# **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



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

showing the authorized and proposed points(s) of diversion and /or place of use must accompany this application.

Paragraph Nos. 1, 2, 3, 4 & 8 must be completed. Complete all other applicable portions. A topographic map or detailed plat

. Application	ie horoby mac	de for approval	of the Chief	f Engineer to change the	Water Resources
Application		☐ Place of U		Lingineer to change the	Received
(Check one		Point of Di  Use Made	iversion	& PD better described * Lireland 4/10/2020	MAR 18 2020 1139 KS Dept Of Agriculture
			File No.	13865	No Bopt and
Name of ap	oplicant: S	spandet Dairy, Ll	LC and Hem	nink Farms, LTD	
Address:	6306 20 Rd				
City, State	and Zip:Cim	arron, KS 6783	35		and the state of
Phone Num	nber: <u>( <sup>661</sup> )</u>	855-2312		E-mail address:ls@span	detdairy.com
What is you	ur relationship	to the water rig	ht; 🗵 owne	er 🗌 tenant 🗌 agent 🗍	other? If other, please explain.
Name of wa	ater use corres	spondent: Sp	andet Dairy,	LLC	
Address:	6306 20 Rd				
		marron, KS 678	35		
				E-mail address:ls@spar	ndetdairy.com
					specific): To convert to dual use for
		ntain the irrigatio			
The change	e(s) (was) (will	be) completed			/4 of S32 to be changed upon completion of Date)
			рторос	oca dany expansion.	
	Only:			1 5-2	
or Office Use .O. <u>4</u> GMD ode	CPU (WV	K.A.R. 5-5-1 (VE ) Fee \$	500 TR	se <u>    RR   STK</u> Source   G / S   C R # Receipt	County GY By KJN Date 3/18/20 Date 3/18/20 Check # 12/888
or Office Use O. <u>4</u> GMD ode	Meets P	K.A.R. 5-5-1 (VE ) Fee \$	500 TF	se <u>                                     </u>	County 64 By KJN Date 3/18/20 Date 3/18/20 Check # 12888

DWR 1-120 (Revised 06/16/2014)

Assisted by:

File No. \_\_\_\_13865

4. The presently authorized place of use is:

Owner of Land — NAME: Hemink Farms, LTD

ADDRESS: \_6306 20 Rd, Cimarron, KS 67835

		NE	Ξ1/4			N\	N1/4			SV	N1/4			SI	Ξ1/4		TOTAL
Sec. Twp. Range	NE1/4	NW1/4	SW1/4	SE1/4	ACRES												
31-24S-27W					40	38.14	38.42	40	40	38.7	38.98	40					314.24
24-24S-28W					40	40	40	40	40	40	18	36					294
25-24S-28W	40	40	40	40	34	25	35	40	40	38.5	38.5	40	40	40	40	40	610

List any other water rights that cover this place of use. 12315, 12456, 13865, 16803, 21819, 21820, 23295

Owner of Land — NAME: Spandet Dairy LLC

ADDRESS: \_6306 20 Rd, Cimarron, KS 67835

		NE	1/4			NV	V1/4			SV	V1/4			SE	1/4		TOTAL
Sec. Twp. Range N	NE1/4	NW¼	SW1/4	SE1/4	NE1/4	NW1/4	SW1/4	SE1/4	NE1/4	NW1/4	SW1/4	SE1/4	NE1/4	NW1/4	SW1/4	SE1/4	ACRES
31-24S-27W	x	NĚ 1/	Х	Х								-					
															Y.	-12	

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

Water Resources

Received

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

MAR 18 2020

Owner of Land — NAME: Hemink Farms, LTD

KS Dept Of Agriculture

ADDRESS: \_\_6306 20 Rd, Cimarron, KS 67835

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

		NE1/4				NW1/4				SW1/4			SE1/4				TOTAL	
Sec. Twp.	Range	NE1/4	NW1/4	SW1/4	SE1/4	ACRES												
31-24S-27W	,					40	38.14	38.42	40	40	38.7	38.98	40					314.24
24-24S-28W	1					40	40	40	40	40	40	18	36					294
25-24S-28W	1	40	40	40	40	34	25	35	40	40	38.5	38.5	40	40	40	40	40	610

List any other water rights that cover this place of use. 12315, 12456, 13865, 16803, 21819, 21820, 23295

Owner of Land — NAME: \_Spandet Dairy, LLC

ADDRESS: 6306 20 Rd, Cimarron, KS 67835

		NE	Ξ1/4			NV	V1/4			SV	V1/4			SE	1/4		TOTAL
Sec. Twp. Range	NE1/4	NW1/4	SW1/4	SE1/4	NE1/4	NW1/4	SW1/4	SE1/4	NE1/4	NW1/4	SW1/4	SE1/4	NE1/4	NW1/4	SW1/4	SE1/4	ACRES
31-24S-27W	X	X 1/4	Х	Х									NW	1/4 SE	1/4	S 1/2	SE 1/4
30-24S-27W			-		NE	1/4 SI	EC 32									X(S/2)	
32-24S-27W 29-24S-27W					X	Х	Х	Х			<b>S 1/2</b> X(S/2	SW 1/	4 SEC	29			

List any other water rights that cover this place of use. \_\_13865, 29068, 29113, 31670, 36483, 36484, 39637

### IF MORE SPACE IS NEEDED, ATTACH ADDITIONAL SHEETS AS NECESSARY

					File No. <u>13865</u>	
6.	The presently authorized point(s) of	diversion (is) (are)	2 Wells (IRR), 2	2 Wells (STK)		
				(Provide description and	number of points)	
7.	The proposed point(s) of diversion (is	s) (are) <u>4 Wells (IR</u>	R/STK)	(Provide description and	number of points)	
	List all presently authorized point(	(s) of diversion:		(Frevide description and	namber of points)	
۔ ا						
8.	Presently authorized point of dive			Overten of the	CIVI	Ouarton
	One in the SE					
	of Section 31 in Gray County,	_, Township	feet North 273	South, Range _ 30	of Southeast corne	r of section
	Authorized Rate 475 gpm A				or Southeast come	i oi section.
	(DWR use only: Computer ID No.				feet We	est)
	∑ This point will not be changed				1000 110	,01,
	Proposed point of diversion: (Com					
	One in the			-		Quarter
	of Section					
	in County,					
	Proposed Rate P					
	This point is: Additional Well				int	
9.	Presently authorized point of diver					
	One in the SE	Quarter of the NV	V	Quarter of the _	SW	Quarter
	of Section 31	_, Township	24	South, Range _	27W	(E/W),
	in Gray County,			feet West of	of Southeast corne	r of section.
	Authorized Rate 400 gpm A				0005	
- 1	(DWR use only: Computer ID No.	5 GP	S 14//	feet North	feet We	est)
- 1		T 701 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1				
			57	follows: GPS U	PDATE*	
	Proposed point of diversion: (Com	plete only if chang	e is requested)	follows: GPS U	43.	
	Proposed point of diversion: (Com	plete only if chang Quarter of the	e is requested)	follows: GPS U		Quarter
	Proposed point of diversion: (Com One in the of Section	plete only if chang Quarter of the , Township	e is requested)	follows: GPS U  Quarter of the _ South, Range _	2. 2. 2. 1.2 3. 1.2 3. 1.2 3. 1.2 4.	Quarter (E/W),
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	Proposed point of diversion: (Com One in the of Section in County, Proposed Rate P	Quarter of the , Township Kansas, Proposed Quantity _	e is requested)	follows: GPS U  Quarter of the _ South, Range _ feet West o	of Southeast corne	Quarter (E/W),
	Proposed point of diversion: (Com One in the of Section in County,	Quarter of the , Township Kansas, Proposed Quantity _	e is requested)	follows: GPS U  Quarter of the _ South, Range _ feet West o	of Southeast corne	Quarter (E/W),
0 []	Proposed point of diversion: (Com One in the of Section in County, Proposed Rate P This point is:  Additional Well  Presently authorized point of diver	Quarter of the, Township Kansas, Geo Center List o	e is requested)  feet North  ther water rights	follows: GPS U  Quarter of the _ South, Range _ feet West of that will use this po	of Southeast corne	Quarter (E/W), r of section.
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0.	Proposed point of diversion: (Com One in the of Section in County, Proposed Rate P This point is:  Additional Well  Presently authorized point of diver	Quarter of the, Township Kansas, Geo Center List o	e is requested)  feet North  ther water rights	follows: GPS U  Quarter of the _ South, Range _ feet West of that will use this po	of Southeast corne	Quarter (E/W), r of section.
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0.	Proposed point of diversion: (Com One in the of Section in County, Proposed Rate P This point is:  Additional Well  Presently authorized point of diver One in the of Section 31	Quarter of the	feet North ther water rights  C feet North 65.170 MGY	Quarter of the South, Range feet West of that will use this point of the South, Range 1320 feet West of	of Southeast corne int  NE 27W of Southeast corne	Quarter (E/W), r of section.  Quarter (E/W), r of section.
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0.	Proposed point of diversion: (Com One in the of Section in County, Proposed Rate P This point is:  Additional Well  Presently authorized point of diver One in the of Section 31 in Gray County, Authorized Rate 200 gpm A (DWR use only: Computer ID No X This point will not be changed Proposed point of diversion: (Com One in the of Section	Quarter of the	feet North ther water rights  C feet North 65.170 MGY  S be changed as e is requested)  feet North	Quarter of the South, Range feet West of Quarter of the South, Range 1320 feet West of feet North follows:  Quarter of the South, Range feet West of	of Southeast corne int  NE  27W of Southeast cornefeet We	Quarter (E/W), r of section.  Quarter (E/W), r of section.  est)  Quarter (E/W),
0.	Proposed point of diversion: (Com One in the of Section in County, Proposed Rate P This point is:  Additional Well  Presently authorized point of diver One in the of Section 31 in Gray	Quarter of the	re is requested)  feet North  ther water rights  C	Quarter of theSouth, Rangeteet West ofthat will use this pool Quarter of theSouth, Range1320_ feet West ofteet Northfellows: Quarter of thesouth, Rangefeet West offeet West of	NE 27W of Southeast corne feet We	Quarter (E/W), r of section.  Quarter (E/W), r of section.  est)  Quarter (E/W), r of section.
	Proposed point of diversion: (Com One in the of Section in County, Proposed Rate P This point is:	Quarter of the	feet North ther water rights  C feet North 65.170 MGY  S be changed as le is requested)  feet North ther water rights	Quarter of the South, Range feet West of that will use this point and the south, Range 1320 feet West of the south, Range feet North follows:  Quarter of the South, Range feet West of the south, Range feet West of that will use this point and the south of the	NE 27W of Southeast corne feet We of Southeast corne	Quarter(E/W), r of section. Quarter(E/W), r of section.  est) Quarter(E/W), r of section.
	Proposed point of diversion: (Com One in the of Section in County, Proposed Rate P This point is:  Additional Well    Presently authorized point of diver One in the of Section 31 in Gray	Quarter of the	feet North ther water rights  C feet North 65.170 MGY  S be changed as le is requested)  feet North ther water rights	Quarter of the South, Range feet West of that will use this point and the south, Range 1320 feet West of the south, Range feet North follows:  Quarter of the South, Range feet West of the south, Range feet West of that will use this point and the south of the	NE 27W of Southeast corne feet We of Southeast corne	Quarter(E/W), r of section. Quarter(E/W), r of section.  est) Quarter(E/W), r of section.

IF MORE SPACE IS NEEDED, ATTACH ADDITIONAL SHEETS AS NECESSARY

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.

Proposed Rate \_\_\_\_\_ Proposed Quantity \_\_\_\_\_

IF MORE SPACE IS NEEDED, ATTACH ADDITIONAL SHEETS AS NECESSARY

in \_\_\_\_\_\_ County, Kansas, \_\_\_\_\_ feet North \_\_\_\_\_ feet West of Southeast corner of section.

				File No. <u>13865</u>	
2	The nre	esently authorized use of water is for _	IRR/STK	purposes.	
		posed that the use be changed to		purposes.	
•					
3.				ow the consumptive use will not be increased.	
		er KAR 5-5-9, 89.3% consumptive use pe NELLS > (120 ac-ft * 89.3% = 107.16 ac		P/STK Wells for POD #2 & #5	
		Wells POD #3 & #4 > 51.81 MGY & 65.1			
	OTIK	Vicinit OB no a na vicinit a do. 1	7 We T The contenting	are decided and a decimed.	
	(Please	show any calculations here.)			
4.	It is req	uested that the maximum annual quan	itity of water be reduc	ced to (acre-feet or milli	on gallons)
5.	It is req	uested that the maximum rate of diver	sion of water be redu	uced to gallons per minute (_	c.f.s.)
3.	1:24,00 Kansas Distanc should	0, is available through the Kansas ( 66047-3726 (www.usgs.gov). The mes North and West of the Southeast also be shown. Identify the center of the southeast.	Seological Survey, 1 map should show the corner of the section the section, the section	d plat. A U.S. Geological Survey Topographic 1930 Constant Avenue, University of Kansas, I location of the presently authorized point(s) on must be shown. The presently authorized pon lines and the section corners and show the of following information must also be shown on the	Lawrence of diversion lace of use appropriate
	a. If a	change in the location of the point(s)	of diversion is propos	sed, show:	
	1)		that the information	ces North and West of the Southeast corner of shown on the map agrees with the informatio	
	2)	domestic wells, within 1/2 mile of the	proposed well or we	ne location of existing water wells of any kind lls. Identify each well as to its use and furnish are no wells within ½ mile, please indicate so of	name and
	3)	If the source of supply is surface wa and $\frac{1}{2}$ mile upstream from your properties.	ter, the names and r erty lines must be sho	mailing addresses of all landowner(s) ½ mile down.	lownstream
				ed place of use by crosshatching on the map. information shown in Paragraph No. 5 of the a	
	local so	s, test hole logs, and other informatio	right relates. This in	Il not impair existing water rights and relates to formation may include statements, plats, geology mation to show the above. Additional comme	ogy reports,
	No pr	oposed changes to the existing water rig	hts, other than change	e in source of supply.	
			- 1		
	identify request	the rules and regulations for which y	ou request a waiver ation showing that gr	regulations of the Kansas Water Appropriation  State the reason why a waiver is needed a ranting the request will not impair existing wate Water Resources  Received	nd why the
				MAR 18 2020	
	7			MAR 10 2020	

	/
File No.	13865

Any use of water that is not as authorized by the water right or permit to authorize water <u>before</u> 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. , Kansas, this \_\_\_\ \ \_\_\_ day of \_\_\_ Dated at Cinc (Spouse) SCHILDERINK (Please Print) (Please Print) (Owner) (Spouse) (Please Print) (Please Print) (Owner) (Spouse) (Please Print) (Please Print) State of Kansas SS Notary Public - State of Kansas County of Cores My Appt Expires 12-28-202 I hereby certify that the foregoing application was signed in my presence and sworn to before me this , 20 20 

### **FEE SCHEDULE**

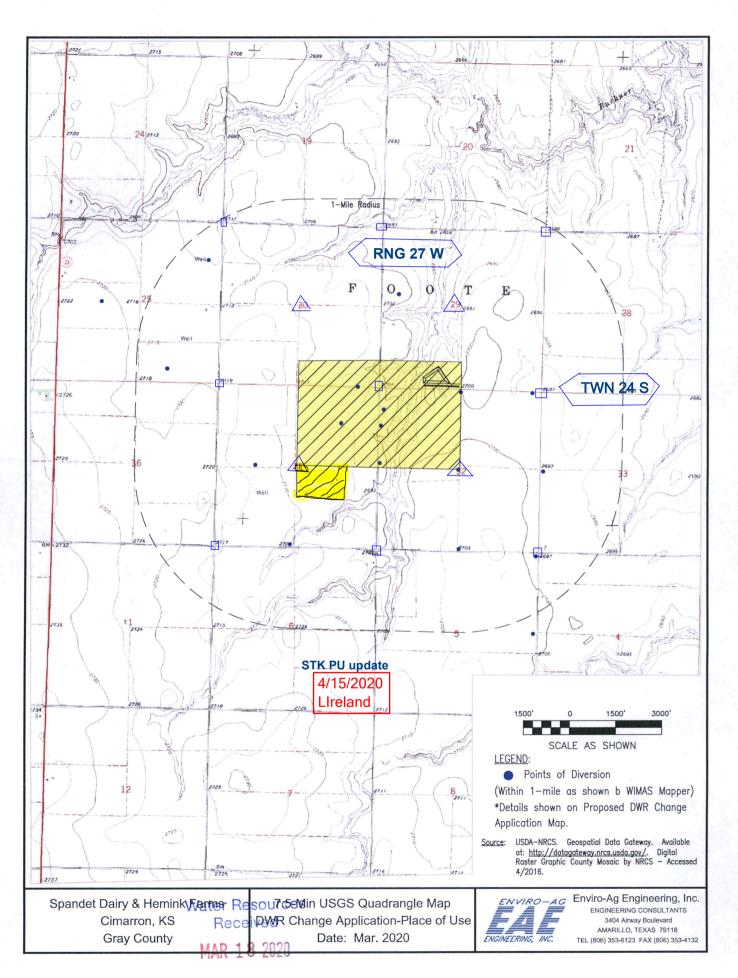
Each application to change the place of use, the point of diversion or the use made of the water under this section shall be accompanied by the application fee set forth in the schedule below:

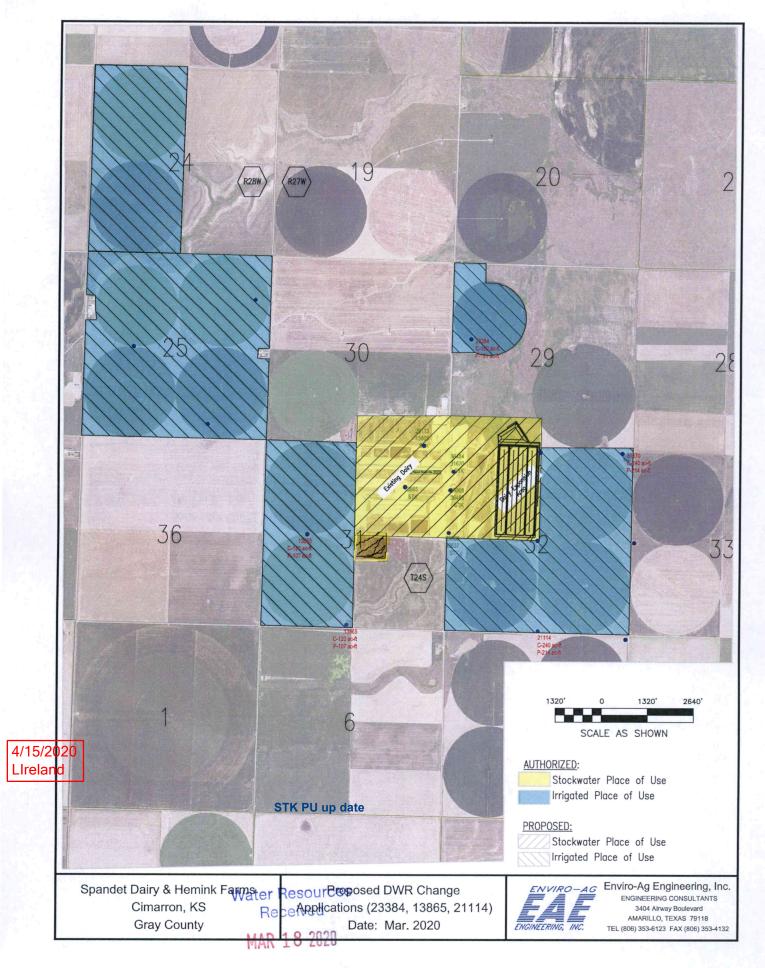
(1)	Application to change a point of diversion 300 feet or less .  Application to change a point of diversion more than 300 feet .  Application to change the place of use .  Application to change the use made of the water .	. \$100
(2)	Application to change a point of diversion more than 300 feet	\$200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

MAR 18 2020





## STOCKWATER USE SUPPLEMENTAL SHEET

File No. \_\_13865//29068/29113/31670/36483/36848/39637 & (21114/23384)

	Name of Applicant (Please Print): Spandet Dairy, LLC & Hemink Land	
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
2014 5 years ago	Facility not owned by applicant	121,835,688.9	Reviewing historical information
2018 Last year	14,983	130,047,134.1	avg 23.78 gals/hd/day
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	20,700	260,000,000	avg 34.4 gals/hd/day
Year 2	20,700	260,000,000	avg 34.4 gals/hd/day
Year 3	20,700	260,000,000	avg 34.4 gals/hd/day
Year 4	20,700	260,000,000	avg 34.4 gals/hd/day
Year 5	20,700	260,000,000	avg 34.4 gals/hd/day

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. Show in the space provided below the Section (S), Township (T), and Range (R), and the number of acres in each forty acre tract or fractional portion thereof.

S	Т	R	NE¼				NW¼			SW1/4				SE¼				TOTAL	
			NE	NW	sw	SE	NE	NW	sw	SE	NE	NW	sw	SE	NE	NW	sw	SE	TOTAL
31	248	27W	X	Х	Х	Х										Х	. 1		
30	248	27W																Х	

32 24S 27W 29 24S 27W DWR 1-100.26 (2/3/94) X Water Resources Received

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MAR 18 2020

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.:	Estimates below:								

### DRINKING

### **COOLING** n/a

100-200 gallons/hour x 1.4 hour/day x 165 days = 2.4 M gallons

### SANITATION Parlor Operations-Sanitation

\_\_\_\_\_ g.p.m. x 60 min/hr x \_\_\_\_\_ 40,000 gals/day x 365 days/ry = 14.6 M gallons 2,400 gals/day x 365 days = 876,000 gallons

 OTHER USE (Explain)
 Additional Cooling
 = 16 M gallons

 Overflow Water Troughs
 15 M gals

 Cow Wash
 7.2 M gals

TOTAL ----- 260 M gallons

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

  Refer to attached Proposed Site Map.
- 7. Total feed bunk space for cattle or livestock is \_\_\_\_\_\_ linear feet.
- 8. Total size of stock pens for confinement area of cattle, hogs, etc. is \_\_\_\_\_\_ 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.

Water Resources
Received

MAR 18 2020



Corporate Office: 3404 Airway Blvd. Amarillo TX 79118 Central Texas: 9855 FM 847 Dublin TX 76446

New Mexico: 203 East Main Street Artesia NM 88210

March 13, 2020

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

MAR 18 2020

KS Dept Of Agriculture

Re:

Application for Approval to Change the Place of Use and Use Made of Water for Water Right File Nos. 13865, 21114, 23384, Spandet Dairy, LLC and Hemink Farms, LTD in Gray County, KS

Dear Chief Engineer,

Attached are applications for approval to change the place of use and use made of water for the above referenced Water Right Files. A change in water use correspondent is noted as Spandet Dairy.

If you have any questions or require additional information, please give me a call at 806/350-5463 or email me at <a href="mailto:mshoemaker@enviroag.com">mshoemaker@enviroag.com</a>.

Sincerely,

Marsha Shoemaker

Marsha Shoemaker

Enviro-Ag Engineering, Inc.

**Enclosures** 

Cc: Spandet Dairy

Kansas Department of Agriculture, DWR, 432 W Jones, Ste. B, Garden City, KS 67846

SCANNED

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