

File No. **44851** 11. County: **SA** Basin: **SMOKY HILL RIVER** Stream: Formation Code: **113** Special Use:

12. Points of Diversion										Rate and Quantity				
MOD DEL ENT	PDIV	Qualifier	S	T	R	ID	'N	'W	Comment	Authorized		Additional		
										Rate gpm	Quantity af/mgy	Rate gpm	Quantity af/mgy	Overlap PD Files
MOD	66698	Lot 2 (NWNW)	19	16	2W	8	4700	4700		NE	13.74 AF	NE	13.74 AF	NO
			KEEP			PD COMMENT	GEO CTR	GW PIT						

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

14. Limitation: _____ af/yr at _____ gpm (_____ cfs) when combined / _____
 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 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				
MOD	54562	19	16S	2W	7	A groundwater pit with a surface area of 7.85 acres located in Lot 2 (NW¼ NW) of 19-16-2W																	8D	YES	NO
DEL	54728	18	16S	2W	8	SAND & GRAVEL PIT LOCATED IN LOT 2																			
DEL	54729	24	16S	3W	6	SAND & GRAVEL PIT LOCATED IN (E2NENE)																			

Comments:

KANSAS DEPARTMENT OF AGRICULTURE
Division of Water Resources

MEMORANDUM

TO: Files

DATE: February 20, 2017

FROM: Richelle A. Krueger

RE: Water Right
File No. 44,851

Dane Q. Barclay, on behalf of Alsop Sand Co. Inc., and David and Renae Frost, on behalf of Lakeside Recreational Park, L.L.C., water right owners, filed an application for approval to change the use made of water from industrial to recreational use for File No. 44,851. The change is being processed in conjunction with the certification of the referenced file number.

File No. 44,851 is not abandoned pursuant to K.S.A. 82a-718.

The certificate for the referenced file number, located in the Smoky Hill River Basin, will be issued for a quantity not to exceed 4.48 million gallons (13.74 acre-feet) of water per calendar year for industrial use in a groundwater pit with a surface area of 7.85 acres located in Lot 2 (NW $\frac{1}{4}$ NW $\frac{1}{4}$) of Section 19, Township 16 South, Range 2 West, Saline County, Kansas. WRIS shows no current overlaps. Paragraph No. 3 of the application indicates the pit has not been active since I-135 was built. The application appears to comply with K.A.R. 5-5-8; this proposal does not appear to increase consumptive use. The proposed change in use made of water from industrial to recreational use will be for evaporative losses from the pit which has a surface area of 7.85 acres. Pursuant to K.A.R. 5-6-7, *Determination of average annual potential net evaporative loss:*

$(7.85 \text{ acre} \times 21 \text{ inches}) / 12 \text{ inches per foot} = 13.74 \text{ acre-feet net evaporation}$
from the pit.

Nearby well owners identified on the map and in WRIS within one half-mile of the authorized point of diversion were notified of the proposed change in use made of water by letters dated February 15, 2017 in order to comply with Senate Bill 337 enacted by the Kansas State Legislature on July 1, 2016.

In an e-mail dated February 17, 2017, Kelly Stewart, Water Commissioner of the Stockton Field Office, indicated that he has no objection to approval of the application.

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


Richelle A. Krueger
Environmental Scientist

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



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

Jackie McClaskey, Secretary

Governor Sam Brownback

March 27, 2017

LAKESIDE RECREATIONAL PARK LLC
DAVID E AND RENAE P FROST
1288 E LAPSLEY RD
ASSARIA KS 67416

FILE COPY

RE: Water Right, File No. 44,851

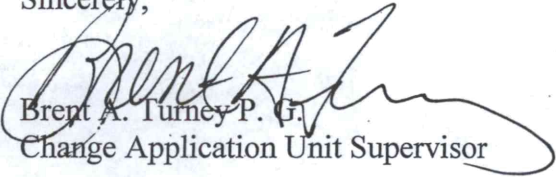
Dear Mr. and Mrs. Frost:

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.

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.

If you have any questions, please contact this office. If you call, please reference the file number so we can help you more efficiently.

Sincerely,


Brent A. Turney P. G.
Change Application Unit Supervisor

BAT:rak

pc: Stockton Field Office
Alsop Sand Co. Inc., Attn Dane Q. Barclay



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. 44,851**

The Chief Engineer, Division of Water Resources, Kansas Department of Agriculture, after due consideration of the written application of Dane Q. Barclay, on behalf of Alsop Sand Company, Incorporated, 105 Industrial Road, Concordia, Kansas, 66901, and David and Renae Frost, on behalf of Lakeside Recreational Park, L.L.C., 1288 East Lapsley Road, Assaria, Kansas, 67416, received in this office on September 28, 2016, for approval of a change in the use made of water under the certificate of appropriation issued pursuant to the 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 in a groundwater pit with a surface area of 7.85 acres located in Lot 2 (NW $\frac{1}{4}$ NW $\frac{1}{4}$) of Section 19, Township 16 South, Range 2 West, Saline County, Kansas,

located substantially as shown on the 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. 44,851, for permit to appropriate water for beneficial use, is as stated and set forth in the Certificate of Appropriation dated *March 13, 2017*.

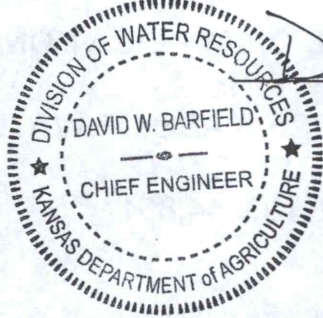
This Order shall become a final agency action, as defined by K.S.A. 77-607(b), without further notice to the parties, if a request for hearing or a petition for administrative review is not filed as set forth below.

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

Petition for Review. Any person aggrieved by this Summary Order may petition for administrative review, pursuant to K.S.A. 82a-708b(a) and K.S.A. 82a-1901(a). The petition must be filed within 30 days after the date shown on the Certificate of Service attached to this Order and must set forth the basis for the review, unless stayed by the timely filing of a request for hearing.

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

Ordered this 15th day of March 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 15th day of March 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 15th day of March 2017, I hereby certify that the attached Approval of Application for the Change in Use Made of Water, File No. 44,851, dated was mailed postage prepaid, first class, US mail to the following:

LAKESIDE RECREATIONAL PARK LLC
DAVID E AND RENAE P FROST
1288 E LAPSLEY RD
ASSARIA KS 67416

With photocopies sent to:

ALSOP SAND CO INC
DANE BARCLAY
105 INDUSTRIAL RD
CONCORDIA KS 66901

Stockton Field Office

Danielle Wilson
Division of Water Resources

FEB 13 2017

2:17



State of Kansas

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

*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
- (Check one or more) Point of Diversion
- Use Made of Water

WATER RESOURCES RECEIVED

SEP 28 2016

11:05

KS DEPT OF AGRICULTURE

File No. 44851

2. Name of applicant: ALSOP SAND CO INC

Address: 105 Industrial Road

City, State and Zip: CONCORDIA KS 66901

Phone Number: (785) 243-4249 E-mail address: dgb@nckdirect.com

What is your relationship to the water right; owner tenant agent other? If other, please explain. President of the corporation.

Name of water use correspondent: DANE Q. BARCLAY

Address: SAME

City, State and Zip: _____

Phone Number: () _____ E-mail address: _____

3. The change(s) proposed herein are desired for the following reasons (please be specific): We wish to

convert 44851 to recreational use. ALSOP SAND CO INC will
never extract sand from this site.

As a housekeeping measure it would be wise to convert to recreational use.

The change(s) (was) (will be) completed by It has only been recreational since I-35 was
(Date) built.

For Office Use Only:							
F.O. <u>3</u>	GMD <input type="checkbox"/>	Meets K.A.R. 5-5-1 (YES/NO) Use <u>IND</u>	Source <u>G/S</u>	County <u>SA</u>	By <u>AJW</u>	Date <u>9/28/16</u>	
Code <u>CWV</u>	Fee \$ <u>300</u>	TR # _____	Receipt Date <u>9/28/16</u>	Check # <u>2467/2449</u>			

APPLICATION COMPLETE
2/15/17
Reviewer RAIK

Assisted by: DWS/HFO

SCANNED

9/28/2016 CLM

File No. 44851

4. The presently authorized place of use is: Lakeside Recreational Park LLC.
Owner of Land — NAME: Shepard's Gate Ministries & David FROST for Renee Frost
ADDRESS: 1288 East Lapsley Rd Assaria KS 67416

Saline Co. KS 19 16 2

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. Domestic only

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	

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

IF MORE SPACE IS NEEDED, ATTACH ADDITIONAL SHEETS AS NECESSARY

FEB 13 2017

SEP 28 2016

WATER RESOURCES RECEIVED

- 6. The presently authorized point(s) of diversion (is) (are) 4700' N + 4700' W of SE CORNER
(Provide description and number of points)
- 7. The proposed point(s) of diversion (is) (are) _____ NO change
(Provide description and number of points)

List all presently authorized point(s) of diversion:

8. **Presently authorized point of diversion:**
 One in the _____ Quarter of the _____ Quarter of the _____ Quarter
 of Section _____, Township _____ South, Range _____ (E/W),
 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 _____ (E/W),
 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 _____ (E/W),
 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 _____ (E/W),
 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 _____ (E/W),
 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 _____ (E/W),
 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. _____

IF MORE SPACE IS NEEDED, ATTACH ADDITIONAL SHEETS AS NECESSARY

WATER RESOURCES RECEIVED

WATER RESOURCES RECEIVED

FEB 13 2017

SCANNED

SEP 28 2016

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.
Existing pit natural evaporation. Pit size will not increase.

(Please show any calculations here.)

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

15. It is requested that the maximum rate of diversion of water be reduced to _____ 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). 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.

No change in source of supply (main stem alluvium)

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.

N/A WATER RESOURCES RECEIVED

SEP 28 2016

IF MORE SPACE IS NEEDED, ATTACH ADDITIONAL SHEETS AS NECESSARY WATER RESOURCES RECEIVED KS DEPT OF AGRICULTURE

FEB 13 2017

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 Concordia, Kansas, this 2nd day of September, 2016.

(Owner)

(Spouse)

(Please Print)

(Please Print)

ALSOB SAND Co. Inc
Agent
9-2-2016
(Please Print)

(Spouse)

(Please Print)

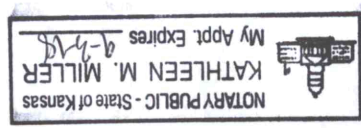
(Owner)

(Spouse)

(Please Print)

(Please Print)

State of Kansas }
County of Cloud } SS



I hereby certify that the foregoing application was signed in my presence and sworn to before me this 2nd day of September, 2016.

Kathleen M. Miller
Notary Public

My Commission Expires 9-3-18

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.**

WATER RESOURCES RECEIVED

FEB 13 2017

KS DEPT OF AGRICULTURE

WATER RESOURCES RECEIVED

SEP 28 2016

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 _____, Kansas, this _____ day of _____, 20_____.

+
+
_____ (Owner)
David Frost

+
_____ (Spouse)
Renae Frost

_____ (Please Print)
David Frost

_____ (Please Print)
Renae Frost

+
_____ (Owner)
Lakeside Recreational Park LLC

_____ (Spouse)

_____ (Please Print)
Lakeside Recreational Park LLC

_____ (Please Print)

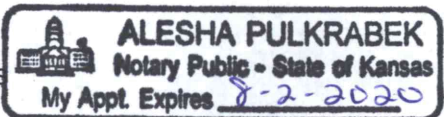
_____ (Owner)

_____ (Spouse)

_____ (Please Print)

_____ (Please Print)

State of Kansas }
County of Saline }



I hereby certify that the foregoing application was signed in my presence and sworn to before me this 9 day of Feb., 2017.

Alesha Pulkrabek
Notary Public

My Commission Expires 8-2-2020

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.

WATER RESOURCES
RECEIVED

FEB 13 2017

KS DEPT OF AGRICULTURE

SCANNED

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

PROJECT PERMIT FOR EXISTING SAND AND GRAVEL OPERATIONS



State of Kansas

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

The purpose of this application is to implement Senate Bill No. 148 relating to project permits for sand and gravel operations. This application is for **existing sand and gravel pits only, and only** if the sand and gravel pit is in a township where the average annual potential net evaporation is greater than 18 inches per year, as determined by the chief engineer. This will serve to **convert** your existing industrial use permit authorizing net evaporation to a project permit. This permit shall authorize net evaporation as the primary use, and hydraulic dredging and sand washing as secondary uses of water if such secondary uses are located within the same source of supply and are associated with the operation. Any secondary uses shall use water in a manner in which there is no significant net consumptive use. The permit shall not be subject to the installation of a water flow meter or administration of minimum desirable stream flow. Any application for a project permit shall be accompanied by a filing fee of **\$500.00**.

Current File Number: 44,851

1. Name of Applicant (Please Print): ALSOP SAND CO INC %DANE BARCLAY
Address: 105 INDUSTRIAL RD
City: CONCORDIA State KS Zip Code 66901
Telephone Number: (785) 243-4249 E-mail address: _____

2. Location of Point of Diversion (Geographic Center of Groundwater Pit): pdiv ID: 66698
Section 19, Township 16, Range 2, West, SALINE County, Kansas.
Distance from Southeast Corner of Section:
4700 feet North,
4700 feet West of the Southeast Corner. (LOT 2) *LO*

3. Outline on an aerial photograph or topographical map the current and FINAL outline of the sand and gravel pit, and indicate the proposed final size of the pit in acres. _____ acres

As noted above, hydraulic dredging and sand washing are considered secondary uses of water at this site, and will be permitted under this project permit. Separate permits for these specific uses are no longer required, and any current permits for these uses shall be dismissed in conjunction with approval of this project permit. Therefore, this application for project permit will serve as your voluntary request to dismiss **Term Permit, File Nos.: N/A**

You must inform the Chief Engineer prior to modifying any current secondary uses, or commence new secondary uses under the authority of this project permit. Any request for modification of this project permit shall be accompanied by a fee of \$250, and must include sufficient information to adequately determine the extent of your modification.

The undersigned states that the information set forth above is true to the best of his/her knowledge, that this application is submitted in good faith, and acknowledges the voluntary dismissal of current secondary use term permits.

Dated at _____, Kansas, this _____ day of _____, 20____.

(Signature of Applicant or Authorized Representative)

(Please Print)

For Office Use Only:		WATER RESOURCES RECEIVED	
F.O. _____	GMD _____	Use _____	Source G/S County _____
Code _____	Fee \$ 500 _____	TR # _____	Receipt Date _____
		By _____	Date _____
		Check # _____	

SEP 28 2016

2015
WATER USE REPORT
HYDRAULIC DREDGING/INDUSTRIAL USE

*Should convert to PP
 if any terms are
 proposed*

IMPORTANT: YOU MUST REPORT ANNUAL USAGE OR THE REASON FOR NON-USAGE, IN ORDER TO PROTECT YOUR RIGHT TO USE WATER

This is the annual Water Use Report **required** to retain all Vested or Appropriation Rights. Please begin by reading the instructions for Part A on the reverse side of this page. Also present are instructions for name and address changes, **which include information needed if you have disposed of your interest in any one or more of the water right file numbers listed below.** If you have any questions on how to complete this form, please contact the Water Use Coordinator at (785) 564-6638. Please make a copy of the entire Water Use Report for your records, and return the original report to:

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

IMPORTANT

COMPLETE AND RETURN BY MARCH 1, 2016

PART A: POINTS OF DIVERSION

CERTIFIED MAIL RECOMMENDED

Water Right File Number	Legal Descriptions Point(s) of Diversion	Water Meter Data			U N I T	Hours	Pump Rate (gpm)	Well Data		Date
		Beginning Water Meter Reading	Ending Water Meter Reading	Metered Quantity Of Water				Well Depth	Depth to Water	
44851-00 4700N 4700W 19-16S- 2W 8 AKA: 21 IN NET EVAP						5.4 5.25	OK			(2)

*WEST OF 18" Line
 could be converted to a PP
 NO TERMS ON IT NOW*

WATER RESOURCES RECEIVED
SEP 28 2016
KS DEPT OF AGRICULTURE

If aggregate is produced from a stream channel, indicate here. _____

WATER RESOURCES RECEIVED

Date: 1-8-16 Telephone: 785 243 4249

JAN 13 2016

I submit this report as the best information available. I understand that knowingly falsifying the report is a violation of state law.

KS DEPT OF AGRICULTURE

15 407 224 1 1 - HYD Stock SA
 YEAR PIN PERSON ID FO CO GMD

DANE Q. BARCLAY
 Name (Printed or Typed)

ALSOP SAND CO INC
DANE BARCLAY
105 INDUSTRIAL RD
CONCORDIA, KS 66901

Dane Barclay
 Name (Signature)

_____ Owner _____ Tenant Agent

**WATER USE REPORT
HYDRAULIC DREDGING/INDUSTRIAL USE**

NOTE: If you hold water rights for uses other than hydraulic dredging/industrial use, the appropriate Water Use Report(s) will be mailed under separate cover.

INSTRUCTIONS AND DEFINITIONS FOR PART A:

- Water Right File Number:** The file number that was originally assigned by the Division of Water Resources to the application for permit to appropriate water for beneficial use or the file number that was originally assigned to the order determining and establishing a vested right to continue the beneficial use of water.
- Point of Diversion:** The point from which water is obtained, be it a well, dam or intake. **If no water was used from one or more points of diversion, then the reason for non-usage must be given for each of the points of diversion.**
- Legal Descriptions:** **If an error exists in a legal description, mark through the incorrect portion and enter the correct description immediately above it.** The location of each point of diversion is given by a qualifier followed by the section, township, and range. The qualifier is used to describe the specific location of the point of diversion within the section. For example, "NC S2 NW" reads "near the center of the South Half of the Northwest Quarter." The qualifiers may be the number of feet North and number of feet West of the Southeast corner of the section. In some cases, a portion is included on the next line following the term "aka" (also known as).
- Water Meter Data:** If the meter has malfunctioned during the year, please indicate in this space and provide hours pumped and pump rate.
- Beginning Meter Reading:** If a WATER METER is installed, report this year's BEGINNING METER READING (this is the same as last year's ending meter reading), APPLYING ANY MULTIPLICATION FACTOR SHOWN ON THE FACE OF THE METER.
- Ending Meter Reading:** If a WATER METER is installed report this year's ENDING METER READING, APPLYING ANY MULTIPLICATION FACTOR SHOWN ON THE FACE OF THE METER.
- Metered Quantity:** If a WATER METER is installed, subtract this year's beginning meter reading from this year's ending meter reading and report the difference, APPLYING ANY MULTIPLICATION FACTOR SHOWN ON THE FACE OF THE METER. Please have the water meter checked to verify its accuracy, if it has not been checked by a qualified person within the past three years.
- Meter Unit:** Indicate the unit of measure recorded by your water meter (enter "A" for acre-feet, "AI" for acre-inches or "G" for gallons).
- Hours Pumped:** Enter the number of hours the pump was operated during the calendar year.
- Est. Pump Rate:** Enter the average rate of pumping in gallons per minute.
- Well Data:** Well Depth: enter the depth to bottom of well in feet.
Depth to Water: enter the depth to water in feet.
Date Measured: enter the date of the last depth to water measurement.

INSTRUCTIONS FOR NAME, ADDRESS CHANGES:

1. Please check your name and address, which is printed on the reverse side of this page in the lower left corner. If it is incorrect or incomplete, make any necessary changes in the space provided below. If you are no longer the person responsible for completing this report for one or more of the water right file numbers listed on the reverse side of this page, please print or type the information requested below.

Check one: Address Correction New Correspondent New Owner

Water Right File Number(s): _____

Name of New Owner/Title: _____

Address: _____

Date of Change: Month _____ Year _____ Telephone: (____) _____

IF YOU HAVE ADDITIONAL INFORMATION REGARDING THIS WATER USE REPORT, PROVIDE BELOW OR ATTACH ANOTHER PAGE.

2015
WATER USE REPORT
HYDRAULIC DREDGING/INDUSTRIAL USE

Sign Voluntary Term Dismissals

IMPORTANT: YOU MUST REPORT ANNUAL USAGE OR THE REASON FOR NON-USAGE, IN ORDER TO PROTECT YOUR RIGHT TO USE WATER

This is the annual Water Use Report required to retain all Vested or Appropriation Rights. Please begin by reading the instructions for Part A on the reverse side of this page. Also present are instructions for name and address changes, which include information needed if you have disposed of your interest in any one or more of the water right file numbers listed below. If you have any questions on how to complete this form, please contact the Water Use Coordinator at (785) 564-6638. Please make a copy of the entire Water Use Report for your records, and return the original report to:

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

IMPORTANT Tenaka Field Office
 DIVISION OF WATER RESOURCES

COMPLETE AND RETURN BY MARCH 1, 2016

PART A: POINTS OF DIVERSION

CERTIFIED MAIL RECOMMENDED

All 3 terms can be dismissed

Water Right File Number	Legal Descriptions Point(s) of Diversion	Water Meter Data			UNIT	Hours	Pump Rate (gpm)	Well Data		
		Beginning Water Meter Reading	Ending Water Meter Reading	Metered Quantity Of Water				Well Depth	Depth to Water	Date
<i>WB evad</i> 20069073-00	5270N 4382W 31-13S- 2W 5 AKA: GEO CTR - SAND & GRAVEL PIT	Report dredge hours and rate								(7)
<i>WB well</i> 20069075-00	415N 4350W 30-13S- 2W 3	NO USE 2015								(7)
<i>Floating Pump</i> 20079043-00	5270N 4382W 31-13S- 2W 5 AKA: FLOATING PUMP	Removed -NA-								(7)
<i>Mattson Rd</i> 44856-00	3300N 3960W 17-15S- 2W 1	Report surface acreage of pit:					-0-			(9)
<i>LWN Project Permit</i> 47574-00	982N 5129W 8-15S- 2W 5 AKA: SAND & GRAVEL PROJECT PERMIT <i>Good</i>	Report surface acreage of pit:					1/2			(162)

44856 - west of 18" line should be converted if terms are involved (NONE NOW)

WATER RESOURCES RECEIVED
 JAN 13 2016
 KS DEPT OF AGRICULTURE

If aggregate is produced from a stream channel, indicate here. _____

WATER RESOURCES RECEIVED

SEP 28 2016

KS DEPT OF AGRICULTURE

Date: 1-8-16 Telephone: 785 243-4249

I submit this report as the best information available. I understand that knowingly falsifying the report is a violation of state law.

15 410 224 5 1 - HYD Stock SA
 YEAR PIN PERSON ID FO CO GMD

ALSOP SAND CO INC
 SALINA PIT(S)
 105 INDUSTRIAL RD
 CONCORDIA, KS 66901

DANE Q. BARCLAY
 Name (Printed or Typed)

Dane Barclay
 Name (Signature)

____ Owner ____ Tenant Agent

**WATER USE REPORT
HYDRAULIC DREDGING/INDUSTRIAL USE**

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- Est. Pump Rate:** Enter the average rate of pumping in gallons per minute.
- Well Data:** Well Depth: enter the depth to bottom of well in feet.
Depth to Water: enter the depth to water in feet.
Date Measured: enter the date of the last depth to water measurement.

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Check one: Address Correction New Correspondent New Owner

Water Right File Number(s): _____

Name of New Owner/Title: _____

Address: _____

Date of Change: Month _____ Year _____ Telephone: (____) _____

IF YOU HAVE ADDITIONAL INFORMATION REGARDING THIS WATER USE REPORT, PROVIDE BELOW OR ATTACH ANOTHER PAGE.

Krueger, Richelle

From: Stewart, Kelly
Sent: Friday, February 17, 2017 7:07 AM
To: Krueger, Richelle
Cc: Billinger, Mark; Hageman, Rebecca
Subject: RE: Request for Recommendation Change in UMW File No. 44851 David and Renae Frost/Alsop Sand

Richelle,

I have no objection to the approval of this application.

Kelly

From: Krueger, Richelle
Sent: Thursday, February 16, 2017 12:16 PM
To: Stewart, Kelly <Kelly.Stewart@ks.gov>
Cc: Billinger, Mark <Mark.Billinger@ks.gov>; Hageman, Rebecca <Rebecca.Hageman@ks.gov>
Subject: Request for Recommendation Change in UMW File No. 44851 David and Renae Frost/Alsop Sand

Hi Kelly,

Attached is a draft memorandum for the referenced use made of water change, which will be submitted along with the certificate. Do you recommend approval?

Thanks,
Richelle

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



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

Jackie McClaskey, Secretary

Governor Sam Brownback

February 15, 2017

SHANE R AND BRENDA K ELKINS
1036 E LAPSLEY RD
ASSARIA KS 67416-8838

FILE COPY

RE: Appropriation of Water, File No. 44,851

Dear Sir or Madam:

This is to advise you that David and Renae Frost, on behalf of Lakeside Recreational Park L.L.C., and Dane Q. Barclay, on behalf of Alsop Sand Co., Inc., have filed an application for approval of the Chief Engineer, Division of Water Resources, Kansas Department of Agriculture, to change the authorized use made of water under the above referenced file number from industrial use to recreational use.

Effective July 1, 2016, Senate Bill No. 337 enacted by the Legislature of the State of Kansas requires the Division of Water Resources to notify all water right owners with a point of diversion within half a mile of a water right pending a request to change the water right. In order to comply with the statute, you are being notified of the above referenced application for change.

If you have any questions, please contact me at (785) 564-6635. If you call, please reference the file number so we can help you more efficiently.

Sincerely,

Richelle A. Krueger
Environmental Scientist
Water Appropriation Program

RAK

pc: Stockton Field Office
David and Renae Frost, Lakeside Recreational Park, L.L.C.
Dane Q. Barclay, Alsop Sand Co. Inc.

SCANNED

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



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

Jackie McClaskey, Secretary

Governor Sam Brownback

February 15, 2017

TROY D AND MICHELLE R LONG
1296 E LAPSLEY RD
ASSARIA KS 67416-8839

FILE COPY

RE: Appropriation of Water, File No. 44,851

Dear Sir or Madam:

This is to advise you that David and Renae Frost, on behalf of Lakeside Recreational Park L.L.C., and Dane Q. Barclay, on behalf of Alsop Sand Co., Inc., have filed an application for approval of the Chief Engineer, Division of Water Resources, Kansas Department of Agriculture, to change the authorized use made of water under the above referenced file number from industrial use to recreational use.

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If you have any questions, please contact me at (785) 564-6635. If you call, please reference the file number so we can help you more efficiently.

Sincerely,

A handwritten signature in cursive script that reads "Richelle A. Krueger".

Richelle A. Krueger
Environmental Scientist
Water Appropriation Program

RAK

pc: Stockton Field Office
David and Renae Frost, Lakeside Recreational Park, L.L.C.
Dane Q. Barclay, Alsop Sand Co. Inc.

SCANNED

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



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

Jackie McClaskey, Secretary

Governor Sam Brownback

February 15, 2017

ZACHARY J AND BRIDGET D BROWN
1292 E LAPSLEY RD
ASSARIA KS 67416-8916

FILE COPY

RE: Appropriation of Water, File No. 44,851

Dear Sir or Madam:

This is to advise you that David and Renae Frost, on behalf of Lakeside Recreational Park L.L.C., and Dane Q. Barclay, on behalf of Alsop Sand Co., Inc., have filed an application for approval of the Chief Engineer, Division of Water Resources, Kansas Department of Agriculture, to change the authorized use made of water under the above referenced file-number from industrial use to recreational use.

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If you have any questions, please contact me at (785) 564-6635. If you call, please reference the file number so we can help you more efficiently.

Sincerely,

Richelle A. Krueger
Environmental Scientist
Water Appropriation Program

RAK

pc: Stockton Field Office
David and Renae Frost, Lakeside Recreational Park, L.L.C.
Dane Q. Barclay, Alsop Sand Co. Inc.

SCANNED

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



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

Jackie McClaskey, Secretary

Governor Sam Brownback

February 15, 2017

FRED D COX JR
8920 S SIMPSON RD
ASSARIA KS 67416-8710

FILE COPY

RE: Appropriation of Water, File No. 44,851

Dear Sir or Madam:

This is to advise you that David and Renae Frost, on behalf of Lakeside Recreational Park L.L.C., and Dane Q. Barclay, on behalf of Alsop Sand Co., Inc., have filed an application for approval of the Chief Engineer, Division of Water Resources, Kansas Department of Agriculture, to change the authorized use made of water under the above referenced file number from industrial use to recreational use.

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If you have any questions, please contact me at (785) 564-6635. If you call, please reference the file number so we can help you more efficiently.

Sincerely,

Richelle A. Krueger
Environmental Scientist
Water Appropriation Program

RAK

pc: Stockton Field Office
David and Renae Frost, Lakeside Recreational Park, L.L.C.
Dane Q. Barclay, Alsop Sand Co. Inc.

SCANNED

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



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

Jackie McClaskey, Secretary

Governor Sam Brownback

February 15, 2017

FRED D COX JR
411 CHARLES RD
ABILENE KS 67410-1711

FILE COPY

RE: Appropriation of Water, File No. 44,851

Dear Sir or Madam:

This is to advise you that David and Renae Frost, on behalf of Lakeside Recreational Park L.L.C., and Dane Q. Barclay, on behalf of Alsop Sand Co., Inc., have filed an application for approval of the Chief Engineer, Division of Water Resources, Kansas Department of Agriculture, to change the authorized use made of water under the above referenced file number from industrial use to recreational use.

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If you have any questions, please contact me at (785) 564-6635. If you call, please reference the file number so we can help you more efficiently.

Sincerely,

Richelle A. Krueger
Environmental Scientist
Water Appropriation Program

RAK

pc: Stockton Field Office
David and Renae Frost, Lakeside Recreational Park, L.L.C.
Dane Q. Barclay, Alsop Sand Co. Inc.

SCANNED

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



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

Jackie McClaskey, Secretary

Governor Sam Brownback

January 10, 2017

LAKESIDE RECREATIONAL PARK LLC
ATTN DAVID E JR AND RENAE P FROST
1288 E LAPSLEY RD
ASSARIA KS 67416

RE: Appropriation of Water, File No. 44,851

Dear Mr. and Mrs. Frost,

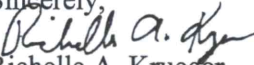
Reference is made to the application for approval of the Chief Engineer to change the use made of water under the referenced file number which was received in the office of the Chief Engineer on September 28, 2016. The original application and attachments were returned to you along with a letter dated October 27, 2016, requesting additional information. The original application and attachments were to be returned to this office by December 1, 2016 along with the requested information or the application was to be dismissed and its priority forfeited. As of today's date, the requested additional information has not been received.

Please return the original application and attachments with the following:

- Original notarized signatures of the authorized representative of Lakeside Recreational Park, LLC and of David E. and Renae P. Frost Jr. If this ownership information is not correct, please submit a copy of the recorded deed to clearly indicate the owners so that our records may be updated.
- Indicate on your submitted map the location of all water wells (including domestic wells) of any kind within one-half mile of the geographic center of the groundwater pit and provide well owner names and mailing addresses on the map. In addition, you must sign where indicated on the application map certifying that all water wells of any kind located within one-half mile of the requested point of diversion have been plotted on the map.

In order that the application will retain its priority of filing, the original application and attachments must be returned, along with the requested additional information, to this office on or before February 10, 2017, or within any authorized extension of time thereof. According to the law, default in the refiling of the completed application and attachments as outlined above, within the time allowed, shall constitute forfeiture of the priority date and dismissal of the application.

If you have any questions, please contact me at (785) 564-6635 or Change Application Unit Supervisor, Brent Turney, 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,

Richelle A. Krueger
Environmental Scientist
Water Appropriation Program

RAK

pc: Stockton Field Office
Alsop Sand L.L.C., Attn Dane Barclay

SCANNED

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



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

Jackie McClaskey, Secretary

Governor Sam Brownback

October 27, 2016

October 26, 2016

LAKESIDE RECREATIONAL PARK LLC
ATTN DAVID E JR AND RENAE P FROST
1288 E LAPSLEY RD
ASSARIA KS 67416

FILE COPY

RE: Appropriation of Water, File No. 44,851

Dear Mr. and Mrs. Frost,


Reference is made to the application for approval of the Chief Engineer to change the use made of water under the referenced file number which was received in the office of the Chief Engineer on September 28, 2016. Upon review of the application, we find that additional information is needed.

Please find enclosed the original application for File No. 44,851. K.A.R. 5-5-5 *Signatures required on change applications* requires in part that all landowners holding an undetermined portion of the water right must sign the change application. It appears that Lakeside Recreational Park, LLC and David E. and Renae P. Frost Jr. are owners of the authorized place of use, therefore we will need their original notarized signatures. Enclosed is an additional blank signature form. If this ownership information is not correct, please submit a copy of the recorded deed to clearly indicate all owners so that our records may be updated. If the application 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.

Effective July 1, 2016, Senate Bill No. 337 enacted by the Legislature of the State of Kansas requires the Division of Water Resources to notify all water right owners with a point of diversion within half a mile of a water right pending a request to change the water right. Please indicate on your submitted map the location of all water wells (including domestic wells) of any kind within one-half mile of the geographic center of the groundwater pit and provide well owner names and mailing addresses on the map. In addition, you must sign where indicated on the application map certifying that all water wells of any kind located within one-half mile of the requested point of diversion have been plotted on the map.

I am returning the referenced application so that you may provide the requested information. **In order that the application will retain its priority of filing, the original application and attachments must be returned, along with the requested additional information, to this office on or before December 1, 2016, or within any authorized extension of time thereof. According to the law, default in the refiling of the completed application and attachments as outlined above, within the time allowed, shall constitute forfeiture of the priority date and dismissal of the application.**

If you have any questions, please contact me at (785) 564-6635 or Change Application Unit Supervisor, Brent Turney, 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,

Richelle A. Krueger
Environmental Scientist
Water Appropriation Program

RAK
Enclosures
pc: Stockton Field Office
Alsop Sand L.L.C., Attn Dane Barclay

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 _____, Kansas, this _____ day of _____, 20_____.

(Owner)

(Spouse)

(Please Print)

(Please Print)

(Owner)

(Spouse)

(Please Print)

(Please Print)

(Owner)

(Spouse)

(Please Print)

(Please Print)

State of Kansas)
County of _____) SS

I hereby certify that the foregoing application was signed in my presence and sworn to before me this _____ day of _____, 20_____.

Notary Public

My Commission Expires _____.

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.**

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



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

Jackie McClaskey, Secretary

Governor Sam Brownback

FILE COPY

September 28, 2016

ALSOP SAND INC
105 INDUSTRIAL RD
CONCORDIA, KS 66901

RE: File No. 44851

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,

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

BAT: dlw
pc: STOCKTON Field Office GMD

SCANNED

FILE NO. 44,851 - SEC. 19, T16S, R2W, SALINE CO.



1:12,000

FEB 13 2017

SEP 28 2016 SCANNED

KS DEPT OF AGRICULTURE

KS DEPT OF AGRICULTURE

ALSOP SAND - FILE NO. 44,851
 CHANGE IN USE MADE OF WATER
 SEC. 19, T16S, R2W - SALINE COUNTY



1:24,000



Place of Use

● Point of Diversion

WATER RESOURCES RECEIVED

FEB 13 2017

KS DEPT OF AGRICULTURE

All known wells within one-half mile of the proposed point of diversion are shown on this map.

SEP 28 2016

SCANNED

KS DEPT OF AGRICULTURE

