

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

1. File Number: <div style="text-align: center; font-size: 1.2em;">50,002</div>	2. Status Change Date: <div style="text-align: center; font-size: 1.2em;">5/1/2018</div>	3. Field Office: <div style="text-align: center; font-size: 1.2em;">01</div>
4. GMD: <div style="text-align: right; font-size: 1.2em;">0</div>		

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) New to system <input type="checkbox"/> Person ID <u>63111</u> Add Seq# _____ OBRIEN READY MIX PO BOX 217 SAINT PAUL KS 66771	7c. Landowner(s) New to system <input type="checkbox"/> Person ID _____ Add Seq# _____
7b. Landowner(s) New to system <input type="checkbox"/> Person ID _____ Add Seq# _____ 7a.	7d. Misc. New to system <input type="checkbox"/> Person ID _____ Add Seq# _____

8. WUR Correspondent New to system <input type="checkbox"/> Person ID _____ Add Seq# _____ Overlap File (s) WUC Agree <input type="checkbox"/> Yes <input type="checkbox"/> No Notarized WUC Form <input type="checkbox"/>	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: <u>3273</u> <input type="checkbox"/> OTHER: _____
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10. Completion Date: **12/31/2019** 11. Perfection Date: **12/31/2023** 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: **4/10/2018** By: **DWS**
 Date Entered: **5/3/2018** By: **UM**

File No. **50,002** 15. Formation Code: 710 Drainage Basin: Spring River County: CK Special Use: Stream:

16. Points of Diversion									
T MOD DEL ENT	PDIV	Qualifier	S	T	R	ID	'N	'W	
√	81532	SE SE SE	13	34	25E	7	47	212	

17. Rate and Quantity				
Authorized		Additional		
Rate gpm	Quantity mgy	Rate gpm	Quantity mgy	Overlap PD Files
100	6.0	100	6.0	48,628 & 49,204

18. Storage: Rate _____ NF Quantity _____ ac/ft Additional Rate _____ NF 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? Yes No To be installed by **12/31/2019** Date Acceptable Meter Installed _____

21. Place of Use							NE¼				NW¼				SW¼				SE¼				Total	Owner	Chg? NO	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	NE ¼	NW ¼	SW ¼	SE ¼				
√	64587	13	34	25E	1		READY MIX PLANT (SE/SE)																	7a.	No	48,628 & 49,204

Comments:

KANSAS DEPARTMENT OF AGRICULTURE
Division of Water Resources

M E M O R A N D U M

TO: Files

DATE: April 10, 2018

FROM: Doug Schemm

RE: Application, File No. 50,002

O'Brien Ready Mix %Dwayne O'Brien has filed the referenced application to appropriate 6 million gallons of groundwater at a diversion rate of 100 gallons per minute for industrial use at a ready-mix concrete plant. The point of diversion is an existing well located in the Southeast Quarter of Section 13, Township 34 South, Range 25 East, Cherokee County, Kansas. The appropriation is located within the Spring River Basin. The place of use and point of diversion are both owned by the applicant. File Nos. 48,628 and 49,204 both overlap in place of use and point of diversion. File No. 48,628 is authorized 2 million gallons at a diversion rate of 40 gpm, and File No. 49,204 is also authorized 2 million gallons at a diversion rate of 40 gpm, all additional quantity and rate.

Documentation in the senior files shows that the applicant had previously used water supplied by the City of Galena in addition to their own supply well. Since their supply well has proven to provide acceptable water quality, the applicant will be using it more in the future and is requesting an additional 6 million gallons for use at the concrete plant. Per the Industrial Use Supplemental Sheet, the plant produced 45,000 yards of concrete last year, and is estimating future concrete production of 66,000 yards per year, requiring 100 gallons per yard, for a total of 6.6 million gallons. In addition, the plant utilizes water for wetting and cooling stockpiled rock prior to mixing during the summer, and truck washing. The additional 3.4 million gallons of water requested appears to be reasonable. The new application will be all additional in both quantity of water and rate of diversion. Water Use records show a significant expansion and corresponding increase in water usage over just a few years, going from 1.6 million gallons in 2014 to 4 million gallons in 2017.

Based on a well log submitted with the application, the lithology consists of limestone extending from 38 feet to 356 feet below ground surface, underlain by dolomite to a total depth of 735 feet. Water was encountered in the well log at a depth of 365 feet, and static water level is 278 feet below ground surface. Based on the depth to top of aquifer and geographical location of the well, the source of supply is likely the Springfield plateau aquifer (part of the Ozark Plateau Aquifer).

Per K.A.R. 5-3-29 a study was completed in order to determine the safe yield of the Ozark Plateaus aquifer system. The U.S. Geological Survey (USGS) in cooperation with the Kansas Water Office (KWO) completed a Groundwater Flow model of the Ozark Plateau aquifer system in 2009. Using MODFLOW software, the model was able to better assess the effects that increased water use is having on the long-term availability of groundwater within the Tri-State area. The Kansas Department of Agriculture, Division of Water Resources performed supplemental model runs utilizing the USGS model to determine the additional amount available to meet the safe yield of the Ozark aquifer. Safe yield for this area has been defined as no more than a 25 percent aquifer depletion rate over the next 100 years. Based on the modeling scenarios, the Ozark Plateaus aquifer system safe yield has been determined to be at least 36,000 acre-feet, or approximately three times the currently authorized amount.

Pending applications from this source are also evaluated based on a localized 2-mile safe yield analysis to ensure that a new appropriation requesting a significant quantity of water would not impact senior water rights. Per K.A.R. 5-3-11, the area of consideration cannot extend outside the state of Kansas. Therefore, excluding the eastern half of the two-mile circle (within state of Missouri), provides an area of consideration of 4,160 acres. With a potential annual recharge of 8.4 inches, and 100% available for appropriation, safe yield was determined to be 2,911.78 acre-feet. Existing water rights have appropriated 592.56 acre-feet within the area of consideration, providing a difference of 2,319.22 acre-feet available for appropriation. Thus there is a sufficient quantity of water available for appropriation, and the application meets all safe yield criteria. This is also consistent with the senior files safe yield review.

The applicant listed several wells in the area, which complies with K.A.R. 5-3-4, however most have been plugged or are beyond one-half mile away. There is one nearby domestic well (MOB Office Building) identified by the applicant and is located approximately 1,700 feet northwest of the proposed point of diversion. This well owner was notified of the applicant's intention to appropriate groundwater, during processing of the senior file in a February 3, 2014 letter. No response of any kind was received from the adjacent well owner. Since the senior file was only recently approved, the nearby domestic well was previously informed of the well location, and had no comments, it is not necessary to notify this well owner of this pending application. There will be no physical changes to the well or the operation, and this relatively small quantity of water and rate of diversion will not impair any senior water right.

The WRIS database shows that the nearest non-domestic well is over 3,700 feet away. Thus, the proposed point of diversion meets minimum well spacing criteria to all existing wells per the requirements in K.A.R. 5-4-4, of 660 feet to domestics and 1,320 feet to non-domestics for all other aquifers.

In accordance with K.S.A. 82a-706c, the Chief Engineer retains full authority to require any water user to install meters, gages, or other measuring devices, which devices he or she or his or her agents may read at any time. Water flowmeter requirements are further described in K.A.R. 5-1-4 through K.A.R. 5-1-12. If any chemical or foreign substance is injected into the water pumped under this permit, a check valve will also need to be installed.

In an April 5, 2018 discussion, Katie Tietsort, Water Commissioner, Topeka Field Office, recommended approval of the referenced application. Based on the above discussion, well spacing and safe yield criteria are met, approval of the application will not impair senior water rights nor prejudicially or unreasonably affect the public interest, and it will provide the applicant with additional water for future expansion, it is recommended that the referenced new application be approved.

Douglas W. Schemm
Environmental Scientist
Topeka Field Office

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

May 4, 2018

FILE COPY

OBRIEN READY MIX
% DWAYNE OBRIEN
PO BOX 217
SAINT PAUL KS 66771

Re: Appropriation of Water, File No. 50,002

Dear Mr. O'Brien:

There is enclosed a permit to appropriate water authorizing you to proceed with construction of the proposed diversion works (except those dams and stream obstructions regulated by K.S.A. 82a-301 through 305a), to divert such unappropriated water as may be available from the source and at the location specified in the permit, and to use it for the purpose and at the location described in the permit.

Your attention is directed to the enclosures and to the terms, conditions, and limitations specified in these approval documents. A water meter is required on the proposed re-diversion works and you must install it prior to water being put to beneficial use in order for you to maintain accurate records of water use. The meter should be used to provide the information required on the annual water use report.

Failure to notify the Chief Engineer of the Division of Water Resources of the completion of the diversion works within the time allowed, or within any authorized extension of time thereof, will result in the dismissal of this permit. Enclosed is a form which may be used to notify the Chief Engineer that the proposed diversion works have been completed. All requests for extensions of time to complete diversion works, or to perfect appropriations, must be submitted to the Chief Engineer before the expiration of time originally set forth in the permit to complete diversion works or to perfect an appropriation. If for any reason, you require an extension of time, you must request it before the expiration of time set forth in this permit. Failure to comply with this regulation will result in the dismissal of your permit or your water right. Any request for an extension of time shall be accompanied by the required statutory fee, which is currently \$100.00.

There is also enclosed an information sheet setting forth the procedure to obtain a Certificate of Appropriation which will establish the extent of your water right. If you have any questions, please contact our office. If you wish to discuss this specific file, please have the file number ready so that we may help you more efficiently.

Sincerely,

Kristen A. Baum
New Application Unit Supervisor
Water Appropriation Program

KAB:dws
Enclosures

pc: Topeka Field Office



KANSAS DEPARTMENT OF AGRICULTURE
Jackie McClaskey, Secretary of Agriculture

DIVISION OF WATER RESOURCES
David W. Barfield, 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. 50,002** of the applicant

**OBRIEN READY MIX
% DWAYNE OBRIEN
PO BOX 217
SAINT PAUL KS 66771**

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 **March 5, 2018**.
2. That the water sought to be appropriated shall be used for industrial use at a ready mix concrete plant located in the Southeast Quarter of the Southeast Quarter (SE $\frac{1}{4}$ SE $\frac{1}{4}$) of Section 13, in Township 34 South, Range 25 East, Cherokee County, Kansas.
3. That the authorized source from which the appropriation shall be made is groundwater, to be withdrawn by means of one (1) well located in the Southeast Quarter of the Southeast Quarter of the Southeast Quarter (SE $\frac{1}{4}$ SE $\frac{1}{4}$ SE $\frac{1}{4}$) of Section 13, more particularly described as being near a point 47 feet North and 212 feet West of the Southeast corner of said section, in Township 34 South, Range 25 East, Cherokee County, Kansas located substantially as shown on the topographic map accompanying the application.
4. That the appropriation sought shall be limited to a maximum diversion rate not in excess of **100 gallons per minute (0.22 c.f.s.)** and to a quantity not to exceed **6.0 million gallons** of water for any calendar year.
5. That installation of works for diversion of water shall be completed on or before **December 31, 2019**, or within any authorized extension thereof. The applicant shall notify the Chief Engineer and pay the statutorily required field inspection fee, which is currently \$400.00, 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 accompanied by the required statutory fee, which is currently \$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, 2023**, 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 all diversion works constructed under the authority of this permit into which any type of chemical or other foreign substance will be injected into the water pumped from the diversion works shall be equipped with an in-line, automatic quick-closing, check valve capable of preventing pollution of the source of the water supply. The type of valve installed shall meet specifications adopted by the Chief Engineer and shall be maintained in an operating condition satisfactory to the Chief Engineer.

12. That all wells with a diversion rate of 100 gallons per minute or more drilled under the authority of this permit shall have a tube or other device installed in a manner acceptable to, and in accordance with specifications adopted by, the Chief Engineer. This tube or device shall be suitable for making water level measurements and shall be maintained in a condition satisfactory to the Chief Engineer.

13. That an acceptable water flow meter shall be installed and maintained on the diversion works authorized by this permit in accordance Kansas Administrative Regulations 5-1-4 through 5-1-12 adopted by the Chief Engineer. This water flow meter shall be used to provide an accurate quantity of water diverted as required for the annual water use report (including the meter reading at the beginning and end of the report year).

14. 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.

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

16. 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.

17. 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.

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.

Ordered this 1st day of May, 2018, in Topeka, Shawnee County, Kansas.

Lane P. Letourneau

Lane P. Letourneau, P.G.
Program Manager
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 1st day of May, 2018, by Lane P. Letourneau, P.G., Program Manager, Division of Water Resources, Kansas Department of Agriculture.

Danielle Wilson
Notary Public



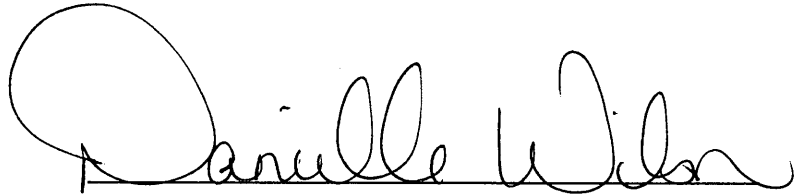
CERTIFICATE OF SERVICE

On this 4th day of May, 2018, I hereby certify that the foregoing Approval of Application, File No. 50,002, dated May 1st, 2018 was mailed postage prepaid, first class, US mail to the following:

OBRIEN READY MIX
% DWAYNE OBRIEN
PO BOX 217
SAINT PAUL KS 66771

With photocopies to:

Topeka Field Office

A handwritten signature in black ink, appearing to read "Danielle Wilson". The signature is written in a cursive style with a large initial "D".

Division of Water Resources

WATER RESOURCES RECEIVED

MAR 05 2018

3:42

KS DEPT OF AGRICULTURE

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.)

APPLICATION COMPLETE
3/5/18
Reviewer KAB for DWS

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 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/DWR

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 ADW Date 3/5/18
Code REG Fee \$ 200 TR # _____ Receipt Date 3/5/18 Check # 6261

SCANNED 3/12/2018 UCM

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 47 feet North and 212 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.

as per senior filed KAB/DWR

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 O'Brien
 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) _____
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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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KS DEPT OF AGRICULTURE

SCANNED

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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MAR 05 2018

KS DEPT OF AGRICULTURE
SCANNED

**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 (4.05 mg)	4327
Present year	4,400 (1.5 Mo)	13,200	945

** per WUR card 2017 90 gals/yard*

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 (6 mg)	6335

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

$90 \times 65,885 = 6 \text{ mg}^*$

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.

DWR 1-100.22 (7-7-00)

** Plus wetting, cooling & washing water.
 ≈ 3mg. DWS/DWR 4/10/18*

WATER RESOURCES
RECEIVED

MAR 05 2018

KS DEPT OF AGRICULTURE

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.

T-R-S	Owner	Well Depth Ascend. Desc.	Static Water Level Ascend. Desc.	Est. Yield Ascend. Desc.	Well Use	Other ID	Action Taken	Completion Date Ascend. Desc.	Scan?
Sec. 13 SW SW SW	City of Galena <i>(over 3,700' away)</i>	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	<i>(over 1/2 mile away)</i> Eagle Picher Industries	105 ft. <i>(Shallow)</i>	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

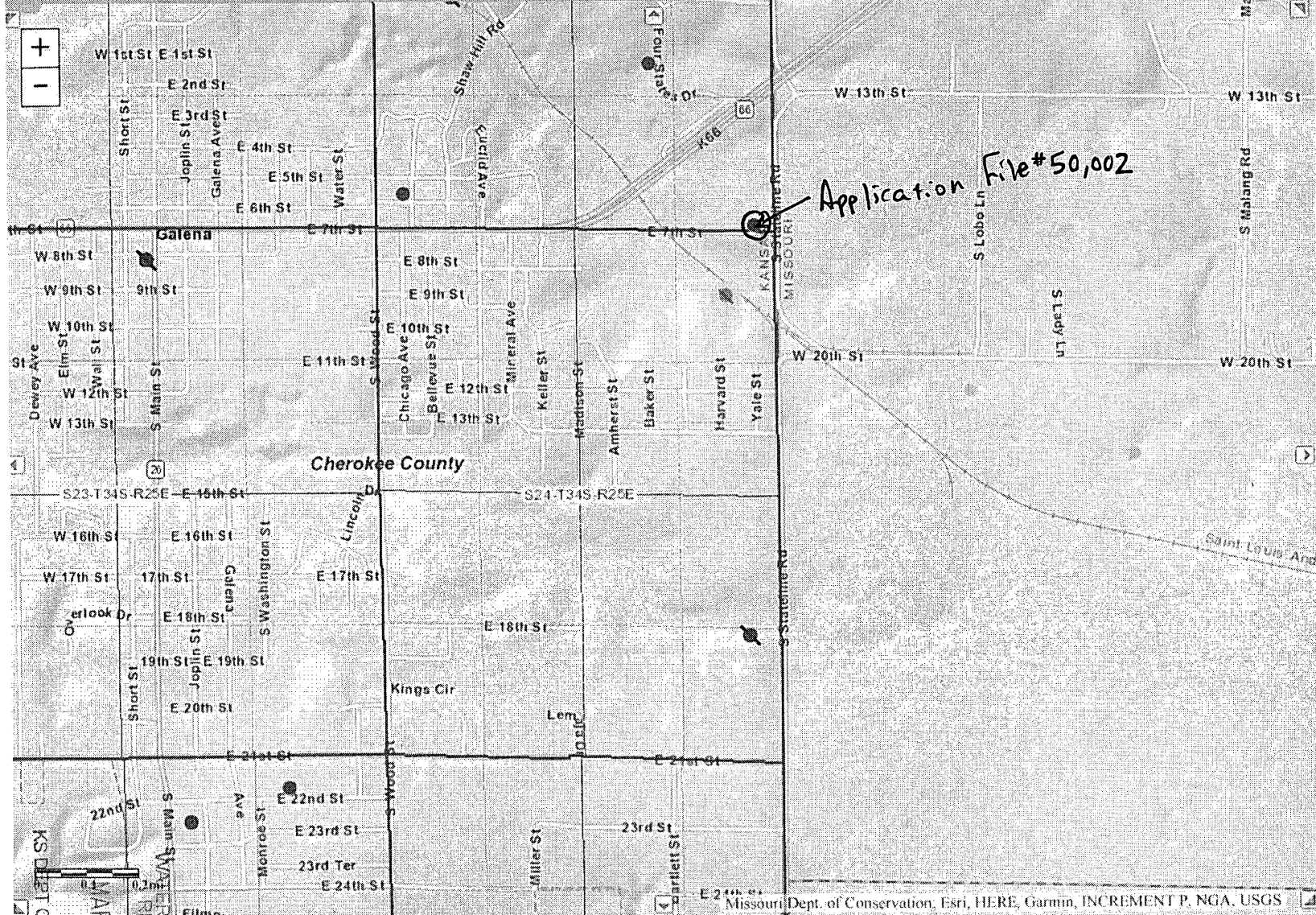
KS DEPT OF AGRICULTURE

WATER RESOURCES
 WATER RECEIVED
 10/18/18

Previously notified - no response

50000

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:			
<ul style="list-style-type: none"> • Full KGS Database Entry 			

Application File #50,002

50002

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.

KS DEPT OF AGRICULTURE
 MAR 05 2018
 WATER RESOURCES
 RECEIVED

AMOUNT STATISTICS REPORT FOR POINTS OF DIVERSION UNDER A 50002 00

#####

AMOUNT STATISTICS REPORT FOR POINTS OF DIVERSION UNDER A 50002 00 IND

*All wells > 1/4 mile
meets spacing*

Water Right and Points of Diversion Within 2.00 miles of point defined as:

47 Feet North and 212 Feet West of the Southeast Corner of Section 13 T 34S R 25E

GROUNDWATER ONLY

(All > 1/2 mile)

File Number	Use	ST	SR	Dist (ft)	Q4	Q3	Q2	Q1	FeetN	FeetW	Sec	Twp	Rng	ID	Batt	Auth_Quan	Add_Quan	Unit	
A__ 32041	00	MUN	NK	G	3731	--	SW	SW	SW	150	5200	13	34	25E	6	580.29	126.09	AF	
Same					7869	--	NW	NW	NE	5130	2230	14	34	25E	2	5.89	.00	AF	
A__ 48628	00	IND	KE	G	0	--	SE	SE	SE	47	212	13	34	25E	7	6.14	6.14	AF	
A__ 49204	00	IND	KE	G	0	--	SE	SE	SE	47	212	13	34	25E	7	6.14	6.14	AF	
A__ 50002	00	IND	AY	G	0	--	SE	SE	SE	47	212	13	34	25E	7	18.41	18.41	AF	
VCK	7	00	MUN	AA	G	3925	--	SE	NE	NE	4330	125	23	34	25E	1	454.20	454.20	AF
Same					3938	--	SE	NE	NE	4030	50	23	34	25E	2				

Total Net Quantities Authorized:	Direct	Storage
Total Requested Amount (AF) =	18.41	.00
Total Permitted Amount (AF) =	12.28	.00
Total Inspected Amount (AF) =	.00	.00
Total Pro_Cert Amount (AF) =	.00	.00
Total Certified Amount (AF) =	126.09	.00
Total Vested Amount (AF) =	454.20	.00
TOTAL AMOUNT (AF) =	610.97	.00

An * after the source of supply indicates a pending application for change under the file number.
 An * after the ID indicates a 15 AF exemption was granted under the file number.
 A "G" in the Batt column indicates the GEO CTR of a battery. A "B" indicates a well in the battery.
 The number in the Batt column is the number of wells in the battery.

Water Rights and Points of Diversion Within 2.00 miles of point defined as:

47 Feet North and 212 Feet West of the Southeast Corner of Section 13 T 34S R 25E

GROUNDWATER ONLY

WATER USE CORRESPONDENTS:

- =====
 File Number Use ST SR
 A__ 32041 00 MUN NK G
 > CITY OF GALENA
 >
 > 211 W 7TH ST
 > GALENA KS 66739

 A__ 48628 00 IND KE G
 > OBRIEN READY MIX
 >
 > PO BOX 217
 > SAINT PAUL KS 66771

 A__ 49204 00 IND KE G
 > OBRIEN READY MIX
 >
 > PO BOX 217
 > SAINT PAUL KS 66771

>-----
A__ 50002 00 IND AY G
> OBRIEN READY MIX
>
> PO BOX 217
> SAINT PAUL KS 66771

>-----
VCK 7 00 MUN AA G
> CITY OF GALENA
>
> 211 W 7TH ST
> GALENA KS 66739

>-----
=====

#####

File# 50,002

meets safe yield

Analysis Results

The selected PD is in an area OPEN to new appropriations.

The safe yield based on the variables listed below is 2,911.78 AF.

Total prior appropriations in the circle is 610.97 AF. $- 18.41 = 592.56$

Total quantity of water available for appropriation is 2,300.80 AF.

2319.22 AF

Safe Yield Variables

The area used for the analysis is set at 4,160 acres.

The potential annual recharge at the circle center is estimated to be 8.4 inches.

The percent of recharge available for appropriation is 100%.

Authorized Quantity values are as of 03-APR-2018 and are based on Appropriated and Vested ground water right and possible stream nodes for GMD #2. Domestic, Term and Temporary water rights have been excluded.

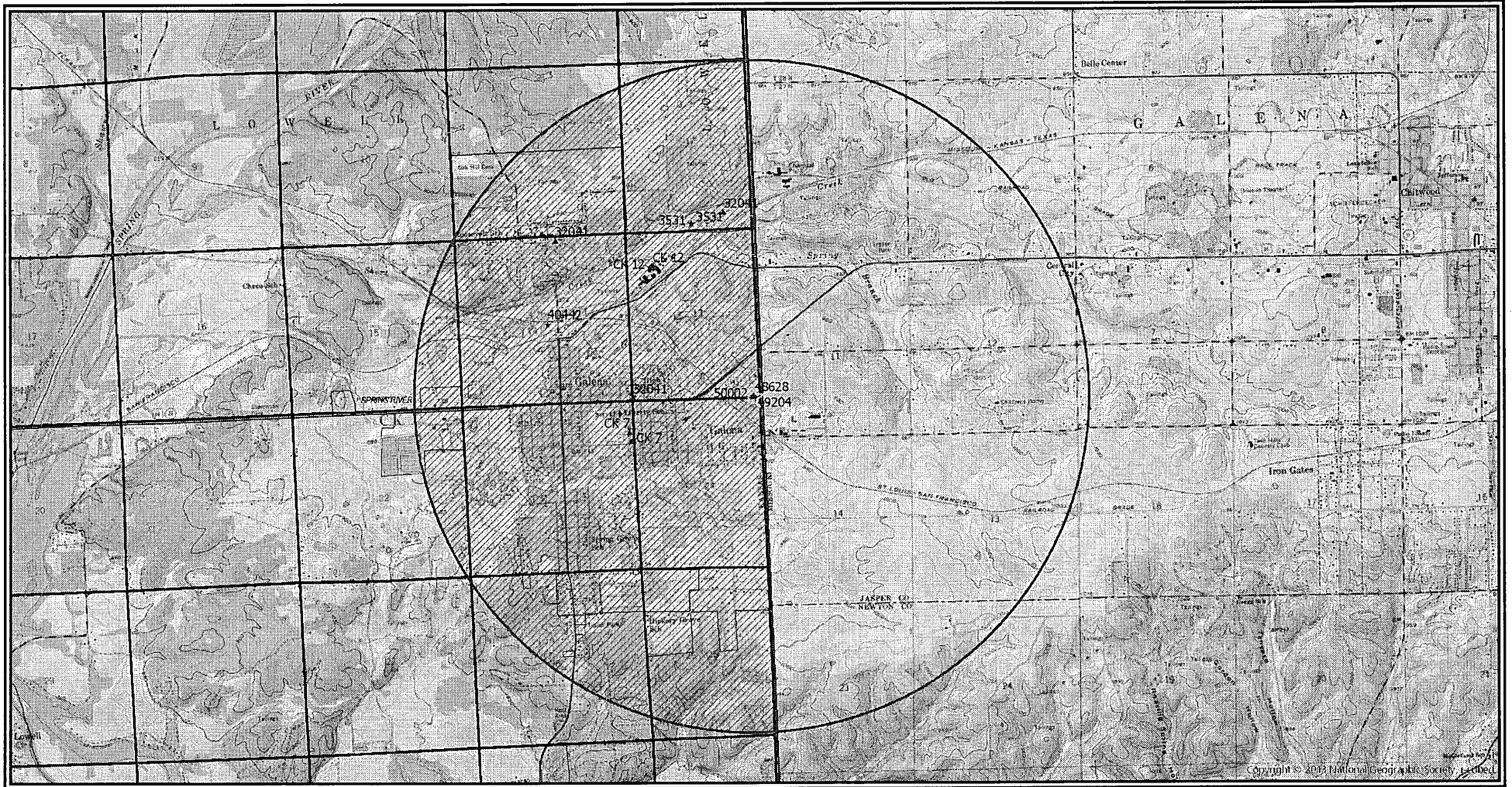
There are 5 water rights and 5 points of diversion within the circle.

File Number	Use	ST	SR	Q4	Q3	Q2	Q1	FeetN	FeetW	Sec	Twp	Rng	ID	Qind	Auth Quant	Add Quant	Tot Acres	Net Acres
V CK 7 00	MUN	AA	G		SE	NE	NE	4330	125	23	34	25E	1	WR	454.20	454.20 ✓		
Same	MUN	AA	G		SE	NE	NE	4030	50	23	34	25E	2	WR				
A 32041 00	MUN	NK	G		NW	NW	NE	5130	2230	14	34	25E	2	PD	5.89	0.00		
Same	MUN	NK	G		SW	SW	SW	150	5200	13	34	25E	6	PD	580.29	126.09 ✓ OK		
A 48628 00	IND	KE	G		SE	SE	SE	47	212	13	34	25E	7	WR	6.14	6.14		
A 49204 00	IND	KE	G		SE	SE	SE	47	212	13	34	25E	7	WR	6.14	6.14		
A 50002 00	IND	AY	G		SE	SE	SE	47	212	13	34	25E	7	WR	18.41	18.41		

Limitations

File Number	Seq Num	Limitations
A 32041 00	2	189.087MGY COM/W #CK 007 (580.29 AF w CK 7)

Safe Yield Report Sheet
Water Right- A5000200
Point of Diversion in 13-34S-25E
Footages from SE corner- 47 feet North 212 feet West



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

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

WATER RESOURCES
RECEIVED

MAR 05 2018

KS DEPT OF AGRICULTURE

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

SCANNED

**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:

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

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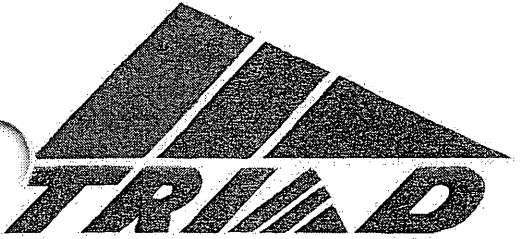
S	T	R	NE¼				NW¼				SW¼				SE¼				TOTAL	
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE		
13	34	25																	43	4.3

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

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MAR 05 2018

50000



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

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.

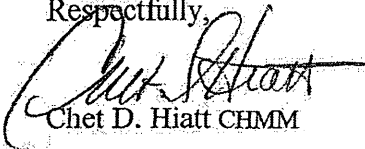
Dear Mr. Barfield,

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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

SCANNED



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

Select location of well to view details.

Click on column heading to sort.



9 records returned.

T-R-S	Owner	Well Depth Ascend. Desc.	Static Water Level Ascend. Desc.	Est. Yield Ascend. Desc.	Well Use	Other ID	Action Taken	Completion Date Ascend. Desc.	Scan?
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	O'Brien Ready Mix	705 ft.	278 ft.	50 gpm.	Industrial		Constructed	26-Jul-2013	PDF

KS DEPT OF AGRICULTURE
 WATER RESOURCES
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 MAR 05 2018
 05:20 PM

50000



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

Select location of well to view details.

Click on column heading to sort.



9 records returned.

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

SCANNED

50002



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

Select location of well to view details.

Click on column heading to sort.



9 records returned.

T-R-S	Owner	Well Depth Ascend. Desc.	Static Water Level Ascend. Desc.	Est. Yield Ascend. Desc.	Well Use	Other ID	Action Taken	Completion Date Ascend. Desc.	Scan?
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Sec. 13 SE SE SE	O'Brien Ready Mix	705 ft.	278 ft.	50 gpm.	Industrial		Constructed	26-Jul-2013	PDF

SCANNED

50002



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

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

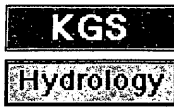
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DWR Applic. #:	Other ID:	
Driller Info		
Driller: Van Michael	License #: 553	
Scanned Form		
View scan of this form in PDF format.		
You will need the Acrobat PDF Reader , available free from Adobe, to read this file.		
Casing Info		
Casing Type: Steel		
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	

Kansas Geological Survey
 Comments to webadmin@kgs.ku.edu
 URL=<http://www.kgs.ku.edu/Magellan/WaterWell/index.html>
 Display Programs Updated July 2, 2014
 Data added continuously.

WATER RESOURCES
 RECEIVED

MAR 05 2018

KS DEPT OF AGRICULTURE
SCANNED



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		
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Comp. Date: 24-Jul-1992	Well Use: Industrial	
DWR Applic. #:	Other ID:	
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Casing Info		
Casing Type: Steel		
Diam: 10 in.		
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Source of Possible Contamination		
Source: Abandoned water well		
Direction from well:	Distance: 0 ft	

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.

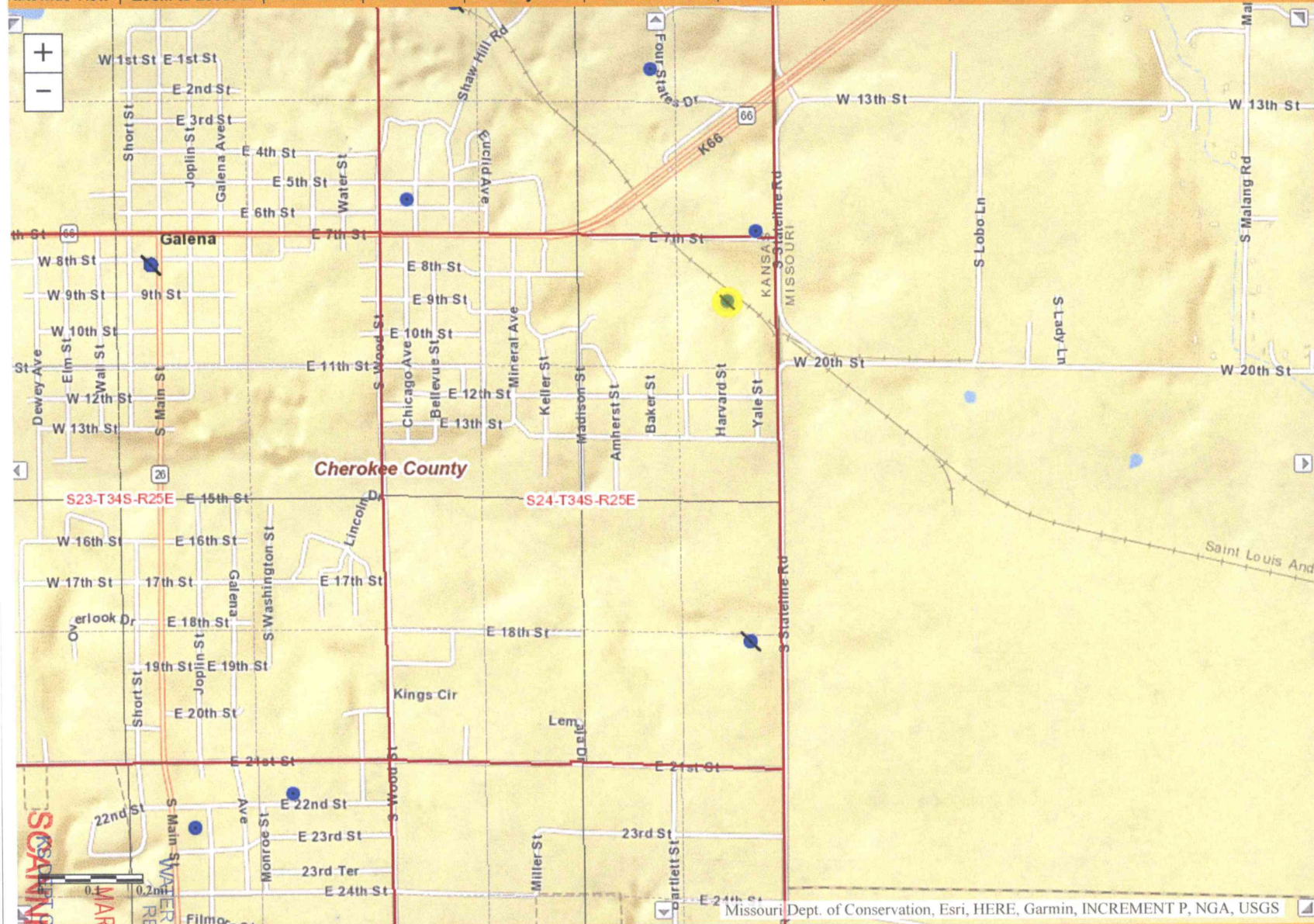
Sincerely,

Kristen A. Baum
New Applications Unit Supervisor
Water Appropriation Program

BAT: dlw
pc: TOPEKA Field Office
GMD

SCANNED

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](#)

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 DEPT OF AGRICULTURE
 MAR 05 2018
 WATER RESOURCES RECEIVED

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.

50002

50002



WATER RESOURCES RECEIVED

MAR 05 2018

KS DEPT OF AGRICULTURE

Scale



**O'BRIEN READY MIX
WELL SITE MAP**

SE/4 SE/4 SE/4 SEC 13 T. 34 S. R. 25 E.

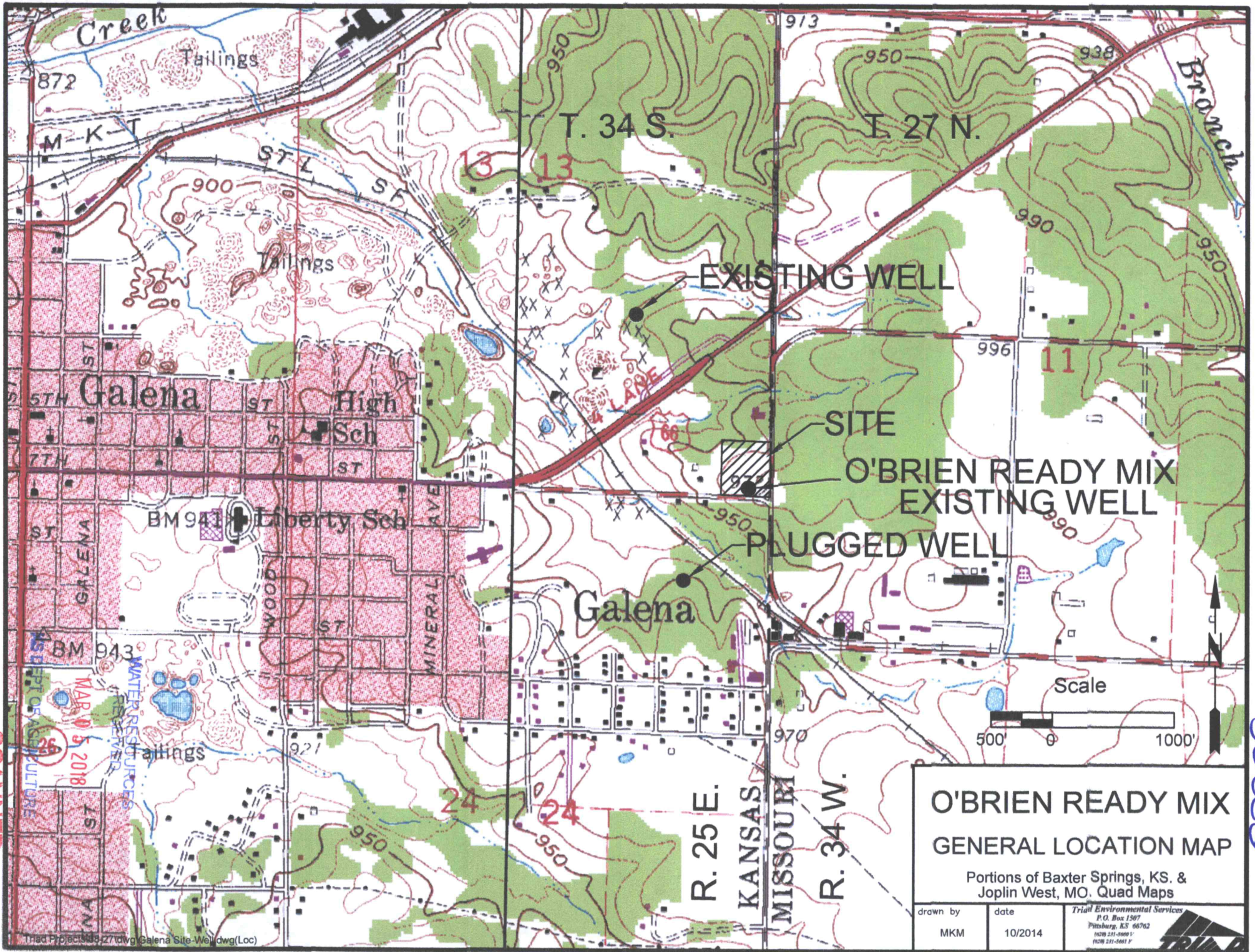
drawn by
MKM

date
07/2012

Triad Environmental Services
P.O. Box 1507
Pittsburg, KS 66762
6026 231-5669 F
6026 231-5661 F



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Scale

**O'BRIEN READY MIX
GENERAL LOCATION MAP**

Portions of Baxter Springs, KS. &
Joplin West, MO. Quad Maps

drawn by	date	Trial Environmental Services P.O. Box 1507 Pittsburg, KS 66762 (417) 231-0001 F (417) 231-0001 P
MKM	10/2014	

