

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



WATER RESOURCES RECEIVED
 APR 18 2018
 11:26
 KS DEPT OF AGRICULTURE

KANSAS DEPARTMENT OF AGRICULTURE
 Jackie McClaskey, Secretary of Agriculture

DIVISION OF WATER RESOURCES
 David W. Barfield, Chief Engineer

File Number 50038
 This item to be completed by the Division of Water Resources.

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.)

Water Resources Received
 APR 09 2018
 11:30
 KS DEPT OF AGRICULTURE
 UNACCEPTED

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 (Please Print): VICTOR SCHWARZ
 Address: 1326 COUNTY ROAD 37
 City: MENLO State KS Zip Code 67753
 Telephone Number: (785) 687-8157

2. The source of water is: surface water in _____ (stream)
 OR groundwater in S FORK SOLOMON RIVER (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 25 acre-feet OR _____ gallons per calendar year, to be diverted at a maximum rate of 100 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 of water under that 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) Stockwatering (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.

For Office Use Only:		F.O. <u>3</u> <u>GMD</u> <u>4</u> Meets K.A.R. 5-3-1 (YES/NO)		Use <u>STK</u>	Source <u>G</u> S County <u>JH</u>	By <u>AW</u> Date <u>4/16/18</u>
Code <u>REG</u>	Fee \$ <u>200</u>	TR # _____	Receipt Date <u>4/18/18</u>	Check # <u>20100</u>		

4/19/18 DAW

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. 2 WELL BATTERY

(A) One in the SE quarter of the NE quarter of the SE quarter of Section 36, more particularly described as being near a point 1525 feet North and 592 feet West of the Southeast corner of said section, in Township 8 South, Range 31 W, THOMAS County, Kansas.

(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 _____ East/West (circle one), _____ County, Kansas.

(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 _____ East/West (circle one), _____ County, Kansas.

(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 _____ East/West (circle one), _____ 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 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 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):

APPLICANT
(name, address and telephone number)

(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 _____, 20_____.
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.

7. The proposed project for diversion of water will consist of A 2 WELL BATTERY
(number of wells, pumps or dams, etc.)

and WAS completed (by) 1980
(Month/Day/Year - each was or will be completed)

8. The first actual application of water for the proposed beneficial use was or is estimated to be 1980
(Mo/Day/Year)

50038

THE STATE OF KANSAS



KANSAS DEPARTMENT OF AGRICULTURE
Jackie McClaskey, Secretary of Agriculture

DIVISION OF WATER RESOURCES
David W. Barfield, Chief Engineer

SWORN STATEMENT
PURSUANT TO K.S.A. 82a-709

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 4-11- _____, 2018.

Victor J. Schwary
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.

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KS Dept Of Agriculture

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 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 an application for a permit for construction of this dam and reservoir with the Division of Water Resources? Yes No

- 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 U.S.G.S. topographic map, aerial photograph or a detailed plat 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 No. 5 of the application, showing the North-South distance and the East-West distance from a section line or southeast corner of section.
- (b) If the application is for groundwater, please show the location of any existing water wells of any kind within 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 1/2 mile, please advise us.
- (c) If the application is for surface water, the names and addresses of the landowner(s) 1/2 mile downstream and 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 minute U.S.G.S. 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.

42102 COVERS WELLS AND FEEDLOT

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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 No.	(A)	(B)	(C)	(D)
Date Drilled	1980	_____	_____	_____
Total depth of well	~200	_____	_____	_____
Depth to water bearing formation	_____	_____	_____	_____
Depth to static water level	~105	_____	_____	_____
Depth to bottom of pump intake pipe	E	_____	_____	_____

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

OWNER
(owner, tenant, agent or otherwise)

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

(name, address and telephone number)

(name, address and telephone number)

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 Menlo, Kansas, this 3rd day of April, 2018.
(month) (year)

Auto L. Schwarz
(Applicant Signature)

[REDACTED]
APPLICANT(S) SOCIAL SECURITY IDENTIFICATION NUMBER(S)

By _____
(Agent or Officer Signature)

and/or
APPLICANT(S) TAXPAYER I.D. NO.(S)

(Agent or Officer - Please Print)

Assisted by RL

GMD #4
(office/title)

Date: 3/30/2018

Water Resources
Received
APR 09 2018
KS Dept Of Agriculture

**STOCKWATER USE
SUPPLEMENTAL SHEET**

File No. 50038

Name of Applicant (Please Print): VICTOR SCHWARZ

1. Please indicate type of livestock (cattle, hogs, etc.): CATTLE

2. 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	2000	6725000	9.2
Last year	2700	9028200	9.1
Present Year			

3. 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 TO BE DIVERTED (GALLONS)	GALLONS PER HEAD PER DAY
Year 1			
Year 2			
Year 3			
Year 4			
Year 5	4000	16300000	11.1

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

4. 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	

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

DRINKING

4000 head of CATTLE x 11.1 gallons/head (avg.) x 365 days = 16200000 gallons

_____ head of _____ x _____ gallons/head (avg.) x _____ days = _____ gallons

_____ head of _____ x _____ gallons/head (avg.) x _____ days = _____ gallons

COOLING

_____ gallons/hour x _____ hour/day x _____ days = _____ gallons

SANITATION

_____ g.p.m. x 60 min/hr x _____ hr/wk x _____ wks/yr = _____ gallons

OTHER USE (Explain) USE FLOW THROUGH WATERERS _____ = _____ gallons

TOTAL ----- gallons

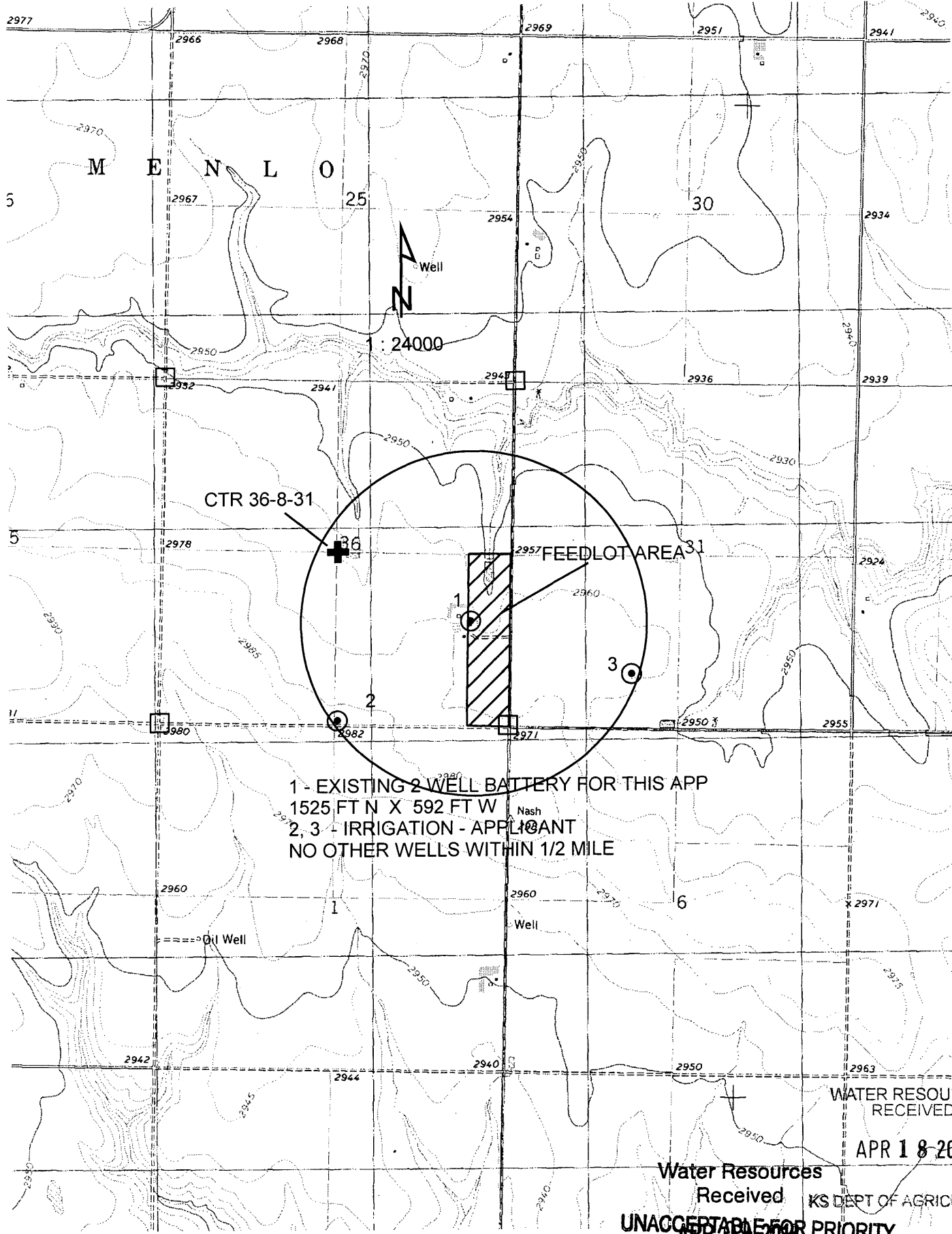
6. Show location of present and future location of confinement pens on your attached maps or photographs.

7. Total feed bunk space for cattle or livestock is 5000 linear feet.

8. Total size of stock pens for confinement area of cattle, hogs, etc. is 1300000 square feet.

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

Water Resources
 Division
 1000
 1000
 1000



CTR 36-8-31

FEEDLOT AREA 31

1 - EXISTING 2 WELL BATTERY FOR THIS APP
 1525 FT N X 592 FT W
 2, 3 - IRRIGATION - APPLICANT
 NO OTHER WELLS WITHIN 1/2 MILE

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KS DEPT OF AGRICULTURE

UNACCEPTABLE FOR PRIORITY APR 09 2018

50038

Whitesell, Alex [KDA]

From: Whitesell, Alex [KDA]
Sent: Monday, April 09, 2018 3:07 PM
To: 'schwfdlt@st-tel.net'
Cc: McColloch, Austin [KDA]; Baum, Kristen
Subject: Signature Needed
Attachments: Sworn Statement Legal Access 2015.doc

Mr. Schwarz,

As we discussed on the phone, the Division of Water Resource received a New Application for Permit to Appropriate Water for Beneficial Use from you on April 9, 2018. The application is missing a required signature on page two, paragraph number 6 of the application and is currently unacceptable for filing.

I have attached a form that may be signed in place of paragraph number 6. Please print, sign, and mail the form to the address below. Upon receipt of the form, your application will receive a file number and priority date.

If for any reason you are unable to reach me, I have copied two of my coworkers on this email. Please let me know if you have any questions.

Alex Whitesell
Division of Water Resources
Kansas Department of Agriculture
1320 Research Park Drive
Manhattan, KS 66502
(785) 564 - 6640

My email has changed alex.whitesell@ks.gov

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KS DEPT OF AGRICULTURE

STATE OF KANSAS

DEPARTMENT OF AGRICULTURE
1320 RESEARCH PARK DRIVE
MANHATTAN, KS 66502
PHONE: (785) 564-6700
FAX: (785) 564-6777



900 SW JACKSON, ROOM 456
TOPEKA, KS 66612
PHONE: (785) 296-3556
www.agriculture.ks.gov

GOVERNOR JEFF COLYER, M.D.
JACKIE McCLASKEY, SECRETARY OF AGRICULTURE

April 18, 2018

VICTOR SCHWARZ
1326 COUNTY ROAD 37
MENLO KS 67753

RE: Application
File No. 50038

Dear Sir or Madam:

Your application for permit to appropriate water in 36-8S-31W in Thomas County, was received and has been assigned the file number noted above.

As a matter of record, the Division of Water Resources has on hand a large number of applications awaiting processing. Therefore to be fair to all concerned, and so that we can process those applications on hand in the order they were received, we intend to concentrate on the backlog of applications until the issue is resolved. Once review of your application has begun, we will contact you, if additional information is required.

In accordance with the provisions of the Kansas Water Appropriation Act, a portion of which is included below, the use of water as proposed prior to approval of the application is unlawful. Once approved, compliance with the terms, conditions and limitations of the permit is necessary. Conservation of the water resources of Kansas is required.

Section 82a-728 of the Kansas Water Appropriation Act, provides (a) except for the appropriation of water for the purpose of domestic use, . . . it shall be unlawful for any person to appropriate or threaten to appropriate water from any source without first applying for and obtaining a permit to appropriate water in accordance with the provisions of the Water Appropriation Act or for any person to violate any condition of a vested right, appropriation right or an approved application for a permit to appropriate water for beneficial use.

(b) (1) The violation of any provision of this section by any person is a class C misdemeanor . . .

A class C misdemeanor is punishable by a fine not to exceed \$500 and/or a term of confinement not to exceed one month in the county jail. Each day that the violation occurs constitutes a separate offense.

If you have any questions, please contact me at (785) 564-6637. If you wish to discuss a specific file, please have the file number ready so that we may help you more efficiently.

Sincerely,

Kristen A. Baum
New Applications Unit Supervisor
Water Appropriation Program

BAT: dlw
pc: STOCKTON Field Office
GMD 4