

File No. **50,038** 15. Formation Code: 100/600 Drainage Basin: S F Solomon River County: TH Special Use: Stream:

16. Points of Diversion									
MOD DEL ENT	PDIV	Qualifier	S	T	R	ID	'N	'W	
CHK	17786	SE NE SE	36	8S	31W	5	1525	592	Geo Cr
	15888								Bath 1 of 2
	6056								Bath 1 of 2
Battery ID # 138									

17. Rate and Quantity				
Authorized		Additional		
Rate gpm	Quantity mgy	Rate gpm	Quantity mgy	Overlap PD Files
100	8.15	100	8.15	42102

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

19. Limitation: _____ af/yr at _____ gpm (_____ cfs) when combined with file number(s) _____
 Limitation: _____ af/yr at _____ gpm (_____ cfs) when combined with file number(s) _____

20. Meter Required? Yes No To be installed by **12/31/2020** Date Acceptable Meter Installed _____

21. Place of Use		NE¼				NW¼				SW¼				SE¼				Total	Owner	Chg? YES	Overlap Files				
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								
CHK	37900	36	8S	31W	3	FEEDLOT (SE)																	7a	no	42102

Comments:

KANSAS DEPARTMENT OF AGRICULTURE
Division of Water Resources

MEMORANDUM

TO: Files

DATE: June 13, 2019

FROM: Kris Neuhauser

RE: Application, File No. 50,038; and
Water Right, File No. 20,421

Victor Schwarz has filed the above referenced new application (File No. 50,038) proposing to appropriate 8.15 million gallons per year (mgy) (25 acre-feet) of groundwater per calendar year, at a diversion rate not to exceed 100 gallons per minute for stockwatering use from two wells. The application overlaps in points of diversion and place of use with Water Right, File No. 42,102, which consists of a battery of two Ogallala wells located in the Southeast Quarter of Section 36, Township 8 South, Range 31 West, Thomas County, Kansas. The proposed place of use is a feedlot in the Southeast Quarter of the same section. The 8.15 mgy proposed will be in addition to the 8.15 mgy already authorized under Water Right, File No. 42,102.

The applicant is applying for this Water Right to obtain more water for the growing number of cattle they will have in the next few years. There are two other wells within a half mile of the proposed point of diversion, Water Right, File Nos. 17,650 and 20,421. Both are owned by the applicant; therefore, no nearby notices were sent.

K.A.R. 5-3-22 states that the maximum reasonable quantity of water for cattle is 15 gallons per head, per day. On the stockwater use supplemental sheet, the applicant estimated the number of head 5 years from now to be 4,000; and provided the following equation:

$$4,000 \text{ head of cattle} \times 11.1 \text{ gallons/head (average)} \times 365 \text{ days} = 16.2 \text{ mgy}$$

11.1 gallons per head per day is considered a reasonable quantity. The additional 8.15 mgy proposed by this application, combined with the authorized 8.15 mgy under Water Right, File No. 42,102, comes out to be 16.3 mgy, just over the quantity calculated by the applicant.

In accordance with K.S.A. 82a-706c, the Chief Engineer retains full authority to require any water user to install meters, gages, or other measuring devices, which devices he or she or his or her agents may read at any time. Water flowmeter requirements are further described in K.A.R. 5-1-4 through K.A.R. 5-1-12. If any chemical or foreign substance is injected into the water pumped under this permit, a check valve will also need to be installed.

On the original application, Part 6 was missing a signature from the applicant stating they have legal access to, or control of, the point of diversion from the landowner. Mr. Schwarz was contacted by former employee Alex Whitesell on April 9, 2018, who supplied an individual form for this sworn statement. The new signature was received in this office on April 18, 2018.

Northwest Kansas Groundwater Management District No. 4's regulation K.A.R. 5-24-2(b)(6) allows for the approval of this application by reducing the existing Water Right, File No. 20,421. On March 5, 2019, Ray Luhman, District Manager of GMD No. 4, recommended the application for approval, provided Water Right, File No. 20,421 be reduced from 320 acre-feet to 195.6 acre-feet per calendar year. With assistance from Mr. Luhman, the applicant completed and submitted a Request to Reduce a Portion of an Existing Water Right, which was received in this office on March 4, 2019. This request noted the maximum annual quantity of water be reduced to 195.6 acre-feet, in conjunction with the approval of this application.

In an email conversation on June 13, 2019, Kelly Stewart, Water Commissioner of the Stockton Field Office, gave a recommendation that the new application be approved.

Based on the above discussion, the approval of the application will not impair senior water rights nor prejudicially or unreasonably affect the public interest. Therefore, it is recommended that the referenced application be approved, in conjunction with the reduction of Water Right, File No. 20,421.



Kris Neuhauser
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

July 10, 2019

VICTOR L SCHWARZ
1326 COUNTY ROAD 37
MENLO KS 67753-9426

FILE COPY

Re: Appropriation of Water, File No. 50,038

Dear Mr. Schwarz:

There is enclosed a permit to appropriate water authorizing you to proceed with construction of the proposed diversion works (except those dams and stream obstructions regulated by K.S.A. 82a-301 through 305a), to divert such unappropriated water as may be available from the source and at the location specified in the permit, and to use it for the purpose and at the location described in the permit.

Your attention is directed to the enclosures and to the terms, conditions, and limitations specified in these approval documents. A water meter is required on the proposed diversion works and you must install it prior to water being put to beneficial use in order for you to maintain accurate records of water use. The meter should be used to provide the information required on the annual water use report. Failure to notify the Chief Engineer of the Division of Water Resources of the completion of the diversion works within the time allowed, or within any authorized extension of time thereof, will result in the dismissal of this permit. Enclosed is a form which may be used to notify the Chief Engineer that the proposed diversion works have been completed.

All requests for extensions of time to complete diversion works, or to perfect appropriations, must be submitted to the Chief Engineer before the expiration of time originally set forth in the permit to complete diversion works or to perfect an appropriation. If for any reason, you require an extension of time, you must request it before the expiration of time set forth in this permit. Failure to comply with this regulation will result in the dismissal of your permit or your water right. Any request for an extension of time shall be accompanied by the required statutory fee, which is currently \$100.00. There is also enclosed an information sheet setting forth the procedure to obtain a Certificate of Appropriation which will establish the extent of your water right. If you have any questions, please contact our office. If you wish to discuss this specific file, please have the file number ready so that we may help you more efficiently.

Sincerely,

Kristen A. Baum
New Application Unit Supervisor
Water Appropriation Program

KAB: kjn
Enclosures

pc: Stockton Field Office
Northwest Kansas GMD No. 4

THE STATE OF KANSAS



KANSAS DEPARTMENT OF AGRICULTURE
Mike Beam, Secretary of Agriculture

DIVISION OF WATER RESOURCES
David W. Barfield, Chief Engineer

APPROVAL OF APPLICATION
and
PERMIT TO PROCEED

(This Is Not a Certificate of Appropriation)

This is to certify that I have examined Application, File No. 50,038 of the applicant

VICTOR L SCHWARZ
1326 COUNTY ROAD 37
MENLO KS 67753-9426

for a permit to appropriate water for beneficial use, together with the maps, plans and other submitted data, and that the application is hereby approved and the applicant is hereby authorized, subject to vested rights and prior appropriations, to proceed with the construction of the proposed diversion works (except those dams and stream obstructions regulated by K.S.A. 82a-301 through 305a, as amended), and to proceed with all steps necessary for the application of the water to the approved and proposed beneficial use and otherwise perfect the proposed appropriation subject to the following terms, conditions and limitations:

1. That the priority date assigned to such application is ~~April 18, 2018~~.
2. That the water sought to be appropriated shall be used for stockwatering use in the Southeast Quarter of (SE $\frac{1}{4}$) of Section 36, in Township 8 South, Range 31 West, Thomas County, Kansas.
3. That the authorized source from which the appropriation shall be made is groundwater, to be withdrawn by means of a two (2) well battery located in the Southeast Quarter of the Northeast Quarter of the Southeast Quarter (SE $\frac{1}{4}$ NE $\frac{1}{4}$ SE $\frac{1}{4}$) of Section 36, more particularly described as a point (geo-center) 1,525 feet North and 592 feet West of the Southeast corner of said section, in Township 8 South, Range 31 West, Thomas County, Kansas, located substantially as shown on the topographic map accompanying the application.
4. That the appropriation sought shall be limited to a maximum diversion rate not in excess of **100 gallons per minute (0.22 c.f.s.)** and to a quantity not to exceed **8.15 million gallons (25 acre-feet)** of water for any calendar year.
5. That installation of works for diversion of water shall be completed on or before **December 31, 2020** or within any authorized extension thereof. The applicant shall notify the Chief Engineer and pay the statutorily required field inspection fee of \$400.00 when construction of the works has been completed. Failure to timely submit the notice and the fee will result in revocation of the permit. Any request for an extension of time shall be submitted prior to the expiration of the deadline and shall be accompanied by the required statutory fee of \$100.00.
6. That the proposed appropriation shall be perfected by the actual application of water to the proposed beneficial use on or before **December 31, 2024** or any authorized extension thereof. Any request for an extension of time shall be submitted prior to the expiration of the deadline and shall be accompanied by the required statutory fee of \$100.00.

7. That the applicant shall not be deemed to have acquired a water appropriation for a quantity in excess of the amount approved herein nor in excess of the amount found by the Chief Engineer to have been actually used for the approved purpose during one calendar year subsequent to approval of the application and within the time specified for perfection or any authorized extension thereof.
8. That 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.
9. That the right of the appropriator shall relate to a specific quantity of water and such right must allow for a reasonable raising or lowering of the static water level and for the reasonable increase or decrease of the streamflow at the appropriator's point of diversion.
10. That this permit does not constitute authority under K.S.A. 82a-301 through 305a to construct any dam or other obstruction; nor does it grant any right-of-way, or authorize entry upon or injury to, public or private property.
11. That all diversion works constructed under the authority of this permit 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.
12. That all wells with a diversion rate of 100 gallons per minute or more drilled under the authority of this permit 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.
13. That an acceptable water flow meter shall be installed and maintained on the diversion works authorized by this permit in accordance with the Kansas Administrative Regulations 5-1-4 through 5-1-12 adopted by the Chief Engineer. This water flow meter shall be used to provide an accurate quantity of water diverted as required for the annual water use report (including the meter reading at the beginning and end of the report year).
14. That the applicant shall maintain accurate and complete records from which the quantity of water diverted during each calendar year may be readily determined and the applicant shall file an annual water use report with 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.
15. That no water user shall engage in nor allow the waste of any water diverted under the authority of this permit.
16. That failure without cause to comply with provisions of the permit and its terms, conditions and limitations will result in the forfeiture of the priority date, revocation of the permit and dismissal of the application.
17. That the right to appropriate water under authority of this permit is subject to any minimum desirable streamflow requirements identified and established pursuant to K.S.A. 82a-703c for the source of supply to which this water right applies.

RIGHT TO A HEARING AND TO ADMINISTRATIVE REVIEW

If you are aggrieved by this Order, then pursuant to K.S.A. 82a-1901, you may:

- 1) request an evidentiary hearing before the Chief Engineer, or
- 2) 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, Kansas 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.

Ordered this 1st day of July, 2019, in Manhattan, Riley County, Kansas.

Lane P. Letourneau

Lane P. Letourneau, P.G.
Program Manager
Water Appropriation Program
Division of Water Resources
Kansas Department of Agriculture

State of Kansas)
) SS
County of Riley)

The foregoing instrument was acknowledged before me this 1st day of July, 2019, by Lane P. Letourneau, P.G., Program Manager, Division of Water Resources, Kansas Department of Agriculture.



Danielle Wilson

Notary Public

CERTIFICATE OF SERVICE

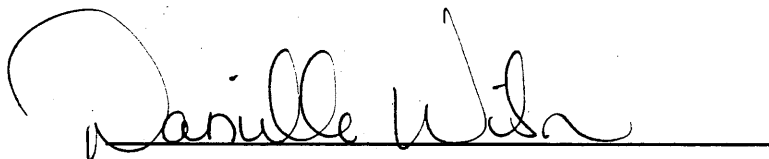
On this 10th day of July, 2019, I hereby certify that the foregoing Approval of Application and Permit to Proceed, File No. 50,038, dated July 1st, 2019 was mailed postage prepaid, first class, US mail to the following:

VICTOR L SCHWARZ
1326 COUNTY ROAD 37
MENLO KS 67753-9426

With photocopies to:

Stockton Field Office

Northwest Kansas GMD No. 4



Division of Water Resources



APPLICATION COMPLETE

6 / 13 / 19

Reviewer KIN

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

UNACCEPTED
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 (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. 3 GMD 4 Meets K.A.R. 5-3-1 (YES/NO) Use STK Source G S County TH By AW Date 4/16/18
Code REG Fee \$ 200 TR # _____ Receipt Date 4/18/18 Check # 20160

SCANNED
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)

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

WATER RESOURCES RECEIVED

APR 18 2018

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 _____ Date: 3/30/2018
(office/title)

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	
36	8S	31W																	

KAB/DWR

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.

Neuhauser, Kris [KDA]

From: Stewart, Kelly [KDA]
Sent: Thursday, June 13, 2019 10:36 AM
To: Neuhauser, Kris [KDA]
Cc: Billinger, Mark [KDA]; Wilson, Dani [KDA]
Subject: RE: New App File No. 50,038 Recommendation Request

Kris,

The memo looks good and I recommend approval.

The only other thing I would recommend that you add to your memo is a brief explanation that GMD 4's regulation K.A.R. 5-24-2(b)(6) allows for the approval of this application by reducing the existing water right. That will help future generations understand how a new application got approved in a closed area.

Kelly

From: Neuhauser, Kris [KDA]
Sent: Thursday, June 13, 2019 10:13 AM
To: Stewart, Kelly [KDA] <Kelly.Stewart@ks.gov>
Cc: Billinger, Mark [KDA] <Mark.Billinger@ks.gov>; Wilson, Dani [KDA] <Dani.Wilson@ks.gov>
Subject: RE: New App File No. 50,038 Recommendation Request

Thanks for the feedback Kelly,

I made some edits and ran it by Kristen. Hopefully this one explains things a little better. Your explanation made total sense, nice to be able to wrap my head around files as I've been here longer. Especially since each one can be drastically different. Hopefully memos will become easier and easier to write the more new apps I get under my belt.

Let me know if anything needs changed.

Thanks,

Kris

From: Stewart, Kelly [KDA]
Sent: Thursday, June 13, 2019 8:29 AM
To: Neuhauser, Kris [KDA] <Kris.Neuhauser@ks.gov>
Cc: Billinger, Mark [KDA] <Mark.Billinger@ks.gov>
Subject: RE: New App File No. 50,038 Recommendation Request

Kris,

In Paragraph 3 of your memo, you should explain the total amount of water the applicant will have between 42,102 and 50,038 and whether or not that total is reasonable for 4,000 head of cattle. 15 g/p/h/d is considered the *maximum* reasonable amount. However, if someone has enough water for 10 to 12 g/p/h/d, then that would probably be considered reasonable. We want to make sure they have enough water for the proposed number of head. Is the 25 acre-feet proposed under this application in addition to the quantity authorized under 42,102 or is it limited to 25 acre-feet when combined with 42,102?

Kelly

From: Neuhauser, Kris [KDA]

Sent: Tuesday, June 11, 2019 3:59 PM

To: Stewart, Kelly [KDA] <Kelly.Stewart@ks.gov>

Cc: Billinger, Mark [KDA] <Mark.Billinger@ks.gov>; Wilson, Dani [KDA] <Dani.Wilson@ks.gov>

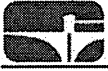
Subject: New App File No. 50,038 Recommendation Request

Hey Kelly,

Here is my memo for New Application, File No. 50,038. Getting my first crack at a number of new apps this past week..

If you have any suggestions or edits let me know and I'll be sure to take notes. Thanks!

Kris



**NORTHWEST KANSAS
GROUNDWATER MANAGEMENT
DISTRICT NO. 4**

1290 West 4th Street
P.O. Box 905
Colby, Kansas 67701-0905

March 5, 2019

Kris Neuhauser
Division of Water Resources
1320 Research Park Drive
Manhattan KS 66502

RE: Application 50038
Victor Schwarz

Dear Kris,

The Northwest Kansas Groundwater Management District has reviewed the above referenced application and based on our records and the information supplied by the applicant, we have determined that the following recommendations be made to the Chief Engineer:
If you have any questions, please contact this office.

Approve application, provided 20421 is reduced to 195.6 AF.

Sincerely,

Ray Luhman
Manager

RPL: jem

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 L. Schwarz
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.

Water Resources
Received

APR 18 2018

KS Dept Of Agriculture

SCANNED

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

WATER RESOURCES
RECEIVED

APR 18 2018

SCANNED

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.

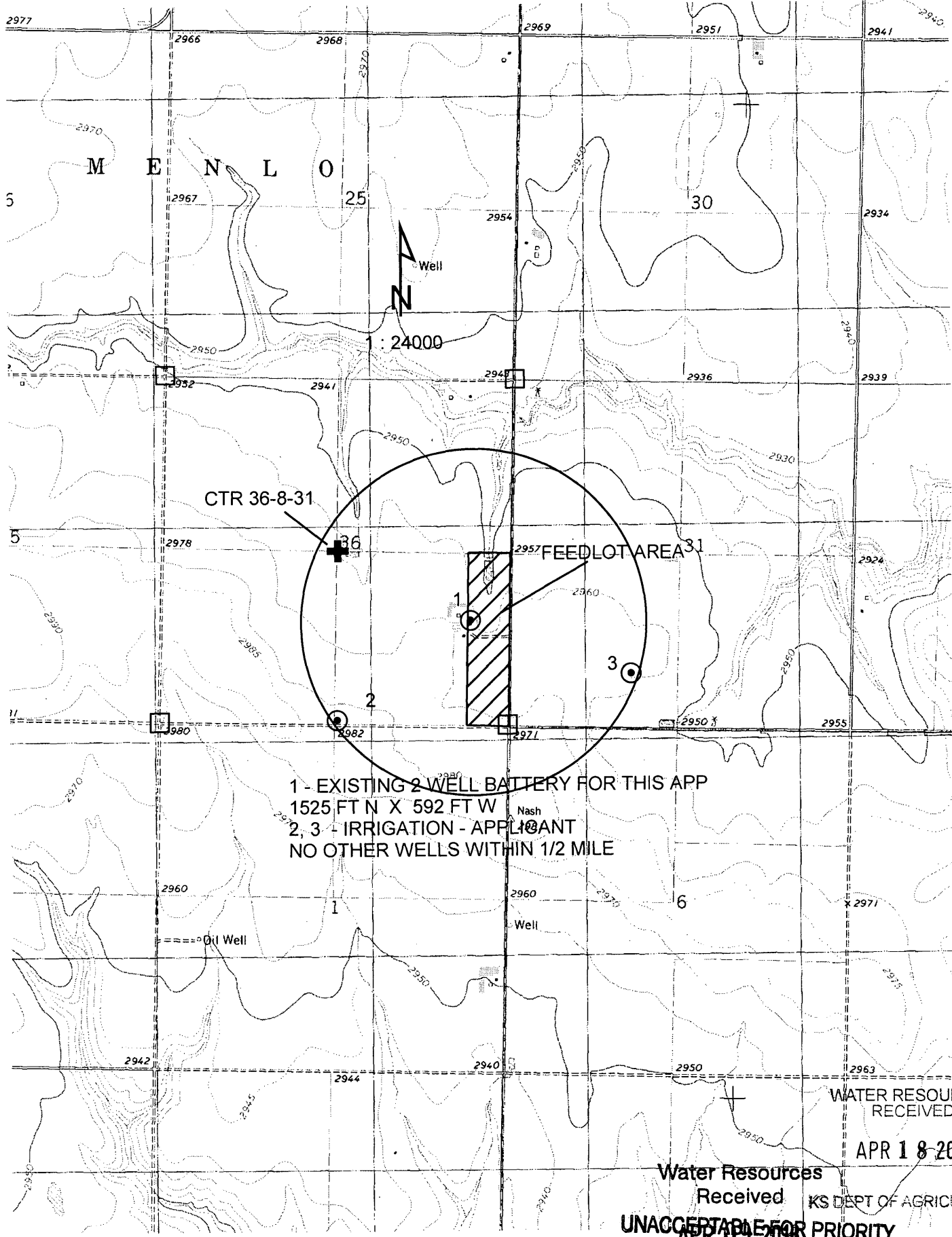
If you have any questions, please contact me at (785) 564-6637. If you wish to discuss a specific file, please have the file number ready so that we may help you more efficiently.

Sincerely,

Kristen A. Baum
New Applications Unit Supervisor
Water Appropriation Program

BAT: dlw
pc: STOCKTON Field Office
GMD 4

SCANNED



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

WATER RESOURCES RECEIVED

APR 18 2018

Water Resources Received
 KS DEPT OF AGRICULTURE
 UNACCEPTABLE FOR PRIORITY
 APR 09 2018

KS Dept Of Agriculture **SCANNED**