

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

1. File Number: <p style="text-align: center; font-size: 1.2em; font-weight: bold;">50197</p>	2. Status Change Date: <p style="text-align: center; font-size: 1.2em; font-weight: bold; color: blue;">10/29/2020</p>	3. Field Office: <p style="text-align: center; font-size: 1.2em; font-weight: bold;">3</p>	4. GMD:
--	---	---	---------

5. Status:      Approved               Denied by DWR/GMD               Dismiss by Request/Failure to Return

6. Enclosures:     Check Valve      N of C Form      Water Tube      Driller Copy      Meter

7a. Applicant(s)                                  Person ID <b>31301</b> New to system <input type="checkbox"/> Add Seq# _____  <b>JIM G GLEASON</b> 2745 ROAD 24 BIRD CITY, KS 67731-3122   7b. Landowner(s)                                  Person ID _____ New to system <input type="checkbox"/> Add Seq# _____  <b>7a.</b>	7c. Landowner(s)                                  Person ID _____ New to system <input type="checkbox"/> Add Seq# _____     7d. Misc.    Person ID _____ New to system <input type="checkbox"/> Add Seq# _____
---	---

8. WUR Correspondent                                  Person ID _____ New to system <input type="checkbox"/> Add Seq# _____ Overlap File (s) WUC                                  Notarized WUC Form <input type="checkbox"/> Agree <input type="checkbox"/> Yes <input type="checkbox"/> No  <b>7a.</b>	9. Use of Water:    Changing? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No <input checked="" type="checkbox"/> Groundwater <input type="checkbox"/> Surface Water <input type="checkbox"/> IRR <input type="checkbox"/> REC <input type="checkbox"/> DEW <input type="checkbox"/> MUN <input type="checkbox"/> STK <input type="checkbox"/> SED <input type="checkbox"/> DOM <input type="checkbox"/> CON <input type="checkbox"/> HYD DRG <input type="checkbox"/> WTR PWR <input type="checkbox"/> ART RECHRG <input checked="" type="checkbox"/> IND    SIC: <b>1442</b> <input type="checkbox"/> OTHER: _____
---	---

10. Completion Date: <u>  12/31/2021  </u>	11. Perfection Date: <u>  12/31/2025  </u>	12. Exp Date: _____
--	--	---------------------

13. Conservation Plan Required?  Yes  No Date Required: \_\_\_\_\_ Date Approved: \_\_\_\_\_ Date to Comply: \_\_\_\_\_

14. Water Level Measuring Device?  Yes  No Date to Comply: \_\_\_\_\_ Date WLMD Installed: \_\_\_\_\_

Date Prepared: <b>1/30/2020</b> By: <b>KJN</b>
Date Entered: <span style="border: 1px solid blue; padding: 2px;"><b>11/10/2020</b></span> By: _____
<span style="border: 1px solid blue; padding: 2px;"><b>L Moody</b></span>

File No. <b>50197</b>	15. Formation Code:	Drainage Basin: S F REPUBLICAN RIVER	County: CN	Special Use:	Stream:																				
16. Points of Diversion			17. Rate and Quantity																						
T MOD DEL ENT	PDIV	Qualifier	S	T	R	ID	'N	'W	Authorized	Additional	Rate gpm	Quantity af	Rate gpm	Quantity af	Overlap PD Files										
√	<b>87256</b>	<b>NE SW NE</b>	<b>19</b>	<b>1S</b>	<b>38W</b>	<b>3</b>	<b>3946</b>	<b>1533</b>	<b>NE</b>	<b>15</b>	<b>NE</b>	<b>15</b>													
18. Storage: Rate _____ Quantity _____ ac/ft Additional Rate _____ Additional Quantity _____ ac/ft																									
19. Limitation: _____ af/yr at _____ gpm (_____ cfs) when combined with file number(s) _____ Limitation: _____ af/yr at _____ gpm (_____ cfs) when combined with file number(s) _____																									
20. Meter Required? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No To be installed by _____ Date Acceptable Meter Installed _____																									
21. Place of Use		NE¼				NW¼				SW¼				SE¼				Total	Owner	Chg? <b>NO</b>	Overlap Files				
T MOD DEL ENT	PUSE	S	T	R	ID	NE ¼	NW ¼	SW ¼	SE ¼	NE ¼	NW ¼	SW ¼	SE ¼	NE ¼	NW ¼	SW ¼	SE ¼								
<b>CHK</b>	<b>69261</b>	<b>19</b>	<b>1S</b>	<b>38W</b>	<b>3</b>	<b>5 SURFACE ACRE PIT (NE) SAND &amp; GRAVEL</b>																<b>7a</b>	<b>No</b>		
Comments: <b>*15 AF EXEMPTION TO SAFE YIELD.</b>																									

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

File Number: **50,197**

FO: **3**

GMD:

**WAIVER REQUEST:**

UMW	Date Requested	Rule ID	Applies	Rule Type	Rule Subtype
<b>IND</b>		<b>3</b>	<b>Statewide</b>	<b>Well Spacing</b>	<b>unconfined</b>
Rule Number	Date Granted	Date Denied	Justification:	An irrigation well is within the 1,320 foot radius from the sand and gravel pit geocenter approved by New Application, File No. 50,197. Jim Gleason has submitted 50,197 and owns said irrigation well, which is authorized under Water Right, File No. 536.	
<b>K.A.R. 5-4-4 (1)(C)</b>					

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

Rule ID	Applicability	Type	Subtype	Rule Number	Date Active	Date Inactive
				<b>K.A.R.</b>		

**COMMENTS: Will not be a new rule**

Date Prepared **2/12/2020** By **KJN**

Date Entered \_\_\_\_\_ By \_\_\_\_\_

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

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

**TO:** Files

**DATE:** January 24, 2020

**FROM:** Kris Neuhauser

**RE:** New Application, File No. 50,197

The above referenced application has been filed by Jim Gleason to appropriate groundwater for industrial use (excavation of a sand and gravel pit). The application is requesting 15 acre-feet of water to cover natural evaporative loss from the surface of the groundwater pit with a projected exposed surface area size of 5 acres (5 acres x 36 inches / 12 inches = 15 acre-feet).

For the time being, the geographic center of the pit will be represented by a point 3,946 feet north and 1,533 feet west of the southeast corner of Section 19, Township 1 South, Range 38 West, Cheyenne County, Kansas. Since the pit has not yet been excavated, the authorized place of use has been listed as 40 acres within Section 19, Township 1 South, Range 38 West, Cheyenne County, Kansas (shown on the supplied map), in order to give the applicant some area to move around the requested geocenter. The pit will then be limited to 5 acres within this 40-acre area. Once the pit has been created, depending on the exact location, the point of diversion and place of use may need to be updated, as well as a new map drafted.

The area is fully developed for safe yield, but the application has been filed for a 15 acre-foot exemption under K.A.R. 5-13-4. The applicant has signed the application form stating he has legal access to the point of diversion.

The closest domestic well is roughly 1,900 feet away, meeting minimum well spacing requirements. However, a nearby irrigation well, authorized under Water Right, File No. 536 (owned by the applicant), is 1,096 feet to the Southeast, within the 1,320 feet allowed. The permit will require a waiver of spacing to this well. Three landowners within ½ mile of the point of diversion were notified by letter on September 25, 2019, but no responses of any kind were received.

In an e-mail conversation on January 27, 2020, Kelly Stewart, Water Commissioner of the Stockton Field Office, indicated he did not object to the approval of the referenced application. Based on the above discussion, with the requested waiver of spacing to Water Right, File No. 536, the small use (15 AF) exemption under safe yield regulations, and with no indication that senior water rights will be impaired, it is recommended that the referenced application be approved.



Kris Neuhauser  
Environmental Scientist  
Water Appropriation Program

**From:** Neuhauser, Kris [KDA]  
**Sent:** Tue 12/31/2019 3:58 PM  
**To:** Stewart, Kelly [KDA]  
**Cc:** Baum, Kristen [KDA]  
**Subject:** RE: New App 50197: term app, new map, notice of intent

Sounds great Kelly,

I'll reach out to him and check on the supplemental sheet and hydraulic dredging as you said. Upping the place of use to 40 acres to allow movement of the pit sounds like a good plan as well.

Hope you have a good New Years,

Kris

---

**From:** Stewart, Kelly [KDA] <Kelly.Stewart@ks.gov>  
**Sent:** Tuesday, December 31, 2019 3:46 PM  
**To:** Neuhauser, Kris [KDA] <Kris.Neuhauser@ks.gov>  
**Cc:** Baum, Kristen [KDA] <Kristen.Baum@ks.gov>  
**Subject:** RE: New App 50197: term app, new map, notice of intent

Kris,

Mark has not been able to follow up on any of this. I would suggest you contact the applicant and see if he has the supplemental sheet or did he pass it on to the county to fill out? It would be so simple. Starting with no acres exposed then maxing out at 5 acres exposed eventually. As I stated on the phone, I doubt they will use a hydraulic dredge unit on this, but it would be good to ask them and verify that. Finally, regarding the proposed place of use, I would recommend approving a larger area (like a 40 acre tract) and then state they are limited to a 5 acre pit within that area.

Kelly

---

**From:** Neuhauser, Kris [KDA] <[Kris.Neuhauser@ks.gov](mailto:Kris.Neuhauser@ks.gov)>  
**Sent:** Tuesday, December 31, 2019 2:27 PM  
**To:** Stewart, Kelly [KDA] <[Kelly.Stewart@ks.gov](mailto:Kelly.Stewart@ks.gov)>  
**Cc:** Baum, Kristen [KDA] <[Kristen.Baum@ks.gov](mailto:Kristen.Baum@ks.gov)>  
**Subject:** FW: New App 50197: term app, new map, notice of intent

Hey Kelly,

I'm working this one. Here's a quick back log of Mark and I's emails earlier this month about the app. Not sure if Mark ended up talking with Jim since then regarding the missing industrial supplemental sheet, dredging term permit, etc.

I'll give you a ring if you're free.

Kris

---

**From:** Neuhauser, Kris [KDA]  
**Sent:** Wednesday, December 18, 2019 8:57 AM  
**To:** Billinger, Mark [KDA] <[Mark.Billinger@ks.gov](mailto:Mark.Billinger@ks.gov)>  
**Subject:** RE: New App 50197: term app, new map, notice of intent

No rush, I have plenty of other things to work on too.

Wondered about how to actually map it with it not being there yet like you said.. that sounds like a plan to create one once it's completed. I'll create a hypothetical map myself, so no worries.

Yeah he must have not included the supplemental sheet along with the app, we will need that. Term might be needed if he is planning to dredge as well. Let me know what you find out.

(If you're busy and need me to contact him instead just let me know.)

Thanks,

Kris

---

**From:** Billinger, Mark [KDA] <[Mark.Billinger@ks.gov](mailto:Mark.Billinger@ks.gov)>  
**Sent:** Wednesday, December 18, 2019 8:23 AM  
**To:** Neuhauser, Kris [KDA] <[Kris.Neuhauser@ks.gov](mailto:Kris.Neuhauser@ks.gov)>  
**Subject:** RE: New App 50197: term app, new map, notice of intent

OK I saw that I sent a supplement along with the application but he must not have submitted it along with the app.

I have another new app to get out the door this morning then need to get out the field to meet with City of Lenora. Will get on this this afternoon or tomorrow.

I don't recall there being a term permit on this one as far as I remember and it was long enough ago I don't remember if it was to be dredged. Likely it will be but will have to reach out to him.

As far as the map goes I'm not sure how to predict how to accurately draw a pit that isn't there yet. Only that in the end he will be restricted to 5 acres in size and then when we do the field inspection on it we will draw the map from what was completed.

I can draw a new map with a hypothetical 5 acre pit but it would only be speculative.

Up to you on what you need just let me know and I can do whatever.

Thanks,  
Mark

---

**From:** Neuhauser, Kris [KDA] <[Kris.Neuhauser@ks.gov](mailto:Kris.Neuhauser@ks.gov)>  
**Sent:** Tuesday, December 17, 2019 4:41 PM  
**To:** Billinger, Mark [KDA] <[Mark.Billinger@ks.gov](mailto:Mark.Billinger@ks.gov)>  
**Subject:** New App 50197: term app, new map, notice of intent

Hi Mark,

Wanted to check on 50,197, app for excavation of a sand and gravel pit (5 acre surface area), 15 AF exemption. Saw you assisted with this one, so wanted ask you some questions before I went any further.

Do you know if they plan to do any hydraulic dredging? There is no term permit attached to this one so wasn't sure.. if they are planning to, we would make it a project permit.

We will need a better map as well, to show the 5 acre pit clearly. Kristen brought to my attention they may need to fill out a 'Notice of intent to open or expand a sand and gravel pit' too.

Just wanted to run all this by you in case you know anything we don't, and to see if there is a term permit for hydraulic dredging lying around that we misplaced.

Thanks!

## Kris Neuhauser

Environmental Scientist

Kansas Department of Agriculture, Division of Water Resources

Address: 1320 Research Park Drive, Manhattan, KS 66502

Phone: (785)564-6643

Website: <http://agriculture.ks.gov/divisions-programs/dwr>

**From:** Neuhauser, Kris [KDA]  
**Sent:** Thu 1/2/2020 4:48 PM  
**To:** Jim & Annette Gleason  
**Subject:** RE: New Application File No. 50,197 Sand and Gravel Pit: Supplemental Sheet  
**Attachments:** Sand & Gravel Pit IND Use.pdf, 50197 New App.pdf

Hey Jim,

Yes, here is a pdf file of it instead! Let me know if it works out for you.

(I attached your original application as well, so you have some information to look back on.)

## Kris Neuhauser

Environmental Scientist  
Kansas Department of Agriculture, Division of Water Resources  
Address: 1320 Research Park Drive, Manhattan, KS 66502  
Phone: (785)564-6643  
Website: <http://agriculture.ks.gov/divisions-programs/dwr>

---

**From:** Jim & Annette Gleason <annjim02@yahoo.com>  
**Sent:** Thursday, January 2, 2020 4:41 PM  
**To:** Neuhauser, Kris [KDA] <Kris.Neuhauser@ks.gov>  
**Subject:** Re: New Application File No. 50,197 Sand and Gravel Pit: Supplemental Sheet

**EXTERNAL:** This email originated from outside of the organization. Do not click any links or open any attachments unless you trust the sender and know the content is safe.

Hey Kris,

I am having trouble printing the supplemental sheet out. Could you try sending it in a PDF file?

Blessings,  
Jim

On Thursday, January 2, 2020, 11:35:30 AM MST, Neuhauser, Kris [KDA] <[kris.neuhauser@ks.gov](mailto:kris.neuhauser@ks.gov)> wrote:

Good morning Jim,

I have attached a 'Notice of Intent to Open or Expand a Sand and Gravel Pit Operation' form above. I've partially filled it out, but need further information is needed, as well as a signature on page 2.

I'm guessing the county could help fill this out as well; I wasn't sure if you've been in contact with someone in particular regarding all of this?



When completed, feel free to scan and email it straight back to me, or you can mail hard copies to us: Division of Water Resources, 1320 Research Park Drive, Manhattan Kansas 66502. Whichever works best for you!

If you have any questions along the way, feel free to email me back or call my direct line at 785-564-6643.

Thank you!

# Kris Neuhauser

Environmental Scientist

Kansas Department of Agriculture, Division of Water Resources

Address: 1320 Research Park Drive, Manhattan, KS 66502

Phone: (785)564-6643

Website: <http://agriculture.ks.gov/divisions-programs/dwr>

**From:** Stewart, Kelly [KDA]  
**Sent:** Mon 1/27/2020 2:20 PM  
**To:** Neuhauser, Kris [KDA]  
**Subject:** RE: New App 50197 Rec Request

Excellent. Thanks.

---

**From:** Neuhauser, Kris [KDA] <Kris.Neuhauser@ks.gov>  
**Sent:** Monday, January 27, 2020 2:17 PM  
**To:** Stewart, Kelly [KDA] <Kelly.Stewart@ks.gov>  
**Cc:** Billinger, Mark [KDA] <Mark.Billinger@ks.gov>  
**Subject:** RE: New App 50197 Rec Request

Kelly,

Yup I thought the same thing, I loaded the ORKA layer in Arc when creating the map, to make sure it's all on Jim's land. Should be good to go!

Kris

---

**From:** Stewart, Kelly [KDA] <[Kelly.Stewart@ks.gov](mailto:Kelly.Stewart@ks.gov)>  
**Sent:** Monday, January 27, 2020 1:08 PM  
**To:** Neuhauser, Kris [KDA] <[Kris.Neuhauser@ks.gov](mailto:Kris.Neuhauser@ks.gov)>  
**Cc:** Billinger, Mark [KDA] <[Mark.Billinger@ks.gov](mailto:Mark.Billinger@ks.gov)>; Hageman, Rebecca [KDA] <[Rebecca.Hageman@ks.gov](mailto:Rebecca.Hageman@ks.gov)>  
**Subject:** RE: New App 50197 Rec Request

Kris,

I have no objection to the approval of this application.

I'm glad you made the area larger within which to ultimately locate the pit. We probably should be extra careful not to let this 40 acre tract on the map to include anybody else's property that doesn't belong to Jim Gleason. We would want to avoid accidentally involving another landowner.

Kelly

---

**From:** Neuhauser, Kris [KDA] <[Kris.Neuhauser@ks.gov](mailto:Kris.Neuhauser@ks.gov)>  
**Sent:** Monday, January 27, 2020 12:41 PM  
**To:** Stewart, Kelly [KDA] <[Kelly.Stewart@ks.gov](mailto:Kelly.Stewart@ks.gov)>  
**Cc:** Billinger, Mark [KDA] <[Mark.Billinger@ks.gov](mailto:Mark.Billinger@ks.gov)>  
**Subject:** New App 50197 Rec Request

Hi Kelly,

Here is my recommendation request for New App, File No. 50,197. Jim Gleason sent in his Notice of Intent for a Sand and Gravel Pit after I chatted with him a few weeks back.. I've attached it above. Not planning to dredge as you thought.

I went ahead and created a new map showing the place of use as 40 acres, the center being the current PD/geocenter of the pit, to give them some wiggle room as you mentioned.

If I need to make any changes or add some additional info that you can think of let me know.

Thanks!

# Kris Neuhauser

Environmental Scientist

Kansas Department of Agriculture, Division of Water Resources

Address: 1320 Research Park Drive, Manhattan, KS 66502

Phone: (785)564-6643

Website: <http://agriculture.ks.gov/divisions-programs/dwr>

JAN 13 2020

2:15

KS Dept Of Agriculture

THE STATE OF KANSAS



KANSAS DEPARTMENT OF AGRICULTURE  
Mike Beam, Secretary of Agriculture

DIVISION OF WATER RESOURCES  
David W. Barfield, Chief Engineer

NOTICE OF INTENT TO OPEN OR EXPAND A  
SAND AND GRAVEL PIT OPERATION

(In accordance with K.S.A. 82s-734(c), K.A.R. 5-13-1, and amendments thereto)

File No. 50,197 (Office Use Only)

1. Operator Name (Please Print) Cheyenne County

Address 212 E. Washington  
St. Francis KS 67756

Telephone (785) 332-8840

2. Please designate the legal description of the pit. 5 acres in the NE 1/4 of the SW 1/4 of the NE 1/4 of Section 19, Township 1 South, Range 38 West, Cheyenne County, Kansas.
3. Outline on an aerial photograph or topographical map the current and FINAL outline of the proposed pit, and attach it to the Notice of Intent. The photograph or map shall indicate the legal description of the location of the proposed pit and the scale of the map or photograph.
4. What year did, or will, the excavation of the pit begin? 2020
5. Indicate the proposed final size of the pit in acres. 5 acres.
6. Estimate the year the pit will be completed? 2029
7. By what method will the pit be excavated?  
Hydraulic \_\_\_\_\_ Mechanical  Other \_\_\_\_\_
8. Will you have any other diversions of water at the pit site besides hydraulic dredging, such as pumpsites or wells? Yes \_\_\_\_\_ No . If yes, please specify the type of diversion and use to be made of the water. \_\_\_\_\_
9. Attach a copy of the Reclamation Plan you have on file with the State Conservation Commission.

SCANNED

10. Please specify the measures you plan to use to protect groundwater from pollution, such as berms or vegetative strips. \_\_\_\_\_

11. Please complete the following table showing the estimated pit size at the end of each of the next five years.

Size of the Pit	Projected Pit Size in Acres
Current size of pit	0
Year 1	.5
Year 2	.5
Year 3	.5
Year 4	.5
Year 5	.5

12. Owner's Name (Please Print) Jim Gleason

Address 2745 Rd 24

Bird City, KS 67731

Telephone (308)414-1667

13. Please attach any additional information you believe will assist the Division in understanding the nature of your proposed pit or the expansion of your existing pit.

*JIM GLEASON*

*Jim Gleason*  
Name (Please Print)

1-9-20  
Date

*Jim Gleason*  
Signature

*Owner*  
Title/Relationship to Owner

Water Resources  
Received

JAN 13 2020

SCANNED

KS Dept Of Agriculture



**Mined Land Reclamation Program**  
**RECLAMATION PLAN**

K.S.A. 49-602. It is the policy of this state to provide for the reclamation and conservation of land affected by surface mining and thereby to preserve natural resources, protect and perpetuate the taxable value of property, and protect and promote the health, safety and general welfare of the citizens of this state.

**SITE INFORMATION**

**Company/County Name** Cheyenne County **License Number** 95-187  
**Street Address 1** 212 E. Washington  
**Street Address 2** \_\_\_\_\_  
**City** St. Francis **State** Kansas **Zip** 67756  
**E-mail** cnroad@hotmail.com  
**Telephone** 785-332-8840 **Fax** 785-332-8825  
**Date of Application** 1/8/2020

**THIS RECLAMATION PLAN WILL BE VALID FOR 10 YEARS FROM THE DATE OF DOC APPROVAL.**  
**Expiration Date:** 12/31/2029

**SITE INFORMATION**

Site Number	Site Name	County	Legal Description				East/West
			Q	S	T	R	
41	Gleason	Cheyenne	NE	19	1	38	west

**Material(s) to be Extracted:**  Limestone  Sand & Gravel  Sand  Rock  Shale  Gypsum  
 Sandstone  Landfill  Quartzite  Stone  Caliche  Salt  Gravel  Soil  Topsoil  
 Clay  Volcanic Ash

**Street address of site** Road AA  
**Is the site leased or owned by the operator?** no  
**Pre-mining land use?** pasture **Total acreage of the registered site?** 5 acres  
**What is the total acreage of mining operation (includes roads, stockpiles, storage etc.)?** 5 acres

**Indicate the approximate depth in feet of the following:**  
 topsoil 0 mineral layer(s) 1) 12 feet  
 overburden minus topsoil 0 2) \_\_\_\_\_

Water Resources  
Received  
JAN 13 2020

SCANNED

**RECLAMATION PLANNING**

Do you intend to reclaim as you mine? no Or when mining is completed? no  
What is the expected total acreage of land to be affected at the site during the life of the mine? 5 acres

*(Affected land is defined as the land area where overburden has been removed for mining, overburden storage area, or both)*

What is the intended post-mining land use? (check all that may apply)

Use	Estimated Acreage	Use	Estimated Acreage
<u>    </u> 1. Pasture	<u>                    </u>	<u>    </u> 6. Commercial/Industrial	<u>                    </u>
<u>    </u> 2. Farmland	<u>                    </u>	<u>    </u> 7. Wildlife Habitat	<u>                    </u>
<u>    </u> 3. Forest	<u>                    </u>	<u>    </u> 8. Recreation	<u>                    </u>
<u>  x  </u> 4. Lake or Pond	<u>5 acres</u>	<u>    </u> 9. Other	<u>                    </u>
<u>    </u> 5. Residential	<u>                    </u>		

**K.S.A. 49-611.** (a) An operator authorized under this act to operate a mine, after completion of mining operations and within the time specified in K.S.A. 49-613, shall:

- (1) Grade affected lands except for impoundments and pit floors to slopes no steeper than one foot vertical rise for each three feet of horizontal distance. Where the original topography of the affected land was steeper than one foot of vertical rise for each three feet of horizontal distance, the affected lands may be graded to blend with the surrounding terrain. The grading of high banks of sand pits and highwalls may be modified or exempted by the Director.
- (2) Provide for the vegetation of the affected lands, except for impoundments, pit floors, and highwalls, as approved by the Director before the release of the bond as provided in K.S.A. 49-616.

**I understand under Kansas law I am required to reclaim mined land after completion of mining operations unless a variance is granted by the State Conservation Commission under authority granted in K.S.A. 49-611 (d).**   F   Initial

*GRADED SLOPES AND FILL AREAS ARE REQUIRED TO BE VEGETATED TO PREVENT EROSION AND SOIL LOSS. Vegetation may include grasses, forbs, legumes, shrubs and trees. Division of Conservation suggests the operator use the grass mixtures recommended by the Natural Resources Conservation Service/ County Conservation District, or KSU Extension for the area.*

**Please indicate the type or species of grass or other vegetation that will be planted on the reclaimed land:**

Brome     Fescue     Native Grass     Other

**Topsoil: K.S.A. 49-611.** (c) Topsoil that is a part of overburden shall not be buried or destroyed in the process of mining.

**I understand that topsoil will not be buried or destroyed in the process of mining.**   F   Initial.

An approximately equal amount of topsoil that was on the site prior to mining must be placed over the areas to be seeded after mining. Do you plan to remove any of the topsoil from the site?      Yes   x   No  
If yes, then state the approximate amount of topsoil to be stockpiled for reclamation on site.                     

*Certain topsoil reclamation requirements under K.S.A. 49-601 through 624 may receive a variance by the Executive Director with the concurrence of the State Conservation Commission.*

**When mining is complete, final reclamation planning should occur in consultation with the DOC before beginning reclamation work.**

Water Resources  
Received

JAN 13 2020

SCANNED

### SET-BACK DISTANCE FROM ADJOINING PROPERTY

*Although not part of the Surface Mining Land Reclamation and Conservation Act, this statute applies to landowners with land that is mined. The set-back distance should also be enough to allow for the required 3:1 slope of affected mine land to be achieved when shaping is required.*

#### **K.S.A. 49-501. Limits on excavation of certain land; civil remedies for violations.**

(a) From and after the effective date of this act, land which is located outside the limits of any incorporated city and which is not zoned or is zoned for agricultural use shall not be excavated for limestone mining or quarrying purposes unless there is, for each foot of depth excavated, at least one foot of unexcavated land between the excavation and the property line of the person who owns the land being excavated. The requirement for maintenance of unexcavated land along a property line shall not be required if adjoining lands upon both sides of such property line are being excavated for such purpose.

(b) The commission of any act in violation of subsection (a) shall render the violator liable to the adjoining landowner for the payment of a civil penalty of \$1,000 plus actual damages and reasonable attorney fees, recoverable in an action brought by the adjoining landowner.

### RECLAMATION REQUIREMENTS

**Grading:** Shall be completed within **6 months** after receipt of the Final Surface Mining Completion Report.

**Seeding:** Shall be completed within **one year** or after conclusion of grading, considering optimal seeding time, spring or fall.

**Vegetation establishment:** Shall be completed in **one to three years**, depending upon vegetation type and/or the amount of rainfall and weather conditions. Each operator shall allow the seeded vegetation at least one year to become established before filing a *Reclamation Approval Request* form.

Natural Resources Conservation Service (NRCS) – *Provides seeding recommendations and conservation planning at no cost. The county Conservation District is normally co-located with the NRCS and can provide a list of grass seeding contractors in your county and often sell grass seed.*

**K.A.R. 11-8-7. Reclamation requirements.** Reclamation of affected lands shall meet the following standards, in addition to the standards listed in K.S.A. 49-611, and amendments thereto.

- (a) Affected lands shall be graded to allowable slopes within six months after filing the final report for the site.
- (b) In grading the affected lands, all mining-related waste products and machinery incompatible with the care and growth of vegetation shall be removed from the affected lands. Boulders and stones incompatible with the proposed post-mining use of the site shall be buried or removed from the site.
- (c) Topsoil and overburden, or if topsoil was not present initially, then overburden only, shall be preserved in an amount specified in the reclamation plan on the site for reclamation of affected lands.
- (d) Within one year following the conclusion of all earthwork, seeding of all areas in which vegetation is to be provided shall be completed to the extent permitted by weather and planting requirements.

Water Resources  
Received

JAN 13 2020

SCANNED

KS Dept Of Agriculture

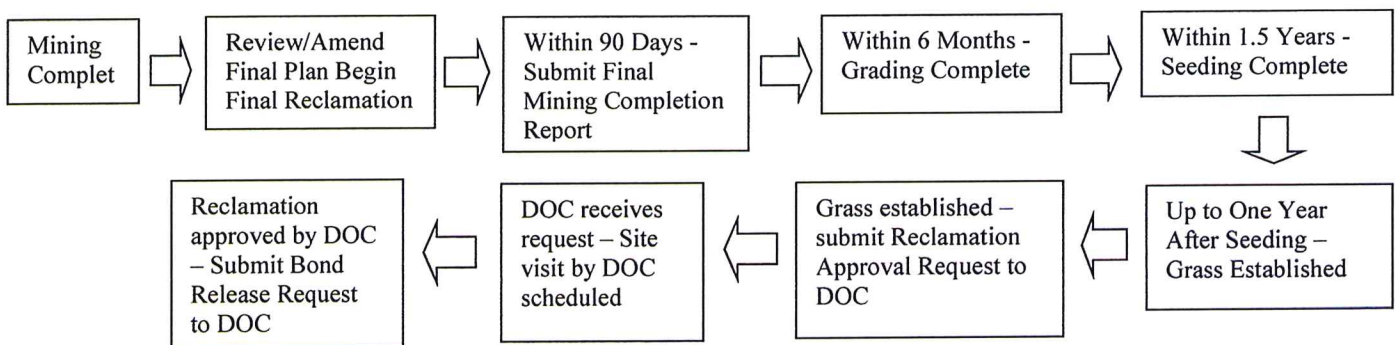


- (e) Erosion control methods shall be used where necessary to prevent rill and gully formation.
- (f) Each operator shall allow the seeded vegetation at least one year to become established before filing a release request.
- (g) A variance from the requirements of sub-sections (a), (d) and (f) of this regulation, may be granted by the Executive Director if the operator submits a written request at least 30 days before the initiation of affected reclamation activities. (Authorized by K.S.A. 49-623; implementing K.S.A. 49-611; effective June 19, 1995.)

**I understand that under Kansas law, after completion of mining operations, I am required to reclaim mined land in accordance with the standards identified in the reclamation plan unless a variance is granted by the State Conservation Commission under authority granted in K.S.A. 49-611 (d) and K.A.R. 11-8-7. \_\_\_\_\_ Initial**

**RECLAMATION PROCESS**

*Within 3 years after the mining completion report is filed with the DOC all reclamation must be completed.  
K.S.A. 49-613(a).*



**By checking the box, I acknowledge that I have read the above statement and do hereby demonstrate my understanding and agreement to abide by these guidelines.**

**SIGN REQUIREMENTS**

**K.S.A. 49-607. Signing of Site (c)** A mine site registered pursuant to this section or K.S.A. 49-616 shall have, at the primary entrance to the mine site, a clearly visible sign which sets forth the name, business address and phone number of the operator. Failure to post and maintain a sign as required by this subsection, within 30 days after notice from the Executive Director, invalidates the registration.

**By checking the box, I acknowledge that I have read the above statement and do hereby demonstrate my understanding and agreement to abide by these guidelines.**

Water Resources  
Received

JAN 13 2020

KS Dept Of Agriculture

**RECLAMATION MAP REQUIREMENTS**

**Location Maps should be aerial photographs or enlarged topographic maps of the entire mine area and of a scale sufficient to clearly illustrate the following:**

- (1) Outline of the registered site detailing the affected areas, incremental mining areas;
- (2) Outline of the stockpile area;
- (3) Outline of the overburden stockpile areas;
- (4) Outline of the settling ponds;
- (5) Location of plant sites or processing areas;
- (6) Location of roads both existing and planned on-site; and
- (7) Location of planed and existing on-site buildings.
- (8) The proposed final limits of the excavation, during the number of years for which the permit is requested.

**Map Sources:**

Google Maps  
Google Earth  
CAD Drawings

**By checking the box, I acknowledge that I have read the above statement and do hereby demonstrate my understanding and agreement to abide by these guidelines.**

**SIGNATURES**

**Operator responsible for reclamation:**

*As a representative of the above-named company, I certify that the above information is correct to the best of my knowledge, and that the above-named company/county has the authority to operate a mine on the site listed above, and that the above-named company/county has complied with all local, state, and federal requirements pursuant to K.S.A. 49-607(7).*

First Name Dave MI G Last Name Flemming  
Title Public Works Director Date 1-8-2020  
Signature Dave Flemming

**DIVISION OF CONSERVATION APPROVAL**

Mined Land Reclamation Program Manager \_\_\_\_\_ Date \_\_\_\_\_  
Division of Conservation, KDA

Water Resources  
Received

Notes:

JAN 13 2020

KS Dept Of Agriculture

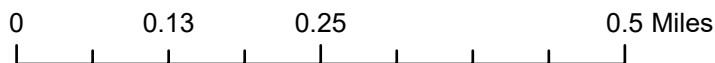
Submit this form to: **Division of Conservation, KDA, Mined Land Reclamation Program, 1320 Research Park Drive, Manhattan, Kansas, 66502** OFFICE 785-564-6620 FAX 785-564-6778

# New App File No. 50,197

40 acre Place of Use (limited to 5 acre sand and gravel pit)



KJN  
1/24/2020  
DWR HQ Manhattan



THE STATE OF KANSAS



KANSAS DEPARTMENT OF AGRICULTURE  
Mike Beam, Secretary of Agriculture

DIVISION OF WATER RESOURCES  
Christopher W. Beightel, Acting Chief Engineer


**WAIVER OF REGULATION**  
**K.A.R. 5-4-4 (c) (1). Well spacing.**

Date: 29 October 2020

RE: Appropriation of Water, File No. 50,197

1. That K.A.R. 5-4-4 (c) (1) states, in part: The minimum distance from the well which is the subject of the application to all other senior authorized non-domestic and non-temporary wells in the same aquifer or a hydraulically connected aquifer shall be: 1,320 feet to wells whose common source of supply is any other aquifer.
2. That Water Right, File No. 536 falls within this 1,320 foot distance, located 1,096 feet to the Southeast of the geocenter of the proposed sand and gravel pit under New Application, File No. 50,197.
3. That the applicant for New Application, File No. 50,197, Jim Gleason, also owns Water Right, File No. 536.
4. That based on the above information, Mr. Gleason is aware of the location of Water Right, File No. 536, and the distance it is from the proposed geocenter of the sand and gravel pit, which will be approved by New Application, File No. 50,197.
5. That a waiver of K.A.R. 5-4-4 (c) (1) will not prejudicially or unreasonably affect the public interest, nor impair senior water rights.

Comments:

  
\_\_\_\_\_  
*scr* Christopher W. Beightel, P.E.  
Acting Chief Engineer  
Division of Water Resources  
Kansas Department of Agriculture

THE STATE OF KANSAS



KANSAS DEPARTMENT OF AGRICULTURE  
Mike Beam, Secretary of Agriculture

DIVISION OF WATER RESOURCES  
Christopher W. Beightel, Acting Chief Engineer

APPROVAL OF APPLICATION  
and  
PERMIT TO PROCEED

(This is not a Certificate of Appropriation)

This is to certify that I have examined Application, **File No. 50,197** of the applicant

**JIM G GLEASON**  
**2745 ROAD 24**  
**BIRD CITY, KS 67731-3122**

for a permit to appropriate water for beneficial use, together with the maps, plans and other submitted data, and that the application is hereby approved and the applicant is hereby authorized, subject to vested rights and prior appropriations, to proceed with the construction of the proposed diversion works (except those dams and stream obstructions regulated by K.S.A. 82a-301 through 305a, as amended), and to proceed with all steps necessary for the application of the water to the approved and proposed beneficial use and otherwise perfect the proposed appropriation subject to the following terms, conditions and limitations:

1. That the priority date assigned to such application is **January 14, 2019**.
2. That the water sought to be appropriated shall be used for industrial use for evaporative loss from a groundwater pit with a projected total area of 5 acres located in the Northeast Quarter (NE $\frac{1}{4}$ ) of Section 19, in Township 1 South, Range 38 West, Cheyenne County, Kansas.
3. That the authorized source from which the appropriation shall be made is groundwater from the South Fork Republican River alluvium, to be withdrawn by means of a groundwater pit with a projected geographic center located in the Northeast Quarter of the Southwest Quarter of the Northeast Quarter (NE $\frac{1}{4}$  SW $\frac{1}{4}$  NE $\frac{1}{4}$ ) of Section 19, more particularly described as being near a point 3,946 feet North and 1,533 feet West of the Southeast corner of said section, in Township 1 South, Range 38 West, Cheyenne County, Kansas, located substantially as shown on the aerial map accompanying the application.
4. That the appropriation sought shall be limited to a maximum diversion rate not in excess of **natural evaporation** and to a quantity not to exceed **15 acre-feet** of water for any calendar year, from a groundwater surface area exposure not greater than 5 acres.
5. That installation of works for diversion of water shall be completed on or before **December 31, 2025** or within any authorized extension thereof. The applicant shall notify the Chief Engineer and pay the statutorily required field inspection fee of \$200.00 when construction of the works has been completed. Failure to timely submit the notice and the fee will result in revocation of the permit. Any request for an extension of time shall be submitted prior to the expiration of the deadline and shall be accompanied by the required statutory fee of \$100.00.
6. That the proposed appropriation shall be perfected by the actual application of water to the proposed beneficial use on or before **December 31, 2040** or any authorized extension thereof. Any request for an extension of time shall be submitted prior to the expiration of the deadline and shall be accompanied by the required statutory fee, which is currently \$100.00.
7. That the applicant shall not be deemed to have acquired a water appropriation for a quantity in excess of the amount approved herein nor in excess of the amount found by the Chief Engineer to have been actually used for the approved purpose during one calendar year subsequent to approval of the application and within the time specified for perfection or any authorized extension thereof.

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

9. That the right of the appropriator shall relate to a specific quantity of water and such right must allow for a reasonable raising or lowering of the static water level and for the reasonable increase or decrease of the streamflow at the appropriator's point of diversion.

10. That this permit does not constitute authority under K.S.A. 82a-301 through 305a to construct any dam or other obstruction; nor does it grant any right-of-way, or authorize entry upon or injury to, public or private property.

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

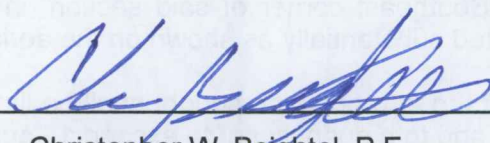
12. That no water user shall engage in nor allow the waste of any water diverted under the authority of this permit.

13. That failure without cause to comply with provisions of the permit and its terms, conditions and limitations will result in the forfeiture of the priority date, revocation of the permit and dismissal of the application.

14. That the right to appropriate water under authority of this permit is subject to any minimum desirable streamflow requirements identified and established pursuant to K.S.A. 82a-703c for the source of supply to which this water right applies.

15. That the area around the groundwater pit shall be bermed or graded, and maintained to prohibit any surface drainage or storm water runoff from entering the aquifer through the excavated pit.

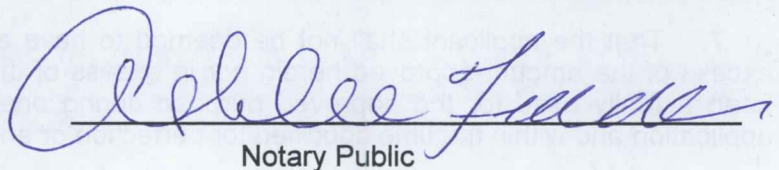
Ordered this 29 day of October, 2020, in Manhattan, Riley County, Kansas.



Christopher W. Beightel, P.E.  
Acting Chief Engineer  
Water Appropriation Program  
Division of Water Resources  
Kansas Department of Agriculture

State of Kansas )  
                                  ) SS  
County of Riley )

The foregoing instrument was acknowledged before me this 29 day of October, 2020, by Christopher W. Beightel, P.E., Acting Chief Engineer, Division of Water Resources, Kansas Department of Agriculture.

  
Notary Public

1320 Research Park Drive  
Manhattan, KS 66502  
785-564-6700  
www. agriculture.ks.gov



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

Mike Beam, Secretary

Laura Kelly, Governor

November 12, 2020

JIM G GLEASON  
2745 ROAD 24  
BIRD CITY, KS 67731-3122

Re: Appropriation of Water, File No. 50,197

Dear Mr. Gleason:

Enclosed is a permit authorizing you to proceed with construction of the proposed diversion works and to appropriate water for beneficial use as set forth in the permit. Your attention is directed to the enclosures and to the terms, conditions, limitations, and requirements specified in this permit.

Notice must be filed on the enclosed form once the diversion works have been completed. Failure to complete the diversion works within the time allowed, or within any authorized extension of time thereof, will result in dismissal of this permit. If you need an extension of time, you must request it before the deadline for completion set forth in the permit. Any request for an extension of time must be accompanied by the statutorily required fee, which is currently \$100.00.

An acceptable water flowmeter must be installed on the diversion works authorized by this permit prior to using water. An annual water use report must be filed with the Chief Engineer by March 1, following the end of each calendar year. If a complete annual water use report is not received by the deadline, then a fine may be assessed and all water use under such permit or right may be suspended. Reports submitted in paper form will be assessed a \$20 per file number paper filing fee. In order to avoid this filing fee, you may submit your report online at [www.kswaterusereport.org](http://www.kswaterusereport.org).

The approval of your application constitutes a permit to appropriate water. It does not give authority to construct any dam or other stream obstruction regulated by K.S.A. 82a-301 through 305a. It does not give authority to access any right-of-way or authorize trespassing upon or injury to public or private property. It may also be necessary for you to comply with other local, state or federal requirements.

Enclosed is an informational sheet that sets forth the procedure to obtain a Certificate of Appropriation which will establish the extent of your perfected water right. Additional information and applicable forms may be found on our website at [agriculture.ks.gov/divisions-programs/dwr](http://agriculture.ks.gov/divisions-programs/dwr). If you have any questions or need assistance with any of these requirements, please contact our office at 785-564-6640 or your local Stockton Field Office at 785-425-6787. If you call, please reference the file number so we can help you more efficiently.

Sincerely,

Kristen A. Baum  
New Application Unit Supervisor  
Water Appropriation Program

KAB: kjn  
Enclosures

pc: Stockton Field Office

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

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

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

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

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

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

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

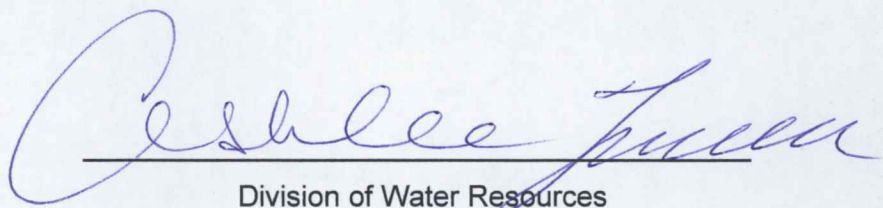
**CERTIFICATE OF SERVICE**

On this 12 day of November, 2020, I hereby certify that the foregoing Approval of Application, File No. 50,197, dated \_\_\_\_\_, was mailed postage prepaid, first class, US mail to the following:

JIM G GLEASON  
2745 ROAD 24  
BIRD CITY, KS 67731-3122

With photocopies to:

Stockton Field Office



Ashley J. Green

Division of Water Resources