of Agriculture

DIVISION OF WATER RESOURCES  
David W. Barfield, Chief Engineer

File Number 49,717  
This item to be completed by the Division of Water Resources.

APPLICATION COMPLETE  
6/17/16  
Reviewer MTM  
11-6-17 KAB

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.)

WATER RESOURCES  
RECEIVED  
OCT 17  
12:41  
KS DEPT

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): KINSLEY READY MIX INC  
Address: 220 W 10TH ST  
City: Kinsley State KS Zip Code 67547  
Telephone Number: (620) 659-2251

2. The source of water is:  surface water in \_\_\_\_\_ (stream)  
OR  groundwater in Arkansas 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 4.87 acre-feet OR 1.587 mil gallons per calendar year, to be diverted at a maximum rate of 99 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 G S County ED By KAB Date 10/17/16  
Code REG Fee \$ 200 TR # \_\_\_\_\_ Receipt Date 10/17/16 Check # 33517

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

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

- (A) One in the SE quarter of the NE quarter of the NE quarter of Section 35, more particularly described as being near a point 4,518 feet North and 246 feet West of the Southeast corner of said section, in Township 24 South, Range 19 West, Edwards 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 10 - 7, 2016 [Signature]  
 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 & Pump  
 \_\_\_\_\_  
 (number of wells, pumps or dams, etc.)  
 and was completed (by) 1/31/00  
 \_\_\_\_\_  
 (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)

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.
- (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.

Overlaps PD & PU with File No. 43,689 which is to be dismissed contingent on approval of new application.

1.7 AF of the requested 4.87AF will be covered by the dismissal of File No. 43,689. Remaining 3.17AF being offset by reduction in File No. 44,515.

WATER RESOURCES  
RECEIVED

OCT 17 2016

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	_____	_____	_____	_____
Total depth of well	_____	_____	_____	_____
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 KANSLEY, Kansas, this 7 day of OCTOBER, 2016  
(month) (year)

KINSLEY READY MIX INC  
(Applicant Signature)

By Russell Strate  
(Agent or Officer Signature)

RUSSELL STRATE  
(Agent or Officer - Please Print)

Assisted by MJM/SFFO ESII Date: 9/16/2016  
(office/title)

WARRANTY STATE  
ENVI-0-17



**INDUSTRIAL USE  
SUPPLEMENTAL SHEET**

File No. 49717

Name of Applicant (Please Print): KINSLEY READY MIX INC

1. Please describe type of industry or product produced: Ready Mix Concrete  
 Standard Industrial Classification Code Number: 3273

2. Please complete the following table to show your past and present water requirements:

**PAST PRODUCT PRODUCTION AND WATER DIVERTED, IF APPLICABLE**

LAST 5 YEARS	AMOUNT OF PRODUCT	WATER DIVERTED (GALLONS)	GALLONS PER PRODUCT PER DAY
5 years ago		359,840	
Last year		633,708	
Present year			

3. Please complete the following table to show your future water requirements:

**ESTIMATED FUTURE PRODUCT PRODUCTION AND WATER DIVERTED**

NEXT 5 YEARS	AMOUNT OF PRODUCT	WATER TO BE DIVERTED (GALLONS)	GALLONS PER PRODUCT PER DAY
Year 1		600,000	
Year 2		500,000	
Year 3		500,000	
Year 4		500,000	
Year 5		500,000	

Number of days of operation of the industry per year is 250 days.

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

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

S	T	R	NE¼				NW¼				SW¼				SE¼				TOTAL
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
35	24S	19W	Industrial Use in NE1/4 NE1/4																

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

**WATER RESOURCES  
RECEIVED**

OCT 17 2016

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 through 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.

The proposed application is subject to minimum desirable streamflow requirements. The applicant signed, notarized, and returned the required form to our office.

A signed dismissal form was received on October 17, 2016 stating that they would dismiss File No. 43,689 contingent on the approval of their new water right application.

Based on the above discussion, GMD#5 Board recommendation of approval, and approval of the application will not impair senior water rights nor prejudicially or unreasonably affect the public interest, it is recommended that the referenced application be approved and File No. 43,689 be dismissed.

Matthew J. Meier  
Environmental Scientist  
Permits Unit

\* 11/6/17 Concur w/ Recommendation Approve it  
Jeff Portner U.C.

**KANSAS DEPARTMENT OF AGRICULTURE**  
**Division of Water Resources**

**M E M O R A N D U M**

**TO:** Files **DATE:** November 6, 2017

**FROM:** Matt Meier **RE:** Application File Nos. 49,717

Kinsley Ready Mix Inc has filed the above referenced application proposing to appropriate 4.87 acre-feet of groundwater for industrial use at a proposed rate of 99 gallons per minute. The proposed point of diversion is an existing well, previously covered by File No. 43,689, located in the Southeast Quarter of the Northeast Quarter of the Northeast Quarter (SE1/4 NE1/4 NE1/4) of section 35, more particularly described as being near a point 4,518 feet North and 246 feet West of the Southeast corner of said section, Township 24 South, Range 19 West, Edwards County, within the Arkansas River drainage basin. The entire proposed place of use is owned by Kinsley Ready Mix Inc. File No. 43,689 overlaps the proposed point of diversion and place of use. File No. 43,689 is being dismissed to offset a portion of the new application and File No. 44,515 is being reduced to cover the rest of the requested quantity.

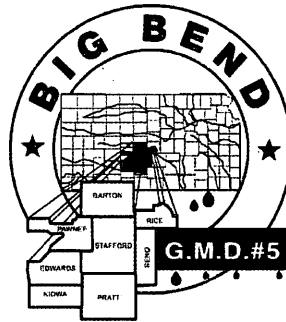
The application is being requested due to repeated over pumping of File No. 43,689 and to give some additional quantity for possible future expansion if needed.

The five domestic wells were located within one-half mile of the proposed well and 3 non-domestic well (which are all owned by applicant), which WRIS confirmed. Nearby well notification letters were sent out on September 14, 017. No contact of any kind was received. Based on WRIS, the nearest water right (File No. 44,515 which is a groundwater pit owned by the applicant) is located 1254 feet away. The nearest domestic well appears to be approximately 700 feet away. The proposed point of diversion meets minimum well spacing to all existing wells except for the groundwater pit they also own (File No. 44,515). Per the requirements in K.A.R. 5-25-2 for all other aquifers, the minimum well spacing should be one-quarter mile to all other non-domestic wells and 660 feet to domestic wells.

The source formation had previously been identified from the Quaternary System (Main Stem Alluvium). The drillers log shows top soil from 0 to 9 feet, sandy brown clay from 9 to 14 feet, fine to coarse sand and gravel from 14 to 36 feet, tan clay from 36 to 41 feet, and red, yellow and white clay from 41 to 50 feet below ground. The static water level was at 17.85 feet which provides a saturated thickness of approximately 32.15 feet.

A copy of the application was submitted to Big Bend Groundwater Management District No. 5 on October 4, 2017. GMD #5 recommended approval of the application in a letter, received via email, on October 23, 2017. In the letter, they said the Board of Directors had reviewed the application and voted to approve the application.

Darrell Wood - Edwards (Pres.)  
Fred Grunder - Pratt (V Pres.)  
John Janssen - Kiowa (Treas.)  
Jerry Cullop - 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

October 23, 2017

Matt Meier  
Division of Water Resources  
Kansas Department of Agriculture  
300 S. Main Street  
Stafford, Kansas 67578-1342

RE: Application File No. 49,717  
Water Right File No. 43689 Dismissal  
Water Right File No. 44515 Reduction

Dear Mr. Meier,

Big Bend Groundwater Management District #5 has reviewed the above referenced application which proposes to divert up to 4.87 acre-feet of groundwater for industrial use in the NE $\frac{1}{4}$  of Section 35, Township 24S, Range 19W in Edwards County, Kansas.

The application was presented to the Board of Directors at the October regular board meeting for review. Based upon information received in the District office and provided at the board meeting, the Board voted to recommend approval of this application.

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

RECEIVED

OCT 23 2017

RECEIVED

OCT 23 2017

Stafford Field Office  
Division of Water Resources



Department of Agriculture  
Division of Water Resources

Stafford Field Office  
300 S. Main Street  
Stafford, Kansas 67578-1521  
Jackie McClaskey, Secretary  
David W. Barfield, Chief Engineer  
Jeff Lantenman, Water Commissioner

Phone: (620) 234-5311  
Fax: (620) 234-6900  
[www.agriculture.ks.gov](http://www.agriculture.ks.gov)  
Sam Brownback, Governor

October 4, 2017

BIG BEND GROUNDWATER MANAGEMENT DISTRICT NO 5  
% Orrin Feril  
125 SOUTH MAIN ST  
PO BOX 7  
STAFFORD KS 67578

Re: Application, File No. 49,717

Dear Mr. Feril:

We are enclosing a copy of the application referred to above which appears to be in proper form. Nearby notification letters were sent out on September 14, 2017. No contact of any kind was received. The applicant is requesting 4.87 acre-feet of water for industrial use and is proposing offsetting the new application by Water Right File No. 43,689 (a copy of the voluntary dismissal form is included) and reducing Water Right File No. 44,515.

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.

If you have any questions, please contact me at (620) 234-5311. If you wish to discuss a specific file, please have the file number ready so that I may help you more efficiently.

Sincerely,

Matt Meier  
Environmental Scientist  
Water Appropriations Program

Enclosure

pc:

  
**Kansas**  
Department of Agriculture  
*Division of Water Resources*

Stafford Field Office  
300 S. Main Street  
Stafford, Kansas 67578-1521  
Jackie McClaskey, Secretary  
David W. Barfield, Chief Engineer  
Jeff Lanterman, Water Commissioner

Phone: (620) 234-5311  
Fax: (620) 234-6900  
[www.agriculture.ks.gov](http://www.agriculture.ks.gov)  
Sam Brownback, Governor

September 14, 2017

Rodney Strate  
1229 120<sup>th</sup> Ave  
Kinsley, KS 67547

Re: Pending Application, File No. 49,717

Dear Sir or Madam:

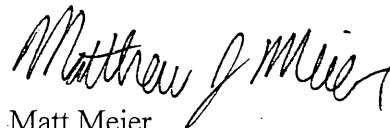
This is to advise you that Kinsley Ready Mix Inc has filed the application referred to above for a permit to appropriate 4.87 acre-feet of groundwater per calendar year for industrial use to be diverted at a maximum rate of 99 gallons per minute. The proposed point of diversion for 49,717 is an existing well (1 well), which is located as follows:

Southeast Quarter of the Northeast Quarter of the Northeast Quarter of Section 35, Township 24 South, Range 19 West, Edwards County, Kansas.

A map is enclosed indicating the location of the proposed well. Records in this office indicate that you may have a well or wells in this vicinity and you are 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 or comments, you may also contact me at (620) 234-5311. If you call, please reference the file number so I can help you more efficiently. Mailed comments can be sent to the Stafford Field Office at 300 S. Main St. Stafford, KS 67578-1521.

Sincerely,



Matt Meier  
Environmental Scientist  
Water Appropriations Program

Enclosure

pc:

**SCANNED**

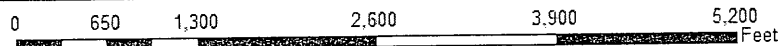
# Kansas

Department of Agriculture  
Division of Water Resources

Stafford Field Office  
300 S. Main Street  
Stafford, Kansas 67578-1521

Jackie McClaskey, Secretary  
David W. Barfield, Chief Engineer  
Jeff Lanterman, Water Commissioner

Phone: (620) 234-5311  
Fax: (620) 234-6900  
www.agriculture.ks.gov  
Sam Brownback, Governor



Legend	
+	Section Corners
—	Section Lines

MJM-DWR 9/14/17

Proposed Water Appropriation, File No. 49717  
35-24S-19W  
Edwards County



  
**Kansas**  
Department of Agriculture  
*Division of Water Resources*

Stafford Field Office  
300 S. Main Street  
Stafford, Kansas 67578-1521

Jackie McClaskey, Secretary  
David W. Barfield, Chief Engineer  
Jeff Lanterman, Water Commissioner

Phone: (620) 234-5311  
Fax: (620) 234-6900  
[www.agriculture.ks.gov](http://www.agriculture.ks.gov)  
Sam Brownback, Governor

September 14, 2017

Russell Strate  
1231 120<sup>th</sup> Ave  
Kinsley, KS 67547

Re: Pending Application, File No. 49,717

Dear Sir or Madam:

This is to advise you that Kinsley Ready Mix Inc has filed the application referred to above for a permit to appropriate 4.87 acre-feet of groundwater per calendar year for industrial use to be diverted at a maximum rate of 99 gallons per minute. The proposed point of diversion for 49,717 is an existing well (1 well), which is located as follows:

Southeast Quarter of the Northeast Quarter of the Northeast Quarter of Section 35, Township 24 South, Range 19 West, Edwards County, Kansas.

A map is enclosed indicating the location of the proposed well. Records in this office indicate that you may have a well or wells in this vicinity and you are 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 or comments, you may also contact me at (620) 234-5311. If you call, please reference the file number so I can help you more efficiently. Mailed comments can be sent to the Stafford Field Office at 300 S. Main St. Stafford, KS 67578-1521.

Sincerely,



Matt Meier  
Environmental Scientist  
Water Appropriations Program

Enclosure

pc:

**SCANNED**



# Kansas

Department of Agriculture  
Division of Water Resources

Stafford Field Office  
300 S. Main Street  
Stafford, Kansas 67578-1521

Jackie McClaskey, Secretary  
David W. Barfield, Chief Engineer  
Jeff Lanterman, Water Commissioner

Phone: (620) 234-5311  
Fax: (620) 234-6900  
www.agriculture.ks.gov  
Sam Brownback, Governor



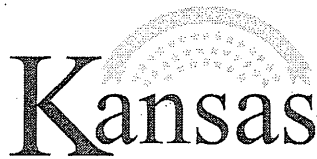
**Legend**

- Section Corners
- Section Lines

RECEIVED  
MUM-DWR 9/14/17

Proposed Water Appropriation, File No. 49717  
35-24S-19W  
Edwards County





Stafford Field Office  
300 S. Main Street  
Stafford, Kansas 67578-1521

Jackie McClaskey, Secretary  
David W. Barfield, Chief Engineer  
Jeff Lanterman, Water Commissioner

Department of Agriculture  
*Division of Water Resources*

Phone: (620) 234-5311  
Fax: (620) 234-6900  
[www.agriculture.ks.gov](http://www.agriculture.ks.gov)  
Sam Brownback, Governor

September 14, 2017

Troy and Tammi Sidebottom  
1218 US Highway 50  
Kinsley, KS 67547

Re: Pending Application, File No. 49,717

Dear Sir or Madam:

This is to advise you that Kinsley Ready Mix Inc has filed the application referred to above for a permit to appropriate 4.87 acre-feet of groundwater per calendar year for industrial use to be diverted at a maximum rate of 99 gallons per minute. The proposed point of diversion for 49,717 is an existing well (1 well), which is located as follows:

Southeast Quarter of the Northeast Quarter of the Northeast Quarter of Section 35, Township 24 South, Range 19 West, Edwards County, Kansas.

A map is enclosed indicating the location of the proposed well. Records in this office indicate that you may have a well or wells in this vicinity and you are 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 or comments, you may also contact me at (620) 234-5311. If you call, please reference the file number so I can help you more efficiently. Mailed comments can be sent to the Stafford Field Office at 300 S. Main St. Stafford, KS 67578-1521.

Sincerely,

Matt Meier  
Environmental Scientist  
Water Appropriations Program

Enclosure

pc:

**SCANNED**

# Kansas

Department of Agriculture  
Division of Water Resources

Stafford Field Office  
300 S. Main Street  
Stafford, Kansas 67578-1521

Jackie McClaskey, Secretary  
David W. Barfield, Chief Engineer  
Jeff Lanterman, Water Commissioner

Phone: (620) 234-5311  
Fax: (620) 234-6900  
[www.agriculture.ks.gov](http://www.agriculture.ks.gov)  
Sam Brownback, Governor



Legend	
+	Section Corners
—	Section Lines

MJM-DWR 9/14/17

Proposed Water Appropriation, File No. 49717  
35-24S-19W  
Edwards County



SCANNED

  
**Kansas**  
Department of Agriculture  
*Division of Water Resources*

Stafford Field Office  
300 S. Main Street  
Stafford, Kansas 67578-1521

Jackie McClaskey, Secretary  
David W. Barfield, Chief Engineer  
Jeff Lanterman, Water Commissioner

Phone: (620) 234-5311  
Fax: (620) 234-6900  
[www.agriculture.ks.gov](http://www.agriculture.ks.gov)  
Sam Brownback, Governor

September 14, 2017

Jorge & Maria Holguin  
1209 US Highway 50  
Kinsley, KS 67547

Re: Pending Application, File No. 49,717

Dear Sir or Madam:

This is to advise you that Kinsley Ready Mix Inc has filed the application referred to above for a permit to appropriate 4.87 acre-feet of groundwater per calendar year for industrial use to be diverted at a maximum rate of 99 gallons per minute. The proposed point of diversion for 49,717 is an existing well (1 well), which is located as follows:

Southeast Quarter of the Northeast Quarter of the Northeast Quarter of Section 35, Township 24 South, Range 19 West, Edwards County, Kansas.

A map is enclosed indicating the location of the proposed well. Records in this office indicate that you may have a well or wells in this vicinity and you are 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 or comments, you may also contact me at (620) 234-5311. If you call, please reference the file number so I can help you more efficiently. Mailed comments can be sent to the Stafford Field Office at 300 S. Main St. Stafford, KS 67578-1521.

Sincerely,



Matt Meier  
Environmental Scientist  
Water Appropriations Program

Enclosure

pc:

**SCANNED**



Legend	
+	Section Corners
—	Section Lines

MJM, DWR 9/14/17

SCANNED

Proposed Water Appropriation, File No. 49717  
35-24S-19W  
Edwards County



  
**Kansas**  
Department of Agriculture  
*Division of Water Resources*

Stafford Field Office  
300 S. Main Street  
Stafford, Kansas 67578-1521

Jackie McClaskey, Secretary  
David W. Barfield, Chief Engineer  
Jeff Lanterman, Water Commissioner

Phone: (620) 234-5311  
Fax: (620) 234-6900  
[www.agriculture.ks.gov](http://www.agriculture.ks.gov)

Sam Brownback, Governor

September 14, 2017

William & Janet Strawn  
1231 US Highway 50  
Kinsley, KS 67547

Re: Pending Application, File No. 49,717

Dear Sir or Madam:

This is to advise you that Kinsley Ready Mix Inc has filed the application referred to above for a permit to appropriate 4.87 acre-feet of groundwater per calendar year for industrial use to be diverted at a maximum rate of 99 gallons per minute. The proposed point of diversion for 49,717 is an existing well (1 well), which is located as follows:

Southeast Quarter of the Northeast Quarter of the Northeast Quarter of Section 35, Township 24 South, Range 19 West, Edwards County, Kansas.

A map is enclosed indicating the location of the proposed well. Records in this office indicate that you may have a well or wells in this vicinity and you are 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 or comments, you may also contact me at (620) 234-5311. If you call, please reference the file number so I can help you more efficiently. Mailed comments can be sent to the Stafford Field Office at 300 S. Main St. Stafford, KS 67578-1521.

Sincerely,



Matt Meier  
Environmental Scientist  
Water Appropriations Program

Enclosure

pc:

**SCANNED**

# Kansas

Department of Agriculture  
Division of Water Resources

Stafford Field Office  
300 S. Main Street  
Stafford, Kansas 67578-1521

Jackie McClaskey, Secretary  
David W. Barfield, Chief Engineer  
Jeff Lanterman, Water Commissioner

Phone: (620) 234-5311  
Fax: (620) 234-6900  
www.agriculture.ks.gov  
Sam Brownback, Governor



Legend	
+	Section Corners
—	Section Lines

Proposed Water Appropriation, File No. 49717  
35-24S-19W  
Edwards County



MJM-DWR.9/14/17  
GEMMADE

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

4518 ft N and 246 ft W of the SE Corner of Section 35, T 24S, R 19W

Located at: 99.369261 West Longitude and 37.925691 North Latitude

# ~~49,717~~ 49,717

GROUNDWATER ONLY

File Number	Use	ST	SR	Dist	(ft)	Q4	Q3	Q2	Q1	FeetN	FeetW	Sec	Tw	Rng	ID	Batt	Auth_Quan	Add_Quan	Unit	
A__ 10952	00	MUN	NK	G	7842	--	SE	SW	NE	3219	1440	1	25	19W	1		181.99	181.99	AF	
A__ 12212	00	IRR	NK	G	3299	--	SE	SE	NW	3050	3200	35	24	19W	1		33.00	33.00	AF	
A__ 21677	00	IRR	NK	G	9912	--	--	NC	SE	1306	1379	31	24	18W	5		192.00	192.00	AF	
A__ 21678	00	IRR	NK	G	9406	--	--	NC	NE	3900	1350	31	24	18W	2		189.00	189.00	AF	
A__ 26235	00	IRR	NK	G	7798	--	--	NC	SW	1126	3745	31	24	18W	4		195.00	195.00	AF	
A__ 26267	00	IRR	NK	G	6860	--	--	NC	NW	3900	3905	31	24	18W	3		183.00	183.00	AF	
A__ 30317	00	IRR	NK	G	9149	--	NW	NW	SE	2530	2500	24	24	19W	8 G	3	170.00	170.00	AF	
Same					9161	--	NW	NW	SE	2543	2500	24	24	19W	9 B	3	.00	.00	AF	
Same					9171	--	NW	NW	SE	2517	2400	24	24	19W	10 B	3	.00	.00	AF	
Same					9103	--	NW	NW	SE	2517	2600	24	24	19W	12 B	3	.00	.00	AF	
A__ 30647	00	IRR	NK	G	10078	--	NE	SE	NE	3914	578	23	24	19W	2		180.00	180.00	AF	
Same					10078	--	NE	SE	NE	3914	328	23	24	19W	3					
Same					10084	--	--	--	--	3914	78	23	24	19W	4					
A__ 33177	00	IRR	NK	G	4762	--	SE	NW	SW	1851	4294	26	24	19W	1		10.00	10.00	AF	
A__ 35629	00	IRR	NK	G	3299	--	SE	SE	NW	3050	3200	35	24	19W	1		79.00	79.00	AF	
A__ 41051	00	IND	NK	G	1709	--	--	--	--	3950	1850	35	24	19W	5		22.16	22.16	AF	
A__ 43689	00	IND	NK	G	0	--	SE	NE	NE	4518	246	35	24	19W	7		1.68	1.68	AF	
A__ 44515	00	IND	KK	G*	1254	--	SE	NW	NE	4500	1500	35	24	19W	6		139.94	139.94	AF	
A__ 44937	00	IND	KK	G	3741	--	NC	NE	SW	2100	3100	35	24	19W	8		126.71	126.71	AF	
A__ 49717	00	IND	AY	G	0	--	SE	NE	NE	4518	246	35	24	19W	7		4.87	4.87	AF	
VED	3	00	MUN	AA	G	9243	--	--	SW	NW	2682	5166	6	25	18W	1		368.27	368.27	AF
Same					7673	--	--	--	NW	NW	4790	5162	6	25	18W	8				
VED	10	00	IRR	AA	G	9724	--	NE	SW	SE	-----	-----	22	24	19W	1 G	9	210.00	210.00	AF
Same					9287	--	NW	SE	SE	-----	-----	22	24	19W	2 B	9				
Same					9724	--	NE	SW	SE	-----	-----	22	24	19W	7 B	9				
Same					9724	--	NE	SW	SE	-----	-----	22	24	19W	8 B	9				
Same					9724	--	NE	SW	SE	-----	-----	22	24	19W	9 B	9				
Same					9724	--	NE	SW	SE	-----	-----	22	24	19W	10 B	9				
Same					9724	--	NE	SW	SE	-----	-----	22	24	19W	11 B	9				
Same					9724	--	NE	SW	SE	-----	-----	22	24	19W	12 B	9				
Same					9724	--	NE	SW	SE	-----	-----	22	24	19W	13 B	9				
Same					9287	--	NW	SE	SE	-----	-----	22	24	19W	14 B	9				
VED	16	00	IRR	AA	G	3299	--	SE	SE	NW	3050	3200	35	24	19W	1		45.00	45.00	AF

*discovery*  
*recovery*

Total Net Quantities Authorized:	Direct	Storage
Total Requested Amount (AF) =	4.87	.00
Total Permitted Amount (AF) =	266.66	.00
Total Inspected Amount (AF) =	.00	.00
Total Pro_Cert Amount (AF) =	.00	.00
Total Certified Amount (AF) =	1436.82	.00
Total Vested Amount (AF) =	623.27	.00
TOTAL AMOUNT (AF) =	2331.61	.00

An \* after the source of supply indicates a pending application for change for the file number.  
 An \* after the ID indicates a 15 AF exemption was granted for 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:

99.369261 West Longitude and 37.925691 North Latitude

GROUNDWATER ONLY

WATER USE CORRESPONDENTS:

=====

File Number	Use	ST	SR
-------------	-----	----	----

A__	10952	00	MUN NK G
-----	-------	----	----------

> CITY OF KINSLEY

> CITY HALL

> PO BOX 7-721

> KINSLEY KS 67547

-----

A__	12212	00	IRR NK G
-----	-------	----	----------

> RODNEY G & TERESA L GARTUNG JT

>

> 801 BRIGGS AVE

> KINSLEY KS 67547

-----

A__	21677	00	IRR NK G
-----	-------	----	----------

> JAMES J & TAMMY M MCCLAREN

>

> 1345 US HIGHWAY 50

> KINSLEY KS 67547

-----

A__	21678	00	IRR NK G
-----	-------	----	----------

> J & J FARMS

> JON LONG

> 304 MONROE ST

> LEWIS KS 67552

-----

A__	26235	00	IRR NK G
-----	-------	----	----------

> JAMES J & TAMMY M MCCLAREN

>

> 1345 US HIGHWAY 50

> KINSLEY KS 67547

-----

A__	26267	00	IRR NK G
-----	-------	----	----------

> JAMES J & TAMMY M MCCLAREN

>

> 1345 US HIGHWAY 50

> KINSLEY KS 67547

-----

A__	30317	00	IRR NK G
-----	-------	----	----------

> LARRY & JANIE MARIE BERG

>

> 406 MULCH DR

> PETERSBURG WV 26847

-----

A__	30647	00	IRR NK G
-----	-------	----	----------

> GEORGE B HETZEL

>

> GEORGE B HETZEL

>

> 224 N 4TH ST

> KINSLEY KS 67547

>-----

VED 16 00 IRR AA G

> RODNEY G & TERESA L GARTUNG JT

>

> 801 BRIGGS AVE

> KINSLEY KS 67547

>-----

=====

> 224 N 4TH ST  
> KINSLEY KS 67547

-----  
A\_\_ 33177 00 IRR NK G

> CITY OF KINSLEY  
> CITY HALL  
> PO BOX 7-721  
> KINSLEY KS 67547

-----  
A\_\_ 35629 00 IRR NK G

> RODNEY G & TERESA L GARTUNG JT  
>  
> 801 BRIGGS AVE  
> KINSLEY KS 67547

-----  
A\_\_ 41051 00 IND NK G

> KINSLEY READY MIX INC  
> PRESIDENT  
> 220 W 10TH ST  
> KINSLEY KS 67547

-----  
A\_\_ 43689 00 IND NK G

> KINSLEY READY MIX INC  
> PRESIDENT  
> 220 W 10TH ST  
> KINSLEY KS 67547

-----  
A\_\_ 44515 00 IND KK G

> KINSLEY READY MIX INC  
> PRESIDENT  
> 220 W 10TH ST  
> KINSLEY KS 67547

-----  
A\_\_ 44937 00 IND KK G

> EDWARDS CO  
>  
> 730 W 6TH ST  
> KINSLEY KS 67547

-----  
A\_\_ 49717 00 IND AY G

> KINSLEY READY MIX INC  
> PRESIDENT  
> 220 W 10TH ST  
> KINSLEY KS 67547

-----  
VED 3 00 MUN AA G

> CITY OF KINSLEY  
> CITY HALL  
> PO BOX 7-721  
> KINSLEY KS 67547

-----  
VED 10 00 IRR AA G

## 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

**WATER RESOURCES  
RECEIVED**

OCT 17 2016

KS DEPT OF AGRICULTURE

SCANNED

\_\_\_\_\_  
(Date)

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

Re: Application  
File No. 49717

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.

KINSLEY RENDY HALL INC

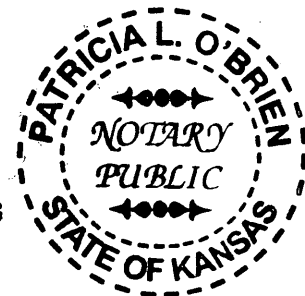
Tuned Scott  
Signature of Applicant

State of Kansas ) RUSSELL STRATZ  
) ss (Print Applicant's Name)  
County of Edwards )

I hereby certify that the foregoing instrument was signed in my presence and sworn to before me this 7<sup>th</sup> day of October, 2016.

Patricia L. O'Brien  
Notary Public

My Commission Expires: 10-16-2017



WATER RESOURCES  
RECEIVED

OCT 17 2016

**MINIMUM DESIRABLE STREAMFLOW FORM TO BE USED WHEN  
APPLICABLE WHEN FILING AN APPLICATION FOR PERMIT  
TO APPROPRIATE WATER FOR BENEFICIAL USE**

The Kansas Legislature has established minimum desirable streamflows for the streams listed below. If your proposed diversion of water is going to be from one of these watercourses or adjacent alluvial aquifers, please complete the back side of this page and submit it along with your application for permit to appropriate water.

Arkansas River  
Big Blue River  
Chapman Creek  
Chikaskia River  
Cottonwood River  
Delaware River  
Little Arkansas River  
Little Blue River  
Marais des Cygnes River  
Medicine Lodge River  
Mill Creek (Wabaunsee Co. area)  
Neosho River

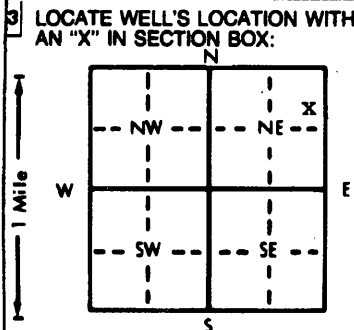
Ninnescah River  
North Fork Ninnescah River  
Rattlesnake Creek  
Republican River  
Saline River  
Smoky Hill River  
Solomon River  
South Fork Ninnescah  
Spring River  
Walnut River  
Whitewater River



1 LOCATION OF WATER WELL:		Fraction	Section Number	Township Number	Range Number
County: <b>Edwards</b>		<b>SE 1/4 NE 1/4 NE 1/4</b>	<b>35</b>	<b>T 24 S</b>	<b>R 19 E/W</b>

Distance and direction from nearest town or city street address of well if located within city?  
 Approximately 1 1/2 miles east of Kinsley

2 WATER WELL OWNER: **Kinsley Ready Mix, Inc.**  
 RR#, St. Address, Box #: **Route 1 - Box 45**  
 City, State, ZIP Code: **Kinsley, KS 67547**  
 Board of Agriculture, Division of Water Resources  
 Application Number: **43,689**



4 DEPTH OF COMPLETED WELL: 40 ft. ELEVATION: unknown  
 Depth(s) Groundwater Encountered 1. \_\_\_\_\_ ft. 2. \_\_\_\_\_ ft. 3. \_\_\_\_\_ ft.  
 WELL'S STATIC WATER LEVEL 17.85 ft. below land surface measured on mo/day/yr 1-31-00  
 Pump test data: Well water was not ch'd. ft. after \_\_\_\_\_ hours pumping \_\_\_\_\_ gpm  
 Est. Yield unknown gpm: Well water was \_\_\_\_\_ ft. after \_\_\_\_\_ hours pumping \_\_\_\_\_ gpm  
 Bore Hole Diameter: 11 in. to 50 ft., and \_\_\_\_\_ in. to \_\_\_\_\_ ft.  
 WELL WATER TO BE USED AS:  
 5 Public water supply    8 Air conditioning    11 Injection well  
 1 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 X \_\_\_\_\_; If yes, mo/day/yr sample was submitted \_\_\_\_\_  
 Water Well Disinfected? Yes X No \_\_\_\_\_

5 TYPE OF BLANK CASING USED:  
 1 Steel    3 RMP (SR)    5 Wrought iron    8 Concrete tile    CASING JOINTS: Glued X Clamped \_\_\_\_\_  
 2 PVC    4 ABS    6 Asbestos-Cement    9 Other (specify below)    Welded \_\_\_\_\_  
 7 Fiberglass    Threaded \_\_\_\_\_  
 Blank casing diameter 6 in. to 28 ft., Dia. \_\_\_\_\_ in. to \_\_\_\_\_ ft., Dia. \_\_\_\_\_ in. to \_\_\_\_\_ ft.  
 Casing height above land surface 24 in., weight 3,32 lbs./ft. Wall thickness or gauge No. 255  
 TYPE OF SCREEN OR PERFORATION MATERIAL:  
 1 Steel    3 Stainless steel    5 Fiberglass    7 PVC    10 Asbestos-cement  
 2 Brass    4 Galvanized steel    6 Concrete tile    8 RMP (SR)    11 Other (specify) \_\_\_\_\_  
 12 None used (open hole)  
 SCREEN OR PERFORATION OPENINGS ARE:  
 1 Continuous slot    3 Mill slot    5 Gauzed wrapped    8 Saw cut    11 None (open hole)  
 2 Louvered shutter    4 Key punched    6 Wire wrapped    9 Drilled holes  
 7 Torch cut    10 Other (specify) \_\_\_\_\_  
 SCREEN-PERFORATED INTERVALS: From 28 ft. to 38 ft., From \_\_\_\_\_ ft. to \_\_\_\_\_ ft.  
 From \_\_\_\_\_ ft. to \_\_\_\_\_ ft., From \_\_\_\_\_ ft. to \_\_\_\_\_ ft.  
 GRAVEL PACK INTERVALS: From 24 ft. to 45 ft., From \_\_\_\_\_ ft. to \_\_\_\_\_ ft.  
 From \_\_\_\_\_ ft. to \_\_\_\_\_ ft., From \_\_\_\_\_ ft. to \_\_\_\_\_ ft.

6 GROUT MATERIAL: 1 Neat cement Soil 2 Cement grout 3 Bentonite 4 Other Bentonite Holeplug  
 Grout Intervals: From 0 ft. to 4 ft., From \_\_\_\_\_ ft. to \_\_\_\_\_ ft., From 4 ft. to 24 ft.  
 What is the nearest source of possible contamination:  
 1 Septic tank    4 Lateral lines    7 Pit privy    10 Livestock pens    14 Abandoned water well  
 2 Sewer lines    5 Cess pool    8 Sewage lagoon    11 Fuel storage    15 Oil well/Gas well  
 3 Watertight sewer lines    6 Seepage pit    9 Feedyard    12 Fertilizer storage    16 Other (specify below)  
 13 Insecticide storage    None known

Direction from well? \_\_\_\_\_ How many feet? \_\_\_\_\_

FROM	TO	LITHOLOGIC LOG	FROM	TO	PLUGGING INTERVALS
0	9	Topsoil			
9	14	Clay, brown, sandy			
14	36	Sand and gravel, coarse, medium, fine			
36	41	Clay, tan			
41	50	Clay, red, yellow, and white			

7 CONTRACTOR'S OR LANDOWNER'S CERTIFICATION: This water well was (1) constructed, (2) reconstructed, or (3) plugged under my jurisdiction and was completed on (mo/day/year) 1-31-00 and this record is true to the best of my knowledge and belief. Kansas Water Well Contractor's License No. 185 This Water Well Record was completed on (mo/day/yr) 2-1-00 under the business name of Clarke Well & Equipment, Inc. by (signature) \_\_\_\_\_

INSTRUCTIONS: Use typewriter or ball point pen. PLEASE PRESS FIRMLY and PRINT clearly. Please fill in blanks, underline or circle the correct answers. Send top three copies to Kansas Department of Health and Environment, Bureau of Water, Topeka, Kansas 66620-0001. Telephone: 913-296-5545. Send one to WATER WELL OWNER and retain one for your records.

OFFICE USE ONLY  
T  
R  
EW  
SEC.



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

October 17, 2016

KINSLEY READY MIX INC  
220 W 10TH ST  
KINSLEY KS 67547

**FILE COPY**

RE: Application  
File No. 49717

Dear Sir or Madam:

Your application for permit to appropriate water in 35-24S-19W in Edwards 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,

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

BAT: dlw  
pc: STAFFORD Field Office  
GMD 5

SCANNED



#49717

File No. \_\_\_\_\_



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.

WATER RESOURCES RECEIVED

- ★ Domestic Wells
- ProposedPD
- ▲ Water Rights
- ✚ SFFOsec\_corners
- ▨ ProposedPlaceOfUse

*Tunell Scott*  
Signature

10-7-16  
Date

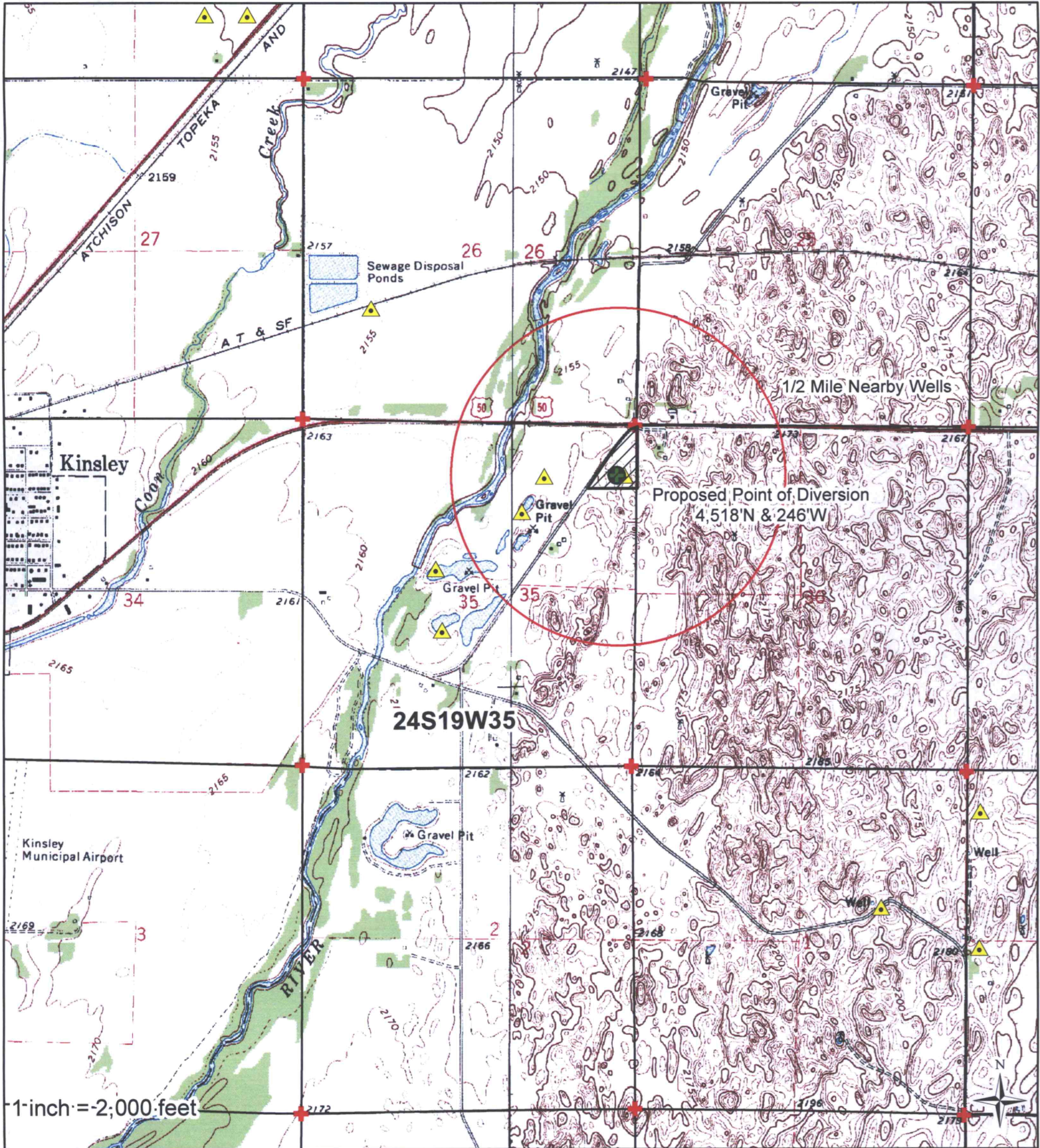
OCT 17 2016  
Created By: Matt Meier  
F.O. 2  
Date: 9/16/2016



KS DEPT OF AGRICULTURE ANNOUNCED

File No.

#49717



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.

- ★ Domestic Wells
- Proposed PD
- ▲ Water Rights
- ⊕ SFFOsec\_corners
- ▨ Proposed Place of Use

*David Scott*  
Signature

10-7-16  
Date

WATER RESOURCES RECEIVED

Created By: Matt Meier  
FO-2  
Date: 9/16/2016



OCT 17 2016

SCANNED

KS DEPT OF AGRICULTURE