

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 APPROVAL TO
CHANGE THE PLACE OF USE, THE
POINT OF DIVERSION OR THE USE
MADE OF THE WATER UNDER AN
EXISTING WATER RIGHT**



State of Kansas

*Filing Fee Must Accompany the Application
(Please refer to Fee Schedule on signature page of application form.)*

Paragraph Nos. 1, 2, 3, 4 & 8 must be completed. Complete all other applicable portions. A topographic map or detailed plat showing the authorized and proposed points(s) of diversion and /or place of use must accompany this application.

RECEIVED

FEB 14 2018

Garden City Field Office
Division of Water Resources
**Water Resources
Received**

FEB 20 2018

**12:55
KS Dept Of Agriculture**

1. Application is hereby made for approval of the Chief Engineer to change the

- Place of Use
- Point of Diversion
- Use Made of Water

(Check one or more)

File No. 7446 D4

2. Name of applicant: DAN SENESTRARO

Address: 9620 E RD 8,

City, State and Zip: JOHNSON, KS 67855

Phone Number: () _____ E-mail address: _____

What is your relationship to the water right; owner tenant agent other? If other, please explain. _____

Name of water use correspondent: SAME AS OWNER

Address: _____

City, State and Zip: _____

Phone Number: () _____ E-mail address: _____

3. The change(s) proposed herein are desired for the following reasons (please be specific): _____

ADD AN ADDITIONAL WELL BY TRANSFERING 100 AF FROM IRRIGATION WELL TO THE OLD WELL AND
CHANGING THE USE TO STOCKWATER.

The change(s) (was) (will be) completed by when approved.

(Date)

For Office Use Only:	
F.O. <u>4</u> <u>GMD</u> <u>3</u> Meets K.A.R. 5-5-1 (YES/NO) Use <u>IRR</u> Source <u>G</u> S County <u>ST</u> By <u>AMW</u> Date <u>2/20/18</u>	
Code <u>C-3</u> Fee \$ <u>700</u> TR # _____ Receipt Date <u>2/20/18</u> Check # <u>11643</u>	

2/28/2018 WJM

4. The presently authorized place of use is:

Owner of Land — NAME: EASTSIDE DAIRY II LLC

ADDRESS: 9620 E RD 8, JOHNSON, KS 67855

Sec.	Twp.	Range	NE¼				NW¼				SW¼				SE¼				TOTAL ACRES
			NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	
3	28	39 W									40	40	40	40					160
4	28	39 W													40	40	40	40	160
9	28	39 W									31.75	31.75	31.75	31.75					127

List any other water rights that cover this place of use. 7446 D4, 26664, 21560

Owner of Land — NAME: EASTSIDE DAIRY II LLC

ADDRESS: 9620 E RD 8, JOHNSON, KS 67855

Sec.	Twp.	Range	NE¼				NW¼				SW¼				SE¼				TOTAL ACRES
			NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	

List any other water rights that cover this place of use. _____

(If there are more than two landowners, attach additional sheets as necessary.)

5. It is proposed that the place of use be changed to:

Owner of Land — NAME: EASTSIDE DAIRY II LLC

ADDRESS: 9620 E RD 8, JOHNSON, KS 67855

Sec.	Twp.	Range	NE¼				NW¼				SW¼				SE¼				TOTAL ACRES
			NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	
3	28	39 W									40	40	40	40					160
4	28	39 W													40			40	80
9	28	39 W									40	40	40	40					160

List any other water rights that cover this place of use. 7446 D4, 26664, 21560

Owner of Land — NAME: EASTSIDE DAIRY II LLC

ADDRESS: 9620 E RD 8, JOHNSON, KS 67855

Sec.	Twp.	Range	NE¼				NW¼				SW¼				SE¼				TOTAL ACRES
			NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	
9	28	39	Dairy	(NW)															
4	28	39	Dairy	(W2 SE)															

List any other water rights that cover this place of use. _____

Water Resources
Received

FEB 20 2018

KS Dept Of Agriculture

6. The presently authorized point(s) of diversion is ONE WELL
(Provide description and number of points)

7. The proposed point(s) of diversion are TWO WELLS
(Provide description and number of points)

List all presently authorized point(s) of diversion:

8. **Presently authorized point of diversion:**
 One in the SE Quarter of the SE Quarter of the SE Quarter of Section 4, Township 28 South, Range 39 W, in STANTON County, Kansas, 275 feet North 259 feet West of Southeast corner of section. Authorized Rate 755 GPM Authorized Quantity 752 AF
 (DWR use only: Computer ID No. 3 GPS _____ feet North _____ feet West)
 This point will not be changed This point will be changed as follows:
Proposed point of diversion: (Complete only if change is requested)
 One in the SE Quarter of the SE Quarter of the SE Quarter of Section 4, Township 28 South, Range 39 W, in STANTON County, Kansas, *253 feet North *762 feet West of Southeast corner of section. Proposed Rate _____ GPM Proposed Quantity 636 AF
 This point is: Additional Well Geo Center List other water rights that will use this point *As per CI 9-12-16

9. **Presently authorized point of diversion:**
 One in the _____ Quarter of the _____ Quarter of the _____ Quarter of Section _____, Township _____ South, Range _____ (E/W), in _____ County, Kansas, _____ feet North _____ feet West of Southeast corner of section. Authorized Rate _____ Authorized Quantity _____
 (DWR use only: Computer ID No. _____ GPS _____ feet North _____ feet West)
 This point will not be changed This point will be changed as follows:
Proposed point of diversion: (Complete only if change is requested)
 One in the NE Quarter of the NW Quarter of the NW Quarter of Section 10, Township 28 South, Range 39 W, in STANTON County, Kansas, 5218 feet North 4617 feet West of Southeast corner of section. Proposed Rate _____ Proposed Quantity 100 AF
 This point is: Additional Well Geo Center List other water rights that will use this point _____

10. **Presently authorized point of diversion:**
 One in the _____ Quarter of the _____ Quarter of the _____ Quarter of Section _____, Township _____ South, Range _____ (E/W), in _____ County, Kansas, _____ feet North _____ feet West of Southeast corner of section. Authorized Rate _____ Authorized Quantity _____
 (DWR use only: Computer ID No. _____ GPS _____ feet North _____ feet West)
 This point will not be changed This point will be changed as follows:
Proposed point of diversion: (Complete only if change is requested)
 One in the _____ Quarter of the _____ Quarter of the _____ Quarter of Section _____, Township _____ South, Range _____ (E/W), in _____ County, Kansas, _____ feet North _____ feet West of Southeast corner of section. Proposed Rate _____ Proposed Quantity _____
 This point is: Additional Well Geo Center List other water rights that will use this point _____

11. Describe the current condition of and future plans for any point(s) of diversion which will no longer be used

Water Resources
Received

FEB 20 2018

12. The presently authorized use of water is for IRRIGATION purposes.
 It is proposed that the use be changed to IRRIGATION AND STOCKWATERING purposes.
13. If changing the place of use and/or use made of water, describe how the consumptive use will not be increased.
Water right is authorized 752 AF at 755 gpm on 447 AC of irrigated land. Proposed 100 AF converted to stockwatering.
Consumptive use calc: 752 AF x 86.6% (ST Co) = 651.232 AF
100 AF stockwater / 651.232 AF = .1535 - 1 = 84.6%
752 AF x 87.7% = 636.526 AF IRRIGATION
 (Please show any calculations here.)

14. It is requested that the maximum annual quantity of water be reduced to 736.526 (acre-feet or million gallons).
15. It is requested that the maximum rate of diversion of water be reduced to _____ gallons per minute (_____ c.f.s.).
16. The application must include either a topographic map or detailed plat. A U.S. Geological Survey Topographic Map, scale 1:24,000, is available through the Kansas Geological Survey, 1930 Constant Avenue, University of Kansas, Lawrence, Kansas 66047-3726 (www.usgs.gov). The map should show the location of the presently authorized point(s) of diversion. Distances North and West of the Southeast corner of the section must be shown. The presently authorized place of use should also be shown. Identify the center of the section, the section lines and the section corners and show the appropriate section, township, and range numbers on the map. In addition the following information must also be shown on the map.
- a. If a change in the location of the point(s) of diversion is proposed, show:
 - 1) The location of the proposed point(s) of diversion. Distances North and West of the Southeast corner of the section must be shown. Please be certain that the information shown on the map agrees with the information shown in Paragraph Nos. 9, 10 and 11 of the application.
 - 2) If the source of supply is groundwater, please show the location of existing water wells of any kind, including domestic wells, within 1/2 mile of the proposed well or wells. Identify each well as to its use and furnish name and mailing address of the property owner or owners. If there are no wells within 1/2 mile, please indicate so on the map.
 - 3) If the source of supply is surface water, the names and mailing addresses of all landowner(s) 1/2 mile downstream and 1/2 mile upstream from your property lines must be shown.
 - b. If a change in the place of use is desired, show the proposed place of use by crosshatching on the map. Please be certain that the information shown on the map agrees with the information shown in Paragraph No. 5 of the application.
17. Attach documentation to show the change(s) proposed herein will not impair existing water rights and relates to the same local source of supply as to which the water right relates. This information may include statements, plats, geology reports, well logs, test hole logs, and other information as necessary information to show the above. Additional comments may be made below.

Reduction in Acres: Per K.A.R. 5-5-10 (b) - (752 AF / 447 AC) * (636.526 AF / X) = 378.360 AC

Per K.A.R 5-5-11 (a)(2)(B)(ii) - 752 AF * .85 / 1.43' (80% NIR ST Co) = 450 AC

18. If the proposed change(s) does not meet all applicable rules and regulations of the Kansas Water Appropriation Act, please identify the rules and regulations for which you request a waiver. State the reason why a waiver is needed and why the request should be granted. Attach documentation showing that granting the request will not impair existing water rights and will not prejudicially and unreasonably affect the public interest.

We request a waiver of K.A.R. 5-23-3, spacing is to our own well.

**Water Resources
 Received**

FEB 20 2018

KS Dept Of Agriculture

Any use of water that is not as authorized by the water right or permit to authorize water **before** the chief engineer approves this application is a violation of the Kansas Water Appropriation Act for which criminal or civil penalties may be assessed. Such violation is a class C misdemeanor, punishable by a fine not to exceed \$500 and/or a term of confinement not to exceed one month in the county jail. K.S.A. 82a-728(b). Civil penalties shall be not less than \$100 nor more than \$1,000 per violation. In the case of a continuing violation, each day such violation continues may be deemed a separate violation. In addition to these penalties the water right may be modified or suspended. K.S.A. 82a-737, as amended.

The application must be signed by all owners of the place of use authorized under the water right and his or her spouse, if married. Please indicate if there is no spouse. If land is being purchased under contract, the seller must sign as landowner until such time as the contract is completed.

In the event that all applicants cannot appear before one notary public, they may as necessary sign separate copies of the application before any notary public conveniently available to them. All copies signed in this manner shall be considered to be valid parts of the application.

If the request is signed on behalf of any Owner by someone with legal authority to do so (for example, an agent, one who has power of attorney, or an executor, executrix, conservator), it will be necessary to attach proper documents showing such authority.

I declare that I am an owner of the currently authorized place of use as identified herein, or that I represent all such owners and am authorized to make this application on their behalf, and declare further that the statements contained herein are true, correct, and complete. By filing this application I authorize the chief engineer to permanently reduce the quantity of water and/or rate of diversion as specified in sections 14 and 15 of this application.

Dated at Tohson, Kansas, this 12th day of February, 2018.

[Signature]
(Owner)

(Spouse)

Daniel E Senestraro
(Please Print)

(Please Print)

[Signature]
(Owner)

(Spouse)

Clayton Winger
(Please Print)

(Please Print)

(Owner)

(Spouse)

(Please Print)

(Please Print)

State of Kansas)
County of Stanton) SS

I hereby certify that the foregoing application was signed in my presence and sworn to before me this 12th day of February, 2018.

[Signature]
Notary Public

My Commission Expires November 9th, 2021

FEE SCHEDULE

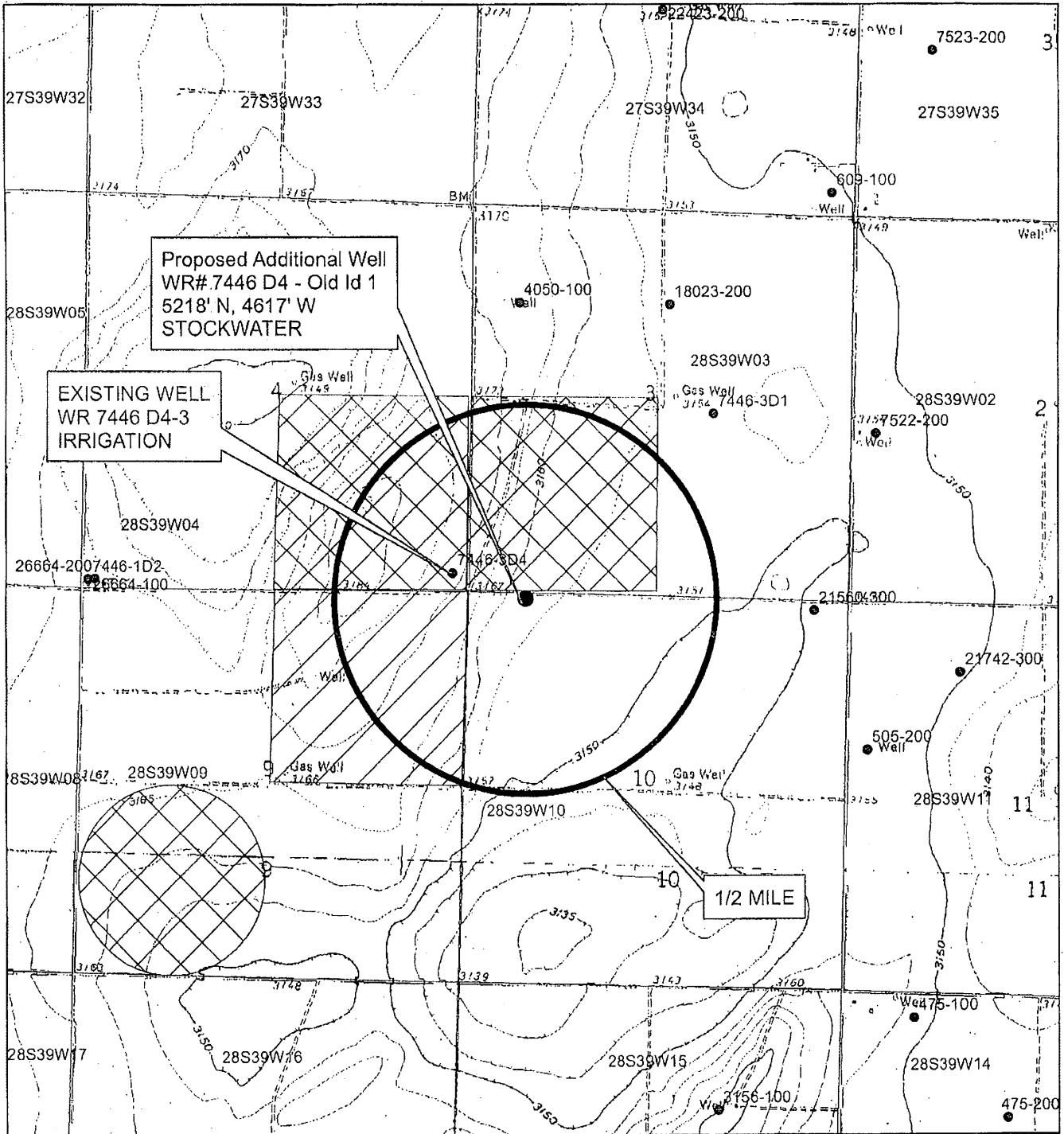
Each application to change the place of use, the point of diversion or the use made of the water under this section shall be accompanied by the application fee set forth in the schedule below:

- (1) Application to change a point of diversion 300 feet or less \$100
- (2) Application to change a point of diversion more than 300 feet \$200
- (3) Application to change the place of use \$200
- (4) Application to change the use made of the water \$300

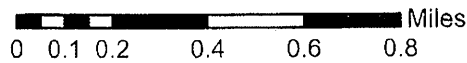
Make check payable to Kansas Department of Agriculture.

**Water Resources
Received
FEB 20 2018
KS Dept Of Agriculture**

WR 7446 D4 CHANGE IN PLACE OF USE, USE MADE OF WATER & ADDITIONAL WELL



- PROPOSED PLACE OF USE
- EXISTING PLACE OF USE



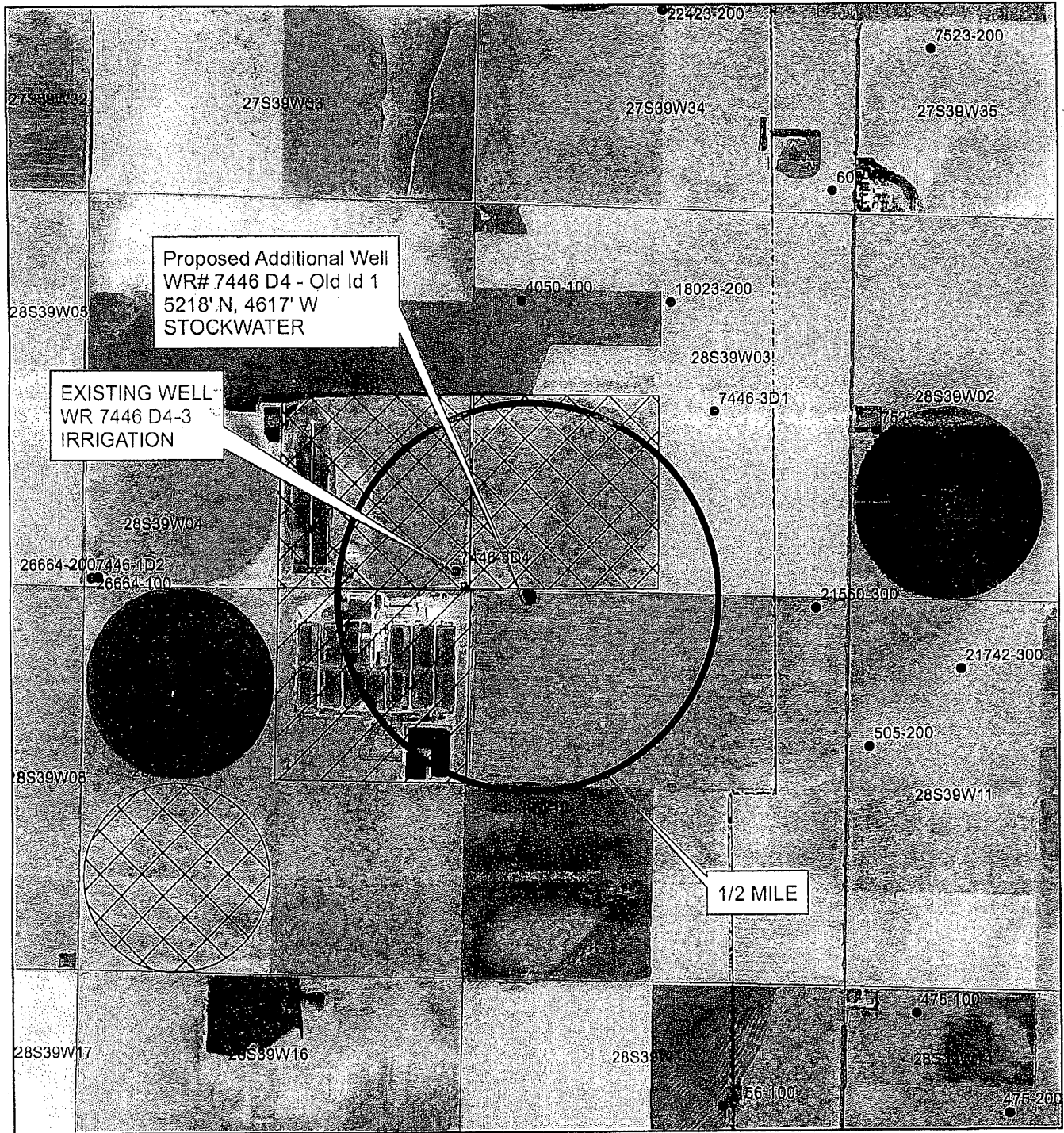
Water Resources
 Received
 FEB 20 2018

All wells are within 1/2 mile radius of additional well.

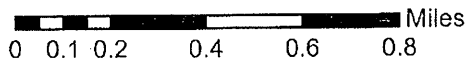
Signature of Applicant

KS Dept Of Agriculture

WR 7446 D4 CHANGE IN PLACE OF USE, USE MADE OF WATER & ADDITIONAL WELL



- PROPOSED PLACE OF USE
- EXISTING PLACE OF USE



All wells are within 1/2 mile radius of additional well.

Signature of Applicant

N
W E
Water Resources
Received

FEB 20 2018

KS Dept Of Agriculture

**STOCKWATER USE
SUPPLEMENTAL SHEET**

File No: 7446 D4

Name of Applicant (Please Print): Dan Seestrom for Eastside Dairy

1. Please indicate type of livestock (cattle, hogs, etc.): Dairy Cattle

2. Please complete the following table showing past and present water requirements:

PAST NUMBER OF HEAD AND WATER DIVERTED, IF APPLICABLE

LAST 5 YEARS	NUMBER OF HEAD	WATER DIVERTED (GALLONS)	GALLONS PER HEAD PER DAY
5 years ago	3969	70371 x 1000	48.44
Last year	6755	75864 x 1000	30.77
Present Year			

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

ESTIMATED FUTURE NUMBER OF HEAD AND WATER DIVERTED

NEXT 5 YEARS	NUMBER OF HEAD	WATER TO BE DIVERTED (GALLONS)	GALLONS PER HEAD PER DAY
Year 1	6700	80,000 x 1000	33
Year 2	6800	82,000 "	33
Year 3	6900	83,000 "	33
Year 4	7000	85,000 "	33
Year 5	7000	85,000 "	33

Please attach any additional information, tables, or curves showing past, present and estimated future water requirements to substantiate the amount of water requested.

**Water Resources
Received**

Please designate the legal description of the location where the water is to be used. Show in the spaces provided below the Section (S), Township (T), and Range (R), and the number of acres in each forty acre tract or fractional portion thereof.

FEB 20 2018

KS Dept Of Agriculture

S	T	R	NE 1/4		NW 1/4				SW 1/4				SE 1/4				TOTAL
			NE	NW	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
4	28	39													West half of 2 SE 1/4 of 4-28-39	the west half of	

5. Show quantities of water used and all associated water uses at the feedlot such as water used in feed mills, cooling of animals, washing, flushing of wastes, etc.:

DRINKING

3700 head of Cows x 35 gallons/head (avg.) x 365 days = 44.7m gallons
500 head of Dry Cows x 20 gallons/head (avg.) x 365 days = 3.6m gallons
2700 head of heifers x 15 gallons/head (avg.) x _____ days = 14.7 gallons

COOLING

200 gallons/hour x 8 hour/day x 90 days = 144,000 gallons

SANITATION

38 g.p.m. x 60 min/hr x 168 hr/wk x 52 wks/yr = 20,000,000 gallons

OTHER USE (Explain) misc cleaning out of milk barn = 1,856,000 gallons

TOTAL ----- 85,000,000 gallons

6. Show location of present and future location of confinement pens on your attached maps or photographs.

see attached map

7. Total feed bunk space for cattle or livestock is ~14,000 linear feet.

8. Total size of stock pens for confinement area of cattle, hogs, etc. is 3.7m square feet.

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

attached to form 28

2.289

1.2

1320 Research Park Drive
Manhattan, Kansas 66502
785-564-6700



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

Secretary Jackie McClaskey

Governor Jeff Colyer, M.D.

DAN SENESTRARO
9620 E RD 8
JOHNSON, KS 67855

February 28, 2018

RE: File No 7446D4

Dear Sir or Madam:

An application for approval of the Chief Engineer to change the following condition or conditions of the file number referred to above has been received:

- place of use PU/PD/UMW
- point of diversion
- use made of water

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. You will be contacted regarding this application as soon as it has been examined.

In accordance with the provisions of the Kansas Water Appropriation Act, a portion of which is included below, the use of water prior to approval of the application is unlawful. You should not proceed and divert water as indicated by your plans in your application for a change for this file until you receive approval for this change from the Chief Engineer. 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) 564-6645. If you wish to discuss a specific file, please have the file number ready so that we may help you more efficiently.

Sincerely,

A handwritten signature in cursive script that reads "Brent A. Tourney".

Brent Tourney, L.G.
Change Applications Unit Supervisor
Water Appropriation Program

BAT: DLW
pc: GARDEN CITY Field Office GMD3