

NOTICE

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

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3:42

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THE STATE



OF KANSAS

KANSAS DEPARTMENT OF AGRICULTURE
Jackie McClaskey, Secretary of Agriculture

DIVISION OF WATER RESOURCES
David W. Barfield, Chief Engineer

File Number 50002
This item to be completed by the Division of Water Resources.

APPLICATION FOR PERMIT TO APPROPRIATE WATER FOR BENEFICIAL USE

Filing Fee Must Accompany the Application
(Please refer to Fee Schedule attached to this application form.)

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

1. Name of Applicant (Please Print): Dwayne O'Brien
Address: P.O. Box 217
City: St. Paul State Kansas Zip Code 66771
Telephone Number: (620) 449-2257

2. The source of water is: surface water in _____ (stream)
OR groundwater in Neosho River Basin (drainage basin)

Certain streams in Kansas have minimum target flows established by law or may be subject to administration when water is released from storage for use by water assurance district members. If your application is subject to these regulations on the date we receive your application, you will be sent the appropriate form to complete and return to the Division of Water Resources.

3. The maximum quantity of water desired is 18.41 AF *as per phone call w/ ~~Chet~~ Chet Hiatt, Triad
~~137.7~~ acre-feet OR 6x10⁶ gallons per calendar year, 3-1-18
to be diverted at a maximum rate of 100 gallons per minute OR 13.37 cubic feet per second. KAB/DNR

Once your application has been assigned a priority, the requested maximum rate of diversion and maximum requested quantity of water under that priority number can **NOT** be increased. Please be certain your requested maximum rate of diversion and maximum quantity of water are appropriate and reasonable for your proposed project and are in agreement with the Division of Water Resources' requirements.

4. The water is intended to be appropriated for (Check use intended):
(a) Artificial Recharge (b) Irrigation (c) Recreational (d) Water Power
(e) Industrial (f) Municipal (g) Stockwatering (h) Sediment Control
(i) Domestic (j) Dewatering (k) Hydraulic Dredging (l) Fire Protection
(m) Thermal Exchange (n) Contamination Remediation

YOU **MUST** COMPLETE AND ATTACH ADDITIONAL DIVISION OF WATER RESOURCES FORM(S) PROVIDING INFORMATION TO SUBSTANTIATE YOUR REQUEST FOR THE AMOUNT OF WATER FOR THE INTENDED USE REFERENCED ABOVE.

Office Use Only
P.O. GMD Meets K.A.R. 5-3-1 YES Use IND Source G/S County CK By AWB Date 3/5/18
Code REG Fee \$ 200 TR # _____ Receipt Date 3/5/18 Check # 8261

3/12/2018 UH

5. The location of the proposed wells, pump sites or other works for diversion of water is:

Note: For the application to be accepted, the point of diversion location must be described to at least a 10 acre tract, unless you specifically request a 60 day period of time in which to locate the site within a specifically described, minimal legal quarter section of land.

- (A) One in the SE quarter of the SE quarter of the SE quarter of Section 13, more particularly described as being near a point _____ feet North and _____ feet West of the Southeast corner of said section, in Township 34 South, Range 25 East/West (circle one), Cherokee County, Kansas.
- (B) One in the NA quarter of the _____ quarter of the _____ quarter of Section _____, more particularly described as being near a point _____ feet North and _____ feet West of the Southeast corner of said section, in Township _____ South, Range _____ East/West (circle one), _____ County, Kansas.
- (C) One in the _____ quarter of the _____ quarter of the _____ quarter of Section _____, more particularly described as being near a point _____ feet North and _____ feet West of the Southeast corner of said section, in Township _____ South, Range _____ East/West (circle one), _____ County, Kansas.
- (D) One in the _____ quarter of the _____ quarter of the _____ quarter of Section _____, more particularly described as being near a point _____ feet North and _____ feet West of the Southeast corner of said section, in Township _____ South, Range _____ East/West (circle one), _____ County, Kansas.

NA

If the source of supply is groundwater, a separate application shall be filed for each proposed well or battery of wells, except that a single application may include up to four wells within a circle with a quarter (1/4) mile radius in the same local source of supply which do not exceed a maximum diversion rate of 20 gallons per minute per well.

A battery of wells is defined as two or more wells connected to a common pump by a manifold; or not more than four wells in the same local source of supply within a 300 foot radius circle which are being operated by pumps not to exceed a total maximum diversion rate of 800 gallons per minute and which supply water to a common distribution system.

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

NA

 (name, address and telephone number)

 (name, address and telephone number)

You must provide evidence of legal access to, or control of, the point of diversion from the landowner or the landowner's authorized representative. Provide a copy of a recorded deed, lease, easement or other document with this application. In lieu thereof, you may sign the following sworn statement:

I have legal access to, or control of, the point of diversion described in this application from the landowner or the landowner's authorized representative. I declare under penalty of perjury that the foregoing is true and correct.

Executed on _____, 20____. Dwayne Ober
 Applicant's Signature

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

7. The proposed project for diversion of water will consist of 1 Well
 (number of wells, pumps or dams, etc.)

and (was) (will be) completed (by) _____
 (Month/Day/Year - each was or will be completed)

8. The first actual application of water for the proposed beneficial use was or is estimated to be _____
 (Mo/Day/Year)

MAR 05 2018

9. Will pesticide, fertilizer, or other foreign substance be injected into the water pumped from the diversion works?
 Yes No If "yes", a check valve shall be required.

All chemigation safety requirements must be met including a chemigation permit and reporting requirements.

10. If you are planning to impound water, please contact the Division of Water Resources for assistance, prior to submitting the application. Please attach a reservoir area capacity table and inform us of the total acres of surface drainage area above the reservoir.

Have you also made an application for a permit for construction of this dam and reservoir with the Division of Water Resources? Yes No

- If yes, show the Water Structures permit number here _____
- If no, explain here why a Water Structures permit is not required No Reservoir planned

11. The application must be supplemented by a U.S.G.S. topographic map, aerial photograph or a detailed plat showing the following information. On the topographic map, aerial photograph, or plat, identify the center of the section, the section lines or the section corners and show the appropriate section, township and range numbers. Also, please show the following information:

- (a) The location of the proposed point(s) of diversion (wells, stream-bank installations, dams, or other diversion works) should be plotted as described in Paragraph No. 5 of the application, showing the North-South distance and the East-West distance from a section line or southeast corner of section.
- (b) If the application is for groundwater, please show the location of any existing water wells of any kind within 1/2 mile of the proposed well or wells. Identify each existing well as to its use and furnish the name and mailing address of the property owner or owners. If there are no wells within 1/2 mile, please advise us.
- (c) If the application is for surface water, the names and addresses of the landowner(s) 1/2 mile downstream and 1/2 mile upstream from your property lines must be shown.
- (d) The location of the proposed place of use should be shown by crosshatching on the topographic map, aerial photograph or plat.
- (e) Show the location of the pipelines, canals, reservoirs or other facilities for conveying water from the point of diversion to the place of use.

A 7.5 minute U.S.G.S. topographic map may be obtained by providing the section, township and range numbers to: Kansas Geological Survey, 1930 Constant, Campus West, University of Kansas, Lawrence, Kansas 66047.

12. List any application, appropriation of water, water right, or vested right file number that covers the same diversion points or any of the same place of use described in this application. Also list any other recent modifications made to existing permits or water rights in conjunction with the filing of this application.

48628, 49204

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13. Furnish the following well information if the proposed appropriation is for the use of groundwater. If the well has not been completed, give information obtained from test holes, if available.

Information below is from: Test holes Well as completed Drillers log attached

Well location as shown in paragraph No.	(A)	(B)	(C)	(D)
Date Drilled	<u>7/26/13</u>	_____	_____	_____
Total depth of well	<u>705'</u>	_____	_____	_____
Depth to water bearing formation	<u>365'</u>	_____	_____	_____
Depth to static water level	<u>278'</u>	_____	_____	_____
Depth to bottom of pump intake pipe	_____	_____	_____	_____

14. The relationship of the applicant to the proposed place where the water will be used is that of

Owner
(owner, tenant, agent or otherwise)

15. The owner(s) of the property where the water is used, if other than the applicant, is (please print):

NA
(name, address and telephone number)

(name, address and telephone number)

16. The undersigned states that the information set forth above is true to the best of his/her knowledge and that this application is submitted in good faith.

Dated at Pittsburg, Kansas, this 22 day of February, 2018.
(month) (year)

Dwayne D. Bueh
(Applicant Signature)

By _____
(Agent or Officer Signature)

(Agent or Officer - Please Print)

Assisted by _____ Date: _____
(office/title)

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**INDUSTRIAL USE
SUPPLEMENTAL SHEET**

File No. 59204, 48628 50000

Name of Applicant (Please Print): Dwayne O'Brien

1. Please describe type of industry or product produced: Ready Mix Concrete Plant
Standard Industrial Classification Code Number: 3273

2. Please complete the following table to show your past and present water requirements:

PAST PRODUCT PRODUCTION AND WATER DIVERTED, IF APPLICABLE

LAST 5 YEARS	AMOUNT OF PRODUCT	WATER DIVERTED (GALLONS)	GALLONS PER PRODUCT PER DAY
5 years ago	28,000	840,000	2692
Last year	45,000	1,350,000	4327
Present year	4,400 (1.5 Mo)	13,200	945

3. Please complete the following table to show your future water requirements:

ESTIMATED FUTURE PRODUCT PRODUCTION AND WATER DIVERTED

NEXT 5 YEARS	AMOUNT OF PRODUCT	WATER TO BE DIVERTED (GALLONS)	GALLONS PER PRODUCT PER DAY
Year 1	45,000	1,350,000	4327
Year 2	49,500 +10%	1,485,000	4760
Year 3	54,450	1,796,850	5236
Year 4	59,895	1,976,535	5760
Year 5	65,885	2,174,189	6335

Number of days of operation of the industry per year is +/-312 days.

Please attach any tables, curves or additional information showing past, present and estimated future water requirements to substantiate the amount of water requested.

4. Please designate the legal description of the location where the water is to be used. Show in the space provided below the Section (S), Township (T), and Range (R), and the number of acres in each forty acre tract or fractional portion thereof.

S	T	R	NE¼				NW¼				SW¼				SE¼				TOTAL
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
13	34	25																43	4.3

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

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50002



GEOLOGICAL ENGINEERING SOLUTIONS FOR TODAY'S ENVIRONMENTAL CONCERNS
P.O. BOX 1507 • PITTSBURG, KS 66762 • (620) 231-5660 • FAX (620) 231-5661
triad@triad-es.com

ENVIRONMENTAL SERVICES

22 February 2018

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MAR 05 2018

KS DEPT OF AGRICULTURE

David W. Barfield
Chief Engineer of the Division of Water Resources
Kansas Dept. of Agriculture
109 SW 9th Street, Second Floor
Topeka, Ks. 66612-1283

RE: Application for Permit to Appropriate Water for Beneficial Use.

Dear Mr. Barfield,

Enclosed please find an application for Permit to Appropriate Water for Beneficial Use, as well as the appropriate fee of \$200.00 (\$200 portion of check # 8361). We are requesting to add a two million gallon annual appropriation to an existing groundwater well at our operation near Galena, in Cherokee County, Kansas.

Thank you for your time and cooperation in this matter.

If there are any questions or if additional information is needed, please contact me at Triad Environmental Services (620) 231-5660.

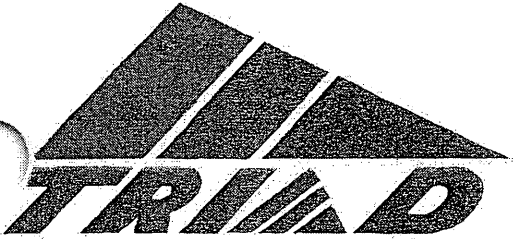
Respectfully,

A handwritten signature in black ink, appearing to read "Chet D. Hiatt".

Chet D. Hiatt CHMM

cc: D. O'Brien - O'Brien Rock Company
File

50000



GEOLOGICAL ENGINEERING SOLUTIONS FOR TODAY'S ENVIRONMENTAL CONCERNS
P.O. BOX 1507 • PITTSBURG, KS 66762 • (620) 231-5660 • FAX (620) 231-5661
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ENVIRONMENTAL SERVICES

22 February 2018

David W. Barfield
Chief Engineer of the Division of Water Resources
Kansas Dept. of Agriculture
109 SW 9th Street, Second Floor
Topeka, Ks. 66612-1283

RE: Application for Permit to Appropriate Water for Beneficial Use.

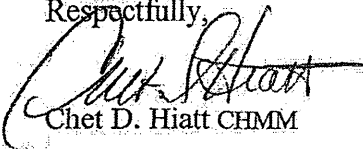
Dear Mr. Barfield,

Enclosed please find an application for Permit to Appropriate Water for Beneficial Use, as well as the appropriate fee of \$200.00 (\$200 portion of check # 8361). We are requesting to add a 6 million gallon annual appropriation to an existing groundwater well at our operation near Galena, in Cherokee County, Kansas.

Thank you for your time and cooperation in this matter.

If there are any questions or if additional information is needed, please contact me at Triad Environmental Services (620) 231-5660.

Respectfully,


Chet D. Hiatt CHMM

cc: D. O'Brien - O'Brien Rock Company
File

STATE OF KANSAS



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

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

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

March 9, 2018

DWAYNE O'BRIEN
PO BOX 217
ST PAUL KS 66771

RE: Application
File No. 50002

Dear Sir or Madam:

Your application for permit to appropriate water in 13-34S-25E in Cherokee County, was received and has been assigned the file number noted above.

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. Once review of your application has begun, we will contact you, if additional information is required.

In accordance with the provisions of the Kansas Water Appropriation Act, a portion of which is included below, the use of water as proposed prior to approval of the application is unlawful. 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 . . .

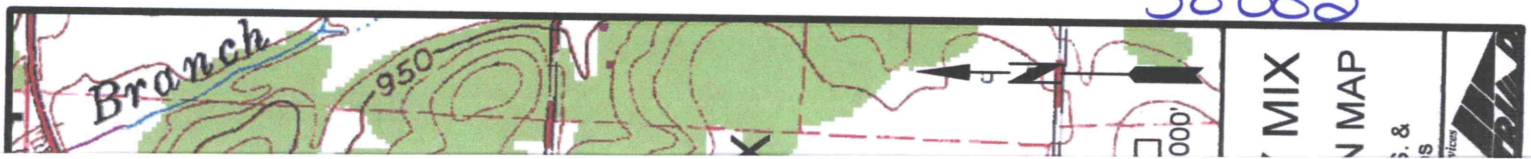
A class C misdemeanor is punishable by a fine not to exceed \$500 and/or a term of confinement not to exceed one month in the county jail. Each day that the violation occurs constitutes a separate offense.

If you have any questions, please contact me at (785) 564-6637. If you wish to discuss a specific file, please have the file number ready so that we may help you more efficiently.

Sincerely,

Kristen A. Baum
New Applications Unit Supervisor
Water Appropriation Program

BAT: dlw
pc: TOPEKA Field Office
GMD



50002
50002



Imagery Date: 9/27/2011

Google Earth

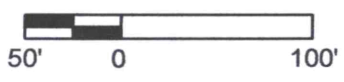
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Scale



O'BRIEN READY MIX
WELL SITE MAP
SE/4 SE/4 SE/4 SEC 13 T. 34 S. R. 25 E.

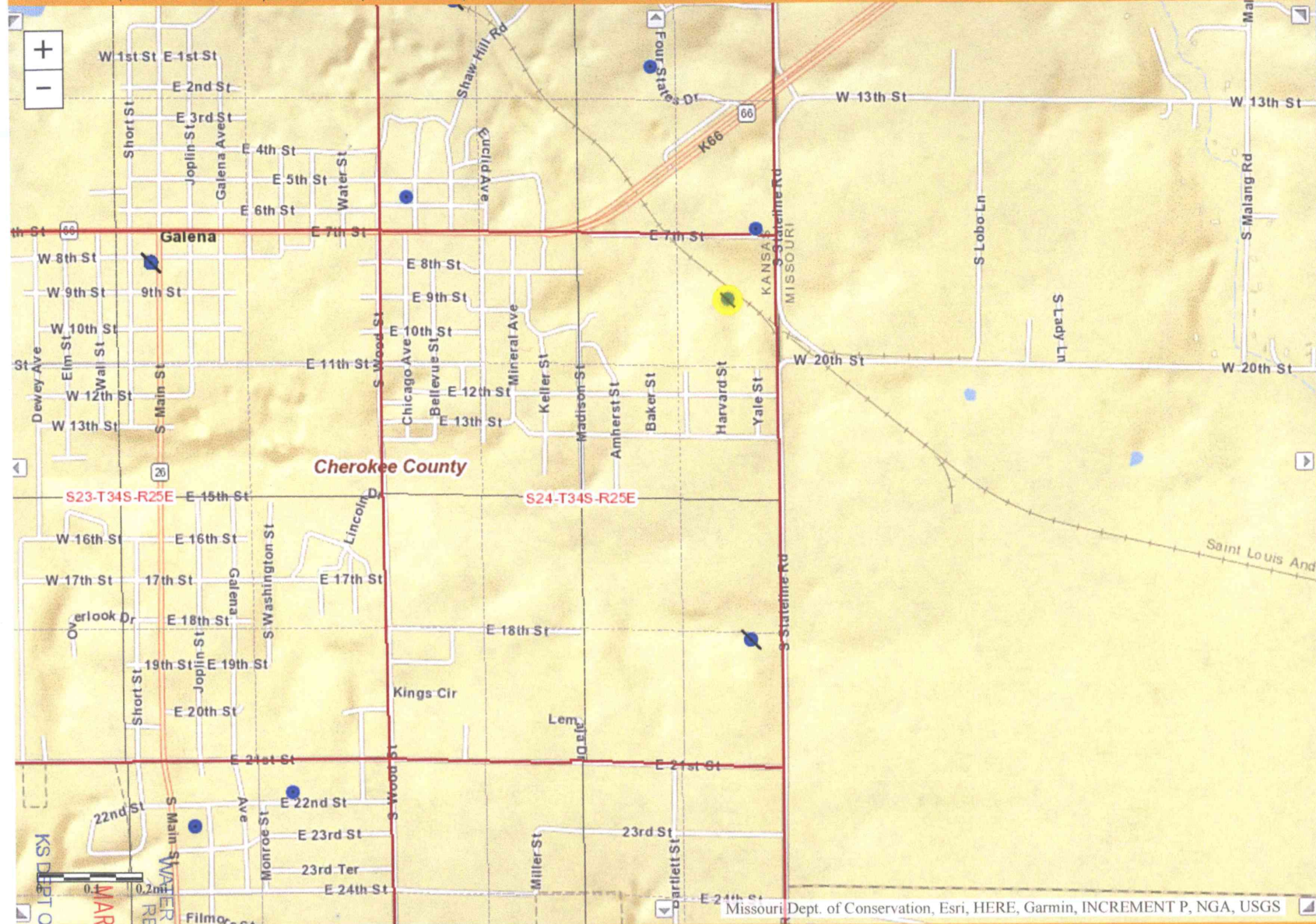
drawn by
MKM

date
07/2012

Triad Environmental Services
P.O. Box 1507
Pittsburg, KS 66762
(620) 231-5600 F
(620) 231-5662 F



Statewide View | Zoom to Location | Filter Wells | Label Wells | Classify Wells | Download Wells | Print to PDF | Clear Highlight | Help



Layers | Info | Legend | Links

WATER WELL (WWC5)

County:	Cherokee
Section:	T34S R25E Sec. 24
Quarter Section:	NE NE
Owner:	Corps of Engineers-Doan Products
Status:	Plugged
Depth:	1300 ft
Elevation:	
Static Water Level:	
Estimated Yield:	
Well Use:	Industrial
Other ID:	
Completion Date:	Jul-24-1992
Driller:	Van Michael
DWR Application Number:	
KGS Record Number:	7118

Links:

- [Full KGS Database Entry](#)

These were all water wells within 0.5 miles of the existing O'Brien well located by a search of the KGS water well search application.

Dwayne O'Brien

Dwayne O'Brien
O'Brien Rock Co.

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50002

KGS
Hydrology

Water Well Database Query

Township: 34S, Range: 25E, Section: 13
Select location of well to view details.
Click on column heading to sort.

Save Data to File

9 records returned.

<u>T-R-S</u>	<u>Owner</u>	<u>Well Depth</u> <u>Ascend.</u> <u>Desc.</u>	<u>Static Water Level</u> <u>Ascend.</u> <u>Desc.</u>	<u>Est. Yield</u> <u>Ascend.</u> <u>Desc.</u>	<u>Well Use</u>	<u>Other ID</u>	<u>Action Taken</u>	<u>Completion Date</u> <u>Ascend.</u> <u>Desc.</u>	<u>Scan?</u>
Sec. 13 SW SW SW	City of Galena	1260 ft.	230 ft.	750 gpm.	Public Water Supply	3	Constructed	23-Jan-1979	PDF
Sec. 13 SE NW NW	Eagle Picher Industries	1155 ft.	100 ft.		Industrial	Well #2	Plugged	14-Apr-1981	PDF
Sec. 13 NE NW SW	U.S. Army Corps of Engineers	1000 ft.	66 ft.		Public Water Supply		Plugged	17-Jun-1992	PDF
Sec. 13 SE NW NW	Eagle Picher Industries	105 ft.	20 ft.		Industrial	Well #1	Plugged	16-Apr-1981	PDF
Sec. 13 NE NW NW	Eagle Picher Industries	104 ft.	17 ft.		Industrial	Well #3	Plugged	16-Apr-1981	PDF
Sec. 13 SE NW NW	Eagle Picher Industries	105 ft.	19 ft.		Industrial	Well #1	Constructed	16-Mar-1953	PDF
Sec. 13 SE NW SE	MOB Office Bldg	705 ft.	211 ft.	80 gpm.	Lawn and Garden - domestic only		Constructed	07-Sep-2012	PDF
Sec. 13 NE NW SW	U.S. Army Corps of Engineers	1180 ft.	107 ft.		Public Water Supply		Plugged	16-Jun-1992	PDF
Sec. 13 SE SE SE SE	O'Brien Ready Mix	705 ft.	278 ft.	50 gpm.	Industrial		Constructed	26-Jul-2013	PDF

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50000

KGS
Hydrology

Water Well Database Query

Township: 34S, Range: 25E, Section: 13

Select location of well to view details.
Click on column heading to sort.

Save Data to File

9 records returned.

<u>T-R-S</u>	<u>Owner</u>	<u>Well Depth</u> <u>Ascend.</u> <u>Desc.</u>	<u>Static Water Level</u> <u>Ascend.</u> <u>Desc.</u>	<u>Est. Yield</u> <u>Ascend.</u> <u>Desc.</u>	<u>Well Use</u>	<u>Other ID</u>	<u>Action Taken</u>	<u>Completion Date</u> <u>Ascend.</u> <u>Desc.</u>	<u>Scan?</u>
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WATER RESOURCES DIVISION

50002

KGS
Hydrology

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Select location of well to view details.

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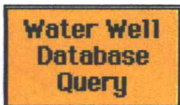
50003



Specific Water Well Detail

Well T34S, R25E, Sec. 24, NE NE, Action: Plugged

Location Info		
Owner: Corps of Engineers-Doane Products	Status: Plugged	
Location: T34S, R25E, Sec. 24, NE NE	County: Cherokee	
Directions: from Galena: 300' W of State Line		
Longitude: -94.6194392	Latitude: 37.0728851	Datum: NAD 27
Longitude and latitude calculated by Survey from township-range-section-quarter calls. Only good to within the quarter call accuracy.		
View well on interactive map This link will create a new window and display an interactive map of this well and its neighbors.		
General Info		
Well Depth: 1300 ft.	Elevation: ft.	
Static Water Level: ft.	Est. Yield: gpm.	
Comp. Date: 24-Jul-1992	Well Use: Industrial	
DWR Applic. #:	Other ID:	
Driller Info		
Driller: Van Michael	License #: 553	
Scanned Form		
View scan of this form in PDF format.		
You will need the Acrobat PDF Reader , available free from Adobe, to read this file.		
Casing Info		
Casing Type: Steel		
Diam: 10 in.		
Casing height above land surface: in		
Grout Info		
Grout used: Neat cement, Bentonite	From: 0 to 795 ft	
	From: 795 to 800 ft	
	From: 0 to 0 ft	
Source of Possible Contamination		
Source: Abandoned water well		
Direction from well:	Distance: 0 ft	



Specific Water Well Detail

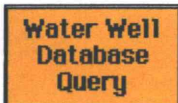
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Directions: from Galena: 300' W of State Line		
Longitude: -94.6194392	Latitude: 37.0728851	Datum NAD 27
Longitude and latitude calculated by Survey from township-range-section-quarter calls. Only good to within the quarter call accuracy.		
View well on interactive map This link will create a new window and display an interactive map of this well and its neighbors.		
General Info		
Well Depth: 1300 ft.	Elevation: ft.	
Static Water Level: ft.	Est. Yield: gpm.	
Comp. Date: 24-Jul-1992	Well Use: Industrial	
DWR Applic. #:	Other ID:	
Driller Info		
Driller: Van Michael	License #: 553	
Scanned Form		
View scan of this form in PDF format.		
You will need the Acrobat PDF Reader , available free from Adobe, to read this file.		
Casing Info		
Casing Type: Steel		
Diam: 10 in.		
Casing height above land surface: in		
Grout Info		
Grout used: Neat cement, Bentonite	From: 0 to 795 ft	
	From: 795 to 800 ft	
	From: 0 to 0 ft	
Source of Possible Contamination		
Source: Abandoned water well		
Direction from well:	Distance: 0 ft	

WATER RESOURCES
RECEIVED

MAR 05 2018

KS DEPT OF AGRICULTURE



Specific Water Well Detail

Well T34S, R25E, Sec. 24, NE NE, Action: Plugged

Location Info		
Owner: Corps of Engineers-Doane Products	Status: Plugged	
Location: T34S, R25E, Sec. 24, NE NE	County: Cherokee	
Directions: from Galena: 300' W of State Line		
Longitude: -94.6194392	Latitude: 37.0728851	Datum NAD 27
Longitude and latitude calculated by Survey from township-range-section-quarter calls. Only good to within the quarter call accuracy.		
View well on interactive map This link will create a new window and display an interactive map of this well and its neighbors.		
General Info		
Well Depth: 1300 ft.	Elevation: ft.	
Static Water Level: ft.	Est. Yield: gpm.	
Comp. Date: 24-Jul-1992	Well Use: Industrial	
DWR Applic. #:	Other ID:	
Driller Info		
Driller: Van Michael	License #: 553	
Scanned Form		
View scan of this form in PDF format.		
You will need the Acrobat PDF Reader , available free from Adobe, to read this file.		
Casing Info		
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Source of Possible Contamination		
Source: Abandoned water well		
Direction from well:	Distance: 0 ft	