

Kansas Department of Agriculture
Division of Water Resources
PERMIT OF NEW APPLICATION WORKSHEET

1. File Number: 50,055	2. Status Change Date: <i>5/22/2018</i>	3. Field Office: 01	4. GMD: 0
5. Status: <input checked="" type="checkbox"/> Approved <input type="checkbox"/> Denied by DWR/GMD <input type="checkbox"/> Dismiss by Request/Failure to Return			
6. Enclosures: <input checked="" type="checkbox"/> Check Valve <input checked="" type="checkbox"/> N of C Form <input checked="" type="checkbox"/> Water Tube <input type="checkbox"/> Driller Copy <input checked="" type="checkbox"/> Meter			
<p>7a. Applicant(s) New to system <input type="checkbox"/></p> <p style="text-align: right;">Person ID 60971 Add Seq# _____</p> <p>TIFFANY CATTLE CO INC 1333 S 2500 RD HERINGTON KS 67449</p>	<p>7c. Landowner(s) New to system <input type="checkbox"/></p> <p style="text-align: right;">Person ID _____ Add Seq# _____</p>		
<p>7b. Landowner(s) New to system <input type="checkbox"/></p> <p style="text-align: right;">Person ID _____ Add Seq# _____</p> <p>7a.</p>	<p>7d. Misc. New to system <input type="checkbox"/></p> <p style="text-align: right;">Person ID _____ Add Seq# _____</p>		
<p>8. WUR Correspondent New to system <input type="checkbox"/> Overlap File (s) WUC Agree <input type="checkbox"/> Yes <input type="checkbox"/> No</p> <p style="text-align: right;">Person ID _____ Add Seq# _____ Notarized WUC Form <input type="checkbox"/></p> <p>7a.</p>	<p>9. Use of Water: Changing? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No</p> <p style="text-align: center;"><input checked="" type="checkbox"/> Groundwater <input type="checkbox"/> Surface Water</p> <p><input type="checkbox"/> IRR <input type="checkbox"/> REC <input type="checkbox"/> DEW <input type="checkbox"/> MUN</p> <p><input checked="" type="checkbox"/> STK <input type="checkbox"/> SED <input type="checkbox"/> DOM <input type="checkbox"/> CON</p> <p><input type="checkbox"/> HYD DRG <input type="checkbox"/> WTR PWR <input type="checkbox"/> ART RECHRG</p> <p><input type="checkbox"/> IND SIC: _____ <input type="checkbox"/> OTHER: _____</p>		
10. Completion Date: <u>12/31/2019</u>		11. Perfection Date: <u>12/31/2023</u>	
12. Exp Date: _____			
13. Conservation Plan Required? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No Date Required: _____ Date Approved: _____ Date to Comply: _____			
14. Water Level Measuring Device? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No Date to Comply: _____ Date WLMD Installed: _____			
Date Prepared: 5/21/2018 By: DWS Date Entered: <i>6/14/2018</i> By: <i>UM</i>			

File No. **50,055** 15. Formation Code: **540** Drainage Basin: **NEOSHO RIVER** County: **MR** Special Use: Stream:

16. Points of Diversion										
MOD	DEL	ENT	PDIV	Qualifier	S	T	R	ID	'N	'W
√				SW SE NE	5	16	6E	3	2677	1084

17. Rate and Quantity				
Authorized		Additional		
Rate gpm	Quantity mgy	Rate gpm	Quantity mgy	Overlap PD Files
1000	104.025	1000	66.637	None

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

19. Limitation: **104.025 MGY** af/yr at _____ gpm (_____ cfs) when combined with file number(s) **38,788; 39,838 and 40,903**
 Limitation: _____ af/yr at _____ gpm (_____ cfs) when combined with file number(s) _____

20. Meter Required? Yes No To be installed by **12/31/2019** Date Acceptable Meter Installed _____

21. Place of Use							NE¼				NW¼				SW¼				SE¼				Total	Owner	Chg? NO	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	NE ¼	NW ¼	SW ¼	SE ¼							
√			39839	31	15	6E	1	FEEDLOT IN E2																				7a.	No	38,788; 39,838; & 40,903
√			40734	32	15	6E	1	FEEDLOT IN SW																				7a.	No	38,788; 39,838; & 40,903
√			39737	5	16	6E	2	FEEDLOT IN NW																				7a.	No	38,788; 39,838; & 40,903

Comments:

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
June 4, 2018

TIFFANY CATTLE CO INC
% SHAWN TIFFANY
1333 S 2500 RD
HERINGTON KS 67449

FILE COPY

RE: Appropriation of Water, File No. 50,055

Dear Mr. Tiffany:

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 this permit.

Your attention is directed to the enclosures and to the terms, conditions, and limitations specified in this permit. A water meter is required on the 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 a 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:dws

Enclosures

pc: Topeka Field Office

KANSAS DEPARTMENT OF AGRICULTURE
Division of Water Resources

M E M O R A N D U M

TO: Files

DATE: May 21, 2018

FROM: Doug Schemm

RE: Application, File No. 50,055

Tiffany Cattle Co. Inc. has filed the above referenced application proposing to appropriate 104.025 million gallons (319.24 acre-feet) of groundwater for Stockwatering Use at a diversion rate of 1,000 gallons per minute. The existing well is located in the Northeast Quarter of Section 5, Township 16 South, Range 6 East, Morris County, Kansas, within the Neosho River basin. The applicant has signed the application form stating that he has legal access to the point of diversion. The applicant was assisted by Topeka Field Office staff, and he has requested expedited processing of this application due to a severe water shortage from his existing supply wells. The applicant was provided permission to begin using this well prior to permit approval, only for emergency stockwatering use, and only if this application was promptly submitted to our agency.

There are no overlapping files in point of diversion. File Nos. 38,788; 39,838; and 40,903 overlap in place of use. File No. 38,788 is authorized 11.466 million gallons, File No. 39,838 is authorized 14.536 million gallons (limited to 24.352 million gallons with File No. 38,788), and File No. 40,903 is authorized 26.55 million gallons (limited to 37.388 million gallons with File Nos. 38,788 and 39,838). Therefore, the senior files have an combined authorized total of 37.388 million gallons. The pending application is requesting 104.025 million gallons, limited to this quantity with these senior files. This application will provide 66.637 million gallons of additional water. The requested quantity of water of 104.025 million gallons was based on providing an adequate supply of water for 19,000 head of cattle. The applicant provided an estimate for drinking water, as follows: 19,000 head of cattle x 15 gallons per head per day x 365 days = 104.025 million gallons. The requested quantity of water and rate of diversion appear to be reasonable for the intended use. As noted above, this new application will be limited to 104.025 million gallons when combined with the senior files.

The applicant identified two stockwatering wells within one-half mile of the proposed point of diversion, both owned by him. No nearby notification letters are required. A review of aerial photographs and the KGS WWC-5 database does not show any other nearby wells. The WRIS database shows there are five other water rights within the two-mile circle, three of them owned by the applicant. The proposed point of diversion, meets minimum well spacing criteria to all other wells, being over a half mile from the nearest domestic well, and over 2,100 feet from the nearest non-domestic well (owned by the applicant). Per K.A.R. 5-4-4 for the Chase Group aquifer, required well spacing between non-domestic wells is 1,320 feet.

A test hole log was not submitted with the pending application, because this is an existing well that was drilled many years ago. However, based on previous file documentation, including a well log from the KGS database for a previous file (File No. 36,480), the source of water appears to be the Chase Group (540), which is comprised of inter-bedded shale and limestone. Groundwater was first encountered in a fractured limestone layer extending from 59 feet to 62 feet below ground surface. The static water level is equivalent to this depth water was first encountered (59') indicating the aquifer is unconfined. Estimated production on the well log was 300 gpm.

Previous safe yield evaluations (see File No. 47,511) used an area of consideration of 8,042 acres for the extent of the unconfined aquifer per K.A.R. 5-3-11. Based on a potential recharge of 3.4 inches, with 75% available for appropriation, safe yield was determined to be 1,709.03 acre-feet. Existing water rights have appropriated 157.71 acre-feet within the area of consideration, providing a difference of 1,551.32 acre-feet available for appropriation, and the application complies with safe yield criteria.

Memorandum
File No. 50,055
Page 2

The applicant has submitted a signed Minimum Desirable Sreamflow (MDS) statement, which has been notarized. By completing this statement, the applicant affirms his knowledge that there could be times when the diversion of water may not be allowed under this permit.

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.

In a May 17, 2018 e-mail, Katie Tietsort, Water Commissioner, Topeka Field Office, recommended approval of the referenced application. Based on the above discussion, well spacing and safe yield criteria are met, approval gives the applicant additional water and source of water for this facility, and approval of the application will not impair senior water rights nor prejudicially or unreasonably affect the public interest, it is recommended that the referenced application be expeditiously approved to authorize this urgent need for stock watering.

Doug Schemm
Environmental Scientist
Topeka Field Office



KANSAS DEPARTMENT OF AGRICULTURE
Jackie McClaskey, 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. **50,055** of the applicant

**TIFFANY CATTLE CO INC
1333 S 2500 RD
HERINGTON KS 67449**

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 **May 14, 2018**.
2. That the water sought to be appropriated shall be used for stockwatering use at a cattle feedlot located in the East Half (E½) of Section 31, the Southwest Quarter (SW¼) of Section 32, both in Township 15 South, and the Northwest Quarter (NW¼) of Section 5, Township 16 South, all in Range 6 East, Morris County, Kansas.
3. That the authorized source from which the appropriation shall be made is groundwater, to be withdrawn by means of one (1) well located in the Southwest Quarter of the Southeast Quarter of the Northeast Quarter (SW¼ SE¼ NE¼) of Section 5, more particularly described as being near a point 2,677 feet North and 1,084 feet West of the Southeast corner of said section, in Township 16 South, Range 6 East, Morris 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 **1,000 gallons per minute (2.23 c.f.s.)** and to a quantity not to exceed **104.025 million gallons** (319.24 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, 2019** 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, 2023** 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 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.

18. That the quantity of water approved under this permit is further limited to the quantity which combined with Water Right, File Nos. 38,788; 39,838; and 40,903, will provide a **total not to exceed 104.025 million gallons** (319.24 acre-feet) of water per calendar year for stockwatering use as described herein.

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 22nd day of May, 2018, in Topeka, Shawnee 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 22nd day of May, 2018, by Lane P. Letourneau, P.G., Program Manager, Division of Water Resources, Kansas Department of Agriculture.

Danielle Wilson
Notary Public



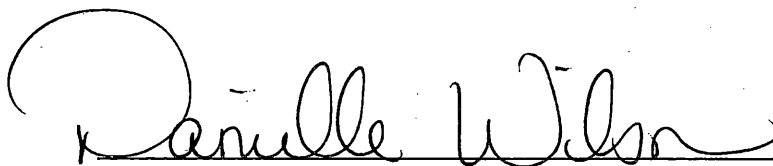
CERTIFICATE OF SERVICE

On this 4th day of June, 2018, I hereby certify that the foregoing Approval of Application, File No. 50,055, dated May 27, 2018 was mailed postage prepaid, first class, US mail to the following:

TIFFANY CATTLE CO INC
1333 S 2500 RD
HERINGTON KS 67449

With photocopies to:

Topeka Field Office

A handwritten signature in cursive script that reads "Danielle Wilson". The signature is written in black ink and is positioned above a horizontal line.

Division of Water Resources

THE STATE  OF KANSAS

KANSAS DEPARTMENT OF AGRICULTURE
Jackie McClaskey, Secretary of Agriculture

DIVISION OF WATER RESOURCES
David W. Barfield, Chief Engineer

Water Resources
Received

MAY 14 2018
12:46

KS Dept Of Agriculture

File Number 50055

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

APPLICATION COMPLETE
5/17/18

Reviewer KAB for DWS

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.)

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

1. Name of Applicant (Please Print): TIFFANY CATTLE CO. INC.
Address: 1333 S 2500 RD
City: HERINGTON State: KS Zip Code 67499
Telephone Number: (785) 229-2902 shawn@tiffanycattle.com

2. The source of water is: surface water in _____ (stream)
OR groundwater in NEOSHO 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 319.24 acre-feet OR 104.025 Million gallons per calendar year,
to be diverted at a maximum rate of 1000 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.	<input type="checkbox"/> GMD	<input checked="" type="checkbox"/> Meets K.A.R. 5-3-1	(YES) (NO)	Use <u>STC</u>	Source <input checked="" type="checkbox"/> S	County <u>MP</u>	By <u>AW</u> Date <u>5/14/17</u>
Code	<u>REG-REF</u>	Fee \$ <u>300</u>	TR # _____	Receipt Date <u>5/14/18</u>	Check # <u>43708</u>		

5/16/18 OAW

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) One in the SW quarter of the SE quarter of the NE quarter of Section 5, more particularly described as being near a point 2,677 feet North and 1,084 feet West of the Southeast corner of said section, in Township 16 South, Range 6 EAST, MORRIS 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):

Shawn Tiffany 1333 S. 2500 Rd Herington, KS 67449
(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 10 May, 2018. Shawn M Tiffany
Applicant's Signature

7. The proposed project for diversion of water will consist of ONE WELL
(number of wells, pumps or dams, etc.)
and (was)(will be) completed (by) SUMMER 2018
(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 Summer 2018
(Mo/Day/Year)

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MAY 14 2018
SCANNED
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 _____

GROUNDWATER WELL

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 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.

(c) The location of the proposed place of use should be shown by crosshatching on the topographic map, aerial photograph or plat.

(d) 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.

FILE NOS. 38,788; 39,838; and 40,903 overlap in PU

Water Resources
Received

MAY 14 2018

KS Dept Of Agriculture
SCANNED

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	_____	_____	_____	_____
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
(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 Herington, Kansas, this 10 day of May, 2018.
(month) (year)

Tiffany Family Farms by:

Shawn M. [Signature]
(Applicant Signature)

45-2683697

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 DWS TOPEKA FO Date: 5/9/2018
(office/title)

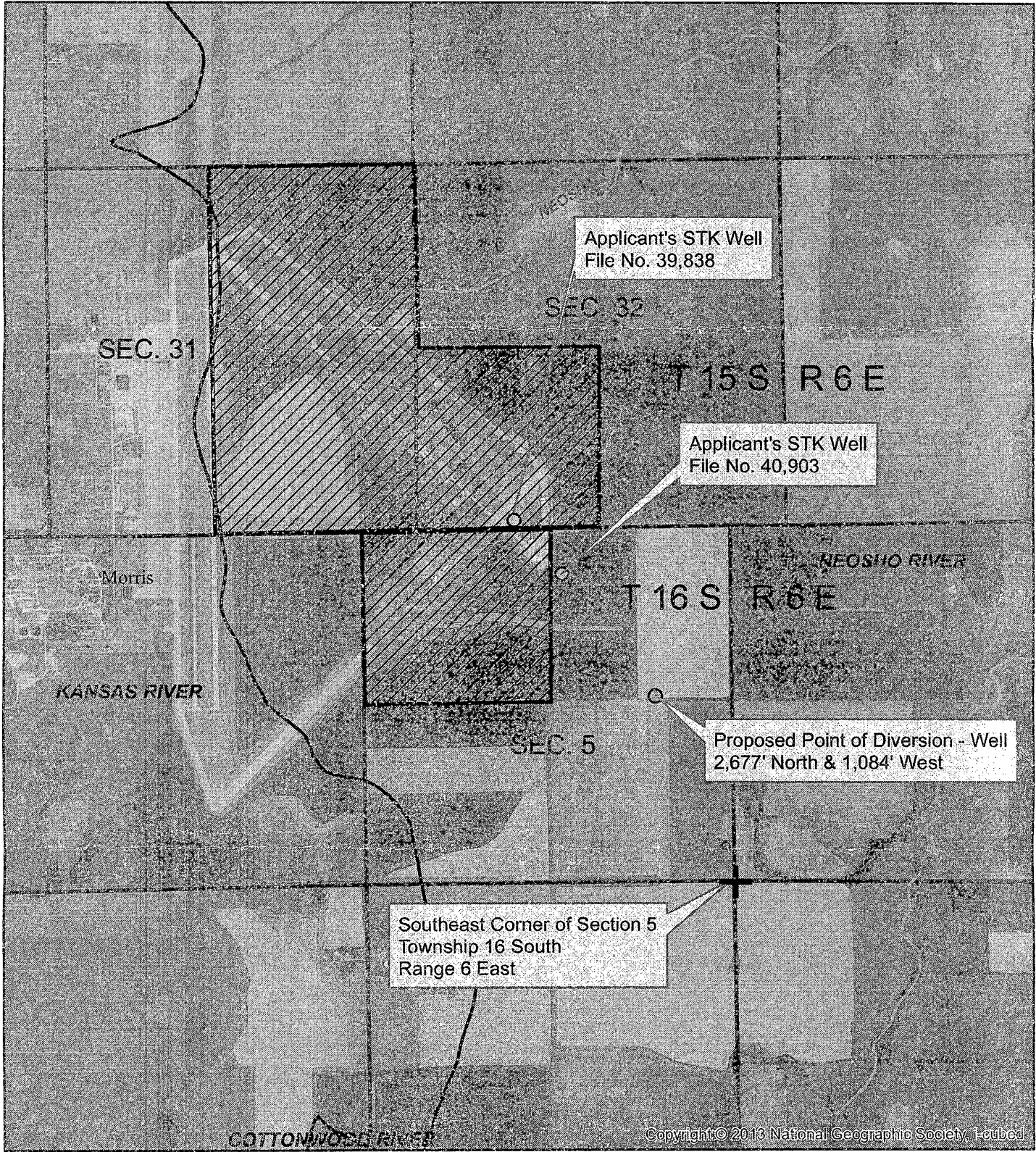
Water Resources
Received

MAY 14 2018

KS Dept Of Agriculture
SCANNED

TIFFANY CATTLE CO. INC. - SITE MAP
NEW APPLICATION

50055



1:24,000

Water Resources
Received
MAY 14 2013

All Known Wells Within 1/2 mile of the proposed point of diversion are located on this map.

Shawn M. Jeff

KS Dept Of Agriculture

SCANNED

**STOCKWATER USE
SUPPLEMENTAL SHEET**

File No. 50055

Name of Applicant (Please Print): TIFFANY CATTLE CO. INC.

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			
Last year	15000	40,907,400	7.47
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	19,000	104.025 Million gals	15
Year 2			
Year 3			
Year 4			
Year 5	19,000	104.025 Million gals	15

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	
			FEEDLOT IN THE EAST HALF OF SEC. 31, THE SW QTR OF SEC. 32, BOTH IN T15S, AND THE NW QTR OF SEC. 5, T16S, ALL IN R6E, MORRIS CO.																

**Water Resources
Received**

MAY 14 2018

Schemm, Doug [KDA]

Subject: Tiffany Cattle 50,055

From: Tietsort, Katie [KDA]
Sent: Thursday, May 17, 2018 3:02 PM
To: Schemm, Doug [KDA] <Doug.Schemm@ks.gov>
Cc: Baum, Kristen <Kristen.Baum@ks.gov>; Letourneau, Lane [KDA] <Lane.Letourneau@ks.gov>
Subject: RE: Tiffany Cattle 50,055

Doug,

As we just discussed, please expedite the approval of this application for Tiffany Cattle. This facility has an emergency permission in place granted by Lane Letourneau, allowing them to pump the wells to supplement water use at the facility in these dry times.

Thanks for your quick work on this one,
Katie

Katie Tietsort

Kansas Department of Agriculture
6531 SE Forbes Ave Ste B
Topeka, KS 66619
katie.tietsort@ks.gov
Phone 785-296-5733

Achiever~Responsibility~Input~Relator~Arranger

From: Schemm, Doug [KDA]
Sent: Thursday, May 17, 2018 9:01 AM
To: Tietsort, Katie [KDA] <Katie.Tietsort@ks.gov>
Subject: Tiffany Cattle 50,055

Meets all the criteria, nothing much out there but him. Bedrock aquifer.

Analysis Results

The selected PD is in an area OPEN to new appropriations.

The safe yield based on the variables listed below is 1,709.03 AF.

Total prior appropriations in the circle is 157.71 AF.

Total quantity of water available for appropriation is 1,551.32 AF.

Tiffany Cattle
50,055
meets safe yield

Safe Yield Variables

The area used for the analysis is set at 8,042 acres.

The potential annual recharge at the circle center is estimated to be 3.4 inches.

The percent of recharge available for appropriation is 75%.

Authorized Quantity values are as of 10-MAY-2018 and are based on Appropriated and Vested ground water right and possible stream nodes for GMD #2. Domestic, Term and Temporary water rights have been excluded.

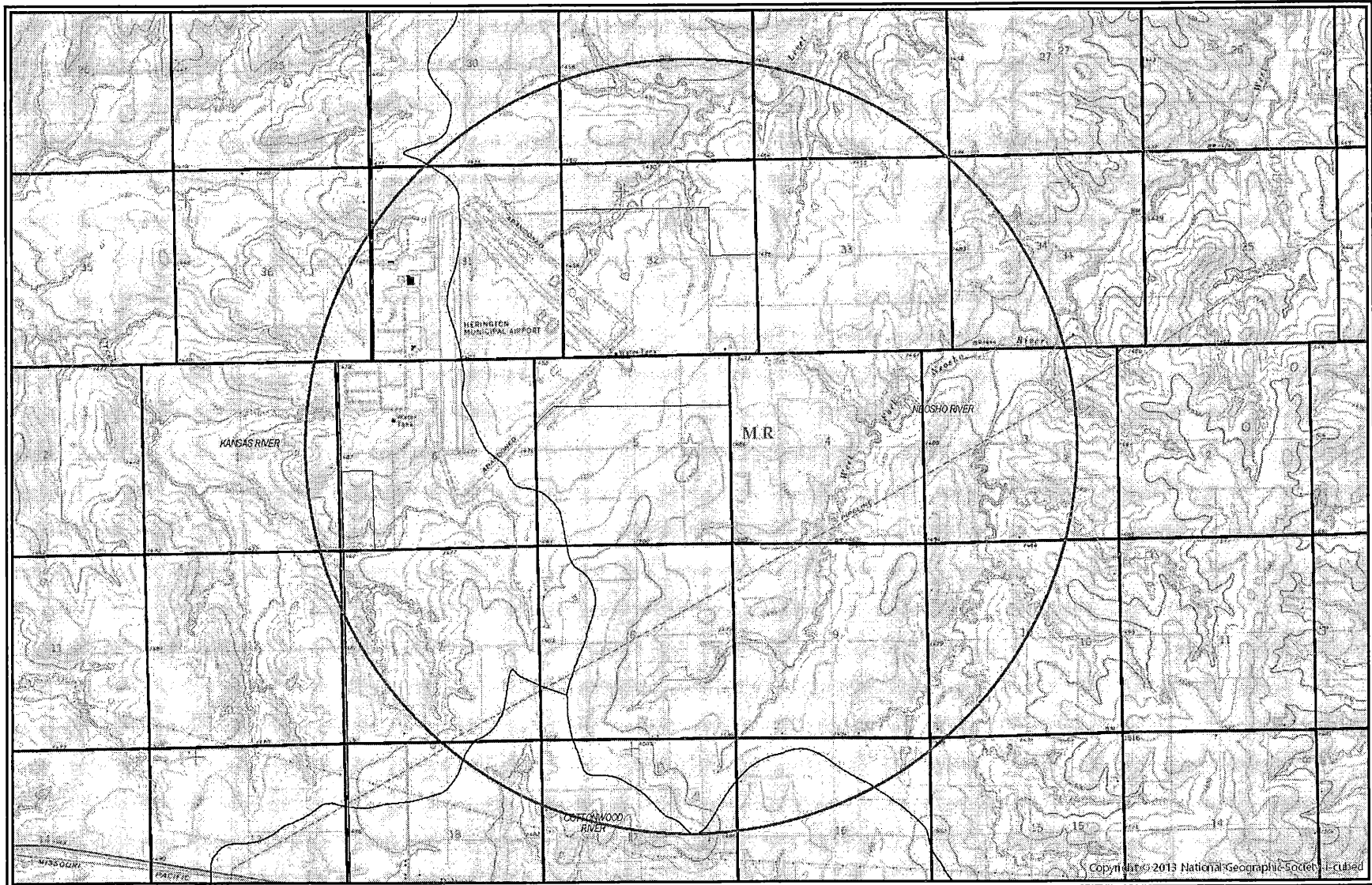
There are 5 water rights and 6 points of diversion within the circle.

File Number	Use	ST	SR	Q4	Q3	Q2	Q1	FeetN	FeetW	Sec	Twp	Rng	ID	Qind	Auth Quant	Add Quant	Tot Acres	Net Acres
A 36473 00	IND	NK	G		NW	SE	NW	3490	3700	06	16	06E	4	WR	3.07	3.07		
Same	IND	NK	G		NE	SE	NW	3490	3215	06	16	06E	2	WR				
Same	IND	NK	G		NW	SE	NW	3490	3457	06	16	06E	3	WR				
A 38788 00	STK	NK	G			CE	NW	4063	2677	31	15	06E	1	WR	35.19	35.19		
A 39838 00	STK	NK	G		SW	SE	SW	55	3846	32	15	06E	1	WR	44.61	39.55 ✓		
A 40903 00	STK	NK	G		SW	NW	NE	4334	2437	05	16	06E	4	WR	81.48	40.01 ✓		
A 41761 00	IND	NK	G		NW	SE	NW	3490	3700	06	16	06E	4	WR	39.90	39.90		
Same	IND	NK	G		NE	SE	NW	3490	3215	06	16	06E	2	WR				
Same	IND	NK	G		NW	SE	NW	3490	3457	06	16	06E	3	WR				

Limitations

File Number	Seq Num	Limitations
A 39838 00	2	24.352MGY COM/W #38788
A 40903 00	1	37.388 MGY COM/W #38788 & #39838
A 41761 00	2	115GPM COM/W #36473

Safe Yield Report Sheet
Application, File No. 50,055
Point of Diversion in 05-16S-06E
Footages from SE corner- 2,677 feet North 1,084 feet West



Water Rights and Points of Diversion Within 2.00 miles of point defined as:

2677 ft N and 1084 ft W of the SE Corner of Section 5, T 16S, R 6E

Located at: 96.785490 West Longitude and 38.689158 North Latitude

GROUNDWATER ONLY

*All wells > 1,320'
 Meets Spacing*

File Number	Use	ST	SR	Dist	(ft)	Q4	Q3	Q2	Q1	FeetN	FeetW	Sec	Twp	Rng	ID	Batt	Auth_Quan	Add_Quan	Unit	
A__ 36473	00	IND	NK	G	7728	--	NW	SE	NW	3490	3457	6	16	6E	3	G	2	3.07	3.07	AF
Same					7488	--	NE	SE	NW	3490	3215	6	16	6E	2	B	2			
Same					7970	--	NW	SE	NW	3490	3700	6	16	6E	4	B	2			
A__ 38788	00	STK	NK	G	8913	--	--	CE	NW	4063	2677	31	15	6E	1		35.19	35.19	AF	
A__ 39838	00	STK	NK	G	3191	--	SW	SE	SW	55	3846	32	15	6E	1		44.61	39.55	AF	
A__ 40903	00	STK	NK	G	2139	--	SW	NW	NE	4334	2437	5	16	6E	4		81.48	40.01	AF	
A__ 41761	00	IND	NK	G	7728	--	NW	SE	NW	3490	3457	6	16	6E	3	G	2	39.90	39.90	AF
Same					7488	--	NE	SE	NW	3490	3215	6	16	6E	2	B	2			
Same					7970	--	NW	SE	NW	3490	3700	6	16	6E	4	B	2			

Total Net Quantities Authorized:	Direct	Storage
Total Requested Amount (AF) =	.00	.00
Total Permitted Amount (AF) =	.00	.00
Total Inspected Amount (AF) =	.00	.00
Total Pro_Cert Amount (AF) =	.00	.00
Total Certified Amount (AF) =	157.71	.00
Total Vested Amount (AF) =	.00	.00
TOTAL AMOUNT (AF) =	157.71	.00

An * after the source of supply indicates a pending application for change for the file number.
 An * after the ID indicates a 15 AF exemption was granted for the file number.
 A "G" in the Batt column indicates the GEO CTR of a battery. A "B" indicates a well in the battery.
 The number in the Batt column is the number of wells in the battery.

Water Rights and Points of Diversion Within 2.00 miles of point defined as:

96.785490 West Longitude and 38.689158 North Latitude

GROUNDWATER ONLY

WATER USE CORRESPONDENTS:

- File Number Use ST SR
- A__ 36473 00 IND NK G
 > CITY OF HERINGTON
 > 17 N BROADWAY
 > PO BOX 31
 > HERINGTON KS 67449
-
- A__ 38788 00 STK NK G
 > TIFFANY CATTLE CO INC
 >
 > 1333 S 2500 RD
 > HERINGTON KS 67449
-
- A__ 39838 00 STK NK G
 > TIFFANY CATTLE CO INC
 >
 > 1333 S 2500 RD
 > HERINGTON KS 67449

>-----

A__ 40903 00 STK NK G
> TIFFANY CATTLE CO INC
>
> 1333 S 2500 RD
> HERINGTON KS 67449

>-----

A__ 41761 00 IND NK G
> CITY OF HERINGTON
> 17 N BROADWAY
> PO BOX 31
> HERINGTON KS 67449

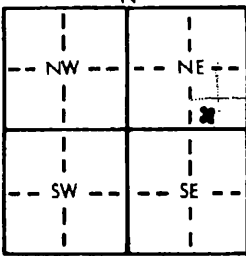
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WATER WELL RECORD Form WWC-5 KSA 82a-1212

1 LOCATION OF WATER WELL: Fraction SW 1/4 SE 1/4 NE 1/4 Sec 5 Section Number Township Number Range Number
 County: Morris T 16 S R 6 EW
 Distance and direction from nearest town or city street address of well if located within city?
1 1/2 mile East and 2 1/2 North of Delevan

2 WATER WELL OWNER: Edward F. Koehler
 RR#, St. Address, Box #: 9 N D Street Board of Agriculture, Division of Water Resources
 City, State, ZIP Code: Herington, Kansas, 67449 Application Number: 36480

3 LOCATE WELL'S LOCATION WITH AN "X" IN SECTION BOX:

 4 DEPTH OF COMPLETED WELL: 125 ft. ELEVATION:
 Depth(s) Groundwater Encountered 1. 59 ft. 2. 105 ft. 3. _____ ft.
 WELL'S STATIC WATER LEVEL 59 ft. below land surface measured on mo/day/yr July 23 83
 Pump test data: Well water was 59 ft. after 10 hours pumping 200 gpm
 Est. Yield 300 gpm: Well water was _____ ft. after _____ hours pumping _____ gpm
 Bore Hole Diameter 12 in. to 13 ft., and 10 in. to 125 ft.
 WELL WATER TO BE USED AS: 5 Public water supply 8 Air conditioning 11 Injection well
 1 Domestic 3 Feedlot 6 Oil field water supply 9 Dewatering 12 Other (Specify below)
 2 Irrigation 4 Industrial 7 Lawn and garden only 10 Observation well
 Was a chemical/bacteriological sample submitted to Department? Yes _____ No X; If yes, mo/day/yr sample was submitted _____
 Water Well Disinfected? Yes No

5 TYPE OF BLANK CASING USED:
 1 Steel 3 RMP (SR) 5 Wrought iron 8 Concrete tile CASING JOINTS: Glued X Clamped _____
 2 PVC 4 ABS 6 Asbestos-Cement 9 Other (specify below) Welded _____
 7 Fiberglass _____ Threaded _____
 Blank casing diameter 8 in. to 59 ft., Dia _____ in. to _____ ft., Dia _____ in. to _____ ft.
 Casing height above land surface 24 in., weight _____ lbs./ft. Wall thickness or gauge No. Sch 40
 TYPE OF SCREEN OR PERFORATION MATERIAL: 7 PVC 10 Asbestos-cement
 1 Steel 3 Stainless steel 5 Fiberglass 8 RMP (SR) 11 Other (specify) _____
 2 Brass 4 Galvanized steel 6 Concrete tile 9 ABS 12 None used (open hole)
 SCREEN OR PERFORATION OPENINGS ARE:
 1 Continuous slot 3 Mill slot 5 Gauzed wrapped 8 Saw cut 11 None (open hole)
 2 Louvered shutter 4 Key punched 6 Wire wrapped 9 Drilled holes
 7 Torch cut 10 Other (specify) _____
 SCREEN-PERFORATED INTERVALS: From 59 ft. to 120 ft., From _____ ft. to _____ ft.
 GRAVEL PACK INTERVALS: From NONE ft. to _____ ft., From _____ ft. to _____ ft.

6 GROUT MATERIAL: 1 Neat cement 2 Cement grout 3 Bentonite 4 Other _____
 Grout Intervals: From 13 ft. to Surface ft., From _____ ft. to _____ ft., From _____ ft. to _____ ft.
 What is the nearest source of possible contamination:
 1 Septic tank 4 Lateral lines 7 Pit privy 10 Livestock pens 14 Abandoned water well
 2 Sewer lines 5 Cess pool 8 Sewage lagoon 11 Fuel storage 15 Oil well/Gas well
 3 Watertight sewer lines 6 Seepage pit 9 Feedyard 12 Fertilizer storage 16 Other (specify below)
 13 Insecticide storage _____
 Direction from well? North North west How many feet? 2000

FROM	TO	LITHOLOGIC LOG	FROM	TO	LITHOLOGIC LOG
0	2	Top Soil	74	75	LIME Lite
2	9	Clay Yellow	75	89	Red Rock
9	10	LIME Yel	89	90	LIME
10	11	Red Rock	90	95	Shale Green & Red
11	12	LIME Lite	95	100	LIME Yel
12	20	Red Rock	100	102	Shale Yel Soft
20	26	Shale Green	102	105	Fractured LIME
26	32	LIME Lite	105	114	LIME Lite TAN
32	35	Shale Lite	114	119	Shale Blue
35	36	LIME Lite	119	120	Shale LIME Gray
36	40	Shale Lite	120	121	Shale Gray
40	47	LIME Lite	121	123	LIME Gray
47	59	Shale Yel	123	125	Shale Gray
59	62	Fractured LIME Yel			
62	74	Shale Yel			

7 CONTRACTOR'S OR LANDOWNER'S CERTIFICATION: This water well was (1) constructed, (2) reconstructed, or (3) plugged under my jurisdiction and was completed on (mo/day/year) July 23 1983 and this record is true to the best of my knowledge and belief. Kansas Water Well Contractor's License No. 218 This Water Well Record was completed on (mo/day/yr) _____ under the business name of Zinn Water Well Only by (signature) Joseph A. Zinn

INSTRUCTIONS: Use typewriter or ball point pen, PLEASE PRESS FIRMLY and PRINT clearly. Please fill in blanks. Underline or circle the correct answers. Send top three copies to Kansas Department of Health and Environment, Division of Environment, Environmental Geology Section, Topeka, KS 66620. Send one to WATER WELL OWNER and retain one for your records.

OFFICE USE ONLY T 16 R 6 EW SEC. 5 S 1/4 SE 1/4 NE 1/4

50,055

Tietsort, Katie [KDA]

From: Schemm, Doug [KDA]
Sent: Wednesday, May 9, 2018 3:33 PM
To: Shawn@tiffanycattle.com
Cc: Tietsort, Katie [KDA]; Letourneau, Lane [KDA]
Subject: New STK application
Attachments: Tiffany Cattle Company.pdf; SUPPLEMENTAL SHEET STOCK.DOCX; MDS Form.docx; App GW STK use.docx

Shawn, as we discussed earlier today, your existing wells are barely able to supply enough water for your feedlot needs, and the dry weather ahead is only going to exacerbate the problem. You have identified an existing well that you can pump water from and run a pipeline to the feedlot. Due to your immediate need for additional water, it is obvious that going through the standard permitting process would not be timely enough to help with your urgent needs of the feedlot because of the time it takes to process an application.

Under these conditions this office contacted Lane Letourneau, Program Manager of the Division of Water Resources, to discuss your particular situation. Mr. Letourneau indicated that he had no objections to granting permission to pump from your existing well prior to issuing the permit under the following conditions:

#1) An application has been prepared and is attached to this e-mail. You **must sign the application at Paragraph Nos. 6 and 16**. For the requested quantity of 319.24 acre-feet, the filing fee would be **\$300**. In addition, please sign the site map and have the enclosed Minimum Desirable Streamflow form signed and notarized. Please submit the application and filing fee to the **Kansas Department of Agriculture, Division of Water Resources, 1320 Research Park Drive, Manhattan, KS 66502**, as soon as possible.

#2) That this permission to pump is limited to providing water for the feedlot only.

If you have questions about this information please give me a call at (785) 296-3495.
Doug Schemm

10 May 18
(Date)

Kansas Department of Agriculture
Division of Water Resources
David W. Barfield, Chief Engineer
1320 Research Park Drive
Manhattan, Kansas 66502

Re: Application
File No. 50055

Minimum Desirable Streamflow

Dear Sir:

I understand that a Minimum Desirable Streamflow requirement has been established by the legislature for the source of supply to which the above referenced application applies.

I understand that diversion of water pursuant to this application will be subject to regulation any time Minimum Desirable Streamflow requirements are not being met.

I also 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. I realize that this could affect the economics of my decision to appropriate water.

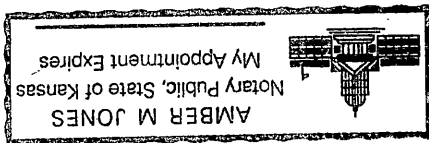
I am aware of the above factors, and with the knowledge thereof, request that the Division of Water Resources proceed with processing and approval, if possible, of the above referenced application.

Shawn M Tiffany
Signature of Applicant

Shawn M Tiffany
(Print Applicant's Name)

State of Kansas)
County of Morris) ss

I hereby certify that the foregoing instrument was signed in my presence and sworn to before me this 10th day of May, 2018.



Amber Jones
Notary Public

My Commission Expires: 06/09/2021

Water Resources
Received

MAY 14 2018

KS Dept Of Agriculture

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**MINIMUM DESIRABLE STREAMFLOW FORM TO BE USED WHEN
APPLICABLE WHEN FILING AN APPLICATION FOR PERMIT
TO APPROPRIATE WATER FOR BENEFICIAL USE**

The Kansas Legislature has established minimum desirable streamflows for the streams listed below. If your proposed diversion of water is going to be from one of these watercourses or adjacent alluvial aquifers, please complete the back side of this page and submit it along with your application for permit to appropriate water.

Arkansas River
Big Blue River
Chapman Creek
Chikaskia River
Cottonwood River
Delaware River
Little Arkansas River
Little Blue River
Marais des Cygnes River
Medicine Lodge River
Mill Creek (Wabaunsee Co. area)
Neosho River

Ninnescah River
North Fork Ninnescah River
Rattlesnake Creek
Republican River
Saline River
Smoky Hill River
Solomon River
South Fork Ninnescah
Spring River
Walnut River
Whitewater River

**Water Resources
Received**

MAY 14 2018

KS Dept Of Agriculture

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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

19,000 head of Cattle x 15 gallons/head (avg.) x 365 days = 104.025 Million gallons

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

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

COOLING

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

SANITATION

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

OTHER USE (Explain) _____ = _____ gallons

TOTAL ----- 104.025 M 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 20,000 linear feet.

8. Total size of stock pens for confinement area of cattle, hogs, etc. is _____ 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
Received

MAY 14 2018



Shawn Tiffany <shawnmtiffany@gmail.com>

New STK application

1 message

Schemm, Doug [KDA] <Doug.Schemm@ks.gov>

Wed, May 9, 2018 at 3:32 PM

To: "Shawn@tiffanycattle.com" <Shawn@tiffanycattle.com>

Cc: "Tietsort, Katie [KDA]" <Katie.Tietsort@ks.gov>, "Letourneau, Lane [KDA]" <Lane.Letourneau@ks.gov>

Shawn, as we discussed earlier today, your existing wells are barely able to supply enough water for your feedlot needs, and the dry weather ahead is only going to exacerbate the problem. You have identified an existing well that you can pump water from and run a pipeline to the feedlot. Due to your immediate need for additional water, it is obvious that going through the standard permitting process would not be timely enough to help with your urgent needs of the feedlot because of the time it takes to process an application.




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Doug Schemm

4 attachments **Tiffany Cattle Company.pdf**
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25K **MDS Form.docx**
19K **App GW STK use.docx**
66K

Water Resources
Received

MAY 14 2018

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

May 16, 2018

TIFFANY CATTLE CO, INC
1333 S 2500 RD
HERINTON KS 67499

RE: Application
File No. 50055

Dear Sir or Madam:

Your application for permit to appropriate water in 5-16S-6E in Morris 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: TOPEKA Field Office
GMD

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