

4/23/2024

11:40 AM
Water Resources
Received

KS Dept Of Agriculture



State of Kansas

Submit To:
CHIEF ENGINEER
Division of Water Resources
Kansas Department of Agriculture
1320 Research Park Drive
Manhattan, KS 66502-5000
<http://agriculture.ks.gov/dwr>

APPLICATION FOR PERMIT TO APPROPRIATE WATER FOR BENEFICIAL USE

STATUTORY FILING FEE MUST ACCOMPANY THIS APPLICATION
Please refer to the Fee Schedule attached to this application form.

RECEIVED

APR 19 2024

Garden City Field Office
Division of Water Resources

File Number: **51228**

This item to be completed by the Division of Water Resources staff.

1. Name of Applicant: ROYAL FARMS DAIRY LLC
Address: 3705 F RD HRC
City: GARDEN CITY State: KS Zip Code: 67846 - 9231
Phone: 620-335-5454 Email: auerhoff@ucom.net

2. The source of water is: surface water in _____ (stream)
 groundwater in PAWNEE RIVER (drainage basin)

3. The maximum annual quantity of water desired is 640 acre-feet gallons
to be diverted at a maximum rate of 1,500 gpm c.f.s. natural flows natural evaporation
 This project involves surface water storage and redirection. The maximum annual quantity of water desired to be
rediverted is _____ acre-feet gallons, at a rate of _____ gpm c.f.s.

Conversion Factors

1 acre-foot (AF) = 325,851 gallons
1 million gallons (mg) = 3.07 acre-feet (AF)
1 cubic foot per second (c.f.s.) = 448.8 gallons per minute (gpm)

IMPORTANT: Once your application has been assigned a priority date and file number, the requested maximum rate of diversion and maximum requested annual quantity of water under that priority number can **NOT** be increased. Please be certain your requested maximum rate of diversion and maximum annual quantity of water are appropriate and reasonable for your proposed project.

4. The water is intended to be appropriated for the following use(s):
 Artificial Recharge* Irrigation* Recreational* Water Power*
 Industrial* Municipal* Stockwatering* Sediment Control
 Domestic Dewatering Hydraulic Dredging Fire Protection
 Thermal Exchange Contamination Remediation

***IMPORTANT:** You **must** submit a supplemental form providing information to substantiate your request for the quantity of water listed in Item No. 3 for the intended use(s) referenced above.

FOR OFFICE USE ONLY															
FO	<u>4</u>	GMD	<u>3</u>	DUA	-	Use	<u>IRR</u>	Source	<u>G</u>	County	<u>GY</u>	By	<u>KJN</u>	Date	<u>4/23/2024</u>
Code	<u>RE3</u>	Fee \$	<u>380.00</u>	TR #		Receipt Date	<u>4-19-24</u>	Check #	<u>034757</u>						

File No. _____

- 5. The location(s) of the proposed diversion work(s) (well, pumpsite, etc.) are described below. Note that for the application to be accepted, the point of diversion location(s) **must** be described to at least a 10-acre tract, unless you specifically request a 60-day period of time in which to locate the site within a specifically described, minimal legal quarter section of land. You can specify a nickname for the point of diversion via the A.K.A. line to help you identify it.

If the source of supply is groundwater, a separate application shall be filed for each proposed well or battery of wells, except that a single application may include up to four wells within a circle with a quarter (1/4) mile radius in the same local source of supply which do not exceed a maximum diversion rate of 20 gallons per minute per well.

A battery of wells is defined as two or more wells connected to a common pump by a manifold; or not more than four wells in the same local source of supply within a 300-foot radius circle which are being operated by pumps not to exceed a total maximum diversion rate of 800gpm and which supply water to a common distribution system.

- (A) One in the SW quarter of the NE quarter of the SW quarter of Section 28, more particularly described as being near a point 1783 feet North and 3454 feet West of the Southeast corner of said section, in Township 24 South, Range 30 E W, GRAY County, KS. A.K.A: DAKOTA WELL
- (B) One in the _____ quarter of the _____ quarter of the _____ quarter of Section _____, more particularly described as being near a point _____ feet North and _____ feet West of the Southeast corner of said section, in Township _____ South, Range _____ E W, _____ County, KS. A.K.A: _____
- (C) One in the _____ quarter of the _____ quarter of the _____ quarter of Section _____, more particularly described as being near a point _____ feet North and _____ feet West of the Southeast corner of said section, in Township _____ South, Range _____ E W, _____ County, KS. A.K.A: _____
- (D) One in the _____ quarter of the _____ quarter of the _____ quarter of Section _____, more particularly described as being near a point _____ feet North and _____ feet West of the Southeast corner of said section, in Township _____ South, Range _____ E W, _____ County, KS. A.K.A: _____
- (E) One in the _____ quarter of the _____ quarter of the _____ quarter of Section _____, more particularly described as being near a point _____ feet North and _____ feet West of the Southeast corner of said section, in Township _____ South, Range _____ E W, _____ County, KS. A.K.A: _____

- 6. The proposed project for diversion of water will consist of ONE WELL; PUMP & MOTOR
(number of wells, pumps, dams, etc.)
and was/will be completed on or by the following date: UPON APPROVAL
(date each was or will be completed)

- 7. The first actual application of water for the proposed beneficial use was or is estimated to be UPON APPROVAL
(Date)

- 8. List any application, appropriation of water, water right, or vested right file number that covers the same point(s) of diversion or any of the same place of use described in this application. Also list any other recent modifications made to existing permits or water rights in conjunction with the filing of this application.

NO OVERLAP IN POINT OF DIVERSION OR PLACE OF USE

Nash Water Well Service, LLC
 PO Box 1388
 710 W Ave A
 Cimarron KS 67835
 620-277-5657

4/23/2024

Water Resources
 Received

KS Dept Of Agriculture

Owner: Royal Dairy

Latitude: 37.934561
 Longitude: 100.522009

Depth of Test Hole Drilled: 1000'

Job Name: Test Hole #2 N. Farm and House 900'

Date: 11/07/2023

Lithologic Log Information:

From To Lithologic Log

From	To	Lithologic Log	
0'	6'	TOPSOIL	
6'	25'	BROWN CLAY & FINE SAND	
25'	50'	FINE MEDIUM SAND WITH TAN BROWN CLAY	
50'	60'	FINE COURSE SAND WITH SMALL TO LARGE GRAVEL STREAKS	
60'	80'	FINE COURSE SAND WITH SMALL TO MEDIUM GRAVEL & TAN CLAY STREAKS & LAYERS	
80'	100'	FINE COURSE SAND	
100'	190'	FINE MEDIUM SAND WITH TAN CLAY & THIN ROCK STREAKS	
190'	200'	FINE COURSE SAND WITH SMALL TO MEDIUM GRAVEL	
200'	240'	FINE MEDIUM SAND WITH TAN CLAY	
240'	270'	FINE COURSE SAND	
270'	410'	BLUE CLAY & SHALE	
410'	440'	BLUE & GRAY CLAY	
440'	520'	BLUE SHALE	
520'	540'	BLUE GRAY CLAY WITH TIGHT SANDSTONE STREAKS & ROCK STREAKS	TIGHT 10%
540'	600'	GRAY BLUE CLAY WITH MEDIUM TIGHT GRAY STREAKS	MEDIUM TIGHT 50%
600'	620'	BLUE GRAY CLAY WITH TIGHT GRAY SANDSTONE & ROCK STREAKS	TIGHT 40%
620'	640'	TIGHT GRAY SANDSTONE WITH GRAY CLAY	MEDIUM 50%
640'	660'	GRAY SANDSTONE WITH GRAY CLAY	MEDIUM 85%
660'	680'	GRAY SANDSTONE WITH GRAY CLAY	MEDIUM 65%
680'	700'	GRAY SANDSTONE WITH GRAY CLAY	MEDIUM 75%
700'	720'	GRAY CLAY WITH GRAY SANDSTONE	MEDIUM 50%
720'	740'	GRAY PINK CLAY WITH GRAY SANDSTONE	MEDIUM 40%
740'	760'	COURSE GRAY SANDSTONE WITH GRAY CLAY	MEDIUM 70%
760'	780'	COURSE GRAY SANDSTONE WITH GRAY CLAY	MEDIUM TIGHT 80%
780'	800'	GRAY BLUE STICKY CLAY WITH GRAY SANDSTONE	MEDIUM 45%
800'	820'	GRAY BLUE STICKY CLAY WITH GRAY SANDSTONE	MEDIUM 20%
820'	840'	TIGHT GRAY SANDSTONE WITH BLUE CLAY	MEDIUM TIGHT 50%
840'	860'	TIGHT GRAY SANDSTONE WITH BLUE CLAY	MEDIUM 70%
860'	900'	BLUE CLAY WITH GRAY SANDSTONE	MEDIUM TIGHT 40%
900'	920'	BLUE CLAY WITH GRAY SANDSTONE	TIGHT 30%
920'	940'	BLUE CLAY WITH GRAY SANDSTONE	TIGHT 30%
940'	960'	BLUE CLAY WITH GRAY SANDSTONE	TIGHT 10%
960'	980'	BLUE CLAY WITH GRAY SANDSTONE	MEDIUM 60%
980'	1000'	BLUE RED CLAY WITH SANDSTONE	MEDIUM 50%

INPUTS	
Target Section Definition	
Section	28
Township	24
Range	30
Range Direction	w
Target Point Coordinates (NAD27 or NAD83)	
Target Longitude	-100.622009
Target Latitude	37.934561

Load Data and Compute

Instructions

1. Enter values for section, township, range and range direction.
2. Enter **NAD27** or **NAD83** longitude and latitude of target point.
3. Click "Load Data and Compute" button.
4. Use feet distances corresponding to datum of target point.

Loaded Section Data From LEOBASE using NAD83		
Corner	Corner Latitudes	Corner Longitudes
SW	37.92984675	-100.62831480
NW	37.94429665	-100.62814666
NE	37.94414343	-100.60979013
SE	37.92966369	-100.61003421
Degrees Longitude per Foot		3.46719239E-06
Degrees Latitude per Foot		2.74612152E-06
Target Point Distances from Corners using NAD83		
Corner	Feet North(+)/South(-)	Feet East(-)/West(+)
SW	1717	-1819
NW	-3545	-1770
NE	-3489	3524
SE	1783	3454

Target point is In Section

Loaded Section Data From LEOBASE using NAD27		
Corner	Corner Latitudes	Corner Longitudes
SW	37.92982500	-100.62788400
NW	37.94427500	-100.62771600
NE	37.94412200	-100.60936000
SE	37.92964200	-100.60960400
Degrees Longitude per Foot		3.46719138E-06
Degrees Latitude per Foot		2.74598553E-06
Target Point Distances from Corners using NAD27		
Corner	Feet North(+)/South(-)	Feet East(-)/West(+)
SW	1725	-1694
NW	-3538	-1646
NE	-3482	3648
SE	1791	3578

Target point is In Section

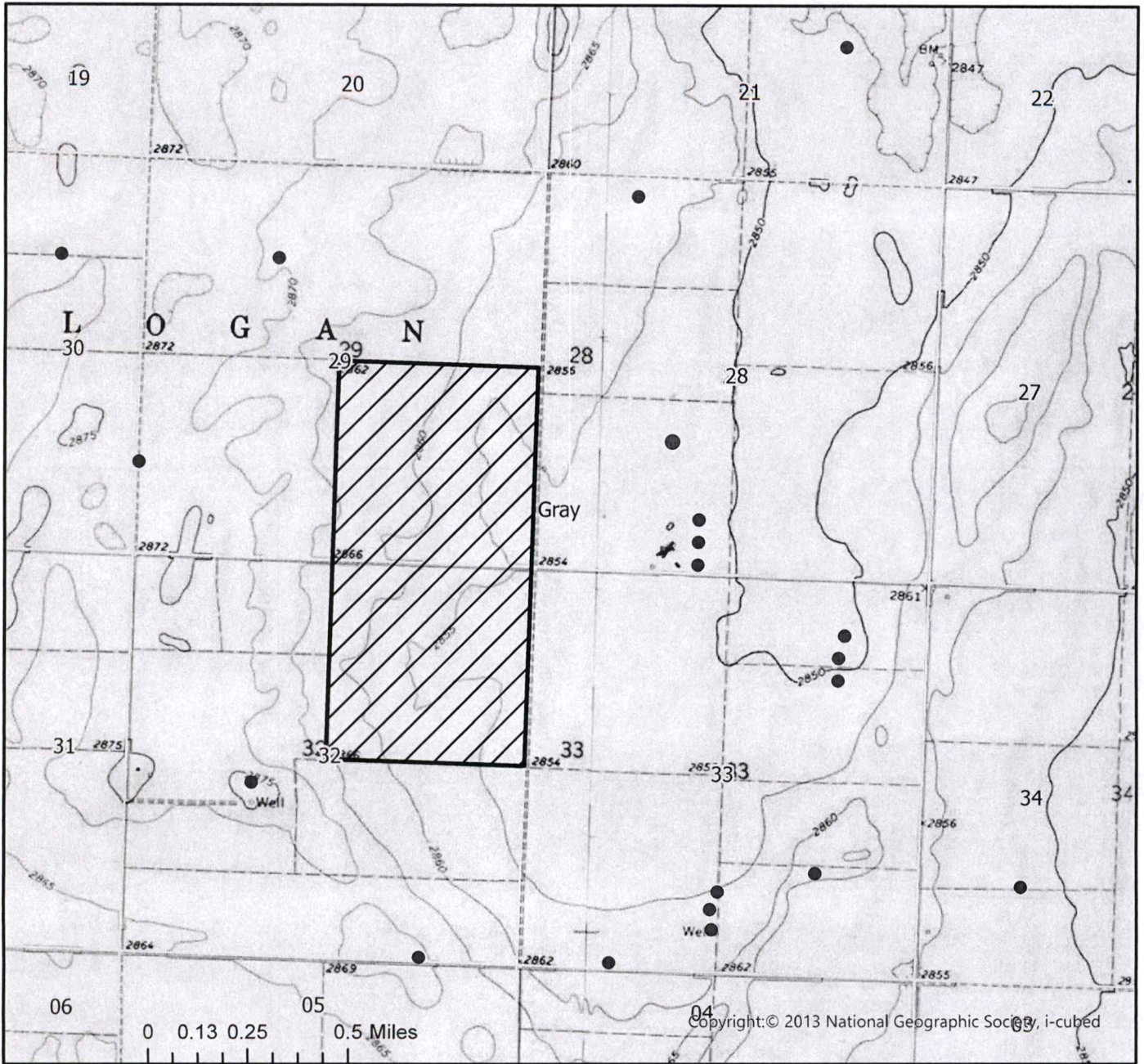
Difference (NAD83 Minus NAD27)		
Corner	Corner Latitudes	Corner Longitudes
SW	0.00002175	-0.00043080
NW	0.00002165	-0.00043066
NE	0.00002143	-0.00043013
SE	0.00002169	-0.00043021
Difference (NAD83 Minus NAD27)		
Corner	Feet North(+)/South(-)	Feet East(-)/West(+)
SW	-8.00567237	-124.24989150
NW	-7.70865982	-124.20952721
NE	-7.63130610	-124.05821714
SE	-7.98712367	-124.08126994

NEW APPLICATION, FILE NO. _____

Water Resources
Received

SW1/4 of Section 28 Township 24 South Range 30 West Gray County

KS Dept Of Agriculture



- Proposed Point of Diversion
- Permitted Water Right
- ★ Domestic Well within 1/2 mile
- 1/2 mile buffer

List of owner name and addresses within 1/2 mile:



By signing below I agree that all wells, including domestic, and owners names and addresses within 1/2 mile of the proposed point of diversion have been shown on the map

(Signature) *[Handwritten Signature]*

Date *4/17/24*

**IRRIGATION USE
SUPPLEMENTAL SHEET**

File No. _____

Name of Applicant (Please Print): ROYAL FARMS DAIRY LLC

1. Please supply the name and address of each landowner, the legal description of the lands to be irrigated, and designate the actual number of acres to be irrigated in each forty acre tract or fractional portion thereof:

Landowner of Record NAME: ROYAL FARMS DAIRY LLC

ADDRESS: 3705 F RD HRC GARDEN CITY KS 67846-9231

S	T	R	NE¼				NW¼				SW¼				SE¼				TOTAL	
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE		
29	24S	30W														40	40	40	40	160
32	24S	30W	40	40	40	40														160

Landowner of Record NAME: _____

ADDRESS: _____

S	T	R	NE¼				NW¼				SW¼				SE¼				TOTAL	
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE		

Landowner of Record NAME: _____

ADDRESS: _____

S	T	R	NE¼				NW¼				SW¼				SE¼				TOTAL	
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE		

File No. _____

9. Will pesticide, fertilizer, or other foreign substance be injected into the water pumped from the diversion works?

Yes No

If **yes**, a check valve shall be required. All chemigation safety requirements must be met including a chemigation permit and reporting requirements.

10. If you are planning to impound water, please contact DWR prior to submitting this application. Please attach a reservoir area capacity table and inform us of the total acres of surface drainage area above the reservoir.

Have you made an application for a permit for construction of this dam and reservoir with DWR? Yes No

If yes, write the Water Structures permit number here: _____

11. Furnish a detailed topographic or aerial map that depicts the following information:

The application **must** be supplemented by a topographic map, aerial photograph or a detailed plat showing the information described in A-D below.

(A) The center of the section, the section lines or the section corners, and labels showing the appropriate section, township and range numbers, as well as a north arrow and scale,

(B) The location of the proposed point(s) of diversion (wells, stream-bank installations, dams, or other diversion works) described in Item No. 5 of the application, showing the North-South distance and the East-West distance from a section line or southeast corner of section,

(C) The location of the proposed place of use identified by crosshatching,

(D) **For Groundwater Use**, the location of any existing water wells of any kind within 1/2 mile of the proposed well or wells and indicate for each well its type of use and the name and mailing address of the property owner or owners, (If there are no wells within 1/2 mile, please indicate that on the map.)

For Surface Water Use, the names and addresses of the landowner(s) 1/2 mile downstream and 1/2 mile upstream from your property lines, and

(E) The locations of proposed or existing dams, dikes, reservoirs, canals, pipelines, power houses, and any other structures for the purpose of storing, conveying, or using water.

12. For groundwater use, furnish copies of the driller's logs for all test holes or completed wells. Please ensure that the driller's logs provide depth to the static water level. If driller's logs cannot be obtained for an existing well, provide the following information:

Well location as shown in Item No. 5	(A)	(B)	(C)	(D)	(E)
Date drilled	11/7/2023	_____	_____	_____	_____
Total depth of well	1,000'	_____	_____	_____	_____
Depth to static water level	_____	_____	_____	_____	_____

13. The owner(s) of the point of diversion, if other than the applicant is:

ROYAL FARMS DAIRY LLC

(name, address, and phone)

3705 F RD HRC GARDEN CITY KS 67846 - 9231

(name, address, and phone)

File No. _____

14. The owner(s) of the property where the water is used, if other than the applicant, is:

ROYAL FARMS DAIRY LLC

(name, address, and phone)

3705 F RD HRC GARDEN CITY KS 67846 - 9231

(name, address, and phone)

15. The relationship of the applicant to the proposed place where the water will be used is that of:

Owner Agent Tenant Other: _____

16. A water use correspondent (WUC) must be designated. The WUC will be mailed the annual water use report, which must be filed with the Division by March 1 of each year. Failure to timely file an accurate water use report will subject the owner(s) to a civil fine of up to \$1,000 and potential suspension of the water appropriation or right. By signing this application, I verify that the owner(s) of the water right or permit have confirmed that the following person or agent should be designated as the WUC:

ROYAL FARMS DAIRY LLC 3705 F RD HRC GARDEN CITY KS 67846 - 9231

(name, address, and phone)

17. I understand that if this application is approved, there could be times, as determined by the Division of Water Resources, when I would not be allowed to divert water. This could affect the economics of my decision to appropriate water. Situations where this might occur may include times when minimum desirable streamflow (MDS) requirements are not met, when Assurance District or Water Marketing releases are made from storage in federal reservoirs, when a Water Reservation Right upstream of a federal reservoir is administered, or when water rights administration becomes necessary to prevent impairment.

I declare, under penalty of perjury, that I have legal access to or control of, the point(s) of diversion described in this application from the landowner or the landowner's authorized representative.

By signing below, I verify that the information set forth above is true to the best of my knowledge, I agree with all statements made above, and that this application is submitted in good faith.

Royal Farms Dairy, LLC by *[Signature]*

(Applicant Signature)

4/17/24

(Date)

Royal Farms Dairy, LLC by Kyle S Averhoff

(Applicant Name - please print)

Manager

(Applicant Title, if applicable - please print)

Assisted by AM

GCFO

(office/title)

Date: 4/11/2024

Water Resources
Received

"Application Fee for Dakota Well in
SW 28-24-30"

FEE SCHEDULE

KS Dept Of Agriculture

Make checks payable to the Kansas Department of Agriculture.

1. The fee for an application for a permit to appropriate water for beneficial use, except for domestic, waterpower, dewatering, or sediment control use, shall be (see No. 2 below if requesting storage):

Million Gallons (mg)	Acre-Feet (AF)	Fee
≤ 32.585	≤ 100	\$200.00
32.586 - 104.272	100.1 - 320.0	\$300.00 + 80 = \$380
> 104.272	> 320	\$300.00 plus \$20 for each additional 100AF (32.586mg) or any part thereof

2. The fee for an application in which **storage** of water is requested, except for domestic use, shall be:

Million Gallons (mg)	Acre-Feet (AF)	Fee
≤ 81.462	≤ 249.9	\$200.00
≥ 81.463	≥ 250	\$200.00 plus \$20 for each additional 100AF (32.586mg) 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.

3. The fee for an application for **waterpower** or **dewatering** use shall be \$100.00 plus \$200.00 for each 44,880 gallons per minute (100 c.f.s.), or part thereof, of the diversion rate requested.

IMPORTANT NOTICE

If this application is approved, the applicant shall notify the Chief Engineer when the diversion works (well, pump, reservoir, pit, etc.) has/have been completed via the *Notice of Completion of Diversion Works* form (DWR 1-203.11) and along with the statutorily required field inspection fee of:

- \$200.00 for sediment control use or groundwater pits for industrial use, or
- \$400.00 for all other uses made of water

Failure to complete the diversion works by the deadline specified in the *Approval of Application and Permit to Proceed* (or any subsequent extension of time of said deadline) and/or failure to submit the proper notice and field inspection fee will result in the dismissal of the appropriation and forfeiture of any priority associated with it.

For assistance with this application, please contact the Division of Water Resources (DWR).

Manhattan HQ
1320 Research Park Dr.
Manhattan, KS 66502
785-564-6638

Topeka Field Office
1131 SW Winding Rd, Ste 400
Topeka, KS 66615
785-296-5733

Stafford Field Office
300 S. Main St
Stafford, KS 67578
620-234-5311

Stockton Field Office
820 S. Walnut
Stockton, KS 67669
785-425-6787

Garden City Field Office
4532 W. Jones Ave, Ste B
Garden City, KS 67846
620-276-2901

Helpful Sources of Information

DWR Water Appropriation Program
DWR Water Appropriation Forms
KGS Water Well Completion Records
DWR Structures Program

<https://agriculture.ks.gov/divisions-programs/dwr/water-appropriation>
<https://agriculture.ks.gov/divisions-programs/dwr/water-appropriation/water-appropriation-forms>
<https://www.kgs.ku.edu/Magellan/WaterWell/index.html>
<https://agriculture.ks.gov/divisions-programs/dwr/dam-safety/permit-requirements>