

# NOTICE

This scan only represents the application as filed. The information contained herein meets the requirements of K.A.R. 5-3-1 or K.A.R. 5-5-1, and has been found acceptable for filing in the office of the Chief Engineer. The application should not be considered to be a complete application as per K.A.R. 5-3-1b or K.A.R. 5-5-2a.

SEP 03 2020  
12:29



Submit To: CHIEF ENGINEER  
Division of Water Resources  
Kansas Department of Agriculture  
1320 Research Park Drive  
Manhattan, Kansas 66502  
<http://agriculture.ks.gov/dwr>

**APPLICATION FOR TERM PERMIT**

- GROUNDWATER  
 SURFACE WATER  
(check one)

**20209066**

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

1. Applicant: (Please print or type)  
Name Pratt County Kansas  
Street 300 S. Ninnescah - P.O. Box 885  
City and State Pratt, KS  
Zip Code 67124 Telephone No. (620) 672-4110  
E-Mail Address lvoss@prattcounty.org  
Social Security I.D. No. \_\_\_\_\_  
and/or Taxpayer I.D. No. 48-6006708

2. Location of Point of Diversion:  
Sec. 35, Twp. 28, Rng. 14, (E/W) Pratt County, Kansas.

Distance from Southeast Corner of Section:  
± 40 feet North from Southeast Corner  
± 3630 feet West from Southeast Corner

NOTE: If point of diversion is not site specific (i.e. groundwater pit) show the approximate geographic center.

3. Water Use Data:  
Proposed Max. Pumping Rate (gpm) 500  
Amount Requested (acre-feet) 1.534 per calendar year  
Depth of Well (feet) 165  
Date (completed) (will be completed) May 31, 2018 (existing well)  
Drainage Basin South Fork Ninnescah River  
Name of Stream \_\_\_\_\_

4. Water is to be used for (briefly describe proposed use and explain the rate and quantity requested):  
Fire Protection (fill water tankers in a timely manner)

5. Location of place of use:  
Pratt County and surrounding areas to protect mutual interests in bordering counties

6. Period of use:  
Commencing date: September 1, 2020  
Ending Date: September 1, 2040 Also enter on Item 12

If off-stream pit, check here   
Will pit floor intersect water table? Yes  No

7. Location of the proposed point of diversion and those of other water users within 1/2 mile shall be indicated on the diagram to the lower-left, scale 1 inch = 2,000 feet. If surface water, indicate on the diagram the course of the stream, and its name. List other D.W.R. permit numbers that cover the requested point(s) of diversion or place of use here:  
See attached map (20189028 PD)

**FEE SCHEDULE**

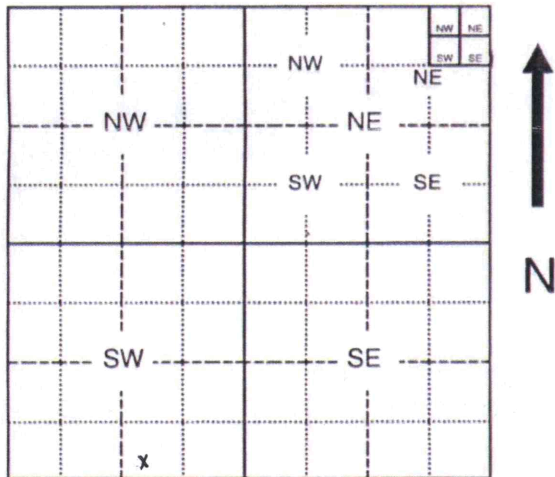
1. The filing fee for an application is based on the maximum amount of water use proposed within a year. Except for storage, the fee is:
- | Acre-feet     | Fee      |
|---------------|----------|
| 0-100         | \$200.00 |
| 101-320       | \$300.00 |
| More than 320 | \$300.00 |
- plus \$20 for each additional 100 acre-feet or any part thereof.
2. The fee for an application in which storage is requested, is:
- | Acre-feet     | Fee      |
|---------------|----------|
| 0-250         | \$200.00 |
| More than 250 | \$200.00 |
- plus \$20.00 for each additional 250 acre-feet of storage or any part thereof.

9/3/2020  
KJN

- NOTE: If an application requests both direct use and storage, the fee charged shall be as determined under No. 1 or No. 2 above, whichever is greater, but not both fees.
3. A request for an extension of time to extend the term of a term permit shall be accompanied by a fee of \$100.00.
4. There is a separate application form for domestic use. Do not use this form for domestic use.

**CONVERSION FACTORS**

1 acre-foot equals 325,851 gallons  
1 million gallons equal 3.07 acre-feet



Assisted by \_\_\_\_\_

For Office Use Only:  
F.O. 2 GMD 5 Meets K.A.R. 5-3-1 (YES/NO) Use IND Source G/S County PR By KJN Date 9/3/2020  
Code TRP Fee \$ 200.00 TR # \_\_\_\_\_ Receipt Date 9/3/2020 Check # 91309

8. For groundwater use, list below all wells within 1/2 mile of the proposed well, and plot locations upon the diagram on reverse side. If additional space is needed, attach a map.

Other wells - See attached map and well ownership attachment

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Well A Owner(s): \_\_\_\_\_  
Address: \_\_\_\_\_

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Well B Owner(s): \_\_\_\_\_  
Address: \_\_\_\_\_

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9. For surface water use, list below the names and addresses of all landowners from a point 1/2 mile upstream to a point 1/2 mile downstream of the tract of land upon which the point of diversion is located. If additional space is needed, attach sheet.

Tract A Owner(s): \_\_\_\_\_  
Address: \_\_\_\_\_

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

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

Deville Ray Browning and Melinda Browning; Norma Lee Perkins and Harold R. Perkins; Patricia Kay Hatfield  
(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 \_\_\_\_\_, 20\_\_\_\_. \_\_\_\_\_  
Applicant's Signature

The applicant must provide the required information or signature irrespective of whether they are the landowner. Failure to complete this portion of the application will cause it to be unacceptable for filing and the application will be returned to the applicant.

11. The applicant states that the information set hereon is true and accurate to the best of his/her knowledge.

12. The applicant agrees to waive any right to a hearing on the matter of abandonment of this appropriation right and further agrees that this appropriation right may be dismissed and terminated upon completion of the proposed project, said dismissal date to be on September 1, 2040 or within any extension of time authorized by the Chief Engineer, Division of Water Resources, Kansas Department of Agriculture.

13. The applicant agrees to provide water to nearby water users, at no charge to said users, should their rights to use water become impaired by the project proposed by this application.

14. Water use contact person (in event emergency contact is needed):

Name: County Clerk Telephone No. (785) 672-4110

\_\_\_\_\_  
Signature of Applicant or \_\_\_\_\_  
Authorized Representative Date 9/1/2020

\_\_\_\_\_  
Applicant's Name Printed Tyson Eisenhower, Pratt County Counselor  
Title

**DO NOT WRITE BELOW THIS LINE**

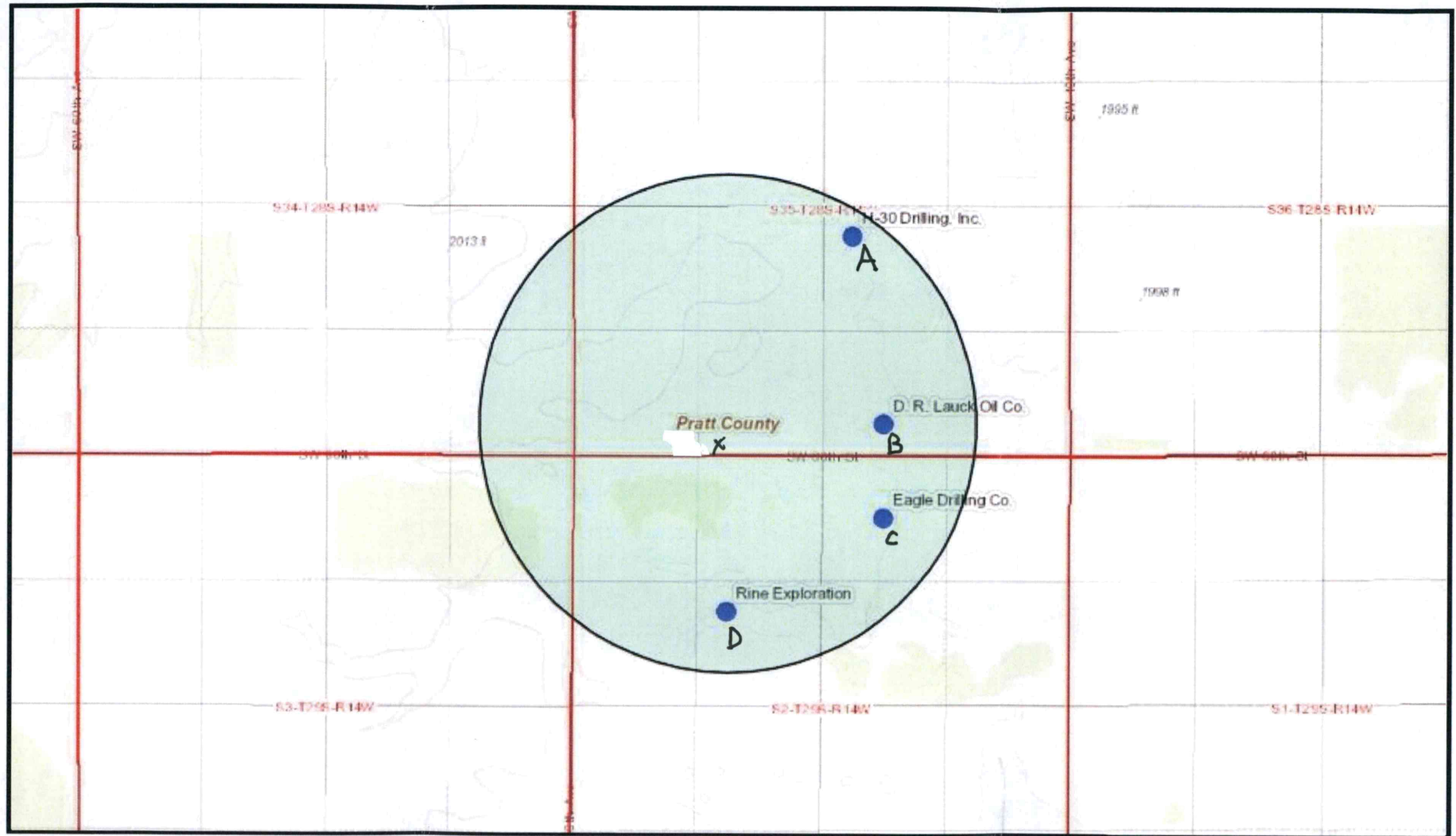
**CONDITIONS OF APPROVAL:**

The applicant shall maintain accurate and complete records from which the quantity of water diverted during each calendar year may be readily determined. Accurate and complete records shall be furnished to the Chief Engineer by March 1 following the end of each calendar year. Failure to file the annual water use report by the due date, shall cause the applicant to be subject to a civil penalty.

The use of water herein authorized shall not be made so as to impair any use under existing water rights nor prejudicially and unreasonably affect the public interest.

The Chief Engineer specifically retains jurisdiction in this matter with authority to make such reasonable reductions in the approved rate of diversion and quantity authorized, and such changes in other terms, conditions, and limitation set forth in this approval and permit to proceed as may be deemed to be in the public interest.

# Map for Term Permit Application (Pratt County)



## WWC5 Water Wells

- Constructed
- Reconstructed
- Plugged

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8/24/2020

<https://maps.kgs.ku.edu/wwc5>

## WELL OWNERSHIP ATTACHMENT

- A.** H-30 Drilling, Inc.  
c/o Dean Britting  
13735 E. Pinnacle Dr.  
Wichita, KS 67230
- B.** D.R. Lauck Oil Co., Inc.  
c/o James L. Knightley  
344 S. Laura St.  
Wichita, KS 67211  
**Note:** The Kansas Secretary of State's business database shows that D.R. Lauck Oil Co., Inc., was dissolved as of September 18, 2018.
- C.** Eagle Drilling Co.  
3500 N. Rock Rd., Building 800-A  
Wichita, KS 67226  
**Note:** The Kansas Secretary of State's business database shows that Eagle Drilling Inc., was forfeited as of January 15, 1999.
- D.** Rine Exploration Co.  
c/o W.D. Hess  
300 W. Douglas, Suite 645  
Wichita, KS 67202  
**Note:** The Kansas Secretary of State's business database shows that (1) Rine Exploration Co., merged with Rine Drilling Co., in May 1991, (2) Rine Drilling Co., changed its name to Rine Drilling and Exploration, Inc., in June 1991, and (3) Rine Drilling and Exploration, Inc., was forfeited as of July 15, 2002.

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# EASEMENT AGREEMENT

(Providing access to, control over, and use of water well)

This Easement Agreement is entered into on this 1<sup>st</sup> day of August, 2020, by and between Orville Ray Browning and Melinda Browning, husband and wife, Norma Lee Perkins and Harold R. Perkins, wife and husband, and Patricia Kay Hatfield, a single woman, as Grantors, and the Board of County Commissioners of Pratt County, Kansas, as Grantee.

**WHEREAS**, pursuant to various agreements recorded with the Register of Deeds Office of Pratt County, Kansas, and approval by the Kansas Division of Water Resources, Blattner Energy Inc. (on behalf of Pratt Wind, LLC), drilled a water well in the Southwest Quarter (SW/4) of Section Thirty-five (35), Township Twenty-eight (28) South, Range Fourteen (14) West of the 6<sup>th</sup> P.M., Pratt County, Kansas (hereafter “the Property”);

**WHEREAS**, the above-referenced water well is no longer in use and Pratt County, desires to use said water well for rural fire protection;

**WHEREAS**, in order to use the above-referenced water well, the Kansas Division of Water Resources requires that Pratt County complete an application for term permit and provide legal evidence of access to, or control of, said water well;

**WHEREAS**, Pratt Wind, LLC, intends to execute a bill of sale transferring the above-referenced water well to Pratt County;

**WHEREAS**, through this Easement Agreement, Grantors and Grantee desire to confirm Grantee’s authority to access the Property, control the above-referenced water well, and use said water well for rural fire protection.

**NOW, THEREFORE**, for good and valuable consideration, the receipt and adequacy of which are hereby acknowledged, Grantors hereby convey to Grantee, the right to access the Property, to control the above-referenced water well, and to use said water well for rural fire protection.

The rights conveyed in this Easement Agreement shall be covenants running with the Property, and this Easement Agreement shall be binding upon Grantors’ heirs, successors and assigns.

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Register of Deeds Pratt County, Kansas  
Sherry L. Wenrich  
Book: 496 Page: 419-422  
Receipt #: 32353 Total Fees: \$72.00  
Pages Recorded: 4  
Date Recorded: 8/25/2020 10:00:26 AM

EXECUTED on the date set forth below.

Orville Ray Browning  
Orville Ray Browning

Melinda Browning  
Melinda Browning

**ACKNOWLEDGEMENT**

STATE OF KS )  
COUNTY OF Reno ) ss:

This instrument was acknowledged before me on August 1st, 2020, by Orville Ray Browning and Melinda Browning, husband and wife.

(notary seal)



[Signature]  
Notary Public

*(Additional Signature Pages Follow)*

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## BILL OF SALE

Pratt Wind, LLC, a Delaware limited liability company whose mailing address is 700 Universe Blvd., Juno Beach, FL 33408 ("Pratt") does hereby sell, transfer, convey and deliver to the Pratt County Board of County Commission, whose mailing address is 300 S. Ninnescah, Pratt, KS 67124 ("County") for the sum of \$10.00 and other good and valuable consideration, the receipt and adequacy of which are hereby acknowledged, and for the following mutual covenants of the parties, all of the personal property and equipment associated with the water well located in the Southeast Quarter of the Southwest Quarter (SE¼ SW¼) of Section 35, Township 28 South, Range 14 West of the 6<sup>th</sup> P.M., Pratt County, Kansas (collectively, the "Equipment").

Pratt agrees that from the date this Bill of Sale is delivered, neither it nor any of its employees, contractors, agents or representatives will attempt to contact, control, connect to, work on, operate or maintain the Equipment. Pratt hereby further delivers and assigns to County all contracts, documents, agreements, material receipts, instruction manuals and warranties that Pratt is entitled to for or in connection with the Equipment.

Pratt affirms and warrants that all payments due to material suppliers, contractors, laborers, or other persons furnishing materials or services for the Equipment have been paid in full and there are no outstanding balances of amounts due. Pratt will indemnify County and hold County harmless from any claims of material suppliers, contractors, laborers and other persons furnishing materials or services in connection with the Equipment.

EXCEPT AS OTHERWISE PROVIDED IN THE PREVIOUS PARAGRAPHS OF THIS BILL OF SALE, PRATT DOES NOT MAKE AND EXPRESSLY DISCLAIMS ANY AND ALL WARRANTIES, WHETHER WRITTEN OR ORAL, EXPRESS OR IMPLIED BY LAW. COUNTY ACKNOWLEDGES AND AGREES THAT EXCEPT AS ABOVE STATED, PRATT HAS NOT MADE, DOES NOT MAKE AND SPECIFICALLY NEGATES AND DISCLAIMS ANY REPRESENTATIONS, WARRANTIES, PROMISES, COVENANTS, AGREEMENTS OR GUARANTIES OF ANY KIND OR CHARACTER WHATSOEVER, WHETHER EXPRESS OR IMPLIED, ORAL OR WRITTEN, PAST, PRESENT OR FUTURE, OF, AS TO, CONCERNING, OR WITH RESPECT TO (A) THE VALUE, NATURE, QUALITY, OR CONDITION OF THE EQUIPMENT, (B) THE SUITABILITY OF THE EQUIPMENT FOR ANY AND ALL ACTIVITIES AND USES, (C) THE COMPLIANCE OF OR BY THE EQUIPMENT OR ITS OPERATION WITH ANY LAWS, RULES, ORDINANCES OR REGULATIONS OF ANY APPLICABLE GOVERNMENTAL AUTHORITY OR BODY, (D) THE MERCHANTABILITY, MARKETABILITY, PROFITABILITY OR FITNESS FOR A PARTICULAR PURPOSE OF THE EQUIPMENT, AND (E) THE MANNER OR QUALITY OF THE CONSTRUCTION OR MATERIALS, IF ANY, INCORPORATED INTO OR IN CONNECTION WITH THE EQUIPMENT. IN ADDITION, ANY DOCUMENTS PROVIDED HEREUNDER BY PRATT ARE FOR INFORMATIONAL PURPOSES ONLY, AND PROVIDED "AS-IS" AND PRATT DISCLAIMS ANY AND ALL WARRANTIES, WHETHER EXPRESS OR IMPLIED BY LAW, AND MAKES NO WARRANTY OR REPRESENTATION, WHETHER EXPRESS OR

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IMPLIED, WITH REGARD TO THE ACCURACY OR COMPLETENESS OF ANY SUCH DOCUMENTS OR INFORMATION PROVIDED BY PRATT HEREUNDER.

No modification of this Bill of Sale is binding upon either party, or its successors or assigns, unless it is in writing, signed and dated by a duly authorized representative of each party. Both Pratt and County and their respective signatories represent and warrant that they are authorized to enter into and duly sign and acknowledge this instrument and convey and grant the interests conveyed and granted by this instrument. Pratt and County may execute this Bill of Sale in counterparts, each counterpart of which shall constitute an original and all of which, when taken together, shall constitute one and the same instrument.

[Signatures on Next Pages]

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This instrument is dated and is effective as of this 7 day of August, 2020.

**Pratt:**

Pratt Wind, LLC,  
a Delaware limited liability company


By:

  
\_\_\_\_\_  
Kristin Longenecker Rose  
Assistant Vice President


**County:**

Pratt County Board of County Commission


By:

  
\_\_\_\_\_  
Tom Jones, District #1

By:

  
\_\_\_\_\_  
Glenna L. Borho, District #2

By:

  
\_\_\_\_\_  
Joe Reynolds, District #3

# JOHNSTON, EISENHAUER, EISENHAUER & LYNCH, LLC

ATTORNEYS AT LAW

MICHAEL K. JOHNSTON  
ROBERT R. EISENHAUER

P.O. DRAWER 825 • 113 EAST THIRD  
PRATT, KANSAS 67124  
620-672-5533 • FAX 620-672-3313

TYSON R. EISENHAUER  
DANIEL O. LYNCH

September 1, 2020

Chief Engineer  
Division of Water Resources  
Kansas Department of Ag.  
1320 Research Park Dr.  
Manhattan, KS 66502

**Re:** Application for Term Permit (Groundwater)

To whom it may concern:

I serve as County Counselor for Pratt County, Kansas. I've been communicating with Cameron Conant regarding the above-referenced application. The application involves a water well previously operated by Blattner Energy, Inc. (on behalf of Pratt Wind, LLC). Enclosed please find the completed application, a \$200 check to cover the filing fee, and the following attachments to be considered:

- (1) Map (Questions 7 and 8);
- (2) Well Ownership Attachment (Question 8);
- (3) Easement Agreement from landowners (Question 10); and
- (4) Bill of Sale from Pratt Wind, LLC (Question 10).

Please let me know if anything else is needed for approval. Thank you for your timely consideration of the application.

Sincerely,



Tyson R. Eisenhauer

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