

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.

THE STATE



OF KANSAS

KANSAS DEPARTMENT OF AGRICULTURE
Mike Beam, Secretary of Agriculture

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

50849

File Number
This item to be completed by Division of Water Resources

WATER RESOURCES
RECEIVED

**APPLICATION FOR PERMIT TO
APPROPRIATE WATER FOR BENEFICIAL USE**
Filing Fee Must Accompany the Application
(Please refer to Fee Schedule attached to this application form)

AUG 26 2022
12:19
KS DEPT OF AGRICULTURE

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

1. Name of Applicant:
Dr. Lisa Tokach
ZENITH PROJECT, LLC
320 NE 14th Street
Abilene, Kansas 67410
785-263-2301

2. The source of water is: surface water in _____ (stream)

OR groundwater in the Little Arkansas drainage basin

Certain streams in Kansas have minimum target flows established by law or may be subject to administration when water is released from storage for use by water assurance district members. If your application is subject to these regulations on the date we receive your application, you will be sent the appropriate form to complete and return to the Division of Water Resources.

3. The maximum quantity of water desired is 22.25 acre feet OR 7,251,455 gallons per calendar year, to be diverted at a maximum rate of 99 gallons per minute OR _____ cubic feet per second.

Once your application has been assigned a priority, the requested maximum rate of diversion and maximum requested quantity under than priority number can **NOT** be increased. Please be certain your requested maximum rate of diversion and maximum quantity of water are appropriate and reasonable for your proposed project and are in agreement with the Division of Water Resources requirements.

4. The water is intended to be appropriated for (check use intended):
(a) Artificial Recharge (b) Irrigation (c) Recreational (d) Water Power
(e) Industrial (f) Municipal (g) Stock watering (h) Sediment Control
(i) Domestic (j) Dewatering (k) Hydraulic Dredging (l) Fire Protection
(m) Thermal Exchange (n) Contamination Remediation

YOU **MUST** COMPLETE AND ATTACH ADDITIONAL DIVISION OF WATER RESOURCES FORM(S) PROVIDING INFORMATION TO SUBSTANTIATE YOUR REQUEST FOR THE AMOUNT OF WATER FOR THE INTENDED USE REFERENCED ABOVE.

8/30/2022
LMoody

For Office Use Only:
F.O. 2 GMD _____ Meets K.A.R. 5-3-1 (Yes/No) _____ Use **STK** Source G/S County **RC** By **ALB** Date **8/26/22**
Code **REG** Fee \$ 200 TR# _____ Receipt Date 8/26/22 Check # 31041

5. The location of the proposed wells, pump sites or other works for diversion of water is:

Note: For the application to be accepted, the point of diversion location 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.

(A) TWO WELLS (Proposed as a Battery)

One well in the ___ quarter of the ___ quarter of the SE quarter of Section 14, more particularly described as being near a point ___ feet North and ___ feet West of the Southeast corner of said section, in Township 18 South, Range 7 (East/West) of Rice County, Kansas.

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 (4) 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 (2) or more wells connected to a common pump by a manifold, or not more than four (4) 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 800 gallons per minute and which supply water to a common distribution system.

6. The owner of the point of diversion, if other than the applicant is (please print):
SAME as APPLICANT

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 as 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 August 24, 2022



Applicant's Signature

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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.

7. The proposed project for diversion of water will consist of Two (2) Wells (number of wells, pumps or dams, etc.) and are not completed.

8. The first actual application of water for the proposed beneficial use will be April 1, 2023.

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

Yes No

All chemigation safety requirements must be met including a chemigation permit and reporting requirements.

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

Have you also made application for a permit for construction of this dam and reservoir with the Division of Water Resources?

Yes No N/A

- If yes, show the Water Structures permit number here.
- If no, explain here why a Water Structures permit is not required.

11. The application must be supplemented by a USGS topographic map, aerial photograph or a detailed plan showing the following information. On the topographic map, aerial photograph or plat - identify the center of the section, the section lines or the section corners and show the appropriate section, township and range numbers. Also please show the following information:

- (a) The location of the proposed point(s) of diversion (wells, stream-bank installations, dams or other diversion works) should be plotted as described in Paragraph 5 of the application, showing the North-South distance and the East-West distance from a section line or southeast corner of the section.
- (b) If the application is for groundwater, please show the location of any existing water wells of any kind within one-half (1/2) mile of the proposed well or wells. Identify each existing well as to its use and furnish the name and mailing address of the property owner or owners. If there are no wells within one-half (1/2) mile, please advise us.
- (c) If the application is for surface water, the names and addresses of the landowner(s) one-half (1/2) mile downstream and one-half (1/2) mile upstream from your property lines must be shown.
- (d) The location of the proposed place of use should be shown by crosshatching on the topographic map, aerial photograph or plat.
- (e) Show the location of the pipelines, canals, reservoirs or other facilities for conveying water from the point of diversion to the place of use.

A 7.5 minutes USGS topographic map may be obtained by providing the section, township and range numbers to: Kansas Geological Survey, 1930 Constant, Campus West, University of Kansas, Lawrence, Kansas 66047.

12. List any application, appropriation of water, water right or vested right file number that covers the same diversion points 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.

42236-00

13. Furnish the following well information if the proposed appropriation is for the use of groundwater. If the well has not been completed, give information obtained from test holes, if available.

Information below is from: Test Holes Well as Completed Drillers Log Attached

Well location as shown in paragraph #	(A)	(B)	(C)	(D)
Date Drilled				
Total Depth of Well				
Depth to Water Bearing Formation				
Depth to Static Water Level				
Depth to Bottom of Pump Intake Pipe				

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

Owner Tenant Agent Other _____

15. The owner of the property where the water is used, if other than the applicant, is (please print):

Applicant is the Owner. The owners propose to utilize a licensed water well driller to construct two (2) water wells as a battery on property owned by the livestock facility. The exact location of the wells will be submitted when determined.

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16. The undersigned states that the information set forth above is true to the best of his/her knowledge and that this application is submitted in good faith.

Dated at Seneca, Kansas, this 24th day of August, 2022

Lisa DeKach, Dm

Applicant Signature

By

Duane H. Mueting

Agent or Officer Signature

Duane H. Mueting, P.E., P.L.S., Agent

Agent or Officer (Please Print)

Assisted By:

Duane H. Mueting, P.E., P.L.S.
Mueting Engineering
612 Community Drive
Seneca, Kansas 66538
785-334-6044 / 785-336-1390 (Cell)
mueting-eng@rainbowtel.net

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FEE SCHEDULE

1. The fee for an application for a permit to appropriate water for beneficial use, except for domestic use, shall be (see paragraph #2 below if requesting storage):

ACRE-FEET	FEE
0-100	\$200.00
101-320	\$300.00
More than 320	\$300.00 plus @\$20.00 for each additional 100 acre-feet or any part thereof

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

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 paragraph #1 or paragraph #2 above, whichever is greater, but not both fees.

3. 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.

NOTE: The applicant shall notify the Chief Engineer and pay the statutorily required field inspection fee of \$400.00 when construction of the works for diversion has been completed, except that for applications filed on or after July 1, 2009, for works constructed for sediment control use and for evaporation from a groundwater pit for industrial use shall be accompanied by the field inspection fee of \$200.00.

MAKE CHECKS PAYABLE TO THE KANSAS DEPARTMENT OF AGRICULTURE

ATTENTION:

A Water Conservation Plan may be required per K.S.A. 82a-733. A statement that your application for permit to appropriate water may be subject to the minimum desirable streamflow requirements per K.S.A. 82a-703a, b and c may also be required from you. After the Division of Water Resources has had the opportunity to review your application, you will be notified whether or not you will need to submit a Water Conservation Plan. You also may be required to install a water flow meter or water stage measuring device on your diversion works prior to diverting water. There may be other special conditions or Groundwater Management District regulations that you will need to comply with if this application is approved.

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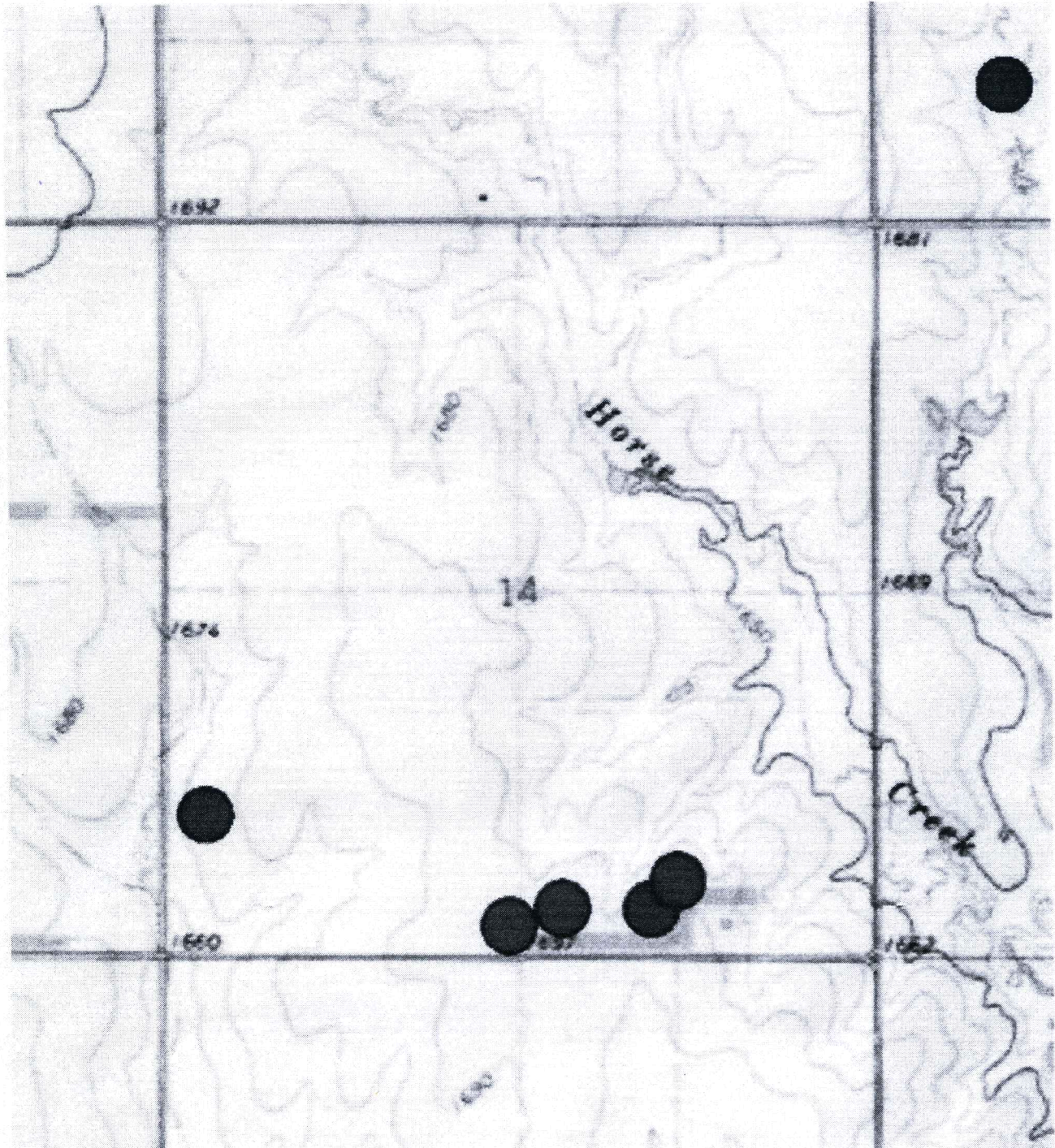
KS DEPT OF AGRICULTURE

AUG 26 2022

ZENITH PROJECT, LLC

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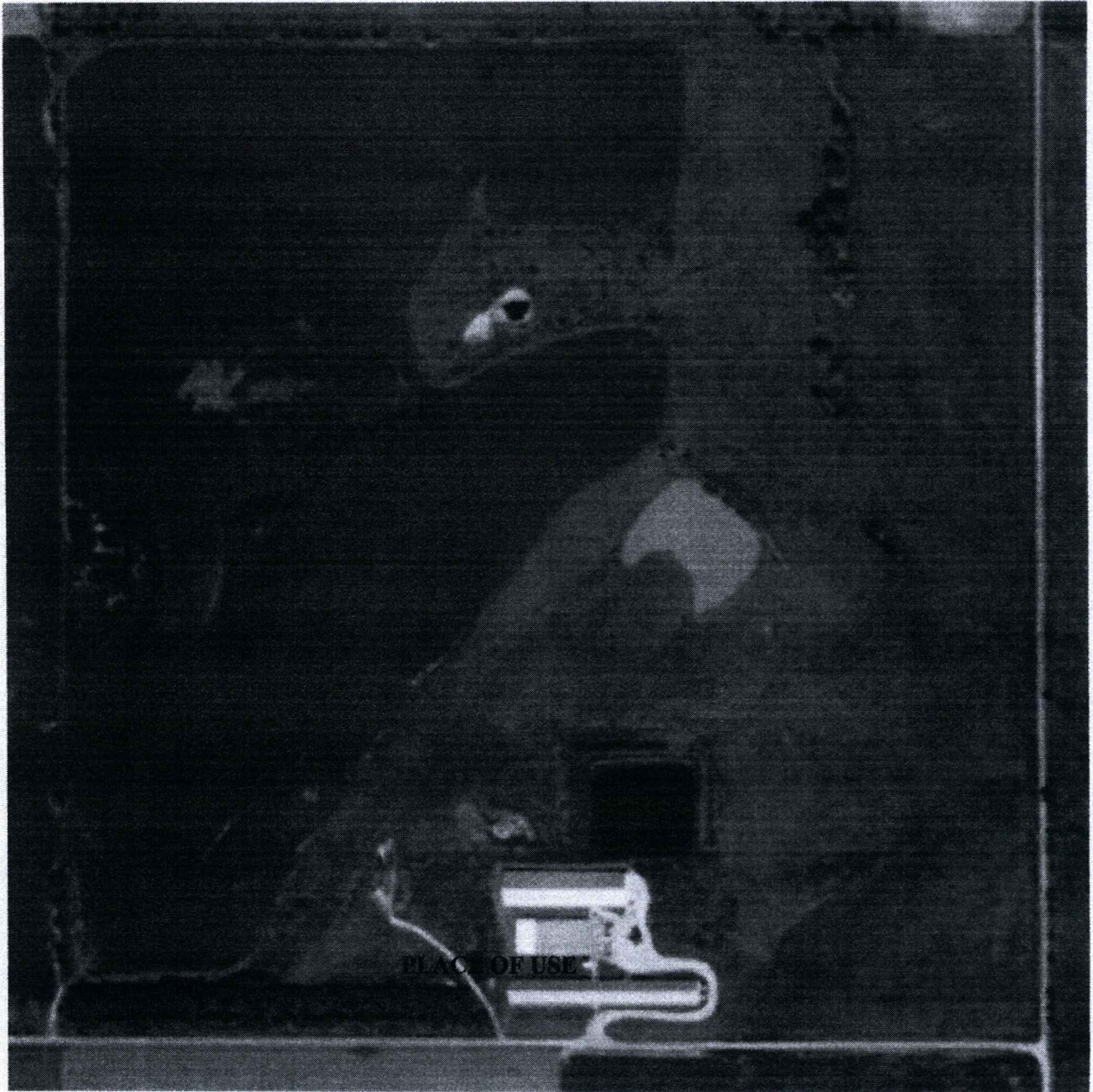
SE¼ of Section 14, Township 18 South, Range 7 West
Rice County, Kansas



NOTE: No other non-owned wells exist within one-half (½) mile of the proposed wells.

ZENITH PROJECT, LLC

SE¼ of Section 14, Township 18 South, Range 7 West
Rice County, Kansas



**STOCK WATER USE
SUPPLEMENTAL SHEET**

WATER RESOURCES
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File # 42236-00 (Senior Water Right)

AUG 26 2022

Name of Applicant (please print):
Dr/ Lisa Tokach
ZENITH PROJECT, LLC
320 NE 14th Street
Abilene, Kansas 67410

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- Please indicate the type of livestock (cattle, hogs, etc.)
Hogs
- 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
5 Years Ago	1975	4,222,741	5.86
Last Year	1975	4,015,769	5.57
Present Year			

- 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 DIVERTED (Gallons)	GALLONS PER HEAD PER DAY
Year 1	1975	7,251,455	10.0 Gallons Drinking, Cooling & Sanitation
Year 2	1975	7,251,455	10.0 Gallons Drinking, Cooling & Sanitation
Year 3	1975	7,251,455	10.0 Gallons Drinking, Cooling & Sanitation
Year 4	1975	7,251,455	10.0 Gallons Drinking, Cooling & Sanitation
Year 5	1975	7,251,455	10.0 Gallons Drinking, Cooling & Sanitation

Please attach any additional information, tables or curves showing past, present and estimated future water requirements to substantiate the amount of water requested.

- 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	T	R	NE¼				NW¼				SW¼				SE¼				TOTAL
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
14	18	7W	Swine Facility - Stockwatering - Near the South side of the Southeast One-Quarter of Section 14																

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5. Show quantities of water used and all associated water used at the feedlot such as water used in feed mills, cooling of animals, washing, flushing of waste, etc:

Drinking Water

288 Head of Sows & Litters x 8 gallons / head (avg) x 365 days/year = 840,960 Gallons
1,312 Head of Gestation Sows x 6 gallons / head (avg) x 365 days/year = 2,873,280 Gallons
250 Head of Finish Gilts x 5 gallons / head (avg) x 365 days/year = 456,250 Gallons
125 Head of Nursery Gilts x 1 gallon / head (avg) x 365 days/year = 45,625 Gallons

Servicing / Flushing / Cooling / Sanitation

288 Head of Sows & Litters x 10 gallons / head (avg) x 365 days/year = 1,051,200 Gallons
1,312 Head of Gestation Sows x 3 gallons / head (avg) x 365 days/year = 1,436,640 Gallons
250 Head of Finish Gilts x 4 gallons / head (avg) x 365 days/year = 365,000 Gallons
125 Head of Nursery Gilts x 4 gallons / head (avg) x 365 days/year = 182,500 Gallons

TOTAL

7,251,455 Gallons - 22.25 Acre-Feet

6. Show location of present and future location of confinement pens on your attached maps or photographs.
7. Total feed bunk space for cattle or livestock is N/A linear feet.
8. Total size of stock pens for confinement area of cattle, hogs, etc is three (3) confinement buildings — two (2) gestation and nursery-grower buildings with dimensions of 61'-0" x 234'-6" and 86'-6" x 234'-6"; and one (1) farrowing building with dimensions of 83'-4" x 330'-2".

You may attach any additional information you believe will assist in informing the Division of Water Resources of the need for your request.

DATA ENTRY SYSTEM ID NUMBER SHEET

FILE NUMBER 50849

APPLICANT PERSON ID & SEQ #	PDIV ID	BATTERY ID
<u>41389</u>	<u>89761</u>	

LANDOWNER PERSON ID & SEQ #	PUSE ID
<u>41390</u>	<u>39618</u>

WATER USE CORRESPONDENT PERSON ID & SEQ #
<u>41389</u>

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

August 29, 2022

DR. LISA TOKACH
ZENITH PROJECT, LLC
320 NE 14TH STREET
ABILENE KS 67410

RE: Application, File No(s). **50849**

Dear Sir or Madam:

The Division of Water Resources (Division) has received your application(s) for a permit to appropriate water for beneficial use. Your application(s) has been assigned the file number(s) referenced above. Please be aware that the Division may have a large number of pending applications on hand at times and makes every attempt to process them in the order in which they are received. You will be contacted if additional information is required.

Please note, this letter only acknowledges receipt of your application(s) and does not guarantee approval. In accordance with the provisions of the Kansas Water Appropriation Act, the use of water as proposed prior to approval of the application(s) is unlawful.

Additional information about the process may be found on our website at agriculture.ks.gov/divisions-programs/dwr. If you have any other questions, please contact our office at 785-564-6640 or your local Stafford Field Office at 620-234-5311. *Stafford Field Office at 620-234-5311*. If you call, please reference the file number so we can help you more efficiently.

Sincerely,

Kris Neuhauser
New Applications Lead
Water Appropriation Program