KANSAS DEPARTMENT OF AGRICULTURE Jackie McClaskey, Acting 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. 48,785 of the applicant

Farmers Co-Operative Elevator Company 302 West 1st Street Halstead, Kansas 67056

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 September 12, 2013.
- 2. That the water sought to be appropriated shall be used for industrial use at co-operative facility located in the Southeast Quarter (SE1/4) of Section 10, Township 25 South, Range 2 West, Sedgwick County, Kansas.
- 3. That the authorized source from which the appropriation shall be made is groundwater from the Equus Beds, to be withdrawn by means of one (1) well located in the Northwest Quarter of the Southwest Quarter of the Southeast Quarter (NW¼ SW¼ SE¼) of Section 10, more particularly described as being near a point 751 feet North and 2,084 feet West of the Southeast corner of said section, in Township 25 South, Range 2 West, Sedgwick 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 400 gallons per minute (0.89 c.f.s.) and to a quantity not to exceed 3.75 million gallons (11.51 acre-feet) of water for any calendar year.
- 5. That installation of works for diversion of water shall be completed on or before <u>December 31, 2016</u> or within any authorized extension thereof. The applicant shall notify the Chief Engineer and pay the statutorily required field inspection fee of \$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 submitted prior to the expiration of the deadline and shall be accompanied by the required statutory fee of \$100.00.
- 6. That the proposed appropriation shall be perfected by the actual application of water to the proposed beneficial use on or before <u>December 31, 2020</u> 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.

WATER METER REQUIRED

This Order shall become a final agency action, as defined by K.S.A. 77-607 (b), without further notice to the parties, if a request for hearing or a petition for administrative review is not filed as set forth below.

Request for Hearing. According to K.A.R. 5-14-3(c), any party who desires a hearing must submit a request within 15 days after the date shown on the Certificate of Service attached to this Order. Filing a request for a hearing will give you the opportunity to submit additional facts for consideration, contest any findings made by the Chief Engineer or present any other information you believe should be considered in this matter. A timely-filed request for hearing will stay the deadline for requesting administrative review of this Order pending the outcome of the hearing.

Petition for Review. The applicant, if aggrieved by this Order, may petition for administrative review, pursuant to K.S.A. 82a-711(c) and K.S.A. 82a-1901 (a). The petition must be filed within 30 days after the date shown on the Certificate of Service attached to this Order and must set forth the basis for the review, unless stayed by the timely filing of a request for hearing.

Any request for hearing or petition for administrative review shall be in writing and shall be submitted to the attention of: Chief Legal Counsel, Kansas Department of Agriculture, 1320 Research Park Drive, Manhattan, Kansas 66502, Fax: (785) 564-6777. AS OFFARTMENT OF SS

dered this

day of Dulans

2015, in Topeka, Shawnee County, Kansas.

David W. Barfield, P.E. Chief Engineer Division of Water Resources Kansas Department of Agriculture

State of Kansas

County of Riley

The foregoing instrument was acknowledged before me this day of Veryany 2015, by David W. Barfield, P.E., Chief Engineer, Division of Water Resources, Kansas Department of Agriculture.

> KAREN HUNTER My Appointment Expires October 24, 2018 PUBLIC

Notary Public

ERTIFICATE OF SERVICE

, 20/5, I hereby certify that the foregoing Approval of Application and Permit to Proceed, for File No. 48,785, dated was mailed postage prepaid, first class, US mail to the following:

FARMERS CO-OPERATIVE ELEVATOR COMPANY 302 WEST 1ST HALSTEAD KS 67056

WITH PHOTOCOPIES TO

STAFFORD FIELD OFFICE

GMD NO. 2

DIVISION OF WATER RESOURCES