

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

MAR 21 2022

11:58



State of Kansas

KS DEPT OF AGRICULTURE

20229017

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

1. Applicant: (Please print or type)
 Name Powerline Dairy, LLC
 Street P.O. Box 1240
 City and State Cimarron, KS
 Zip Code 67835 Telephone No. (620) 855-2844
 E-Mail Address fmnf@forget-me-not-farms.com
 Social Security I.D. No. _____
 and/or Taxpayer I.D. No. _____

2. Location of Point of Diversion:
 Sec. 22, Twp. 26S, Rng. 27W, (E/W),
Gray County, Kansas.
 Distance from Southeast Corner of Section:
1629 feet North from Southeast Corner
1355 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) 905 (existing)
 Amount Requested (acre-feet) See attachment
 per calendar year
 Depth of Well (feet) _____
 Date (completed) (will be completed) existing well
 Drainage Basin Arkansas-Dodge City
 Name of Stream _____

4. Water is to be used for (briefly describe proposed use and explain the rate and quantity requested):
The proposed WCA plan allows for irrigation rights to be used for stockwater purposes via a term permit.

5. Location of place of use:
See attachment

6. Period of use:
 Commencing date: January 1st, 2022
 Ending Date: Dec 31st, 2026 **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 1/2 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:
See attached map.

FEE SCHEDULE

- 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.
- The fee for an application in which storage is requested, is:

Acre-feet	Fee
0-250	\$200.00
More than 250	\$200.00

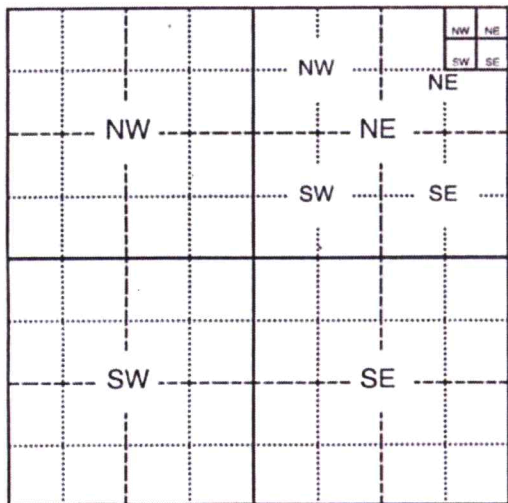
 plus \$20.00 for each additional 250 acre-feet of storage or any part thereof.

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:		Meets K.A.R. 5-3-1 (YES / NO) Use STK		Source <u>G/S</u> County GY		By BMM Date 3/21/22	
F.O. Code	<u>4</u> GMD <u>3</u>	Fee \$	<u>320</u>	TR #	Receipt Date	<u>3-21-22</u>	Check # <u>27540</u>

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): See attached files. All wells within 1/2 mile are facility owned.
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): NA
Address: _____

Tract B Owner(s): _____
Address: _____

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

NA - the point of diversion is owned by applicant.
(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 March 3, 2022. [Signature]
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 December 31st, 2026 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: Ted Boersma Telephone No. (620) 855-2844
[Signature] or [Signature] 3/9/22
Signature of Applicant Authorized Representative Date

Ted Boersma _____
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.

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KS DEPT OF AGRICULTURE

ATTACHMENT TO TERM PERMIT APPLICATION FOR POWERLINE DAIRY, LLC

WELLS WILL BE HELD TO THE PROVISIONS AS SPECIFIED IN THE PROPOSED WATER CONSERVATION AREA MANAGEMENT PLAN FOR 2022-2026. A SUMMARY OF THE PROVISIONS IS BELOW.

WATER RIGHTS		FACILITY ID	SECTION	TOWNSHIP	RANGE	COUNTY	DISTANCE FROM SE SECTION CORNER (FT)		RATE LIMITATION (GPM)
FILE NO.	WELL ID NO.						NORTH	WEST	
24,842	2	FMNF #6	22	26S	27W	GRAY	1,629	1,355	905

THE WATER RIGHT HAS BEEN ESTABLISHED WITH AN AUTHORIZED ANNUAL QUANTITY OF **272.00 AF**

UNDER THE PROPOSED WCA MANAGEMENT PLAN, CORRECTIVE CONTROL PROVISION 5b, THE WATER RIGHT SHALL BE LIMITED TO A QUANTITY NOT TO EXCEED FIVE (5) TIMES ITS AUTHORIZED QUANTITY DURING THE FIVE-YEAR TERM OF THE WCA.

THE FIVE-YEAR TOTAL USE OF THIS WATER RIGHT WILL NOT EXCEED 1,360.00 AF

UNDER THE PROPOSED WCA MANAGEMENT PLAN, CORRECTIVE CONTROL PROVISION 5a, THE IRRIGATION WATER RIGHT MAY PUMP UP TO 130% OF ITS AUTHORIZED QUANTITY IN ANY CALENDAR YEAR DURING THE TERM OF THE WCA.

ANNUAL USE OF THIS WATER RIGHT WILL NOT EXCEED 353.60 AF

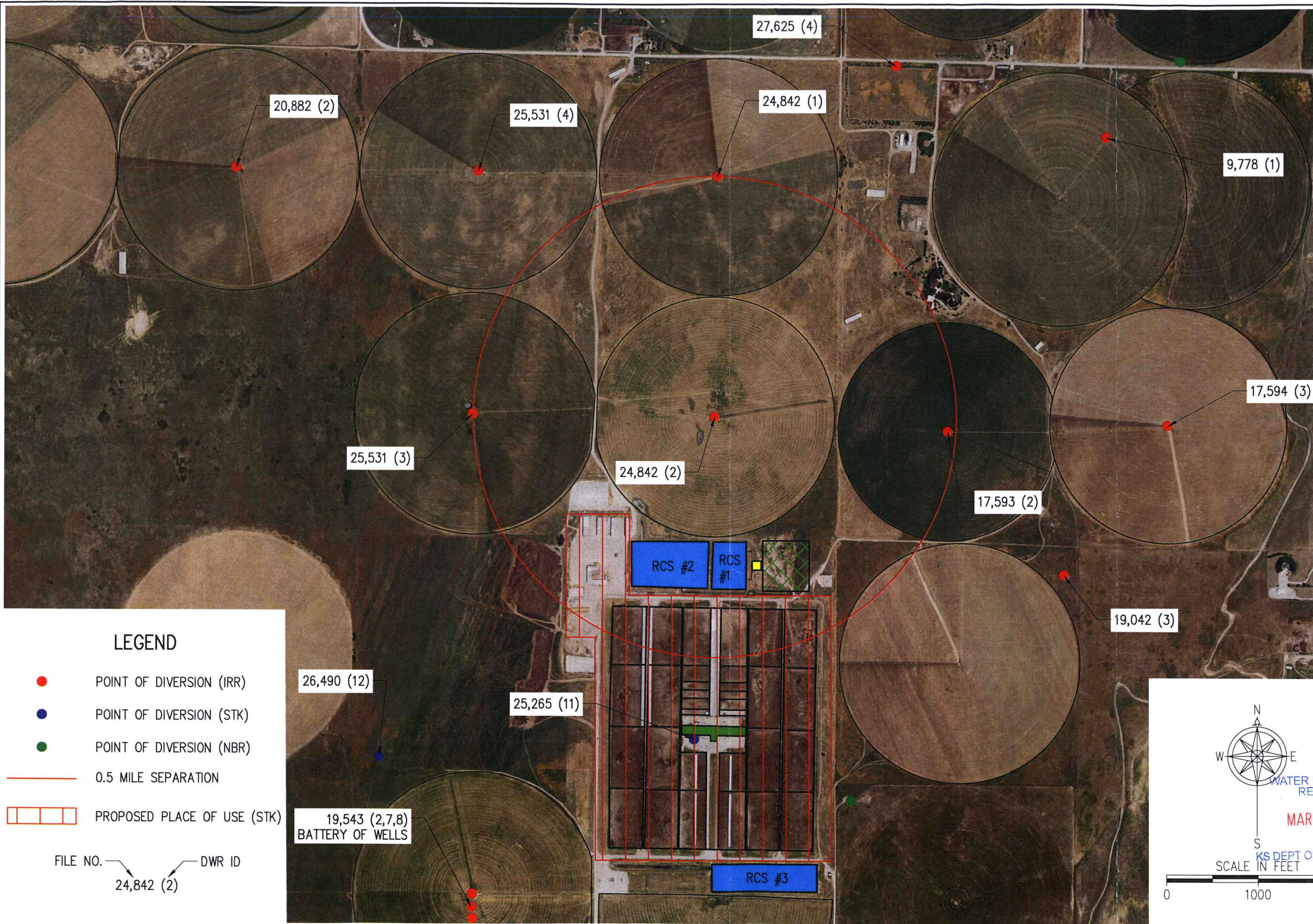
UNDER THE PROPOSED WCA MANAGEMENT PLAN, CORRECTIVE CONTROL PROVISION 3, IRRIGATION WATER RIGHTS MAY BE UTILIZED FOR STOCKWATERING UNDER A TERM PERMIT. ADDITIONAL QUANTITY OBTAINED FOR STOCKWATERING WILL BE OFFSET BY REDUCED IRRIGATION USE OF THE SUBJECT WATER RIGHT.

THE IRRIGATION PLACE OF USE WILL REMAIN AS CURRENTLY AUTHORIZED. STOCKWATER USE WILL OCCUR AT THE DAIRY FACILITY LOCATED IN SECTION 27 TOWNSHIP 26 SOUTH RANGE 27 WEST, GRAY COUNTY, KANSAS.

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T26S

DRAWN	CSG	DATE	02/22
CHECKED	KMB	DATE	03/22
APPROVED		DATE	

POWERLINE DAIRY, LLC
 WATER RIGHT POINT OF DIVERSION MAP
 T26S R27W
 GRAY COUNTY, KANSAS

LEGEND

- POINT OF DIVERSION (IRR)
- POINT OF DIVERSION (STK)
- POINT OF DIVERSION (NBR)
- 0.5 MILE SEPARATION
- ▭ PROPOSED PLACE OF USE (STK)

FILE NO. DWR ID

24,842 (2)

WATER RESOURCES RECEIVED
 MAR 21 2022
 KS DEPT OF AGRICULTURE
 SCALE IN FEET

1700 E. IRON
 SALINA, KANSAS 67401
 (785) 823-0097

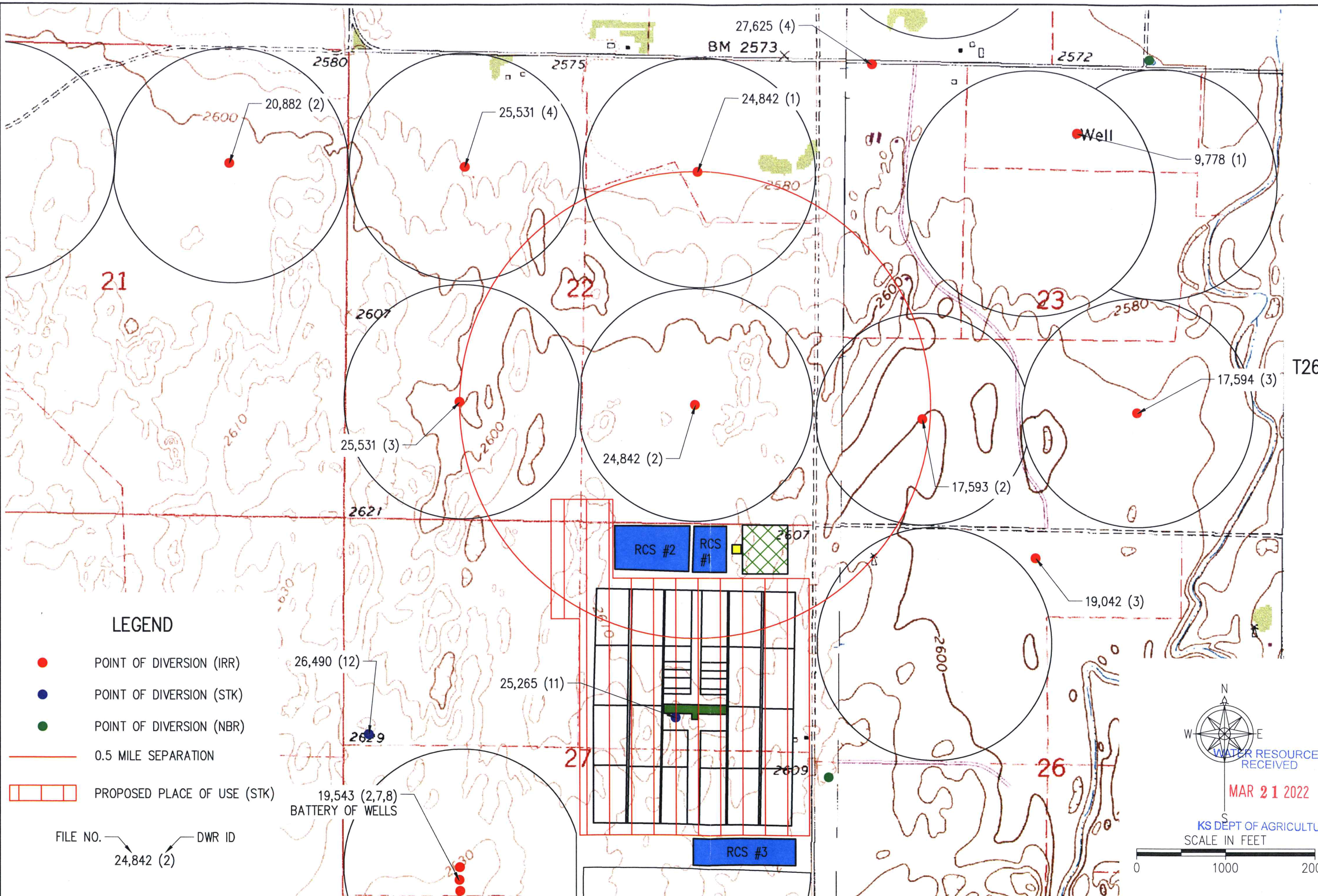
1303 YUCCA STREET
 SCOTT CITY, KANSAS 67871
 (620) 872-2300

CAD FILE NAME:
 Plan View.dwg

R27W

FILE NO. 24,842 (2) TERM PERMIT

SHEET NO. 1 OF 2



LEGEND

- POINT OF DIVERSION (IRR)
- POINT OF DIVERSION (STK)
- POINT OF DIVERSION (NBR)
- 0.5 MILE SEPARATION
- PROPOSED PLACE OF USE (STK)

FILE NO. DWR ID
24,842 (2)

DRAWN	CSG	DATE	02/22
CHECKED	KMB	DATE	03/22
APPROVED		DATE	

POWERLINE DAIRY, LLC
 WATER RIGHT POINT OF DIVERSION MAP
 T26S R27W
 GRAY COUNTY, KANSAS

1700 E. IRON
 SALINA, KANSAS 67401
 (785) 823-0087

1303 YUCCA STREET
 SCOTT CITY, KANSAS 67871
 (620) 872-2300

KLA
 ENVIRONMENTAL
 SERVICES, INC.

1700 E. IRON AVE. ▪ SALINA, KS 67401
T 785.823.0097 F 913.273.1493



1303 YUCCA ST. ▪ SCOTT CITY, KS 67871
WWW.KLAENVIRO.COM

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MAR 21 2022

KS DEPT OF AGRICULTURE

March 11, 2022

Mr. Earl Lewis, P.E.
Chief Engineer
Division of Water Resources
Kansas Department of Agriculture
1320 Research Park Drive
Manhattan, KS 66502

Subject: Term Permit Application Pertaining to Water Right File No. 24,842 (2)
for Powerline Dairy, LLC

Dear Mr. Lewis:

The subject application is enclosed for your consideration. This application is submitted on behalf of the applicant, Powerline Dairy, LLC. KLA Environmental Services, Inc. assisted with the preparation of this application.

Water for livestock consumption at Powerline Dairy, LLC is currently supplied by four stockwater rights. The current place of use for all stockwatering rights is completely overlapped. All stockwater wells discharge into an interconnected, pressurized pipe system that supplies water to the entire facility. The operation of the system is based upon variable livestock demand and the physical characteristics of the supply system.

In December 2021, Powerline Dairy, LLC submitted a renewal Water Conservation Area (WCA) Management Plan for 2022-2026. One of the Corrective Control Provisions included in the management plan allows for stockwater use from authorized irrigation points of diversion upon approval of a term permit. The subject term permit application is being submitted to authorize the point of diversion associated with File No. 24,842 (2) to be utilized for stockwater purposes. Use of the water will comply with the provisions included in the WCA Management Plan.

Approval of this application is critical to supplying water to the facility. Please process this application as quickly as possible to ensure a sufficient supply of water for the cattle.

Payment is mailed separately. Please contact me if you have any questions concerning this application. Thank you for your consideration of this matter.

Respectfully,

Craig Griswold

Craig Griswold, P.E.
cgriswold@klaenviro.com
cell: 660-292-0823

Enclosures

cc/enc: Ted Boersma, Powerline Dairy, LLC

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