

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.

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

APPLICATION FOR TERM PERMIT

GROUNDWATER
 SURFACE WATER
(check one)

DEC 13 2019

2:00
KS Dept Of Agriculture



State of Kansas

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

20199076

1. Applicant: (Please print or type)
Name Nemaha Sand + Gravel
Street 1201 Baltimore St.
City and State Seneca, KS
Zip Code 66538 Telephone No. (785) 336-3312
E-Mail Address nsg1201@yahoo.com
Social Security I.D. No. _____
and/or Taxpayer I.D. No. _____

4. Water is to be used for (briefly describe proposed use and explain the rate and quantity requested):
IND USE - Sand Washing
130 gpm X 60 mins/hr X 10 hrs per day X 200 days = 28MG

2. Location of Point of Diversion:
Sec. 20, Twp. 4S, Rng. 6E, (E/W),
Marshall County, Kansas.

5. Location of place of use:
2222 2nd Terrace, Waterville, KS
NE 1/4 Sec. 20, 4S, 6E

6. Period of use:
Commencing date: February 1st, 2020
Ending Date: Jan 31, 2025 Also enter on Item 12

Distance from Southeast Corner of Section:
5260 feet North from Southeast Corner
2620 feet West from Southeast Corner

If off-stream pit, check here
Will pit floor intersect water table? Yes No

3. Water Use Data:
Proposed Max. Pumping Rate (gpm) 230
Amount Requested (acre-feet) 85.96 AF (28MG)
per calendar year
Depth of Well (feet) 82
Date (completed) (will be completed) 11/1/19
Drainage Basin _____
Name of Stream _____

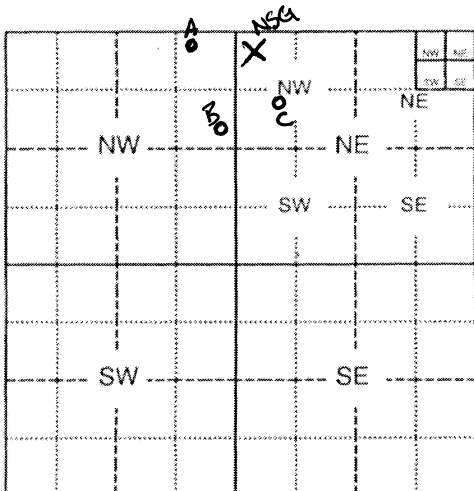
7. Location of the proposed point of diversion and those of other water users within 1/2 mile shall be indicated on the diagram to the lower-left, scale 1 inch = 2,000 feet. If surface water, indicate on the diagram the course of the stream, and its name. List other D.W.R. permit numbers that cover the requested point(s) of diversion or place of use here:
NONE
(mechanical excavation)

FEE SCHEDULE

1. The filing fee for an application is based on the maximum amount of water use proposed within a year. Except for storage, the fee is:
- | Acre-feet | Fee |
|---------------|-----------------|
| 0-100 | <u>\$200.00</u> |
| 101-320 | \$300.00 |
| More than 320 | \$300.00 |
- plus \$20 for each additional 100 acre-feet or any part thereof.
2. The fee for an application in which storage is requested, is:
- | 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.
3. A request for an extension of time to extend the term of a term permit shall be accompanied by a fee of \$100.00.
4. There is a separate application form for domestic use. Do not use this form for domestic use.

CONVERSION FACTORS

1 acre-foot equals 325,851 gallons
1 million gallons equal 3.07 acre-feet



Assisted by _____

12/26/2019
LMoody

For Office Use Only:
F.O. 1 GMD - Meets K.A.R. 5-3-1 (YES/NO) Use IND Source G/S County MS By KJN Date 12/13/19
Code TRP Fee \$ 200 TR# _____ Receipt Date 12/13/19 Check # 4257

Well C owner: Omar Smart
address: 290 Highway 9 Waterville, KS 66548

8. For groundwater use, list below all wells within 1/2 mile of the proposed well, and plot locations upon the diagram on reverse side. If additional space is needed, attach a map.

Other wells -

Well A Owner(s): Dane Parker
Address: 237 Utah Rd Waterville, KS 66548

Well B Owner(s): Steven Hirt
Address: _____

Water Resources
Received

DEC 13 2019

9. For surface water use, list below the names and addresses of all landowners from a point 1/2 mile upstream to a point 1/2 mile downstream of the tract of land upon which the point of diversion is located. If additional space is needed, attach sheet.

Tract A Owner(s): _____
Address: _____

Tract B Owner(s): _____
Address: _____

KS Dept Of Agriculture

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

Applicant

(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____. Dean Luckeroth
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.

11. The applicant states that the information set hereon is true and accurate to the best of his/her knowledge.
12. The applicant agrees to waive any right to a hearing on the matter of abandonment of this appropriation right and further agrees that this appropriation right may be dismissed and terminated upon completion of the proposed project, said dismissal date to be on Jan 31, 2025 or within any extension of time authorized by the Chief Engineer, Division of Water Resources, Kansas Department of Agriculture.
13. The applicant agrees to provide water to nearby water users, at no charge to said users, should their rights to use water become impaired by the project proposed by this application.
14. Water use contact person (in event emergency contact is needed):

Name: Howard Stryker Telephone No. (785) 713-1739

Dean Luckeroth Signature of Applicant or _____ Authorized Representative 12/11/19 Date

Dean Luckeroth Applicant's Name Printed _____ Title

DO NOT WRITE BELOW THIS LINE

CONDITIONS OF APPROVAL:

The applicant shall maintain accurate and complete records from which the quantity of water diverted during each calendar year may be readily determined. Accurate and complete records shall be furnished to 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.

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.

The Chief Engineer specifically retains jurisdiction in this matter with authority to make such reasonable reductions in the approved rate of diversion and quantity authorized, and such changes in other terms, conditions, and limitation set forth in this approval and permit to proceed as may be deemed to be in the public interest.

THE STATE OF KANSAS



KANSAS DEPARTMENT OF AGRICULTURE
Mike Beam, Secretary of Agriculture

DIVISION OF WATER RESOURCES
David W. Barfield, Chief Engineer

NOTICE OF INTENT TO OPEN OR EXPAND A
SAND AND GRAVEL PIT OPERATION
(In accordance with K.S.A. 82s-734(c), K.A.R. 5-13-1, and amendments thereto)

File No. _____ (Office Use Only)

1. Operator Name (Please Print) NEMAHA SAND + GRAVEL

Address 1201 Baltimore St.

Seneca, KS 66538

Telephone (785) 336-3512

2. Please designate the legal description of the pit. 10 acres in the SW ¼ of the NW ¼ of the _____ ¼ of Section 20, Township 4 South, Range 6 EW, Marshall County, Kansas.

3. Outline on an aerial photograph or topographical map the current and FINAL outline of the proposed pit, and attach it to the Notice of Intent. The photograph or map shall indicate the legal description of the location of the proposed pit and the scale of the map or photograph.

4. What year did, or will, the excavation of the pit begin? 2020

5. Indicate the proposed final size of the pit in acres. 50 acres.

6. Estimate the year the pit will be completed? 2050

7. By what method will the pit be excavated?
Hydraulic _____ Mechanical Other _____

8. Will you have any other diversions of water at the pit site besides hydraulic dredging, such as pumpsites or wells? Yes No _____. If yes, please specify the type of diversion and use to be made of the water. Well for Sand Washing

9. Attach a copy of the Reclamation Plan you have on file with the State Conservation Commission.

Water Resources
Received

DEC 13 2019

KS Dept Of Agriculture

10. Please specify the measures you plan to use to protect groundwater from pollution, such as berms or vegetative strips. all surface run off and wash water will be routed to silt ponds and reused as wash water
11. Please complete the following table showing the estimated pit size at the end of each of the next five years.

Size of the Pit	Projected Pit Size in Acres
Current size of pit	
Year 1	8
Year 2	9
Year 3	10
Year 4	11
Year 5	12

12. Owner's Name (Please Print) Roy Roper (owner of pit)
 Address PO Box 5
Barnes, KS 66933
 Telephone (913) 313-6045

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

Dean Luckeroth 12/11/19
 Name (Please Print) Date

Dean Miller
 Signature


President / Owner of Nemaha Sand + Gravel
 Title/Relationship to Owner

Water Resources
 Received
 DEC 13 2019
 KS Dept Of Agriculture

WELL LOCATIONS

Nemaha Sand & Gravel Pit
2222 2nd Terrace
Waterville, Ks 66548

Legend

 WELL

Utah Rd

NSG WELL

WELL A

WELL C

WELL B

9 Unicorn Rd

Water Resources
Received
DEC 13 2019
KS Dept Of Agriculture

Google Earth

© 2018 Google



1000 ft

LATITUDE 39°41'49.77"N LONGITUDE 96°46'45.23"W

Utah Rd

SW 1/4
NW 1/4
NE 1/4
S 20 T45 R6E PROPOSED

CURRENT

SILT POND

SILT POND

2222
2ND TERRACE

Google Earth

© 2013 Google



1000 ft

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



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

Mike Beam, Secretary

Laura Kelly, Governor

January 22, 2020

NEMAHA SAND & GRAVEL
1201 BALTIMORE ST
SENECA KS 66538

RE: Application, File No. **20199076**

Dear Sir or Madam:

The Division of Water Resources (Division) has received your application for a permit to appropriate water for beneficial use. Your application has been assigned the file number referenced above. Please be aware that the Division may have a large number of pending applications on hand at times and makes every attempt to process them in the order in which they are received. You will be contacted if additional information is required.

Please note, this letter only acknowledges receipt of your application and does not guarantee approval. In accordance with the provisions of the Kansas Water Appropriation Act, the use of water as proposed prior to approval of the application is unlawful.

Additional information about the process may be found on our website at agriculture.ks.gov/divisions-programs/dwr. If you have any other questions, please contact our office at 785-564-6640 or your local Stafford Field Office at 620-234-5311. If you call, please reference the file number so we can help you more efficiently.

Sincerely,

A handwritten signature in black ink that reads "Kristen A. Baum". The signature is written in a cursive style.

Kristen A. Baum
New Applications Unit Supervisor
Water Appropriation Program

DATA ENTRY SYSTEM ID NUMBER SHEET

FILE NUMBER 20199076

APPLICANT PERSON ID & SEQ #	PDIV ID	BATTERY ID
<u>59113</u>	<u>87812</u>	

LANDOWNER PERSON ID & SEQ #	PUSE ID
<u>59113</u>	<u>69741</u>

WATER USE CORRESPONDENT PERSON ID & SEQ #
<u>59113</u>