

# 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)

WATER RESOURCES RECEIVED



AUG 25 2020

State of Kansas

**20209064**

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

KS DEPT OF AGRICULTURE

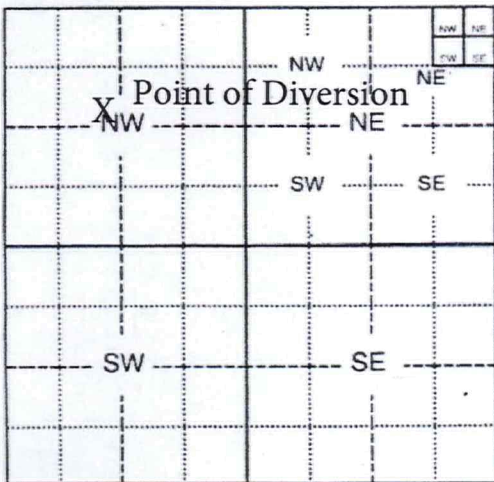
1. Applicant: (Please print or type)  
 Name Martin Marietta Materials, Inc.  
 Street 7381 West 133rd Street, Suite 401  
 City and State Overland Park, KS  
 Zip Code 66213 Telephone No. (913) 378-1805  
 E-Mail Address James.Nicholson@martinmarietta.com  
 Social Security I.D. No. \_\_\_\_\_  
 and/or Taxpayer I.D. No. 54-2163861

2. Location of Point of Diversion:  
 Sec. 9, Twp. 13S, Rng. 22E, (E/W),  
Johnson County, Kansas.

Distance from Southeast Corner of Section:  
4008 feet North from Southeast Corner  
4200 feet West from Southeast Corner

NOTE: If point of diversion is not site specific (i.e. groundwater pit) show the approximate geographic center.

3. Water Use Data:  
 Proposed Max. Pumping Rate (gpm) 600  
 Amount Requested (acre-feet) 245.3  
 per calendar year  
 Depth of Well (feet) N/A  
 Date (completed) (~~will be completed~~) 10-02-1996  
 Drainage Basin Kansas River  
 Name of Stream Kill Creek



4. Water is to be used for (briefly describe proposed use and explain the rate and quantity requested):  
Limestone washing and dust suppression  
(600gpm\*12hrs/day\*185 days)/325,851 = 245.3 Ac-ft

5. Location of place of use:  
Section 9, S1/2 Section 4, T13S, R22E

6. Period of use:  
 Commencing date: October 3, 2020  
 Ending Date: October 2, 2025 Also enter on Item 12

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

7. Location of the proposed point of diversion and those of other water users within 1/4 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:  
20159039 PD&PU overlap (Expires 10-02-2020)  
20159043 PU overlap (Expires 12-02-2020)  
See attached map

**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	\$200.00
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.

- 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.
- A request for an extension of time to extend the term of a term permit shall be accompanied by a fee of \$100.00.
- 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 \_\_\_\_\_

For Office Use Only:  
 F.O. 1 GMD Meets K.A.R. 5-3-1  (YES / NO) Use IND Source G/S County JO By BMM Date 8/25/20  
 Code TR2 Fee \$ 300.00 TR # \_\_\_\_\_ Receipt Date 8-25-2020 Check # 0195333 Z

8/27/2020  
 LMoody



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): \_\_\_\_\_  
Address: \_\_\_\_\_

Well B Owner(s): \_\_\_\_\_  
Address: \_\_\_\_\_

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): Sunflower Redevelopment, LLC  
Address: 2600 Grand Blvd., Suite 700, Kansas City, MO 64108-4600

Tract B Owner(s): Darby Family Trust, LLC c/o UMB Bank  
Address: 7109 West 80th Street, Overland Park, KS 66204

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

Sunflower Redevelopment LLC (see address above) 816-936-8577  
(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 8/19, 2020, Bill Gahan  
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 October 2, 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: JR Downs-Plant Manager Telephone No. ( 913 ) 583-3311  
Bill Gahan or 8/19/2020  
Signature of Applicant Authorized Representative Date  
Bill Gahan Division President  
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.

WATER RESOURCES  
RECEIVED

AUG 25 2020

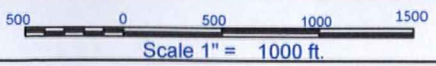
KS DEPT OF AGRICULTURE





AUG 25 2020

KS DEPT OF AGRICULTURE



7381 W 133rd STREET  
OVERLAND PARK, KS 66213  
(913) 390-8386

<b>DRAWING FILE NAME:</b> Sunflower Master SP KS Environmental	<b>DWN BY:</b> JBN	<b>DATE:</b> 08/17/2020	<b>COUNTY:</b> Johnson	<b>STATE:</b> KS	<b>QUARRY:</b> <b>SUNFLOWER QUARRY</b>
<b>TIFF FILE NAME:</b>	<b>CHK BY:</b>	<b>SCALE:</b> 1" = 1000'	<b>PHOTO DATE:</b> 04/2019	<b>PHOTO FRAME:</b> FRAME #	<b>DRAWING NAME:</b> <b>TERM WATER USE PERMIT RENEWAL</b>





James Nicholson  
Senior Environmental Engineer

August 24, 2020

Kansas Department of Agriculture  
Division of Water Resources  
1320 Research Park Drive  
Manhattan, KS 66502

WATER RESOURCES  
RECEIVED

AUG 25 2020

KS DEPT OF AGRICULTURE

Re: **Application for New Term Permits**  
**Ottawa Quarry-Old File No. 20159040**  
**Sunflower Quarry-Old File No. 2019039**  
**Sunflower Quarry-Old File No. 20159043**

Chief Engineer:

Please find attached an application for new term permits at the above referenced locations. The current permits (file no. 20159039-Sunflower, file no. 20159040-Ottawa and file no. 2015943-Sunflower) expire on October 2<sup>nd</sup>, Nov. 18<sup>th</sup>, and Dec. 2<sup>nd</sup> 2020 respectively. The appropriate checks are attached for the required filing fees for all three permit applications.

If you have any questions or need further assistance feel free to contact myself at 913-378-1805 or Neil Grant at 515-697-3425.

Respectfully,  
**Martin Marietta Materials Inc.**

A handwritten signature in blue ink that reads 'James Nicholson'.

James B. Nicholson  
Senior Environmental Engineer  
Martin Marietta Materials – Central

Attachments

cc: Division File

[Martin Marietta](#)

7381 West 133<sup>rd</sup> Street, Suite 401 Overland Park, KS 66213

t. (913) 378-1805 f. (913) 390-6476 m. (913) 207-5344 e. [James.Nicholson@martinmarietta.com](mailto:James.Nicholson@martinmarietta.com)

[www.martinmarietta.com](http://www.martinmarietta.com)

C:\Users\nichojob\Documents\Quarries\Sunflower\Water Use\Renewal 2020\Kill Creek\Sunflower and Ottawa Term Water Use Permit Renewal All 08-24-2020.docx

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

August 25, 2020

MARTIN MARIETTA MATERIALS, INC  
7381 WEST 133RD STREET, SUITE 401  
OVERLAND PARK KS 66213

RE: Application, File No(s). **20209064**

Dear Sir or Madam:

The Division of Water Resources (Division) has received your application(s) for a permit to appropriate water for beneficial use. Your application(s) has been assigned the file number(s) 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(s) 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(s) is unlawful.

Additional information about the process may be found on our website at [agriculture.ks.gov/divisions-programs/dwr](http://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

**DATA ENTRY SYSTEM ID NUMBER SHEET**

**FILE NUMBER** 20209064

<b>APPLICANT PERSON ID &amp; SEQ #</b>	<b>84840</b>	<b>PDIV ID</b>	<b>BATTERY ID</b>
<b>64113</b>			

<b>LANDOWNER PERSON ID &amp; SEQ #</b>	<b>3170</b>	<b>PUSE ID</b>	<b>SIC - 1429</b>
<b>64113</b>	<b>61447</b>		

**WATER USE CORRESPONDENT  
PERSON ID & SEQ #**

**64113**

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_



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

August 31, 2020

MARTIN MARIETTA MATERIALS, INC  
7381 WEST 133RD STREET, SUITE 401  
OVERLAND PARK KS 66213

RE: Application, File No(s). **20209064**

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Sincerely,

Kristen A. Baum  
New Applications Unit Supervisor  
Water Appropriation Program