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.

THE STATE OF KANSAS

KANSAS DEPARTMENT OF AGRICULTURE
Mike Beam, Secretary of Agriculture

DIVISION OF WATER RESOURCES
Earl D. Lewis Jr., Chief Engineer

WATER RESOURCES
RECEIVED
AUG 30 2021
KS DEPT OF AGRICULTURE

File Number 50640
This item to be completed by the Division of Water Resources.

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.)

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

1. Name of Applicant (Please Print): MIMG CXCII RIDGEPORT SUB, LLC ATTN: MIKE BREINER

   Address: 2195 N STATE HWY 83, SUITE 14-B

   City: FRANKTOWN State CO Zip Code 80116

   Telephone Number: (719) 648-9072

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 11.5 acre-feet OR _____ gallons per calendar year, to be diverted at a maximum rate of 110 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* ____ *Meets K.A.R. 5-3-1* (YES / NO) *Use* IRR *Source* G / S *County* SG *By* BMM *Date* 8/31/21
Code REG *Fee $* 200 *TR #* _____ *Receipt Date* 8.30.21 *Check #* 101

DWR 1-100 (Revised 05/17/2019)

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 SW quarter of the NW quarter of Section 34, more particularly described as being near a point 3025 feet North and 4297 feet West of the Southeast corner of said section, in Township 26 South, Range 1 WEST, SEDGWICK 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 (¼) 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 August 27, 2021. _____
Applicant's Signature

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

7. The proposed project for diversion of water will consist of 1 WELL, 1 PUMP
(number of wells, pumps or dams, etc.)
and was completed (on) 03/15/2006.
(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)

File No. _____

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 N/A
- 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 ½ 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 ½ mile, please advise us.

(c) If the application is for surface water, the names and addresses of the landowner(s) ½ mile downstream and ½ 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.

PD/PU OVERLAP OF 45,925. NEW APP WAS FILED FOR ADDITIONAL QUANTITY BY NEW OWNER AFTER MULTIPLE YEARS OF OVERPUMPING.

File No. _____

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	8/5/04			
Total depth of well	41			
Depth to water bearing formation	10			
Depth to static water level	11			
Depth to bottom of pump intake pipe	41			

14. The relationship of the applicant to the proposed place where the water will be used is that of AGENT.
(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 Wichita, Kansas, this 27 day of August (month), 2021 (year).

(Applicant Signature)

By
(Agent or Officer Signature)

C. Robert Nicolls, II
(Agent or Officer - Please Print)

Assisted by JNE SFFO/ESII (office/title) Date: 08/13/2021

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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

IRRIGATION USE
SUPPLEMENTAL SHEET

File No. _____

Name of Applicant (Please Print): MIMG CXCII RIDGEPORT SUB, LLC ATTN: MIKE BREINER

1. Please supply the name and address of each landowner, the legal description of the lands to be irrigated, and designate the actual number of acres to be irrigated in each forty acre tract or fractional portion thereof:

Landowner of Record NAME: MIMG CXCII RIDGEPORT SUB, LLC ATTN: MIKE BREINER

ADDRESS: 2195 N STATE HWY 83, SUITE 14-B, FRANKTOWN, CO 80116

S	T	R	NE¼				NW¼				SW¼				SE¼				TOTAL
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
34	26	1W							5.82		.7								6.52

Landowner of Record NAME: _____

ADDRESS: _____

S	T	R	NE¼				NW¼				SW¼				SE¼				TOTAL
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	

Landowner of Record NAME: _____

ADDRESS: _____

S	T	R	NE¼				NW¼				SW¼				SE¼				TOTAL
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	

2. Please complete the following information for the description of the operation for the irrigation project. Attach supplemental sheets as needed.

a. Indicate the soils in the field(s) and their intake rates:

Soil Name	Percent of field (%)	Intake Rate (in/hr)	Irrigation Design Group
Topsoil	10%		
Sandy Clay	25%		
Sand	65%		
Total:	100 %		

b. Estimate the average land slope in the field(s): <1 %

Estimate the maximum land slope in the field(s): <2 %

c. Type of irrigation system you propose to use (check one):

MB ☒ Center pivot ____ Center pivot - LEPA ____ "Big gun" sprinkler

____ Gravity system (furrows) ____ Gravity system (borders) ____ Sideroll sprinkler

Other, please describe: LAWN SPRINKLER IRRIGATION SYSTEM

d. System design features:

i. Describe how you will control tailwater: Slope is towards lake behind property

ii. For sprinkler systems:

(1) Estimate the operating pressure at the distribution system: _____ psi

(2) What is the sprinkler package design rate? 50 gpm

(3) What is the wetted diameter (twice the distance the sprinkler throws water) of a sprinkler on the outer 100 feet of the system? about 20 feet

(4) Please include a copy of the sprinkler package design information.

e. Crop(s) you intend to irrigate. Please note any planned crop rotations: GRASS (LAWN)

f. Please describe how you will determine when to irrigate and how much water to apply (particularly important if you do not plan a full irrigation).

Rain depth sensors to be installed

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

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

1 LOCATION OF WATER WELL:	FRACTION	SECTION NUMBER	TOWNSHIP NUMBER	RANGE NUMBER
Sedgwick	SW 1/4 SW 1/4 NW 1/4	34	T 26 S	R 1W E/W

Distance and direction from nearest town or city street address of well if located within city?
7003 W. 34th St. N. Wichita, Kansas

2 WATER WELL OWNER: RIDGEPORT APARTMENTS
RR#,ST. ADDRESS,BOX #: 7003 W. 34th St. N.
CITY, STATE: Wichita, Kansas ZIP CODE: Board of Agriculture, Division of Water Resource
Application Number: 45925

3 LOCATE WELL'S LOCATION WITH AN "X" IN SECTION BOX: N, NW, NE, W, E, SW, SE, S; 1 Mile

4 DEPTH OF COMPLETED WELL: 41 ft ELEVATION:
Depth of groundwater Encountered: ft. ft. ft.
WELL'S STATIC WATER LEVEL 11 FT BELOW LAND SURFACE MEASURED ON mo/day/yr 8/25/04
Pump test data: Well water was ft. after hours of pumping @ gpm
Est. Yield gpm Well water was ft. after hours of pumping @ gpm
Bore Hole Diameter 16 in. to 41 ft. and in. to ft.
WELL WATER TO BE USED AS: 1. Domestic 3. Feedlot 5. Public water supply 7. Lawn and garden only 9. Dewatering 11. Injection well
2. Irrigation 4. Industrial 6. Oil field water supply 8. Air conditioning 10. Monitoring well 12. Other (Specify below)
Was a chemical/bacteriological sample submitted to Department? YES (NO) ; If yes, what mo/day/yr was sample submitted
Was Water Well Disinfected? (YES) NO

5 TYPE OF CASING USED: 1. Steel 3. RPM (SR) 5. Wrought Iron 7. Fiberglass 9. Other (Specify below) CASING JOINTS: (Glued) Threaded
(2. PVC) SCH 40 4. ABS 6. Asbestos-Cement 8. Concrete tile SDR-26 Welded Clamped
Blank casing diameter 8 in. to 26 ft., Dia. in. to ft., Dia. in. to ft.
Casing height above land surface 24 in., Weight: 2.35 lbs. / ft. Wall thickness or gauge No. .214
TYPE OF SCREEN OR PERFORATION MATERIAL:
1. Steel 3. Stainless Steel 5. Fiberglass (7. PVC) SCH 40 9. ABS 11. Other (specify)
2. Brass 4. Galvanized 6. Concrete Tile 8. RMP (SR) 10. Asbestos-Cement 12. None used (open hole)
SCREEN OR PERFORATION OPENINGS ARE:
1. Continuous slot 3. Mill slot 5. Gauzed wrapped 7. Torch cut 9. Drilled holes 11. None (open hole)
2. Louvered shutter 4. Key punched 6. Wire wrapped (8. Saw cut) 10. Other (specify)
SCREEN - PERFORATION INTERVAL From 26 ft. to 41 ft., From ft. to ft.
From ft. to ft., From ft. to ft.
GRAVEL PACK INTERVALS: From 22 ft. to 41 ft., From ft. to ft.
From ft. to ft., From ft. to ft.

6 GROUT MATERIALS: 1. Neat cement 2. Cement Grout 3. Bentonite Other bentonite hole plug
Grout Intervals: From 2 ft. to 22 ft., From ft. to ft., From ft. to ft.
What is the nearest source of possible contamination:
1. Septic tank 4. Lateral lines 7. Pit privy 10. Livestock pens 13. Insecticide storage 15. Oil well/Gas well
2. Sewer lines 5. Cess Pool 8. Sewage lagoon 11. Fuel storage 14. Abandon water well 16. Other (specify below)
3. Watertight sewer line 6. Seepage pit 9. Feed yard 12. Fertilizer storage None Apparent
Direction from well? How many feet?

From	To	LITHOLOGIC LOG	From	To	LITHOLOGIC LOG
0	4	topsoil			
4	10	sandy clay			
10	41	sand			

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SEP 24 2004
BUREAU OF WATER

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) 8/25/2004 and this record is true to the best of my knowledge and belief.
Kansas Water Well Contractor's License No. 236 This water well record was completed on (mo/day/year) 8/27/2004
under the business name of Harp Well & Pump Service Inc. by (signature) Todd S. Harp

488 04-05 Jony

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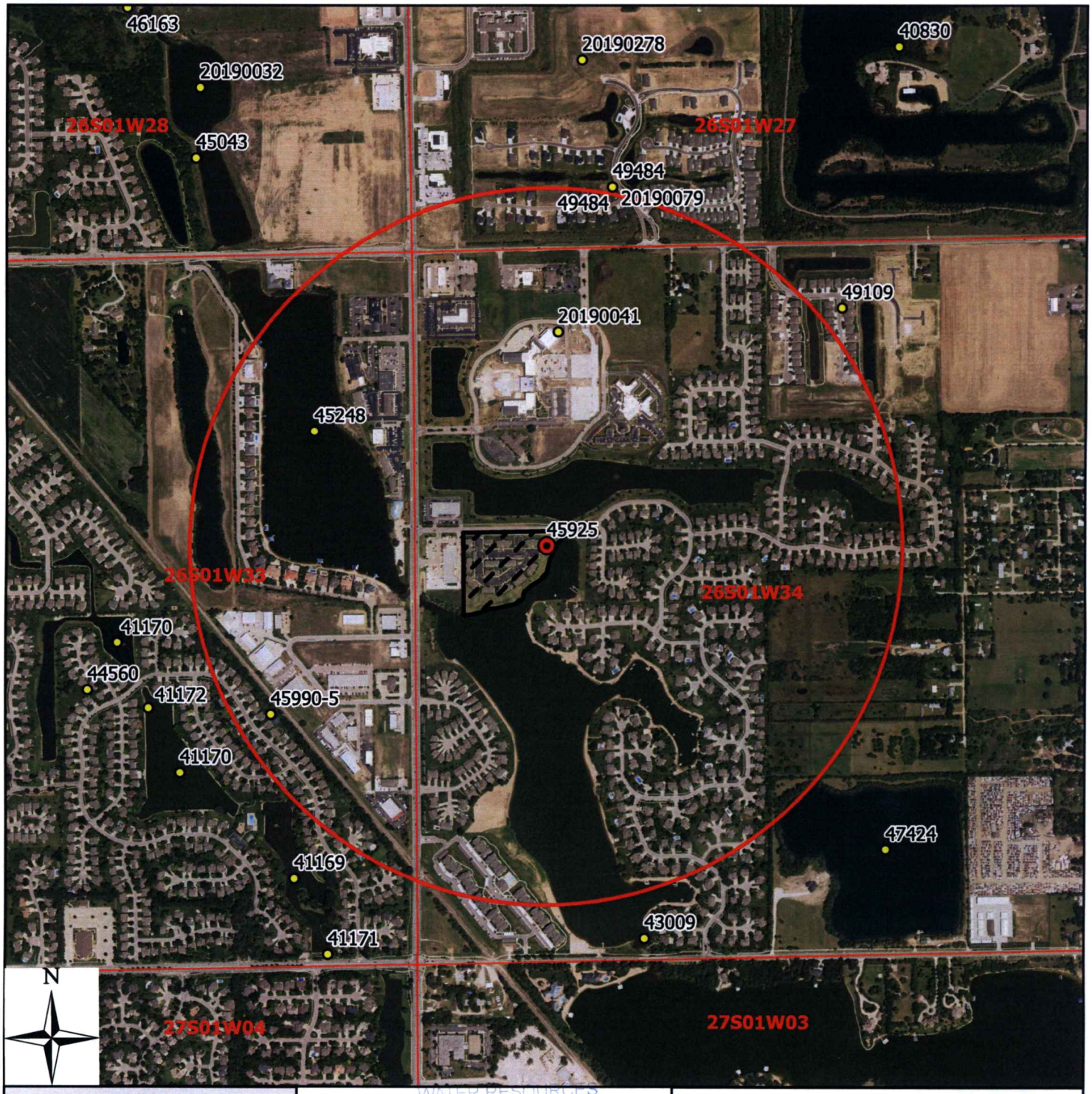


Legend

- Water Appropriation
- Point of Diversion
- Section Corner
- Section Line
- Half Mile Circle
- Place of Use

0 500 1,000 1,500 2,000 2,500 Feet

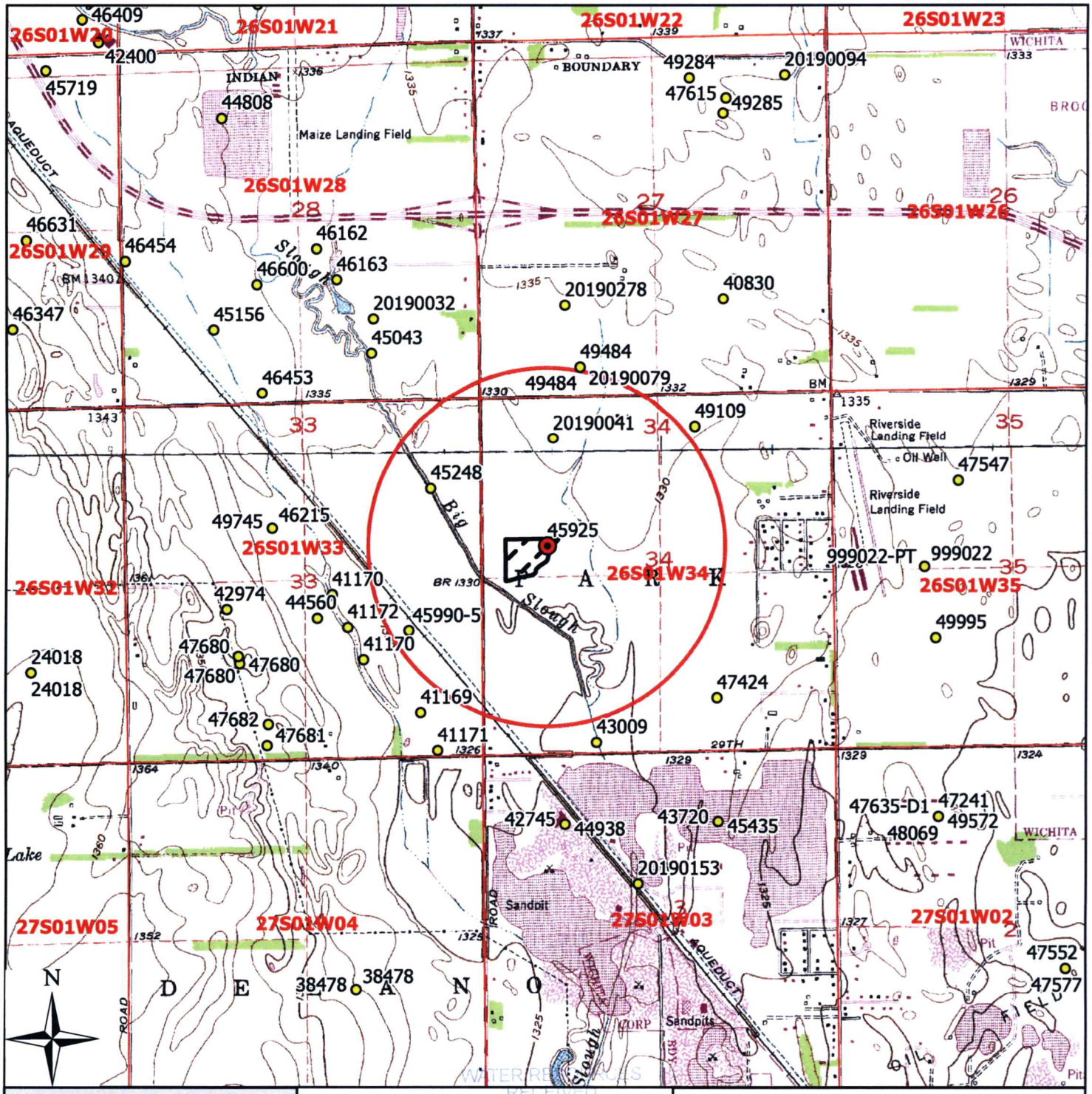
Water Appropriation Application File No. _____
34 - 26 - 1W // Sedgwick County

To the best of my knowledge, all points of diversion within one-half mile of the proposed point of diversion have been shown.

CK 8/27/21

Signature / Date

08/09/2021 JNE/SFFO 1:12,000 scale



Legend

- Water Appropriation
- Point of Diversion
- Section Corner
- Section Line
- Half Mile Circle
- Place of Use

Water Appropriation Application File No. _____

34 - 26 - 1W // Sedgwick County

To the best of my knowledge, all points of diversion within one-half mile of the proposed point of diversion have been shown.

CS 8/27/21

Signature / Date

08/09/2021 JNE/SFFO 1:12,000 scale

Aug 27, 2021
(Date)

Kansas Department of Agriculture
Division of Water Resources
David W. Barfield, Chief Engineer
1320 Research Park Drive
Manhattan, Kansas 66502

Re: Application
File No. _____

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.

Signature of Applicant

C. Robert Nicolls, II
(Print Applicant's Name)

State of ~~Kansas~~ Colorado)
) ss
County of Douglas)

I hereby certify that the foregoing instrument was signed in my presence and sworn to before me this 27 day of Aug, 2021.

Notary Public

My Commission Expires: 12/20/2021

NATALIE S. GATES
Notary Public
State of Colorado
Notary ID # 20054048590
My Commission Expires 12-20-2021

DWR 1-100.171 (Revised 06/16/2014)

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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