

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
Mike Beam, Secretary of Agriculture

DIVISION OF WATER RESOURCES
David W. Barfield, Chief Engineer

File Number 50271
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 22 2019
12:00
KS Dept Of Agriculture

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

- Name of Applicant (Please Print): COMPASS COMMODITY GROUP 300 LLC % JON MONSON
Address: 202 WATER STREET, SUITE 202
City: EXCELSIOR State: MN Zip Code 55331
Telephone Number: 762 237-0572
- The source of water is: surface water in EAST MISSION CREEK TRIB 1(KANSAS) (stream)
OR groundwater in Kansas 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.

- The maximum quantity of water desired is 19.5 (Storage) acre-feet OR _____ gallons per calendar year, to be diverted at a maximum rate of Natural Flow 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.

- The water is intended to be appropriated for (Check use intended):

(a) <input type="checkbox"/> Artificial Recharge	(b) <input type="checkbox"/> Irrigation	(c) <input checked="" type="checkbox"/> Recreational	(d) <input type="checkbox"/> Water Power
(e) <input type="checkbox"/> Industrial	(f) <input type="checkbox"/> Municipal	(g) <input type="checkbox"/> Stockwatering	(h) <input type="checkbox"/> Sediment Control
(i) <input type="checkbox"/> Domestic	(j) <input type="checkbox"/> Dewatering	(k) <input type="checkbox"/> Hydraulic Dredging	(l) <input type="checkbox"/> Fire Protection
(m) <input type="checkbox"/> Thermal Exchange	(n) <input type="checkbox"/> 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	GMD <input checked="" type="checkbox"/> Meets K.A.R. 5-3-1 (YES/NO)	Use <u>REC</u>	Source <u>G</u> County <u>WY</u>	By <u>DAW</u> Date <u>7/22/19</u>
REG	Fee \$ <u>200</u>	TR # _____	Receipt Date <u>7/22/19</u>	Check # <u>1072</u>

7/24/2019 LLM

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 SW quarter of the NE quarter of Section 15, more particularly described as being near a point 2645 feet North and 1870 feet West of the Southeast corner of said section, in Township 11 South, Range 23 East, WYANDOTTE County, Kansas.

(B) 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.

(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.

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):

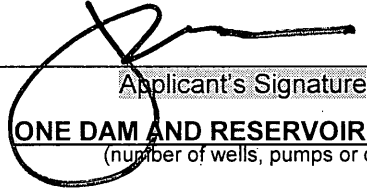
Applicant _____
(name, address and telephone number)

(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 7/10, 2019.


Applicant's Signature

7. The proposed project for diversion of water will consist of ONE DAM AND RESERVOIR
(number of wells, pumps or dams, etc.)
and (was)(will be) completed (by) Existing dam _____
(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 Fall 2019
(Mo/Day/Year)

- 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 DWY-0182
- If no, explain here why a Water Structures permit is not required _____

- 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.

NONE (File No. 47, 128 dismissed)

Quantity based on overall surface area of 13 acres x 6" of evap / 12 = 6.5 AF

3 years x 6.5 AF = 19.5 acre-feet.

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KS Dept Of Agriculture

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	_____	_____	_____	_____
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):

Applicant
(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 Excelsior MN, Kansas, this 10 day of July, 2019
(month) (year)

Compass Commodity Group 300 LLC

[Signature], Manager
(Applicant Signature)

81-5379358
APPLICANT(S) SOCIAL SECURITY IDENTIFICATION NUMBER(S)

By _____
(Agent or Officer Signature)

and/or APPLICANT(S) TAXPAYER I.D. NO.(S)

(Agent or Officer - Please Print)

50271

FEE SCHEDULE

1. 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.

2. 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.

3. 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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KS Dept Of Agriculture

**RECREATIONAL USE
SUPPLEMENTAL SHEET**

File No. 50271

Name of Applicant (Please Print): Compass Commodity Group 300 LLC

1. Please indicate type of recreational use (boating, fishing, swimming, etc.): _____

2. Please summarize how the water will be used and justify the quantity of water requested: _____

Surface Area of Reservoir = 13 acres. (13 acres x 6") / 12 = 6.5 acre-feet of annual evaporation

6.5 acre-feet x 3 years = 19.5 acre-feet (3 years of indirect evaporation).

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	19.5 AF
Year 2	
Year 3	
Year 4	
Year 5	19.5 AF

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.

Reservoirs Located in the Northeast Quarter of Section 15, in Township 11 South, Range 23 East, Wyandotte Co.

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

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JUSTIFICATION for REQUESTED STORAGE

The proposed appropriation is requesting 19.5 acre-feet of storage.

Storage computations are as follows:

$$\begin{aligned} \text{Potential Net Evaporation: } & 13 \text{ surface acres} \times 6 \text{ inches of evaporation} / 12 \\ & \text{inches} \\ & = 6.5 \text{ acre-feet} \\ & 6.5 \text{ acre-feet} \times 3 \text{ years} = 19.5 \text{ acre-feet} \end{aligned}$$

Three years of net evaporation is equal to 19.5 acre-feet. By definition in K.A.R. 5-1-1, indirect use includes the seepage loss and annual net evaporation. However, if no relevant, credible information is supplied by the applicant, it shall be assumed that there is not seepage loss (per K.A.R. 5-6-8). Therefore, three years of net evaporation is the maximum allowable (per K.A.R. 5-6-5) and is considered to be reasonable for the proposed appropriation.

The drainage area is estimated at 110 acres and the soil complex number is 78. Using these values, the drainage area will contribute 198 acre-feet of runoff one out of every five years (20% chance annually). The reservoirs surface area at normal pool storage elevation is estimated at 13 acres.

The Structure has been identified in the Office of the Chief Engineer as DWY-0182. A special condition on the Permit to address the initial fill is not needed.

Water Resources
Received

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KS Dept Of Agriculture

50271



Topeka Field Office
6531 SE Forbes Ave., Suite B
Topeka, Kansas 66619

Phone: (785) 296-5733
Fax: (785) 296-8298
www.agriculture.ks.gov

Jackie McClaskey, Secretary
David W. Barfield, Chief Engineer
Katherine A. Tietsort, Water Commissioner

Sam Brownback, Governor

November 14, 2017

COMPASS COMODITY GROUP 300 LLC
202 WATERS ST 202
EXCELSIOR MN 55331

Re: Illegal Diversion of Water

Dear Sir or Madam:

The Department of Agriculture Division of Water Resources has information that indicates you are diverting surface water by means of a dam, on property you recently acquired, located as follows:

One (1) dam located in the Southeast Quarter of the Southwest Quarter of the Northeast Quarter (SE $\frac{1}{4}$ SW $\frac{1}{4}$ NE $\frac{1}{4}$) of Section 15, Township 11 South, Range 23 East, Wyandotte County, Kansas (see enclosed map).

There is nothing in the office of the Chief Engineer to show this use of water is covered by any vested right or approved application for permit to appropriate water for beneficial use, which may be required under the Kansas Water Appropriation Act, if domestic use is not occurring. **"Domestic uses" means the use of water by any person or by a family unit or household for household purposes, or for the watering of livestock, poultry, farm and domestic animals used in operating a farm, and for the irrigation of lands not exceeding a total of two acres in area for the growing of gardens, orchards and lawns.**

Kansas Statutes Annotated (K.S.A.) 82a-728 (copy enclosed) makes it 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 Kansas Water Appropriation Act and provides for criminal penalties for violation. As identified in the statute, your reservoir, which is in excess of the 15 acre-foot capacity, would require permitting if you do not meet K.A.R. 5-3-3 (also enclosed), which identifies that storage of surface water for domestic use would be covered under domestic use if you are in fact using the stored water for domestic use. Please notify us if you use this reservoir for livestock watering or other domestic use, prior to December 14, 2017.

If you do not use the reservoir for domestic use, you must submit the properly completed application, accompanied by the appropriate filing fee as set forth by statute, along with all attachments, to the office of the Chief Engineer, Division of Water Resources (D.W.R.), Kansas Department of Agriculture, by December 14, 2017, in order to bring this existing storage of water for recreational use into compliance with the Kansas Water Appropriation Act.

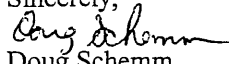
You will find information about the application process at:

<http://agriculture.ks.gov/dwr>

and the required application forms are located at:

<http://agriculture.ks.gov/divisions-programs/dwr/water-appropriation/water-appropriation-forms>

Please notify me immediately if you are not the owner of this project. You may contact me to discuss this matter before the December 14, 2017 deadline at (785) 296-3495, or if you need any assistance in completing the application forms.

Sincerely,

Doug Schemm
Environmental Scientist
Topeka Field Office

Water Resources
Received

JUL 22 2019

Enclosures

KS Dept Of Agriculture

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

July 22, 2019

COMPASS COMMODITY GROUP 300, LLC
JON MONSON
202 WATER ST, STE 202
EXCELSIOR, MN 55331

RE: Application, File No. **50271**

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 Topeka Field Office at 785-296-5733. 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, flowing style.

Kristen A. Baum
New Applications Unit Supervisor
Water Appropriation Program

COMPASS COMODITY GROUP 300 LLC
SEC. 15, T11S, R23E
WYANDOTTE COUNTY

50271

1:12,000



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Proposed Place of Use

● Proposed Point of Diversion

Water Resources

Received

JUL 22 2019

KS Dept Of Agriculture

All known landowners adjacent to the stream within one-half mile upstream and downstream of the property lines have been identified.