

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.

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)

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1:52
KS DEPT OF AGRICULTURE

File No. 13865

2. Name of applicant: Spandet Dairy, LLC and Hemink Farms, LTD

Address: 6306 20 Rd

City, State and Zip: Cimarron, KS 67835

Phone Number: (661) 855-2312 E-mail address: ls@spandetdairy.com

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

Name of water use correspondent: Spandet Dairy, LLC

Address: 6306 20 Rd

City, State and Zip: Cimarron, KS 67835

Phone Number: (661) 855-2312 E-mail address: ls@spandetdairy.com

3. The change(s) proposed herein are desired for the following reasons (please be specific): To include additional area as place of use for the dual use water right for dairy stock water use in the manure digester system and manure/composting areas. Manure will be transferred to the digester located in the southwestern part of the SE/4 of Section 31 and once digested the manure will return to the dairy for further processing in the waste management system and manure storage areas.

The change(s) (was) (will be) completed by Upon approval of necessary KDHE permits.
(Date)

For Office Use Only:															
F.O.	<u>4</u>	GMD	<u>3</u>	Meets K.A.R. 5-5-1	<u>(YES)</u> / NO	Use	IRR/STK	Source	<u>G</u> S	County	GY	By	LI	Date	<u>4/8/2022</u>
Code	<u>CPU</u>			Fee \$	<u>200</u>	TR #		Receipt Date	<u>4/4/22</u>	Check #	<u>14661</u>				

4/13/2022
LMoody

4. The presently authorized place of use is:

Owner of Land — NAME: Hemink Farms, LTD

ADDRESS: 6306 20 Rd, Cimarron, KS 67835

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	
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

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	
31-24S-27W			X	X	X	X												X (NW 1/4 SE 1/4)	
30-24S-27W																		X(S/2 SE/4)	
32-24S-27W							X	X	X	X									
29-24S-27W														X(S/2 SW/4 SEC 29)					

List any other water rights that cover this place of use. 13865, 29068, 29113, 31670, 36483, 36484, 39637

(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: Hemink Farms, LTD

ADDRESS: 6306 20 Rd, Cimarron, KS 67835

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	
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

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	
31-24S-27W			X	X	X	X	X	X	X	X								NW¼ & SW¼ of SE¼	
30-24S-27W														SE/corner of SW¼ of S30				S/2 of SE¼	
32-24S-27W							X	X	X	X									
29-24S-27W													S/2 of SW¼-S29	X	X				

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

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6. The presently authorized point(s) of diversion (is) (are) 2 Wells (IRR), 2 Wells (STK)
(Provide description and number of points)

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

List all presently authorized point(s) of diversion:

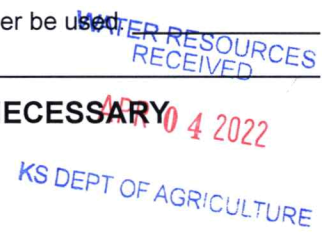
8. **Presently authorized point of diversion:**
 One in the SE Quarter of the SE Quarter of the SW Quarter of Section 31, Township 24 South, Range 27W (E/W), in Gray County, Kansas, 100 feet North 2730 feet West of Southeast corner of section.
 Authorized Rate 475 gpm Authorized Quantity 180 ac-ft
 (DWR 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 _____

9. **Presently authorized point of diversion:**
 One in the SE Quarter of the NW Quarter of the SW Quarter of Section 31, Township 24 South, Range 27W (E/W), in Gray County, Kansas, 1471 feet North 4110 feet West of Southeast corner of section.
 Authorized Rate 400 gpm Authorized Quantity 120 ac-ft
 (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 _____

10. **Presently authorized point of diversion:**
 One in the _____ Quarter of the NC Quarter of the NE Quarter of Section 31, Township 24 South, Range 27W (E/W), in Gray County, Kansas, 4020 feet North 1320 feet West of Southeast corner of section.
 Authorized Rate 200 gpm Authorized Quantity 65.170 MGY
 (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.
n/a

IF MORE SPACE IS NEEDED, ATTACH ADDITIONAL SHEETS AS NECESSARY APR 04 2022



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

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

List all presently authorized point(s) of diversion:

8. **Presently authorized point of diversion:**
 One in the NW Quarter of the NE Quarter of the NE Quarter of Section 31, Township 24 South, Range 27W (E/W), in Gray County, Kansas, 5244 feet North 788 feet West of Southeast corner of section. Authorized Rate 200 gpm Authorized Quantity 51.81 MGY
 (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 _____

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 _____ 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 _____

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.

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12. The presently authorized use of water is for IRR/STK purposes.
It is proposed that the use be changed to _____ purposes.
13. If changing the place of use and/or use made of water, describe how the consumptive use will not be increased.
This application is for a change in place of use for the manure waste management systems that are utilized by the dairy operation.
-
-
-

(Please show any calculations here.)

14. It is requested that the maximum annual quantity of water be reduced to _____ (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.

No proposed changes to the existing water rights, other than change in place of use.

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.

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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 Hart, ^{Texas} ~~Kansas~~, this 28 day of March, 2022.

R. Schilderink
(Owner)
LAURENS SCHILDERINK.
(Please Print)

[Signature]
(Spouse)
ILONA VAN VLIET
(Please Print)

(Owner)

(Please Print)

(Spouse)

(Please Print)

(Owner)

(Please Print)

(Spouse)

(Please Print)

State of ~~Kansas~~ ^{Texas} }
County of Castro } SS

I hereby certify that the foregoing application was signed in my presence and sworn to before me this 28 day of March, 2022.

My Commission Expires 1-19-2023.

Rhonda Owen
Notary Public
Rhonda Owen
Notary Public, State of Texas
Comm. Expires 01-19-2023
Notary ID 716395-4

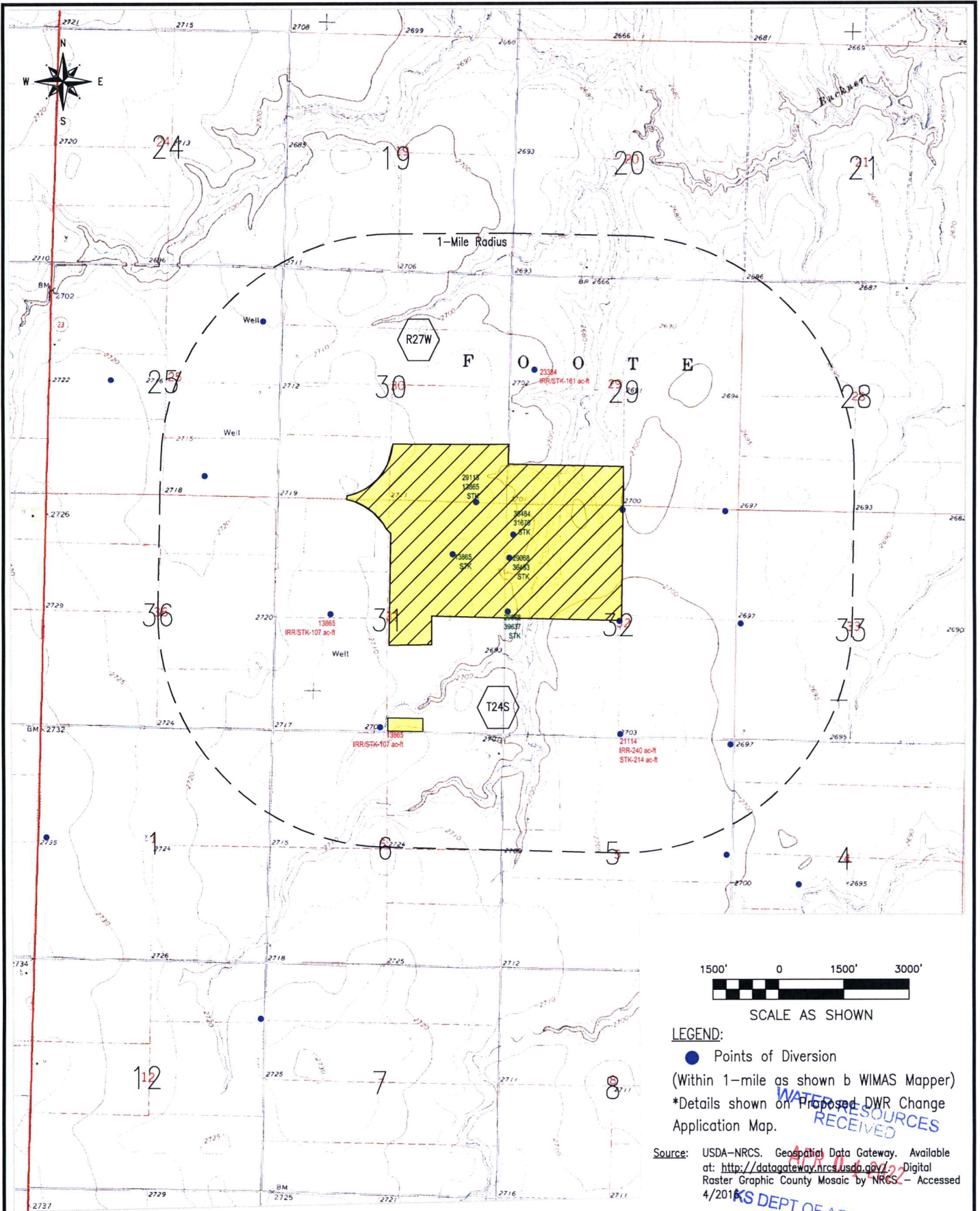
FFF SCHEDULE

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.**

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Spandet Dairy & Hemink Farms
 Cimarron, KS
 Gray County



7.5-Min USGS Quadrangle Map
 DWR Change Application-Place of Use
 Date: Mar. 2022



Enviro-Ag Engineering, Inc.
 ENGINEERING CONSULTANTS
 3404 Airway Boulevard
 AMARILLO, TEXAS 79118
 TEL (806) 353-6123 FAX (806) 353-4132



AUTHORIZED:
 Stockwater Place of Use
 Irrigated Place of Use

PROPOSED:
 Stockwater Place of Use
 Irrigated Place of Use

Date: Mar. 2022

WATER RESOURCES
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 APR 04 2022
 KS DEPT OF REVENUE

Spandet Dairy & Hemink Farms
 Cimarron, KS
 Gray County

Proposed DWR Change
 Application (13865)


 Enviro-Ag Engineering, Inc.
 ENGINEERING CONSULTANTS
 3404 Airway Boulevard
 AMARILLO, TEXAS 79118
 TEL (806) 353-6123 FAX (806) 353-4132



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 31, 2022

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

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APR 04 2022
KS DEPT OF AGRICULTURE

Re: Application for Approval to Change the Place of Use for Water Right File No. 13865,
Spandet Dairy, LLC and Hemink Farms, LTD in Gray County, KS

Dear Chief Engineer,
Attached is an application for approval to change the place of use for the above
referenced Water Right File.

If you have any questions or require additional information, please give me a call at
806/350-5463 or email me at mshoemaker@enviroag.com.

Sincerely,

Marsha Shoemaker

Marsha Shoemaker
Enviro-Ag Engineering, Inc.

Enclosures

Cc: Spandet Dairy
Kansas Department of Agriculture, DWR, 4532 W Jones, Ste. B, Garden City, KS 67846

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