

Kansas Department of Agriculture  
 Division of Water Resources  
**CHANGE: UMW WORKSHEET**

*OWNERSHIP*

Document Signature LPL

1. File Number: <b>47290</b>	2. Status Change Date: <i>5/22/18</i>	3. Change Num: <b>C2</b>	4. Field Office: <b>02</b>	5. GMD:
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6. Status: <input checked="" type="checkbox"/> Approved <input type="checkbox"/> Denied by DWR/GMD <input type="checkbox"/> Dismiss by Request/Failure to Return	7. Filing Date of Change: <b>2/20/2018</b>
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8a. Applicant(s)  
 New to system

Person ID **38760**  
 Add Seq# \_\_\_\_\_

**CORNEJO & SONS INC  
 2060 E TULSA  
 PO BOX 16204  
 WICHITA KS 67216**

8c. Landowner(s)  
 New to system

Person ID \_\_\_\_\_  
 Add Seq# \_\_\_\_\_

8b. Landowner(s)  
 New to system

Person ID \_\_\_\_\_  
 Add Seq# \_\_\_\_\_

8d. WUC  
 New to system

Person ID **40563**  
 Add Seq# \_\_\_\_\_

**RECREATIONAL FILE  
 GROUNDWATER PIT  
 ALLSTATE MO 00000**

**NO REPORT CHANGED TO REC USE**

9. Documents and Enclosure(s):  DWR Meter(s) Date to Comply: \_\_\_\_\_  N & P Date to Comply: \_\_\_\_\_

Check Valve     N & P Form     Water Tube     Driller Copy     H & E Letter

Conservation Plan    Date Required: \_\_\_\_\_    Date Approved: \_\_\_\_\_    Date to Comply: \_\_\_\_\_

10. Use Made of Water    From: **IND**    To: **REC**

Date Prepared: **5/16/2018**    By: **LI**  
 Date Entered: *6/14/2018*    By: *LCM*

File No. **47290**      11. County: **SG**      Basin: **ARKANSAS RIVER**      Stream: **NA**      Formation Code: **113**      Special Use: **NA**

12. Points of Diversion  
 T  
 MOD  
 DEL PDIV  
 ENT  
 Qualifier      S      T      R      ID      'N      'W      Comment  
 Rate and Quantity  
 Authorized  
 Rate      Quantity  
 gpm      mgy  
 Additional  
 Rate      Quantity  
 gpm      mgy  
 Overlap PD Files

**NO CHANGE**      *76505*

13. Storage: Rate \_\_\_\_\_ NF      Quantity \_\_\_\_\_ ac/ft      Additional Rate \_\_\_\_\_ NF      Additional Quantity \_\_\_\_\_ ac/ft

14. Limitation: \_\_\_\_\_ af/yr at \_\_\_\_\_ gpm ( \_\_\_\_\_ cfs) when combined with file number(s) \_\_\_\_\_  
 Limitation: \_\_\_\_\_ af/yr at \_\_\_\_\_ gpm ( \_\_\_\_\_ cfs) when combined with file number(s) \_\_\_\_\_

15. 5YR Allocation:      Allocation Type \_\_\_\_\_      Start Year \_\_\_\_\_      5 YR Amount \_\_\_\_\_      Amount Unit \_\_\_\_\_      Base Acres \_\_\_\_\_      Comment \_\_\_\_\_

16. Place of Use T MOD DEL ENT      PUSE      S      T      R      ID	NE¼				NW¼				SW¼				SE¼				Total	Owner	Chg?	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				
<i>MOD 60388 35 26 1W 3</i>	<i>117 AC SAND &amp; GRAVEL PIT (NE)</i>																<i>8a</i>	<i>YES</i>	<i>NONE</i>	

Comments      *OWNERSHIP PER DASC APPRAISAL WEBSITE - 5/16/18*

STATE OF KANSAS

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



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

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

CORNEJO & SONS INC  
PAT SHORT - DOLEASE PIT  
2060 E TULSA  
PO BOX 16204  
WICHITA KS 67216

June 4, 2018 **FILE COPY**

RE: Water Right, File No. 47,290

Dear Mr. Short:

Enclosed is the order executed by the Chief Engineer, Division of Water Resources, Kansas Department of Agriculture, approving the application for change under the above referenced file number.

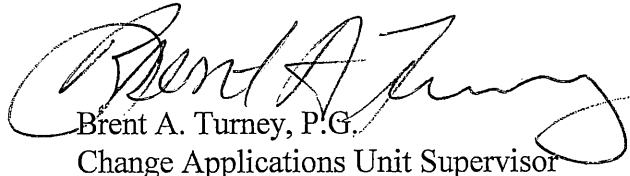
Your attention is directed to the enclosures entitled *Consent Agreement for Discontinued Pit or Quarry*. This document will allow the above referenced file, which is no longer being utilized for industrial use, to be excluded from the required annual water use report.

Since this order modifies the original document referred to above, it should be recorded with the Register of Deeds as other instruments affecting real estate.

Please be reminded that the specific conditions of the permit remain, specifically that the area around the pits shall be graded or bermed so as to exclude overflow of surface water from entering the pit.

If you have any questions, please contact Leslie Ireland, Environmental Scientist, at (785) 564-6633. 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 Applications Unit Supervisor

BAT:LI:li  
Enclosures  
pc: Stafford Field Office

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

**MEMORANDUM**

**TO:** Files

**DATE:** May 16, 2018

**FROM:** Leslie Ireland

**RE:** Water Right  
File No. 47,290

Pat Short on behalf of Cornejo & Sons, Incorporated, the owner of the referenced water right since 2013 has filed an application for change in the use made of water from industrial use evaporation, to recreational use evaporation from an inactive sand and gravel pit. The application was received on February 20, 2018. It is the second request to change the use made of water as the 2013 application was dismissed as the company determined the area could provide additional sand and gravel under its certified existing parameters. The ownership change from LaFarge North America to Cornejo & Sons Incorporated should be completed in the database.

A review of the reported water use finds that the water right is in compliance with K.S.A. 82a-732 with the recent \$4,000.00 payment for late water use reports. The groundwater pit is located in the Northwest Wichita area of the Arkansas River Basin, but is not located in a special use area. It appears all of the water rights in the immediate area are owned by the applicant. Additionally, the change is mainly clerical to exempt them from the water protection fee and annual water use report, with no physical change of the water. No notices were sent regarding the requested change.

The referenced file does not have an overlap in place of use or point of diversion. The certificate for the groundwater pit describes the geographical center of the pit to be located in the Northeast Quarter of the Southwest Quarter of the Northeast Quarter (NE $\frac{1}{4}$ SW $\frac{1}{4}$ NE $\frac{1}{4}$ ) of Section 35, approximately 3,844 feet North and 1,325 feet to the West of the Southeast corner of said Section, the place of use was described to be 117 acres in the Northeast Quarter (NE $\frac{1}{4}$ ) of Section 35, all in Township 26 South, Range 1 West, Sedgwick County, Kansas.

The certificate further stated that the 117 surface acres would remain. This area has an average annual evaporation of 1.67 acre-feet per acre resulting in a total annual evaporation of 195 acre-feet from the groundwater pit. The number of acres is not increasing and as the rate of evaporation is relatively constant year to year the consumptive use under the water right will remain unchanged. The proposed change complies with K.A.R. 5-5-3, *Change in consumptive use*, as there will be no change in the evaporative loss. While the application will not change the place of use, the approval of the change from industrial use to recreational use will comply with part (d) of K.A.R. 5-5-8, *Standards for approval of an application for a change in the place of use and change in the use made of water* and the maximum annual quantity and rate of diversion shall not increase.

The standard from, CONSENT AGREEMENT FOR DISCONTINUED PIT OF QUARRY USE was submitted with the application. The information indicates that the pit will not change again and the approval by the Water Appropriation Program Unit Head will negate the requirement of an annual water use report under the referenced file.

The transmittal letter will remind the owner that the original condition of the permit which required the area around the groundwater pit be constructed and maintained to prohibit any untreated surface drainage from entering the aquifer through the excavated pit.

Scott Carlson, Assistant Director with KDA's Division of Conservation was sent an email to inform him that the pit was changing to recreational use.

Jeff Lanterman, Water Commissioner of the Stafford Field Office reviewed the proposed change and recommended approval, as per his e-mail dated May 16, 2018.

Based on the above discussion and that the change is reasonable, that impairment to existing water rights is unlikely and that no change in the local source of supply will occur, it is recommended that the referenced application for change in use made of water be approved.

A handwritten signature in cursive script that reads "Leslie Ireland".

Leslie Ireland  
Environmental Scientist  
Water Appropriation Program

THE STATE



OF KANSAS

**KANSAS DEPARTMENT OF AGRICULTURE**  
Jackie McClaskey, Secretary of Agriculture

**DIVISION OF WATER RESOURCES**  
David W. Barfield, Chief Engineer

**APPROVAL OF APPLICATION  
FOR  
CHANGE IN USE MADE OF WATER  
WATER RIGHT  
FILE NO. 47,290**

The Chief Engineer, Division of Water Resources, Kansas Department of Agriculture, after due consideration of the written application of Pat Short on behalf of Cornejo & Sons Incorporated, 2060 E. Tulsa, PO Box 16204, Wichita, Kansas 67216, received in this office on February 20, 2018, for approval of a change in the use made of water, under the certificate of appropriation issued pursuant to the application for permit to appropriate water for beneficial use, finds that the change is reasonable and will not impair existing rights, and that the application should be and is hereby approved.

The effective date of the change shall be the date this order is executed by the Chief Engineer, after which the authorized use made of water shall be:

Recreational use,

at the authorized place of use described as:

a groundwater exposure consisting of a surface area not greater than 117 acres, with a geographic center located in the Northeast Quarter of the Southwest Quarter of the Northeast Quarter (NE $\frac{1}{4}$  SW $\frac{1}{4}$  NE $\frac{1}{4}$ ) of Section 35, approximately 3,844 feet North and 1,325 feet to the West of the Southeast corner of said Section in Township 26 South, Range 1 West, Sedgwick County, Kansas,

located substantially as shown on the topographic map accompanying the application to change the use made of water.

In all other respects, the Certificate of Appropriation issued pursuant to Approval of Application, File No. 47,290, for permit to appropriate water for beneficial use, is as stated and set forth in the Certificate of Appropriation dated January 22, 2014.

**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.









KANSAS DEPARTMENT OF AGRICULTURE  
Jackie McClaskey, Secretary of Agriculture

DIVISION OF WATER RESOURCES  
David W. Barfield, Chief Engineer

**CONSENT AGREEMENT FOR DISCONTINUED PIT OR QUARRY**

This stipulation is filed to provide information regarding annual evaporative loss from the aquifer and to free the owner from having to file annual water use reports otherwise required as a condition of the approval of the permit. This stipulation is only available when the authorized pit or quarry is no longer used for industrial purposes.

File No. 47,290

PAT SHORT

I, ~~Stephen P. Hatfield~~, for Cornejo & Sons, Inc., owner of a sand/gravel pit which is located in the NE \_\_\_\_\_, SW \_\_\_\_\_, NE \_\_\_\_\_, of Section 35, Township 26 S, Range 1 West, Sedgwick County, Kansas, hereby stipulate as follows:

1. That the pit/quarry is no longer being mined, dredged or otherwise enlarged as of 2/13/2018 (Date).
2. That the surface area of the water in the pit/quarry is 117 acres.
3. That based on the average annual evaporation and precipitation in this area, the net average annual evaporation from the pit is 1.67 acre-feet per acre.
4. That the total average annual evaporation from the pit is 195 acre-feet.
5. That based on the above information, I agree that the annual water use from this pit or quarry will be 195 acre-feet per calendar year.
6. The above information is true and correct to the best of my knowledge and belief.
7. This stipulation shall remain in effect until it is rescinded.
8. Either party may rescind this stipulation in writing between March 1 and December 31 of any calendar year.

PAT SHORT 2/13/18  
(Signature of Landowner and Date) **Water Resources Received**

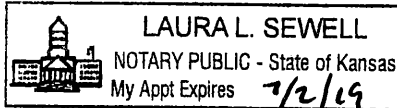
State of Kansas )  
County of Sedgwick ) SS

**FEB 20 2018**

The foregoing instrument was acknowledged before me this 13<sup>th</sup> day of February, 2018, by PAT SHORT KS Dept Of Agriculture

Laura L Sewell  
Notary Public

My Appointment Expires: 7/2/19



Submit To: CHIEF ENGINEER  
Division of Water Resources  
Kansas Department of Agriculture  
1320 Research Park Drive  
Manhattan, KS 66502  
[www.agriculture.ks.gov](http://www.agriculture.ks.gov)

**APPLICATION FOR APPROVAL TO  
CHANGE THE PLACE OF USE, THE  
POINT OF DIVERSION OR THE USE  
MADE OF THE WATER UNDER AN  
EXISTING WATER RIGHT**



State of Kansas

**Filing Fee Must Accompany the Application**  
(Please refer to Fee Schedule on signature page of application form.)

**Paragraph Nos. 1, 2, 3, 4 & 8 must be completed. Complete all other applicable portions.** A topographic map or detailed plat showing the authorized and proposed points(s) of diversion and /or place of use must accompany this application.

1. Application is hereby made for approval of the Chief Engineer to change the

- Place of Use  
 Point of Diversion  
 Use Made of Water

(Check one or more)

**Water Resources  
Received**  
**FEB 20 2018**  
**12:59**  
**KS Dept Of Agriculture**

File No. 47,290 (DOLEASE)

2. Name of applicant: CORNEJO & SONS INC. \_\_\_\_\_

Address: 2060 E TULSA PO BOX 16204

City, State and Zip: WICHITA KS 67216

Phone Number: (316) 522-4596 E-mail address: shatfield@cornejomaterials.com

What is your relationship to the water right;  owner  tenant  agent  other? If other, please explain. \_\_\_\_\_

Name of water use correspondent: SAME

Address: \_\_\_\_\_

City, State and Zip: \_\_\_\_\_

Phone Number: ( ) \_\_\_\_\_ E-mail address: \_\_\_\_\_

3. The change(s) proposed herein are desired for the following reasons (please be specific): \_\_\_\_\_

Industrial Use has ceased at this pit, need to change use made of water to REC Use.

The change(s) (was) (will be) completed by ASAP

(Date)

**For Office Use Only:**

F.O. Code 2 GMP Meets K.A.R. 5-5-1 (YES / NO) Use IND Source G/S County SG By ADW Date 2/20/18  
CWD Fee \$ 300 TR # \_\_\_\_\_ Receipt Date 2/20/18 Check # 91235

APPLICATION COMPLETE

5/16/18  
Reviewer LF

OWNERSHIP CONFIRMED -

SCANNED

Assisted by: DWS/TFO \_\_\_\_\_

3/8/2018 LLM

4. The presently authorized place of use is:

Owner of Land — NAME: CORNEJO & SONS INC

ADDRESS: 2060 E TULSA PO BOX 16204 WICHITA KS 67216

*NO change*

Sec.	Twp.	Range	NE¼				NW¼				SW¼				SE¼				TOTAL ACRES
			NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	
35	26S	1W	117 AC SAND & GRAVEL PIT (NE)																

List any other water rights that cover this place of use. NONE

Owner of Land — NAME: \_\_\_\_\_

ADDRESS: \_\_\_\_\_

Sec.	Twp.	Range	NE¼				NW¼				SW¼				SE¼				TOTAL ACRES
			NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	

List any other water rights that cover this place of use. \_\_\_\_\_

(If there are more than two landowners, attach additional sheets as necessary.)

5. It is proposed that the place of use be changed to:

Owner of Land — NAME: \_\_\_\_\_

ADDRESS: \_\_\_\_\_

Sec.	Twp.	Range	NE¼				NW¼				SW¼				SE¼				TOTAL ACRES
			NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	

List any other water rights that cover this place of use. \_\_\_\_\_

Owner of Land — NAME: \_\_\_\_\_

ADDRESS: \_\_\_\_\_

Sec.	Twp.	Range	NE¼				NW¼				SW¼				SE¼				TOTAL ACRES
			NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	

Water Resources  
Received

FEB 20 2018

List any other water rights that cover this place of use. \_\_\_\_\_

IF MORE SPACE IS NEEDED, ATTACH ADDITIONAL SHEETS AS NECESSARY

KS Dept Of Agriculture

SCANNED

- 6. The presently authorized point(s) of diversion (is) (are) GEO-CENTER OF GROUNDWATER PIT  
(Provide description and number of points)
- 7. The proposed point(s) of diversion (is) (are) GEO-CENTER OF GROUNDWATER PIT  
(Provide description and number of points)

*No change*

List all presently authorized point(s) of diversion:

8. **Presently authorized point of diversion:**  
 One in the NE Quarter of the SW Quarter of the NE Quarter of Section 35, Township 26S South, Range 1W in SEDGWICK County, Kansas, 3,844 feet North 1,325 feet West of Southeast corner of section.  
 Authorized Rate NE Authorized Quantity 195 AF  
 (DWR use only: Computer ID No. \_\_\_\_\_ GPS \_\_\_\_\_ feet North \_\_\_\_\_ feet West)  
 This point will not be changed     This point will be changed as follows:  
**Proposed point of diversion: (Complete only if change is requested)**  
 One in the \_\_\_\_\_ Quarter of the \_\_\_\_\_ Quarter of the \_\_\_\_\_ Quarter of Section \_\_\_\_\_, Township \_\_\_\_\_ South, Range \_\_\_\_\_, in \_\_\_\_\_ County, Kansas, \_\_\_\_\_ feet North \_\_\_\_\_ feet West of Southeast corner of section.  
 Proposed Rate \_\_\_\_\_ Proposed Quantity \_\_\_\_\_  
 This point is:  Additional Well     Geo Center    List other water rights that will use this point: \_\_\_\_\_

9. **Presently authorized point of diversion:**  
 One in the \_\_\_\_\_ Quarter of the \_\_\_\_\_ Quarter of the \_\_\_\_\_ Quarter of Section \_\_\_\_\_, Township \_\_\_\_\_ South, Range \_\_\_\_\_ (EW), in \_\_\_\_\_ County, Kansas, \_\_\_\_\_ feet North \_\_\_\_\_ feet West of Southeast corner of section.  
 Authorized Rate \_\_\_\_\_ Authorized Quantity \_\_\_\_\_  
 (DWR use only: Computer ID No. \_\_\_\_\_ GPS \_\_\_\_\_ feet North \_\_\_\_\_ feet West)  
 This point will not be changed     This point will be changed as follows:  
**Proposed point of diversion: (Complete only if change is requested)**  
 One in the \_\_\_\_\_ Quarter of the \_\_\_\_\_ Quarter of the \_\_\_\_\_ Quarter of Section \_\_\_\_\_, Township \_\_\_\_\_ South, Range \_\_\_\_\_ (EW), in \_\_\_\_\_ County, Kansas, \_\_\_\_\_ feet North \_\_\_\_\_ feet West of Southeast corner of section.  
 Proposed Rate \_\_\_\_\_ Proposed Quantity \_\_\_\_\_  
 This point is:  Additional Well     Geo Center    List other water rights that will use this point: \_\_\_\_\_

10. **Presently authorized point of diversion:**  
 One in the \_\_\_\_\_ Quarter of the \_\_\_\_\_ Quarter of the \_\_\_\_\_ Quarter of Section \_\_\_\_\_, Township \_\_\_\_\_ South, Range \_\_\_\_\_ (EW), in \_\_\_\_\_ County, Kansas, \_\_\_\_\_ feet North \_\_\_\_\_ feet West of Southeast corner of section.  
 Authorized Rate \_\_\_\_\_ Authorized Quantity \_\_\_\_\_  
 (DWR use only: Computer ID No. \_\_\_\_\_ GPS \_\_\_\_\_ feet North \_\_\_\_\_ feet West)  
 This point will not be changed     This point will be changed as follows:  
**Proposed point of diversion: (Complete only if change is requested)**  
 One in the \_\_\_\_\_ Quarter of the \_\_\_\_\_ Quarter of the \_\_\_\_\_ Quarter of Section \_\_\_\_\_, Township \_\_\_\_\_ South, Range \_\_\_\_\_ (EW), in \_\_\_\_\_ County, Kansas, \_\_\_\_\_ feet North \_\_\_\_\_ feet West of Southeast corner of section.  
 Proposed Rate \_\_\_\_\_ Proposed Quantity \_\_\_\_\_  
 This point is:  Additional Well     Geo Center    List other water rights that will use this point: \_\_\_\_\_

11. Describe the current condition of and future plans for any point(s) of diversion which will no longer be used. \_\_\_\_\_

NA

IF MORE SPACE IS NEEDED, ATTACH ADDITIONAL SHEETS AS NECESSARY

12. The presently authorized use of water is for INDUSTRIAL purposes.

It is proposed that the use be changed to RECREATIONAL purposes.

13. If changing the place of use and/or use made of water, describe how the consumptive use will not be increased.

Change is simply to designate that this groundwater pit is no longer active industrial use. Natural Evaporation from the exposed surface area will not increase in any way.

(Please show any calculations here.)

14. It is requested that the maximum annual quantity of water be reduced to N/A (acre-feet or million gallons).

15. It is requested that the maximum rate of diversion of water be reduced to N/A gallons per minute (     c.f.s.).

16. The application must include either a topographic map or detailed plat. A U.S. Geological Survey Topographic Map, scale 1:24,000, is available through the Kansas Geological Survey, 1930 Constant Avenue, University of Kansas, Lawrence, Kansas 66047-3726 ([www.usgs.gov](http://www.usgs.gov)). The map should show the location of the presently authorized point(s) of diversion. Distances North and West of the Southeast corner of the section must be shown. The presently authorized place of use should also be shown. Identify the center of the section, the section lines and the section corners and show the appropriate section, township, and range numbers on the map. In addition the following information must also be shown on the map.

a. If a change in the location of the point(s) of diversion is proposed, show:

- 1) The location of the proposed point(s) of diversion. Distances North and West of the Southeast corner of the section must be shown. Please be certain that the information shown on the map agrees with the information shown in Paragraph Nos. 9, 10 and 11 of the application.
- 2) If the source of supply is groundwater, please show the location of existing water wells of any kind, including domestic wells, within 1/2 mile of the proposed well or wells. Identify each well as to its use and furnish name and mailing address of the property owner or owners. If there are no wells within 1/2 mile, please indicate so on the map.
- 3) If the source of supply is surface water, the names and mailing addresses of all landowner(s) 1/2 mile downstream and 1/2 mile upstream from your property lines must be shown.

b. If a change in the place of use is desired, show the proposed place of use by crosshatching on the map. Please be certain that the information shown on the map agrees with the information shown in Paragraph No. 5 of the application.

17. Attach documentation to show the change(s) proposed herein will not impair existing water rights and relates to the same local source of supply as to which the water right relates. This information may include statements, plats, geology reports, well logs, test hole logs, and other information as necessary information to show the above. Additional comments may be made below.

ARKANSAS RIVER ALLUVIUM – SOURCE WILL NOT CHANGE.

18. If the proposed change(s) does not meet all applicable rules and regulations of the Kansas Water Appropriation Act, please identify the rules and regulations for which you request a waiver. State the reason why a waiver is needed and why the request should be granted. Attach documentation showing that granting the request will not impair existing water rights and will not prejudicially and unreasonably affect the public interest.

NA

**Water Resources  
Received**

**FEB 20 2018**

**IF MORE SPACE IS NEEDED, ATTACH ADDITIONAL SHEETS AS NECESSARY**

**KS Dept Of Agriculture**

**SCANNED**

Any use of water that is not as authorized by the water right or permit to authorize water **before** the chief engineer approves this application is a violation of the Kansas Water Appropriation Act for which criminal or civil penalties may be assessed. Such violation is a class C misdemeanor, punishable by a fine not to exceed \$500 and/or a term of confinement not to exceed one month in the county jail. K.S.A. 82a-728(b). Civil penalties shall be not less than \$100 nor more than \$1,000 per violation. In the case of a continuing violation, each day such violation continues may be deemed a separate violation. In addition to these penalties the water right may be modified or suspended. K.S.A. 82a-737, as amended.

**The application must be signed by all owners of the place of use authorized under the water right and his or her spouse, if married. Please indicate if there is no spouse.** If land is being purchased under contract, the seller must sign as landowner until such time as the contract is completed.

In the event that all applicants cannot appear before one notary public, they may as necessary sign separate copies of the application before any notary public conveniently available to them. All copies signed in this manner shall be considered to be valid parts of the application.

If the request is signed on behalf of any Owner by someone with legal authority to do so (for example, an agent, one who has power of attorney, or an executor, executrix, conservator), it will be necessary to attach proper documents showing such authority.

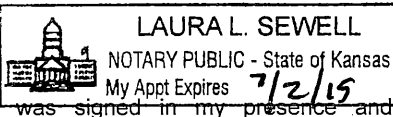
**I declare that I am an owner of the currently authorized place of use as identified herein, or that I represent all such owners and am authorized to make this application on their behalf, and declare further that the statements contained herein are true, correct, and complete. By filing this application I authorize the chief engineer to permanently reduce the quantity of water and/or rate of diversion as specified in sections 14 and 15 of this application.**

Dated at Wichita, Kansas, this 13<sup>th</sup> day of February, 2018.

Pat Short  
 (Owner)  
PAT SHORT  
 (Please Print)  
 \_\_\_\_\_  
 (Owner)  
 \_\_\_\_\_  
 (Please Print)  
 \_\_\_\_\_  
 (Owner)  
 \_\_\_\_\_  
 (Please Print)

\_\_\_\_\_  
 (Spouse)  
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 (Please Print)  
 \_\_\_\_\_  
 (Spouse)  
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 (Please Print)  
 \_\_\_\_\_  
 (Spouse)  
 \_\_\_\_\_  
 (Please Print)

State of Kansas }  
County of Sedgewick } SS



I hereby certify that the foregoing application was signed in my presence and sworn to before me this 13<sup>th</sup> day of February, 2018.

Laura L. Sewell  
Notary Public

My Commission Expires 7/2/19

**FEE SCHEDULE**

Each application to change the place of use, the point of diversion or the use made of the water under this section shall be accompanied by the application fee set forth in the schedule below:

- (1) Application to change a point of diversion 300 feet or less . . . . . \$100
- (2) Application to change a point of diversion more than 300 feet . . . . . \$200
- (3) Application to change the place of use . . . . . \$200
- (4) Application to change the use made of the water . . . . . \$300

Make check payable to **Kansas Department of Agriculture.**

AMOUNT STATISTICS REPORT FOR POINTS OF DIVERSION UNDER A 47290 00

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AMOUNT STATISTICS REPORT FOR POINTS OF DIVERSION UNDER A 47290 00 IND

Water Right and Points of Diversion Within 1.25 miles of point defined as:

3844 Feet North and 1325 Feet West of the Southeast Corner of Section 35 T 26S R 1W

Both SURFACE WATER and GROUNDWATER

File Number	Use	ST	SR	Dist (ft)	Q4	Q3	Q2	Q1	FeetN	FeetW	Sec	Twp	Rng	ID	Batt	Auth_Quan	Add_Quan	Unit
A_ 40830	00	REC	NK	G	6275	--	SE	NW	SE	1400	1600	27	26	1W	2	99.00	99.00	AF
A_ 43765	00	REC	NK	G	2423	--	SE	NW	SE	1424	1436	35	26	1W	3	243.00	243.00	AF
A_ 43766	00	REC	NK	G	2602	--	NC	NW		4000	3960	36	26	1W	5	70.00	70.00	AF
A_ 43964	00	REC	NK	G	2743	--	NW	NW	SW	2100	4600	36	26	1W	6	50.00	50.00	AF
A_ 47241	00	IND	KE	G	5480	--	SW	NE	NW	4310	3780	2	27	1W	7	46.41	46.41	AF
A_ 47290	00	IND	NK	G*	0	--	NE	SW	NE	3844	1325	35	26	1W	5	195.00	195.00	AF
A_ 47424	00	REC	MM	G	6534	--	NE	SW	SE	759	1781	34	26	1W	382	46.67	46.67	AF
A_ 47547	00	REC	NK	G	2118	--	NW	SE	NW	3904	3442	35	26	1W	6	117.00	117.00	AF
A_ 47635	D1	IND	KE	G	5480	--	SW	NE	NW	4310	3780	2	27	1W	7	5.00	5.00	AF
A_ 47635	D2	IND	GY	G*	3496	--	NW	SE	SW	1275	3696	35	26	1W	4	125.00	125.00	AF
A_ 48069	00	IND	GY	G	5480	--	SW	NE	NW	4310	3780	2	27	1W	7	12.30	12.30	AF
A_ 49109	00	REC	KE	G	6117	--	SW	NW	NE	4781	2089	34	26	1W	383	5.83	5.83	AF
A_ 49572	00	IND	GY	G	5480	--	SW	NE	NW	4310	3780	2	27	1W	7	6.28	6.28	AF
A_ 49868	00	IND	AY	G	3350	--	SW	NE	SW	1586	3800	35	26	1W	8	78.30	78.30	AF
A_ 49995	00	IND	AY	G	3350	--	SW	NE	SW	1586	3800	35	26	1W	8	203.30	203.30	AF
T_ 979078	00	CON	II	G	5523	--	NW	NE	NE	5070	1140	36	26	1W	4	645.18	645.18	AF
T_ 999022	00	HYD	GY	G	2897	--	NC	W2		2640	3960	35	26	1W	2	5869.00	5869.00	AF
T_ 999022	PT	IND	GY	G	2897	--	NC	W2		2640	3960	35	26	1W	2	.00	.00	AF
P_ 20180055	00	DEW	GY	G	4884	--	NE	NE	NW	4620	2995	2	27	1W	14	122.76	122.76	AF

*COURT ISSUES*

Total Net Quantities Authorized:	Direct	Storage
Total Requested Amount (AF) =	281.60	.00
Total Permitted Amount (AF) =	6837.76	.00
Total Inspected Amount (AF) =	.00	.00
Total Pro_Cert Amount (AF) =	46.67	.00
Total Certified Amount (AF) =	774.00	.00
Total Vested Amount (AF) =	.00	.00
TOTAL AMOUNT (AF) =	7940.03	.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 1.25 miles of point defined as:

3844 Feet North and 1325 Feet West of the Southeast Corner of Section 35 T 26S R 1W

Both SURFACE WATER and GROUNDWATER

WATER USE CORRESPONDENTS:

File Number	Use	ST	SR
A_ 40830	00	REC	NK
> RECREATIONAL FILE			
>			
> GROUNDWATER PIT			
> ALLSTATE MO 00000			

WATER RIGHT INFORMATION REPORT FOR : 47290 00

RIGHT TYPE: Appropriation

SOURCE: Groundwater USE: IND

CURRENT STATUS: Certificate Issued

PRIORITY DATE: 27-APR-09

CURRENT COMPLETE BY DATE: 31-DEC-16

COMPLETION ACKNOWLEDGED DATE: 09-SEP-11

CURRENT PERFECT BY DATE: 31-DEC-32

YEAR PERFECTED:

CERTIFICATE ISSUED DATE: 22-JAN-14

::::::::::::::::::

APPLICANT(S):

> LAFARGE NORTH AMERICA ENVIRONMENTAL DIRECTOR 8700 W BRYN MAWR AVE SUITE 3005 CHICAGO IL 60631

> PERSON ID (Old Address Code): 36827

> CORRESPONDENT SEQUENCE NUMBER: 5

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WATER USE CORRESPONDENT(S):

> CORNEJO & SONS INC 2060 E TULSA PO BOX 16204 WICHITA KS 67216

> PERSON ID (Old Address Code): 38760

> CORRESPONDENT SEQUENCE NUMBER: 1

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ACTION TRAIL:

- 27-APR-09 Pending Initial Review
- 30-APR-09 New Application Initial Review Began
- 11-FEB-10 New Application Returned For Additional Data
- 29-OCT-10 New Application Returned For Additional Data
- 15-JUN-11 New App Suspended For Comments From Field Office
- 28-JUN-11 Pending Final Action (Non Chief Engineer)
- 29-JUN-11 Approved Pending Completion N+P BY 31-DEC-16 PERF BY 31-DEC-32
- 09-SEP-11 Completed Pending Inspection
- 05-JUN-13 C1 Change App Umw Filed
- 22-JUL-13 Inspected Pending Perfection
- 22-JUL-13 Compliance Check/In Comp
- 15-NOV-13 Proposed Certificate
- 22-JAN-14 Certificate Issued
- 22-JAN-14 Record Yr 2012: Ne Max & Norm
- 22-JAN-14 Wur From Lafarge To Conejo & Sons Llc
- 22-JAN-14 Landowner Chg - Cornejo & Sons Llc
- 09-MAR-15 C1 Change Umw Dismissed
- 09-MAR-15 F & O - Change App Umw Dismissed
- 20-FEB-18 C2 Change App Umw Filed

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CONSERVATION CONTRACT ACTION TRAIL:

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CONSERVATION PLAN ACTION TRAIL:

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SPECIAL CONDITIONS:

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QUANTITIES:

>AUTHORIZED 195.000 AF ADDITIONAL 195.000 AF



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RATES:

>AUTHORIZED .000 NE ADDITIONAL .000 NE

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LIMITATIONS: None

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STORAGE QUANTITIES: No active storage quantities associated with IND use under this water right

STORAGE RATES: No active storage rates associated with IND use under this water right

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AUTHORIZED POINTS(S) OF DIVERSION

Section 35, T 26, R 1W, ID 5 (Internal PDIV\_ID = 76505)

QUALIFIERS: NE SW NE

DIST. FROM SE CORNER: 3844 ft North 1325 ft West

NUMBER OF WELLS: 1

COMMENT:

OLD LONGITUDE: OLD LATITUDE:

NEW LONGITUDE: 97.393971 NEW LATITUDE: 37.748471

GPS LONGITUDE: GPS LATITUDE:

GPS FEET NORTH: GPS FEET WEST:

COUNTY: SEDGWICK

FIELD OFFICE: STAFFORD FIELD OFFICE

GMD :

BASIN: ARKANSAS RIVER

STREAM:

SPECIAL\_USE\_AREA(S):

AQUIFER(S):

> MAIN STEM ALLUVIUM

TEST INFORMATION:

> 22-JUL-13 NE Field Inspection Test

METER ACTION TRAIL:

OVERLAPS:

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AUTHORIZED PLACE(S) OF USE

Section 35, T 26, R 1W, ID 3 (Internal PUSE\_ID = 60388)

OWNER: LAFARGE NORTH AMERICA

Address: ENVIRONMENTAL DIRECTOR

\*\* 8700 W BRYN MAWR AVE SUITE 3005

\*\* CHICAGO IL 60631

COMMENT: 117 AC SAND & GRAVEL PIT (NE)

OVERLAPS:

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WATER USE INFORMATION:

Year	Qualifiers	SC	ID	Date Rcvd	Hours	GPM	Acre-feet	Code	Ac_Irr	Date Msrd	Wtr_Dp	Well_Dp	Reel	Blip
2017	3844N	1325W	35	5 19-APR-18		3	N/A		N/A	N/A	3	1861		
2016	3844N	1325W	35	5 21-FEB-17		3	N/A		N/A	N/A	98	1067		
2015	3844N	1325W	35	5 18-FEB-16		3	N/A		N/A	N/A	94	1629		
2014	3844N	1325W	35	5 06-FEB-15		5	N/A		N/A	N/A	90	1210		
2013	3844N	1325W	35	5 27-FEB-14			N/A		N/A	N/A				
2012	3844N	1325W	35	5 28-JAN-13		5	N/A		N/A	N/A	81	764		
2011	3844N	1325W	35	5 01-MAR-12		5	N/A		N/A	N/A	75	417		

DOLEASE PIT

KANSAS DEPARTMENT OF AGRICULTURE  
Jackie McClaskey, Acting Secretary of Agriculture

DIVISION OF WATER RESOURCES  
David W. Barfield, Chief Engineer

## CERTIFICATE OF APPROPRIATION FOR BENEFICIAL USE OF WATER

WATER RIGHT, File No. 47,290

PRIORITY DATE April 27, 2009

WHEREAS, It has been determined by the undersigned that construction of the appropriation diversion works has been completed, that water has been used for beneficial purposes and that the appropriation right has been perfected, all in conformity with the conditions of approval of the application pursuant to the water right referred to above and in conformity with the laws of the State of Kansas.

NOW, THEREFORE, Be It Known that DAVID W. BARFIELD, the duly appointed, qualified and acting Chief Engineer of the Division of Water Resources of the Kansas Department of Agriculture, by authority of the laws of the State of Kansas, and particularly K.S.A. 82a-714, does hereby certify that, subject to vested rights and prior appropriation rights, the appropriator is entitled to make use of groundwater to be withdrawn by means of a groundwater pit with the geographic center located in the Northeast Quarter of the Southwest Quarter of the Northeast Quarter (NE $\frac{1}{4}$  SW $\frac{1}{4}$  NE $\frac{1}{4}$ ) of Section 35, more particularly described as being near a point **3,344** feet North and **1,323** feet West of the Southeast corner of said section, in Township 26 South, Range 1 West, Sedgwick County, Kansas, at a diversion rate of **natural evaporation** and a quantity not to exceed **195 acre-feet** of water per calendar year for **industrial use** in a groundwater pit with a surface area of 117 acres located in the Northeast Quarter (NE $\frac{1}{4}$ ) of Section 35, Township 26 South, Range 1 West, Sedgwick County, Kansas

(over)

Water Resources  
Received

FEB 20 2018

KS Dept Of Agriculture

SCANNED



Topeka Field Office  
6531 SE Forbes Ave., Suite B  
Topeka, Kansas 66619  
Jackie McClaskey, Secretary  
David W. Barfield, Chief Engineer  
Katherine A. Tietsort, Water Commissioner

Phone: (785) 296-5733  
Fax: (785) 296-8298  
www.agriculture.ks.gov  
Sam Brownback, Governor

January 11, 2018

CORNEJO & SONS INC  
2060 E TULSA  
PO BOX 16204  
WICHITA KS 67216

Water Resources  
Received

FEB 20 2018

KS Dept Of Agriculture

RE: Change in Use Made of Water, File No. 47,290

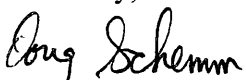
Dear Mr. Hatfield:

Enclosed is a Change Application to change the use made of water at the groundwater pit authorized by the above referenced file, from Industrial Use to Recreational Use. The filing fee is \$300. The application must be signed and notarized. In addition, the enclosed "Consent Agreement" must also be signed and notarized. Please submit the filing fee and signed documents to:

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

You may contact me at (785) 296-3495, for any additional assistance or if you have any further questions.

Sincerely,

  
Douglas Schemm  
Environmental Scientist  
Topeka Field Office

Enclosures

SCANNED

**Ireland, Leslie [KDA]**

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**From:** Lanterman, Jeff [KDA]  
**Sent:** Wednesday, May 16, 2018 12:52 PM  
**To:** Ireland, Leslie [KDA]  
**Cc:** Conant, Cameron [KDA]  
**Subject:** FW: Recommendation for Change in UMW File No. 47290 sandPit \_2 rec Cornejo  
**Attachments:** 47290\_umw\_sandPit \_2\_0.doc

Leslie. I recommend approval!

Too nice to be indoors today!

Jeff

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**From:** Conant, Cameron [KDA]  
**Sent:** Wednesday, May 16, 2018 12:50 PM  
**To:** Lanterman, Jeff [KDA] <Jeff.Lanterman@ks.gov>  
**Subject:** FW: Recommendation for Change in UMW File No. 47290 sandPit \_2 rec Cornejo

Jeff, this is stating they are done with the sand/gravel operation and have exposed 117 acres in the NE¼. I measured the pit at ~114 acres, I'm sure it can fluctuate a little bit depending on the date of the aerial photo.

This looks good to go to change from IND to REC.

Please pass on to Leslie if you agree.

Cameron

---

**From:** Ireland, Leslie [KDA]  
**Sent:** Wednesday, May 16, 2018 12:31 PM  
**To:** Lanterman, Jeff [KDA] <Jeff.Lanterman@ks.gov>; Conant, Cameron [KDA] <Cameron.Conant@ks.gov>  
**Subject:** Recommendation for Change in UMW File No. 47290 sandPit \_2 rec Cornejo

Jeff,

Please let me know if you could recommend this change that will suspend the need for a water use report when the right is changed to recreational use.

As always any comments or concerns are welcome.

Leslie Ireland, Environmental Scientist II  
Kansas Department of Agriculture  
Division of Water Resources - Change Unit  
(785) 564-6633  
[Leslie.Ireland@ks.gov](mailto:Leslie.Ireland@ks.gov)  
[www.agriculture.ks.gov](http://www.agriculture.ks.gov)

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



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

Secretary Jackie McClaskey

Governor Jeff Colyer, M.D.

CORNEJO & SONS INC  
PO BOX 16204  
WICHITA, KS 67216

February 28, 2018

RE: File No 47290

Dear Sir or Madam:

An application for approval of the Chief Engineer to change the following condition or conditions of the file number referred to above has been received:

- place of use UMW
- point of diversion
- use made of water

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. You will be contacted regarding this application as soon as it has been examined.

In accordance with the provisions of the Kansas Water Appropriation Act, a portion of which is included below, the use of water prior to approval of the application is unlawful. You should not proceed and divert water as indicated by your plans in your application for a change for this file until you receive approval for this change from the Chief Engineer. 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.

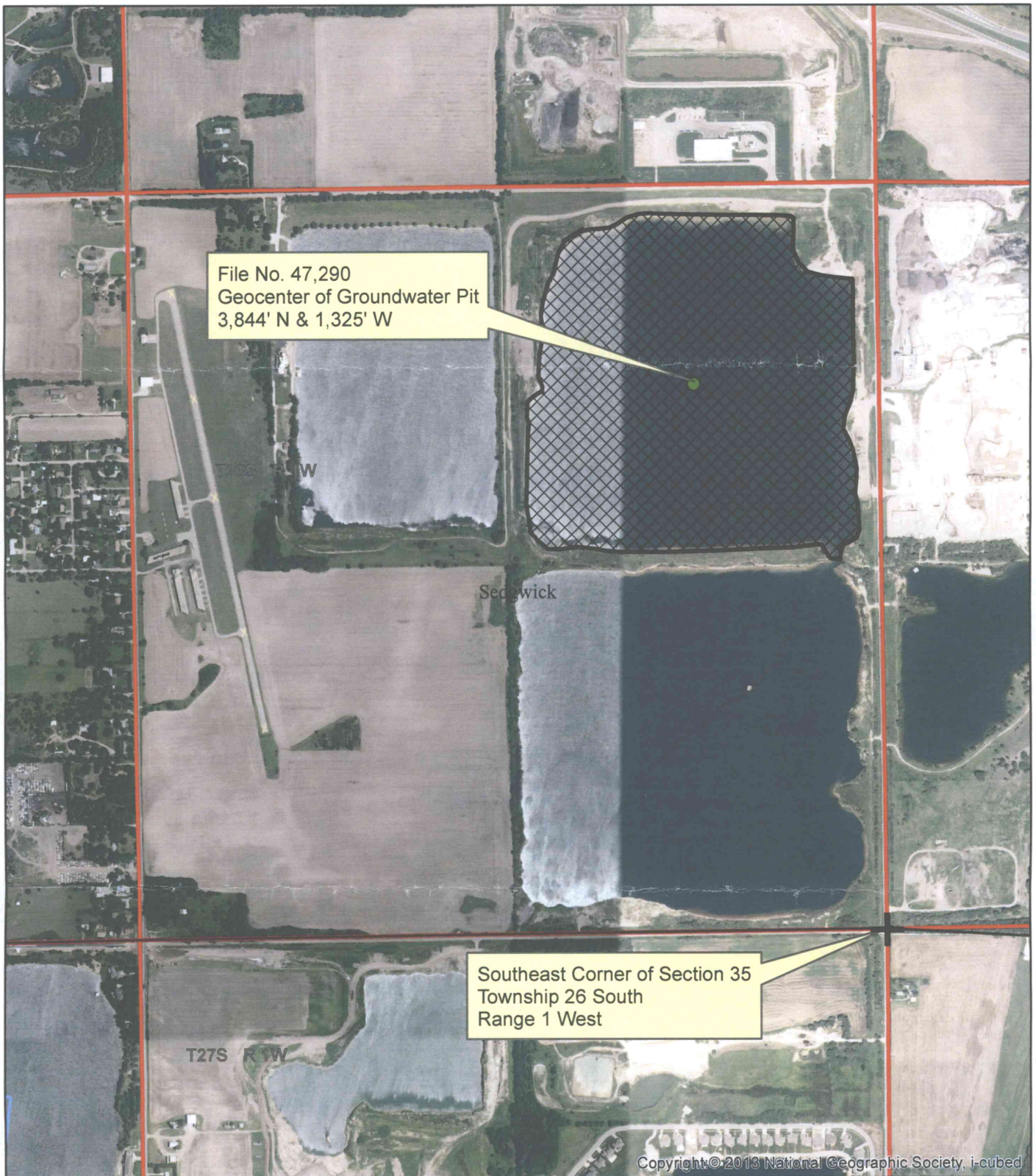
Sincerely,

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

Brent Tourney, L.G.  
Change Applications Unit Supervisor  
Water Appropriation Program

BAT: DLW  
pc: STAFFORD Field Office GMD

CORNEJO & SONS INC  
FILE NO. 47,290 - SITE MAP



File No. 47,290  
Geocenter of Groundwater Pit  
3,844' N & 1,325' W

Southeast Corner of Section 35  
Township 26 South  
Range 1 West

Copyright © 2013 National Geographic Society, i-cubed

1:12,000

● Point of Diversion



Place of Use

Water Resources  
Received

FEB 20 2018

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KS Dept Of Agriculture