

File No. **45119** 11. County: **SV** Basin: **CIMARRON RIVER** Stream: Formation Code: **211** Special Use:

12. Points of Diversion										Rate and Quantity							
CHK	MOD	DEL	PDIV	Qualifier	S	T	R	ID	'N	'W	Comment (AKA Line)	Authorized		Additional		Overlap PD Files	BATT ID
ENT												Rate gpm/cfs	Quantity af/mgy	Rate gpm/cfs	Quantity af/mgy		
ENT				NW NW NW	34	32	36W		4904	5033	BATT 1 OF 3 WELLS					NONE	
MOD	68382			NW NW NW	34	32	36W	5	4868	5047	BATT 1 OF 3 WELLS					NONE	
MOD	76187			NW NW NW	34	32	36W	8	5006	5184	BATT 1 OF 3 WELLS					NONE	
DEL	76186			NW NW NW	34	32	36W	7	4937	5116	GEO CTR	350 GPM	144.112 MGY	350	144.112	NONE	1101
ENT				NW NW NW	34	32	36W		4926	5088	GEO CTR	350 GPM	144.112 MGY	350	144.112	NONE	

13. Storage: Rate _____ NF Quantity _____ ac/ft Additional Rate _____ NF Additional Quantity _____ ac/ft

14. Limitation: _____ af/yr at _____ gpm (_____ cfs) when combined with file number(s) **NONE NO CHANGE**
 Limitation: _____ af/yr at _____ gpm (_____ cfs) when combined with file number(s) _____

15. 5YR Allocation: Allocation Type _____ Start Year _____ 5 YR Amount _____ Amount Unit _____ Base Acres _____ Comment _____

16. Place of Use				NE¼				NW¼				SW¼				SE¼				Total	Owner	Chg?	Overlap Files		
CHK	MOD	DEL	ENT	PUSE	S	T	R	ID	NE ¼	NW ¼	SW ¼	SE ¼	NE ¼	NW ¼	SW ¼	SE ¼	NE ¼	NW ¼	SW ¼	SE ¼					
NO CHANGE																									

Base Acres: Year: Minimum Reasonable Quantity:
 Comments:

KANSAS DEPARTMENT OF AGRICULTURE
Division of Water Resources

M E M O R A N D U M

TO: Files **DATE:** February 29, 2024
FROM: Leslie Ireland **RE:** Water Right,
File No. 45,119

Brian Hemann on behalf of Tuls Hemann Enterprises Land LLC owner of the referenced appropriation filed an application for approval to change the point of diversion authorized for stockwater use located in the Cimmaron River Basin. The application was received in the office of the Chief Engineer on February 20, 2024.

The referenced file is in compliance with K.S.A. 82a-732. A review of the application finds that it complies with K.A.R. 5-5-1, *Filing an application for change*.

The referenced file was certified as a battery comprised of two(2) wells for the diversion of 144.112 million gallons (442.26 acre-feet) at a maximum rate of 350 gallons per minute with the geographic center located in the far Northwest corner of the Northwest Quarter, (NW¹/₄ NW¹/₄ NW¹/₄) approximately 4,937 feet North and 5,116 feet West of the Southeast corner of Section 34, Township 32 South, Range 36 West, Stevens County. The well is authorized for the place of use comprised of a dairy located in the Northeast Quarter (NW¹/₄) of the same section. The file is not in a special use area and has no overlaps or additional limitations.

The proposal is to change the battery comprised of two(2) wells to a battery of three (3) wells as allowed by K.A.R. 5-2-3, *Battery of wells*. The well being added appears to be located between the existing wells. The new well is proposed to be located approximately 4,904 feet North and 5,033 feet West of the Southeast corner of Section 34. It will not overlap with any other wells. The expansion of the battery is minor and will shift the geographic center approximately 30 feet to the Southeast.

The location of the new geographic center will be the Northwest Quarter of the Northwest Quarter of the Northwest Quarter (NW¹/₄ NW¹/₄ NW¹/₄) approximately 4,926 feet North and 5,088 feet West of the Southeast corner of Section 34, Township 32 South, Range 36 West, Stevens County.

The proposal meets the definition of a battery as per K.A.R. 5-1-1-(n), *Battery of wells*. All wells are located within a 300 foot radius of the geographic center and will distribute water through a common distribution system to serve the place of use.

The source of supply for the currently authorized location has been determined as the Ogallala Formation (Code 211). The submitted well log indicates the new well in an area with a depth of 552 feet to the Red Bed Formation and will have a proposed depth of 572 feet.

There are no non-domestic or domestic wells located within one-half (1/2) mile of the proposed geographic center. It appears that no notification of any kind is needed for the requested change in point of diversion.

As the proposed change will result in a move of less than 300 feet and there appears to be no wells in the immediate vicinity of the proposed change, the Southwest Groundwater Management District No. 3, is not required to review or provide a recommendation. It does appear the change in point of diversion complies with their regulation K.A.R. 5-23-3, *Minimum well spacing requirements: high plains aquifer*.

Mike Meyer, Water Commissioner, Garden City Field Office reviewed the application that will be approved in their office.

A condition of the approval will be the requirement of a flow meters pursuant to K.S.A. 82a-706c, and a water level measurement tube. The approval will contain the requirement of a chck valve if any chemicals are added to the water system. As a well log was submitted with the original approval application a WWC-5 it will not be a condition of the approval. No well will be required to be plugged as all that are authorized will remain as such. The approval will have a 2024 notice of completion requirement.

Based on the above discussion, that the change is reasonable, impairment of existing water rights unlikely, that no change in the local source of supply will occur, it is recommended that the referenced application be approved.



Leslie Ireland
Environmental Scientist
Water Appropriation Program

1320 Research Park Drive
Manhattan, KS 66502
785-564-6700
www. agriculture.ks.gov



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

Mike Beam, Secretary

Laura Kelly, Governor

TULS HEMANN ENTERPRISES LAND LLC
BRIAN D HEMANN
PO BOX 1138
LIBERAL, KS 67905

RE: Water Right, File No. 45,119

Dear Mr. Hemann:

Enclosed is the order executed by the Chief Engineer, Division of Water Resources, Kansas Department of Agriculture, approving the application for change a under the referenced file.

Your attention is directed to the enclosures and to the terms, conditions, and limitations specified in the approval for change. Meters should be installed prior to the diversion of water. Please return the required *Notice of Completion* form for the installation of the meters as soon as this action is completed. The form and other information may be found at our web site <http://agriculture.ks.gov>.

Since this order modifies the original document referred to above, it should be recorded with the Register of Deeds as other instruments affecting real estate.

If you have any questions regarding the enclosed documents, please contact our office 620-276-2901. If you contact us to discuss a specific file, please have the file number ready so that we may help you more efficiently.

Sincerely,

A handwritten signature in blue ink that reads "Austin McColloch". The signature is written in a cursive style.

Austin McColloch
Assistant Water Commissioner

AM:li

Enclosures
pc:

RIGHT TO A HEARING AND TO ADMINISTRATIVE REVIEW

If you are aggrieved by an Order, then pursuant to K.S.A. 82a-1901, you may request an evidentiary hearing before the Chief Engineer or request administrative review by the Secretary of Agriculture. Failure to request an evidentiary hearing before the Chief Engineer does not preclude your right to administrative review by the Secretary.

To obtain an evidentiary hearing before the Chief Engineer, a written request for hearing must be filed within 15 days after service of this Order as provided in K.S.A. 77-531 (**i.e., within a total of 18 days after this Order was mailed to you**), with: Kansas Department of Agriculture, Attn: Legal Section, 1320 Research Park Drive, Manhattan, KS 66502, FAX (785) 564-6777.

If you do not file a request for an evidentiary hearing before the Chief Engineer, you may petition for administrative review of the Order by the Secretary of Agriculture. A petition for review shall be in writing and state the basis for requesting administrative review. The request for hearing may be denied if the request fails to clearly establish factual or legal issues for review. See K.S.A. 77-527. The petition must be filed within 30 days after service of this Order as provided in K.S.A. 77-531 (**i.e., within a total of 33 days after this Order was mailed to you**), and be filed with: Secretary of Agriculture, Attn: Legal Division, Kansas Department of Agriculture, 1320 Research Park Drive, Manhattan, Kansas 66502, FAX 785-564-6777.


If neither a request for an evidentiary hearing nor a petition for administrative review is filed as set forth above, then this Order shall be effective and become a final agency action as defined in K.S.A. 77-607(b). Failure to timely request either an evidentiary hearing or administrative review may preclude further judicial review under the Kansas Judicial Review Act.

CERTIFICATE OF SERVICE

On this 1st day of March, 2024, I hereby certify that the attached Approval of Application for Change under, File No. 45,119 dated was mailed postage prepaid, first class, US mail to the following:

TULS HEMANN ENTERPRISES LAND LLC
BRIAN D HEMANN
PO BOX 1138
LIBERAL, KS 67905

With a Photocopy to:



Division of Water Resources

THE STATE  OF KANSAS

KANSAS DEPARTMENT OF AGRICULTURE
Mike Beam, Secretary of Agriculture

DIVISION OF WATER RESOURCES
Earl D. Lewis Jr., Chief Engineer

**APPROVAL OF APPLICATION
FOR
CHANGE IN POINT OF DIVERSION
WATER RIGHT
FILE NO. 45,119**

The Chief Engineer, Division of Water Resources, Kansas Department of Agriculture, after due consideration of the written application of Brian D. Hemann on behalf of Tuls Hemann Enterprises Land LLC, PO Box 1138, Liberal, Kansas 67905, received in this office on February 20, 2024, for approval of a change in the location of the point of diversion under the certificate of appropriation issued pursuant to the application for permit to appropriate water for beneficial use, finds that the change is reasonable and will not impair existing rights, that the change relates to the same local source of supply and that the application should be and is hereby approved.

The effective date of the change shall be the date this order is executed by the Chief Engineer, after which the authorized location of the point of diversion authorized shall be:

a battery of three (3) wells with a geographic center located the Northwest Quarter of the Northwest Quarter of the Northwest Quarter (NW $\frac{1}{4}$ NW $\frac{1}{4}$ NW $\frac{1}{4}$) approximately 4,926 feet North and 5,088 feet West of the Southeast corner of Section 34, Township 32 South, Range 36 West, Stevens County, Kansas,

located substantially as shown on the map accompanying the application to change the point of diversion.

The battery of wells authorized herein shall be located within a three hundred (300) foot radius circle, in the same local source of supply, and shall supply water to a common distribution system.

All wells with a diversion rate of 100 gallons per minute or more drilled under the authority of this order shall have a tube or other device installed in a manner acceptable to, and in accordance with specifications adopted by, the Chief Engineer. This tube or device shall be suitable for making water level measurements and shall be maintained in a condition satisfactory to the Chief Engineer.

The water right owner shall properly install an acceptable water meter on the diversion works authorized under this water right, prior to the use of water, in strict accordance with the Kansas Administrative Regulations 5-1-4 through 5-1-12 adopted by the Chief Engineer. The water right owner shall notify the Chief Engineer when installation of the water meter has been completed. The water right owner shall maintain the water meter in an operating condition satisfactory to the Chief Engineer, at all times during diversion of water and shall maintain records from which the total quantity of water diverted may be determined. The water right owner shall also report the reading of said water meter and the total quantity of water diverted annually to the Chief Engineer. Such records shall be furnished to the Chief Engineer by March 1 following the end of each calendar year.

All diversion works into which any type of chemical or other foreign substance will be injected into the water pumped from the diversion works shall be equipped with an in-line, automatic, quick-closing check valve capable of preventing pollution of the source of the water supply. The type of valve installed shall meet specifications adopted by the Chief Engineer and shall be maintained in an operating condition satisfactory to the Chief Engineer.

Installation of the works for diversion of water shall be completed on or before December 31, 2024, or within any authorized extension of time. The applicant shall notify the Chief Engineer of the Division of Water Resources, Kansas Department of Agriculture, when construction of the works for diversion has been completed.

In all other respects, the Certificate of Appropriation issued pursuant to Approval of Application, File No. 45,119, for permit to appropriate water for beneficial use, is as stated and set forth in the Certificate of Appropriation dated August 13, 2015.

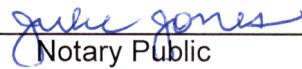
Ordered this 1st day of March, 2024, in Garden City, Finney County, Kansas.



Austin McColloch
Assistant Water Commissioner
Division of Water Resources
Kansas Department of Agriculture

State of Kansas)
) SS
County of Finney)

The foregoing instrument was acknowledged before me this 1st day of March 2024, By Austin McColloch, Assistant Water Commissioner, Division of Water Resources, Kansas Department of Agriculture.


Notary Public

WATER RESOURCES
RECEIVED

FEB 20 2024

13:22

KS Dept. of Agriculture



State of Kansas

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.)

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
- (Check one or more) Point of Diversion
- Use Made of Water

File No. 45119

2. Name of applicant: Tuls Dairy Farms

Address: PO Box 1138 1120 N Washington

City, State and Zip: Liberal, KS 67905

Phone Number: 620-629-1902 E-mail address: brian@agoasis.com

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

Name of water use correspondent: Same as applicant.

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): The dairy is supplied solely by the battery of 2 wells under the subject water right. Both wells must operate in unison to provide enough water to the cattle. As a safety measure to counter-act a potential well failure, it is proposed to add a third well into the battery. No other changes are proposed.

The change(s) (was) (will be) completed by ASAP (Date)

For Office Use Only:

F.O. Code GMD Meets K.A.R. 5-5-1 (YES / NO) Use CLT Source G / S County CLT By CLT Date 2-20-24
Fee \$ 100 TR # _____ Receipt Date 2-20-24 Check # 33012

FEB 20 2024

4. The presently authorized place of use is:

Owner of Land — NAME: Same as applicant

KS Dept. of Agriculture

ADDRESS: _____

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	
34	32S	36W					Dairy												

List any other water rights that cover this place of use. N/A

Owner of Land — NAME: _____

ADDRESS: _____

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: _____

ADDRESS: _____

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. _____

Owner of Land — NAME: _____

ADDRESS: _____

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 MORE SPACE IS NEEDED, ATTACH ADDITIONAL SHEETS AS NECESSARY

6. The presently authorized point(s) of diversion (is) (are) two wells, geocenter, pumps, and appurtenances
(Provide description and number of points)
7. The proposed point(s) of diversion (is) (are) three wells, geocenter, pumps, and appurtenances
(Provide description and number of points)

WATER RESOURCES RECEIVED
 FEB 20 2024
 KS Dept. of Agriculture

List all presently authorized point(s) of diversion:

8. **Presently authorized point of diversion:** Geocenter (ID 7)

One in the NORTHWEST Quarter of the NORTHWEST Quarter of the NORTHWEST Quarter of Section 34, Township 32 South, Range 36 WEST (E/W), in STEVENS County, Kansas, 4937 feet North 5116 feet West of Southeast corner of section.
 Authorized Rate 350 GPM Authorized Quantity 442.263 AF
 (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:** Battery 1 of 2 (ID 5)

One in the NORTHWEST Quarter of the NORTHWEST Quarter of the NORTHWEST Quarter of Section 34, Township 32 South, Range 36 WEST (E/W), in STEVENS County, Kansas, 4868 feet North 5047 feet West of Southeast corner of section.
 Authorized Rate 350 GPM Authorized Quantity 442.263 AF
 (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:** Battery 1 of 2 (ID 8)

One in the NORTHWEST Quarter of the NORTHWEST Quarter of the NORTHWEST Quarter of Section 34, Township 32 South, Range 36 WEST (E/W), in STEVENS County, Kansas, 5006 feet North 5184 feet West of Southeast corner of section.
 Authorized Rate 350 GPM Authorized Quantity 442.263 AF
 (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

6. The presently authorized point(s) of diversion (is) (are) two wells, geocenter, pumps, and appurtenances
(Provide description and number of points)
7. The proposed point(s) of diversion (is) (are) three wells, geocenter, pumps, and appurtenances
(Provide description and number of points)

WATER RESOURCES
 RECEIVED
 FEB 20 2024

List all presently authorized point(s) of diversion:

KS Dept. of Agriculture

8. **Presently authorized point of diversion:**

One in the _____ Quarter of the _____ Quarter of the _____ Quarter of the _____ Quarter of the _____
 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 NORTHWEST Quarter of the NORTHWEST Quarter of the NORTHWEST Quarter of the _____ Quarter of the _____
 of Section 34, Township 32 South, Range 36 WEST (E/W),
 in STEVENS County, Kansas, 4904 feet North 5033 feet West of Southeast corner of section.
 Proposed Rate 350 GPM Proposed Quantity 442.263 AF

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 the _____ Quarter of the _____
 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 the _____ Quarter of the _____
 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 the _____ Quarter of the _____
 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 the _____ Quarter of the _____
 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

FEB 20 2024

File No. 45119

12. The presently authorized use of water is for stockwatering KS Dept. of Agriculture purposes.
It is proposed that the use be changed to N/A - remain stockwatering purposes.

13. If changing the place of use and/or use made of water, describe how the consumptive use will not be increased.
N/A

(Please show any calculations here.)

14. It is requested that the maximum annual quantity of water be reduced to N/A (acre-feet or million gallons).

15. It is requested that the maximum rate of diversion of water be reduced to N/A 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.

The proposed additional well will be drilled to the same source of supply as the existing wells within the battery.
Proximity to the existing wells helps to ensure that the same source of supply will be utilized. Test log included.

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.

No known infringements on applicable rules and regulations.

IF MORE SPACE IS NEEDED, ATTACH ADDITIONAL SHEETS AS NECESSARY

FEB 20 2024

File No. 45119

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 1120 N Washington Ave, Liberal, Kansas, this 8th day of February, 20 24.

Brian D. Hermann
(Owner)

Brian D. Hermann
(Please Print)

(Owner)

(Please Print)

(Owner)

(Please Print)

(Spouse)

(Please Print)

(Spouse)

(Please Print)

(Spouse)

(Please Print)

State of Kansas }
County of Seward } SS

I hereby certify that the foregoing application was signed in my presence and sworn to before me this 8th day of February, 20 24.



Jenny Miller
Notary Public

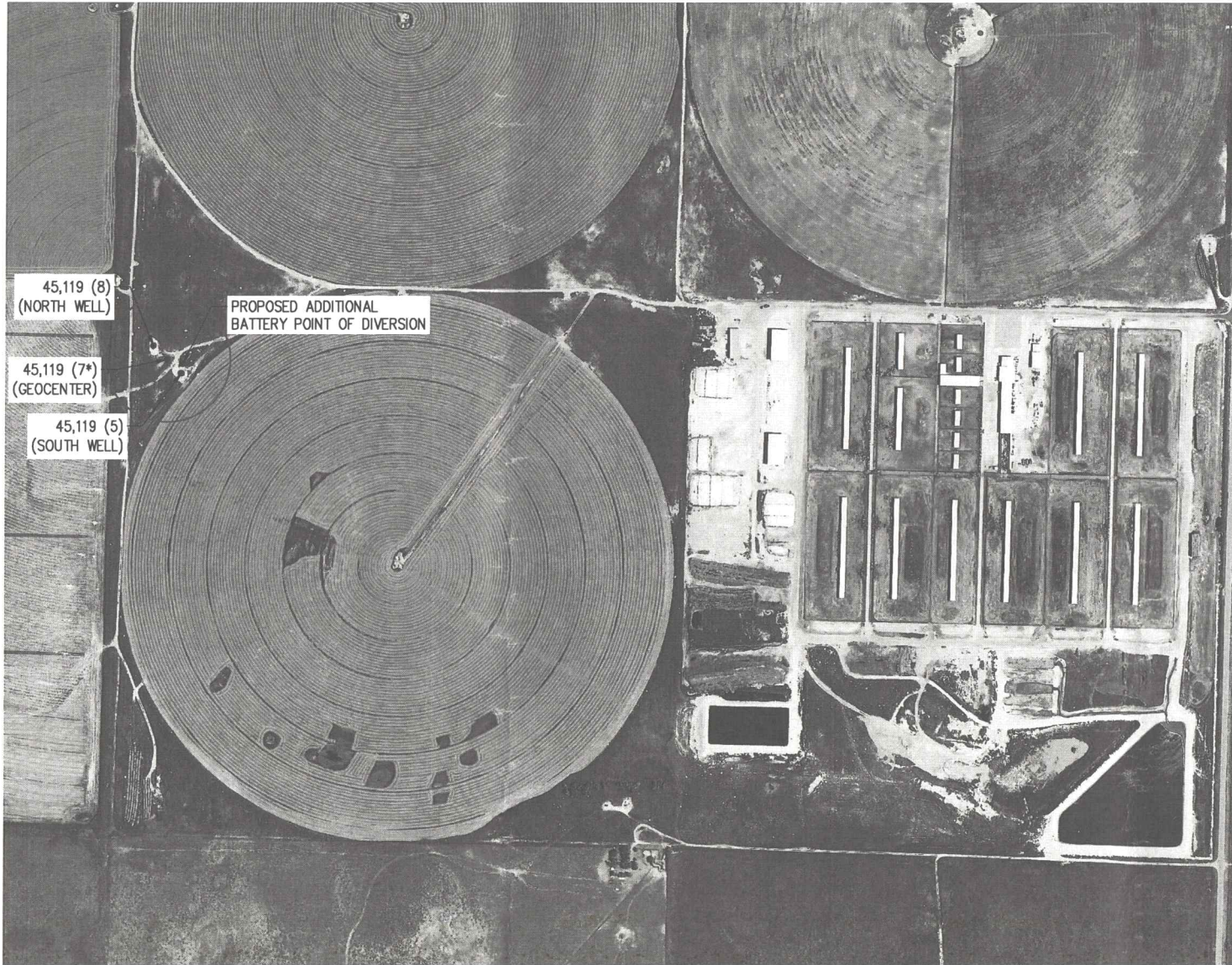
My Commission Expires 1/25/2025

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.**



45,119 (8)
(NORTH WELL)

45,119 (7*)
(GEOCENTER)

45,119 (5)
(SOUTH WELL)

PROPOSED ADDITIONAL
BATTERY POINT OF DIVERSION

R36W

T32S

LEGEND

- POINT OF DIVERSION (STK)
- 300' RADIUS FROM CURRENT GEOCENTER
- FILE NO. — 45,119 (8) (NORTH WELL)
- DWR ID — (8)
- FACILITY WELL ID

KS Dept. of Agriculture
FEB 20 2024
WATER RESOURCES
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DATE	02/24
DRAWN	CSG
CHECKED	
APPROVED	

TULS DAIRY FARMS
WATER RIGHTS - MAS COW DAIRY LLC
SECTION 34 T32S R36W
STEVENS COUNTY, KANSAS

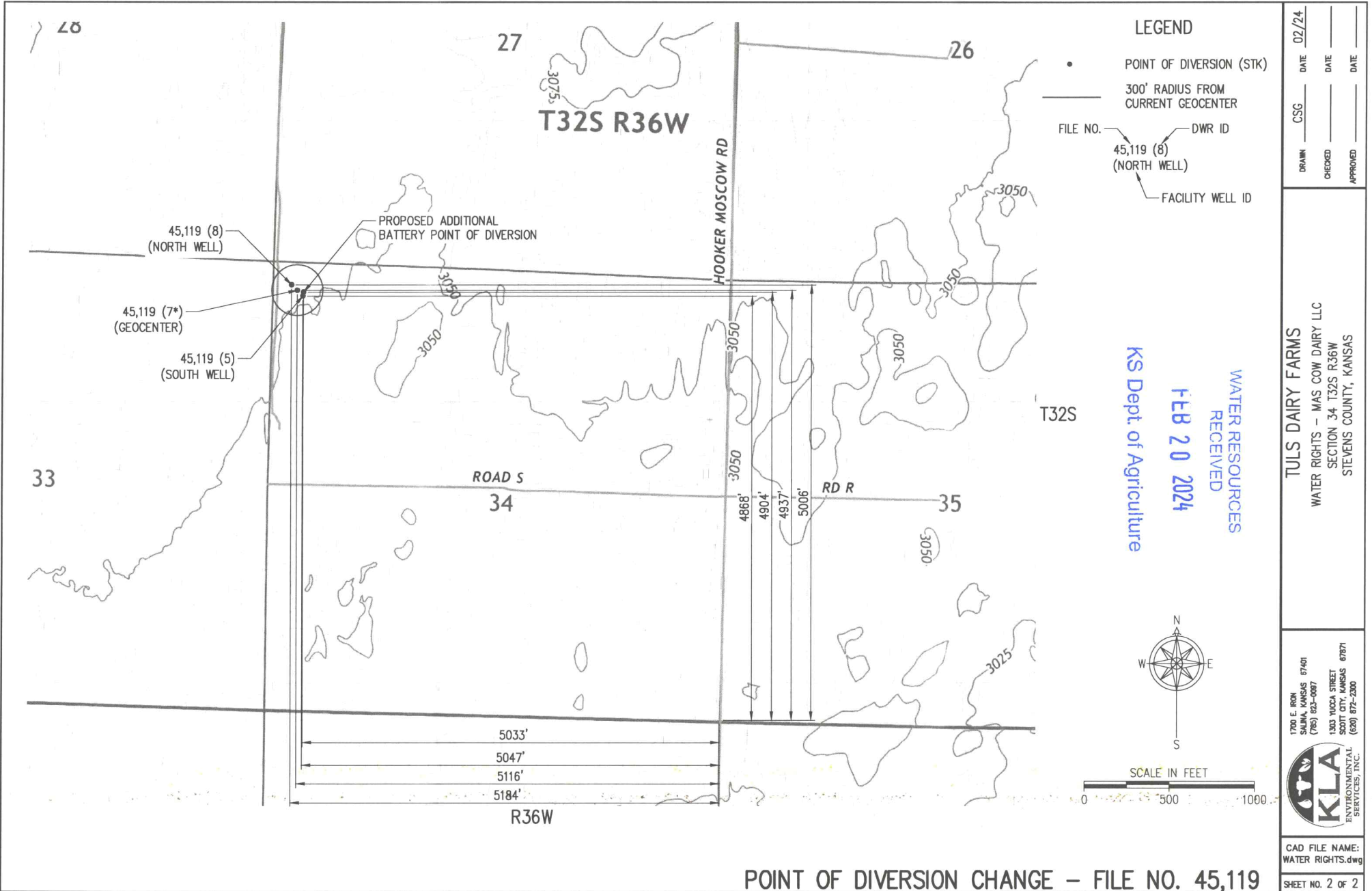
1700 E. IRON
SAUNA, KANSAS 67401
(785) 623-0087
1303 WYCKA STREET
SCOTT CITY, KANSAS 67271
(620) 672-2000



CAD FILE NAME:
WATER RIGHTS.dwg

SHEET NO. 1 OF 2

POINT OF DIVERSION CHANGE - FILE NO. 45,119



POINT OF DIVERSION CHANGE - FILE NO. 45,119

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



1303 YUCCA ST. ▪ SCOTT CITY, KS 67871
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February 6, 2024

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KS Dept. of Agriculture

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

Subject: Change in Point of Diversion to File No. 45,119 – Tuls Dairy Farms

Dear Mr. Lewis:

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

Tuls Dairy Farms owns and operates the dairy located in the same section as the subject water right. File No. 45,119 consists of a battery of two wells. Both wells must operate in unison to provide enough water for the cattle. As a safety measure to counteract a potential well failure and allow downtime for repairs, it is proposed to add a third well into the battery. The additional well will meet all requirements to be defined as a battery of wells as specified in K.A.R. 5-1-1(n). The proposed well will utilize the same local source of supply as the existing wells, will be within a 300-foot radius circle including the existing wells, and the total diversion rate will remain at 350 gallons per minute. Approval of this application is critical to ensuring an adequate supply of water to the cattle.

Please contact me if you have any questions concerning these applications. Thank you for your consideration of this matter.

Respectfully,

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

Enclosures

cc/enc: Brian Hemann, Tuls Dairy Farms