

NOTICE

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

THE STATE OF KANSAS



KANSAS DEPARTMENT OF AGRICULTURE
Jackie McClaskey, Secretary of Agriculture

DIVISION OF WATER RESOURCES
David W. Barfield, Chief Engineer

File Number 50084
This item to be completed by the Division of Water Resources.

Water Resources
Received

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.)

JUL 05 2018
12:20
KS Dept Of Agriculture

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

1. Name of Applicant (Please Print): Kingston Properties B/B Farms LLC
Address: 13725 Metcalf Ave #334
City: OP State Ks Zip Code 66223
Telephone Number: () 816 482 3998 Ryan Tebbeckung

2. The source of water is: surface water in Big Sugar Creek
(stream)
OR groundwater in Big Sugar Small Well
(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 8 acre-feet OR 2.6 million gallons per calendar year, to be diverted at a maximum rate of 700 gallons per minute OR _____ cubic feet per second.

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

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

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

For Office Use Only:							
F.O. Code	<u>1</u>	GMD	<u>0</u>	Meets K.A.R. 5-3-1 (YES/NO)	<u>YES</u>	Use	<u>REC</u>
Source	<u>G</u>	County	<u>W</u>	By	<u>AW</u>	Date	<u>7/5/18</u>
Fee \$	<u>000</u>	TR #		Receipt Date	<u>7/5/18</u>	Check #	<u>1077</u>

* based on phone conversation 7/5/18

7/9/18 DdeW

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 NE quarter of the NW quarter of the NW quarter of Section 3, more particularly described as being near a point _____ feet North and _____ feet West of the Southeast corner of said section, in Township 21 South, Range 24 East/West (circle one), Lin County, Kansas.

38° 15' 05.13" N 94° 45' 40.97" W

(B) One in the NE quarter of the NW quarter of the NW quarter of Section 3, more particularly described as being near a point _____ feet North and _____ feet West of the Southeast corner of said section, in Township 21 South, Range 24 East/West (circle one), Lin 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.

38° 15' 09.15" N 94° 45' 39.05" W

(D) One in the _____ quarter of the _____, 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.

A 3939' N 3073' W

NE SE NW

If the source of supply is groundwater wells, except that a single application for the same local source of supply which is to be used for a battery of wells or a battery of wells is defined as two or more wells in the same local source of supply which are not to exceed a total maximum diversion of _____ gallons of water per minute per well. A battery of wells is defined as two or more wells in the same local source of supply which are not to exceed a total maximum diversion of _____ gallons of water per minute per well. A battery of wells is defined as two or more wells in the same local source of supply which are not to exceed a total maximum diversion of _____ gallons of water per minute per well.

6. The owner of the point of diversion, if _____, is _____.

B 4345' N 2920' W

SE NE NW

You must provide evidence of legal access to the point of diversion or the landowner's authorized representative 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 6/28, 2018. _____ 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 pump) and (was)(will be) completed (by) 11/1/2018 (number of wells, pumps or dams, etc.) (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 10/1/18 (Mo/Day/Year)

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9. Will pesticide, fertilizer, or other foreign substance be injected into the water pumped from the KS Dept of Agriculture
 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. 5 acres

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

- If yes, show the Water Structures permit number here N/A
- If no, explain here why a Water Structures permit is not required Structure too small

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:

- X (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.
- X (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. NA
- X (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.
- X (d) The location of the proposed place of use should be shown by crosshatching on the topographic map, aerial photograph or plat.
- X (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. Burt Demis 13816

of KS 66227
Hemlock 73034

- Owners downstream
- Brian Danielson 1814 Manchester Edward OK
 - Gray Family Holdings 1310 View St Morrilton AR 72110-3700
 - Lawrence Lehman 10406 Crestwood Cove Ct Cypress TX 7783
- Upstream
- James Stetler 21145 Switch Cir Elkhorn NE 68022
 - Doug Pensen 10991 W 247 Bryan KS 66013
 - Dragon Pensen Fly 810 LLC 9216 High Leaned KS 66206
 - Wilkinson Trust 16217 Peterson Ln Pleasanton KS 66075

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.

MB

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	_____	_____	_____	_____
Total depth of well	_____	_____	_____	_____
Depth to water bearing formation	_____	_____	_____	_____
Depth to static water level	_____	_____	_____	_____
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):

MB
(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 _____, Kansas, this _____ day of _____, (month) (year)

Karl Davis, BSA, LLC

[Signature]
(Applicant Signature)

By _____
(Agent or Officer Signature)

(Agent or Officer - Please Print)

Assisted by _____ (office/title) Date: _____

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FEE SCHEDULE

- The fee for an application for a permit to appropriate water for beneficial use, except for domestic use, shall be (see paragraph No. 2 below if requesting storage):

ACRE-FEET	FEE
0-100	\$200.00
101-320	\$300.00
More than 320	\$300.00 plus \$20.00 for each additional 100 acre-feet or any part thereof.

- The fee for an application in which storage is requested, except for domestic use, shall be:

ACRE-FEET	FEE
0-250	\$200.00
More than 250	\$200.00 plus \$20.00 for each additional 250 acre-feet of storage or any part thereof.

Note: If an application requests both direct use *and* storage, the fee charged shall be as determined under No. 1 or No. 2 above, whichever is greater, but not both fees.

- The fee for an application for a permit to appropriate water for water power or dewatering purposes shall be \$100.00 plus \$200.00 for each 100 cubic feet per second, or part thereof, of the diversion rate requested.

Note: The applicant shall notify the Chief Engineer and pay the statutorily required field inspection fee of \$400.00 when construction of the works for diversion has been completed, except that for applications filed on or after July 1, 2009, for works constructed for sediment control use and for evaporation from a groundwater pit for industrial use shall be accompanied by a field inspection fee of \$200.00.

MAKE CHECKS PAYABLE TO THE KANSAS DEPARTMENT OF AGRICULTURE

ATTENTION

A Water Conservation Plan may be required per K.S.A. 82a-733. A statement that your application for permit to appropriate water may be subject to the minimum desirable streamflow requirements per K.S.A. 82a-703a, b, and c may also be required from you. After the Division of Water Resources has had the opportunity to review your application, you will be notified whether or not you will need to submit a Water Conservation Plan. You also may be required to install a water flow meter or water stage measuring device on your diversion works prior to diverting water. There may be other special conditions or Groundwater Management District regulations that you will need to comply with if this application is approved.

CONVERSION FACTORS

1 acre-foot equals 325,851 gallons

1 million gallons equal 3.07 acre-feet

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**RECREATIONAL USE
SUPPLEMENTAL SHEET**

File No. 50084 Elde Properties, LLC

Name of Applicant (Please Print): Kingston Properties B9 Farms LLC

1. Please indicate type of recreational use (boating, fishing, swimming, etc.): _____
Pump for a duck marsh

2. Please summarize how the water will be used and justify the quantity of water requested: _____
Pump water in October or November
for duck hunting. Release
water in February

3. Please complete the following table showing estimated future water requirements:

ESTIMATED FUTURE WATER DIVERTED/STORED	
NEXT 5 YEARS	WATER TO BE DIVERTED (ACRE-FEET OR GALLONS)
Year 1	5
Year 2	5
Year 3	5
Year 4	5
Year 5	5

Please attach any additional information, tables, or curves 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 by providing the fractional part of the Section, Township and Range.

18301 E 1600 rd Pleasanton KS
Section 3 Township 21 Range 24

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

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

July 9, 2018

KINGSTON PROPERTIES, BB FARMS, LLC
13725 METCALF AVE #334
OVERLAND PARK KS 66223

RE: Application
File No. 50084

Dear Sir or Madam:

Your application for permit to appropriate water in 3-21S-24E in Linn 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.

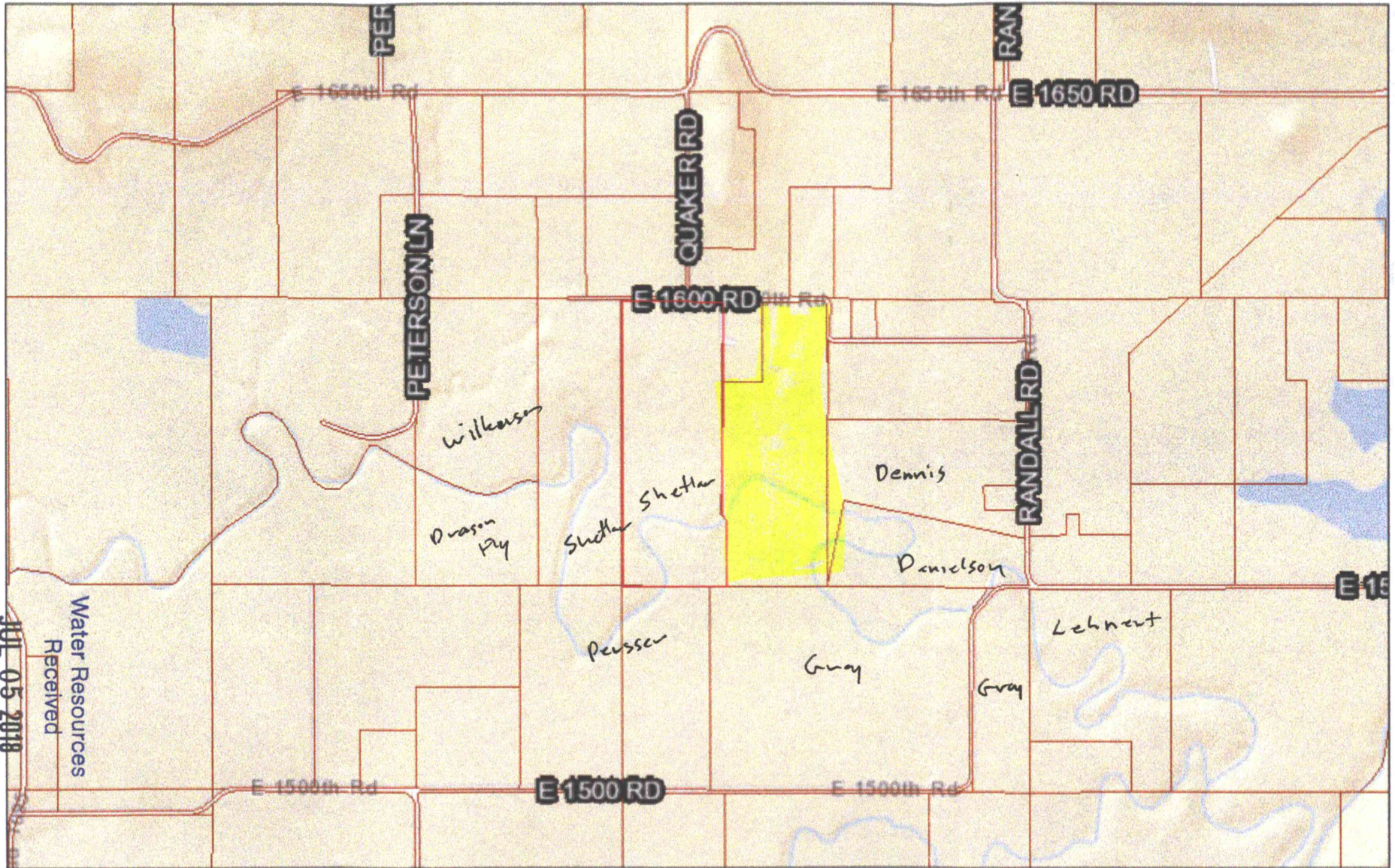
If you have any questions, please contact me at (785) 564-6637. If you wish to discuss a specific file, please have the file number ready so that we may help you more efficiently.

Sincerely,

Kristen A. Baum
New Applications Unit Supervisor
Water Appropriation Program

BAT: dlw
pc: TOPEKA Field Office
GMD

72



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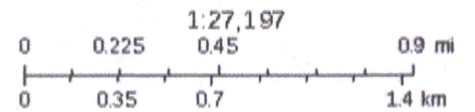
June 28, 18

polygonLayer

Parcels 36112

Override 1

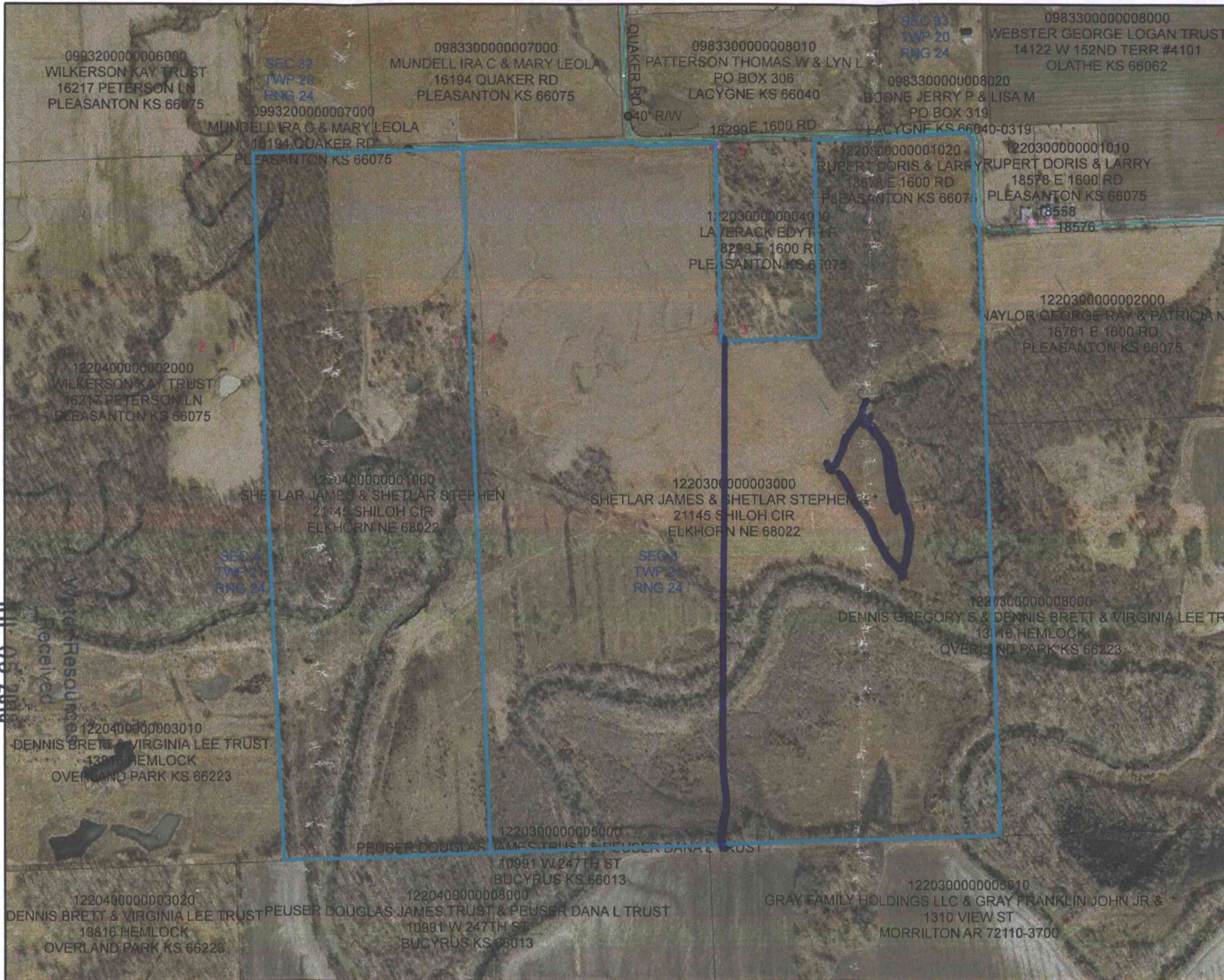
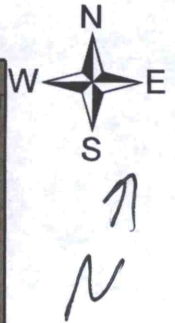
Parcels



Kansas counties, FDOA
Sources: Esri, HERE, Garmin, USGS, Informa, INCREMENT P, NRCan,

50084

LINN COUNTY



KS Dept Of Agriculture

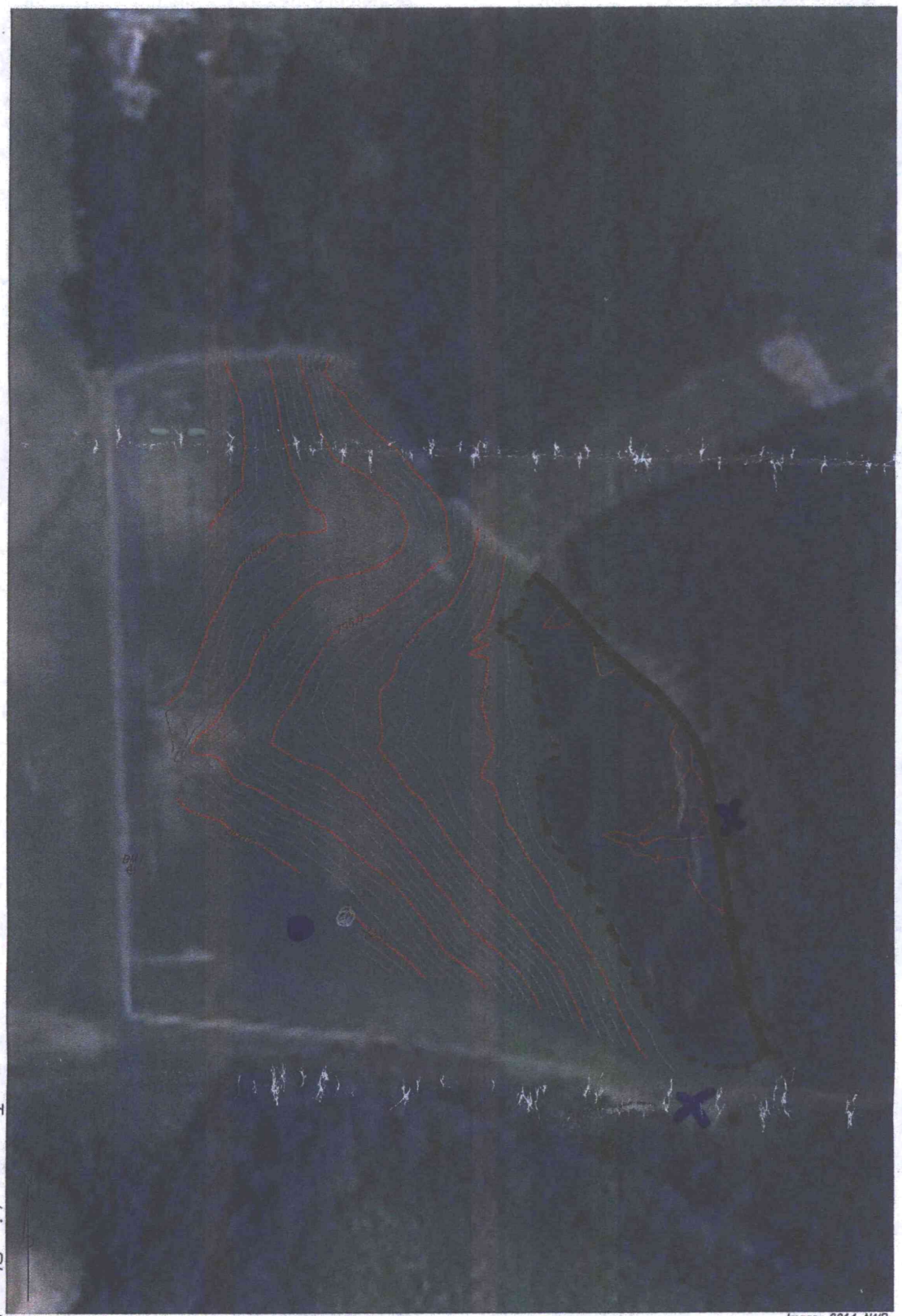
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Wildlife Resources
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50084

50084



Topographic Plan Map



X
Pumping
Spots

•
well

150 0 150 300 BM1 - Top of 1x2 Wooden Stake
Scale in Feet N 10255.04, E 10068.70, Z 798.32 Image: 2014 NADP

Drawing Name
Tebbenkamp
12/27/14 10:12 AM
Sheet 1 of 1



Tebbenkamp
NW 1/4 Sec 3 T21S R24E
Linn County, Kansas

Designed _____ Date _____
Drawn B Severin
Checked _____
Approved _____

Water Resources
Received

JUL 05 2018

KS Dept Of Agriculture