

File No. **50,162** 15. Formation Code: **180** Drainage Basin: **S.F. Big Nemaha** County: **BR** Special Use: Stream:

16. Points of Diversion											
MOD	DEL	ENT	PDIV	Qualifier	S	T	R	ID	'N	'W	
MOD				SW NW SE	35	1	17E	9	1697	2627	GEO-CTR
MOD				SW NW SE	35	1	17E	10	1851	2633	BATT 1 OF 2
MOD				SW NW SE	35	1	17E	11	1542	2621	BATT 1 OF 2

17. Rate and Quantity MOD ADDL RATE				
Authorized		Additional		
Rate gpm	Quantity af	Rate gpm	Quantity af	Overlap PD Files
800	160	0	160	47,383

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

19. Limitation: _____ af/yr at **800** gpm (_____ cfs) when combined with file number(s) **47,382**
 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? 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							
MOD			60628	35	1	17E	2	40	40	40	40									40	40	40	40	320	7a.	No	47,383*			

Comments: ***CHANGE ON 47,383 WILL CREATE A COMPLETE OVERLAP IN PU, and update well locations.**

KANSAS DEPARTMENT OF AGRICULTURE
Division of Water Resources

MEMORANDUM

TO: Files

DATE: February 20, 2019

FROM: Doug Schemm

RE: Application File No. 50,162

Howard Farms, Inc. has filed the above referenced application proposing to appropriate 160 acre-feet of groundwater at a diversion rate of 800 gallons per minute for irrigation use. The point of diversion is an existing battery of two wells authorized under Appropriation of Water, File No. 47,383. A pending change in place of use for File No. 47,383 will create a complete overlap in place of use with the new application. The well battery is located in the Southeast Quarter of Section 35, Township 1 South, Range 17 East, Brown County, in the drainage basin of the South Fork Big Nemaha River. All of the proposed acreage (320 acres) is owned by the applicant, and a representative of the applicant has signed the application form stating they have access to the point of diversion.

Appropriation of Water, File No. 47,383 is authorized 160 acre-feet at 800 gallons per minute. The maximum allowable quantity of water for 320 acres is 320 acre-feet, for Brown County. Therefore, the requested quantity under the new application of 160 acre-feet will be all additional, while the rate will be limited to 800 gallons per minute with the senior file, to comply with well battery requirements. Note that the well locations and geographic center feet distances were modified slightly based on May 20, 2014 Field Inspection Report. These well locations will be updated during processing of the change application for File No. 47,383.

The applicant identified three irrigation wells, one owned by them, within one-half mile of the proposed point of diversion. A notification letter for both the new application and the change application was sent out on January 30, 2019 to the other irrigation well owner (Terry Reschke). No response of any kind was received. The WRIS database indicates that the nearest non-domestic point of diversion is located over 1,377 feet away, and the application meets minimum well spacing to all existing wells. Per the requirements in K.A.R. 5-4-4 for all other aquifers, the minimum well spacing should be 1,320 feet to all other non-domestic wells, and 660 feet to domestic wells. There are no known nearby domestic wells.

A review of the well log for File No. 47,383 and other nearby wells, show a mixture of clay, sand, and gravel sporadically distributed throughout the subsurface, which is typical of glacial drift deposits. Depths to groundwater and saturated thicknesses are also highly variable over short lateral distances, contributing to a complex, heterogeneous aquifer. However, in general, there is typically a coarse sand and gravel zone overlying the bedrock, which comprises the primary aquifer. The well log for File No. 47,383 shows sand and gravel extending from 49 feet to 100 feet below ground, where shale bedrock was encountered. Static water level is 49.5 feet below ground surface, providing a saturated thickness of over 50 feet.

Per the requirements in K.A.R. 5-3-11, safe yield is determined by the extent of the unconfined aquifer (glacial drift), within a two-mile circle radius of the point of diversion, which establishes the area of consideration. Much of the information for the aquifer in this local area was obtained from hydrologic data collected for senior water rights, and includes a saturated thickness map, cross-sections, and well logs. This information was updated with the test hole log data submitted by the applicant and further review of well completion logs. The well logs show that the sand and gravel deposits do not extend to the northeast of the project area. Therefore, for this application, and to maintain consistency with the senior file, the area of consideration was determined by excluding the area in the northeast portion of the two-mile circle where sand and gravel deposits were less than 10 feet in thickness. The rest of the two-mile circle was included in the analysis based on the extent of the glacial drift aquifer determined primarily on the saturated thickness map and geologic deposits.

Application, File No. File No. 50,162 has an Area of Consideration of 5,668 acres, a Potential Recharge of 5.2 inches, and 100% of the recharge available for appropriation, providing a safe yield 2,456.3 acre-feet. Existing water rights have appropriated 2,097 acre-feet, providing a difference of 359.29 acre-feet available for appropriation, and the application requesting 160 acre-feet complies with safe yield.

Howard Farms, Inc.
File No. 50,162
Page 2

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. The application indicates that chemicals will be injected into the water pumped under this permit, therefore a check valve will also be required on the diversion works. A diversion rate in excess of 100 gallons per minute has been proposed so water level measurement devices will also be required.

Katie Tietsort, Water Commissioner of the Topeka Field Office, recommended approval of the referenced application during a February 18, 2019 discussion.

Based on the above discussion, the area is open to new appropriations, the application complies with minimum well spacing and safe yield criteria, the proposed use is reasonable, and approval of the application will not impair senior water rights, it is recommended that the referenced new application be approved, in conjunction with the change in place of use for File No. 47,383.

Doug Schemm
Environmental Scientist
Topeka Field Office

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, Acting Secretary

Laura Kelly, Governor

March 15, 2019

HOWARD FARMS INC
% JOHN R HOWARD
1606 280TH ST
HIAWATHA KS 66434

FILE COPY

Re: Appropriation of Water, File No. 50,162

Dear Mr. Howard:


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:dws
Enclosures

pc: Topeka Field Office

THE STATE  OF KANSAS

KANSAS DEPARTMENT OF AGRICULTURE
Mike Beam, Acting 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. 50,162** of the applicant

Howard Farms, Inc.
1606 280th Street
Hiawatha, Kansas 66434

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 **November 13, 2018**.
2. That the water sought to be appropriated shall be used for irrigation use on land described in the application, as follows:

Sec. Twp. Range	NE ¹ / ₄				NW ¹ / ₄				SW ¹ / ₄				SE ¹ / ₄				TOTAL	
	NE ¹ / ₄	NW ¹ / ₄	SW ¹ / ₄	SE ¹ / ₄	NE ¹ / ₄	NW ¹ / ₄	SW ¹ / ₄	SE ¹ / ₄	NE ¹ / ₄	NW ¹ / ₄	SW ¹ / ₄	SE ¹ / ₄	NE ¹ / ₄	NW ¹ / ₄	SW ¹ / ₄	SE ¹ / ₄		
35 1S 17E	40	40	40	40										40	40	40	40	320

3. That the authorized source from which the appropriation shall be made is groundwater from the glacial drift aquifer, to be withdrawn by means of a battery of two (2) wells with a geographic center located in the Southwest Quarter of the Northwest Quarter of the Southeast Quarter (SW¹/₄ NW¹/₄ SE¹/₄) of Section 35, more particularly described as being near a point 1,697 feet North and 2,627 feet West of the Southeast corner of said section, in Township 1 South, Range 17 East, Brown 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 **800 gallons per minute (1.78 c.f.s.)** and to a quantity not to exceed **160.0 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 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.

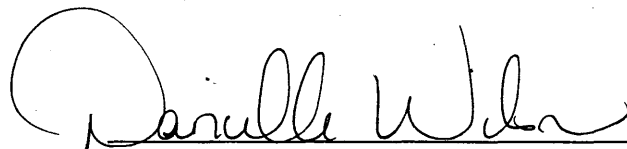
CERTIFICATE OF SERVICE

On this 15th day of March, 2019, I hereby certify that the foregoing Approval of Application and Permit to Proceed, File No. 50,162, dated March 13th, 2019 was mailed postage prepaid, first class, US mail to the following:

HOWARD FARMS INC
1606 280TH ST
HIAWATHA KS 66434

With photocopies to:

Topeka Field Office



Division of Water Resources

THE STATE OF KANSAS



KANSAS DEPARTMENT OF AGRICULTURE

DIVISION OF WATER RESOURCES

Jackie McClaskey, Secretary of Agriculture

David W. Barfield, Chief Engineer

File Number

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

APPLICATION COMPLETE
2/18/19
Reviewer KAS

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.)

50162

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): HOWARD FARMS INC.

Address: 1606 280TH ST

City: HIAWATHA State: KS Zip Code 66434

Telephone Number: (785) 742-2706

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

OR groundwater in SF BIG NEMAHA 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 160 acre-feet OR gallons per calendar year, to be diverted at a maximum rate of 800 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

SCANNED
Water Resources Received
NOV 13 2018 11/15/2018
1:02
KS Dept Of Agriculture WM

50162

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.

Code REG Fee \$ TR # Receipt Date Check #
DWR 1-100 (Revised 02/16/2011)

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 NW quarter of the SE quarter of Section 35, more particularly described as being near a point 1697 feet North and 2627 feet West of the Southeast corner of said section, in Township 1 South, Range 17 EAST, BROWN, County, Kansas. GEO-CENTER
(B) One in the SW quarter of the NW quarter of the SE quarter of Section 35, more particularly described as being near a point 1851 feet North and 2633 feet West of the Southeast corner of said section, in Township 1 South, Range 17 EAST, BROWN, County, Kansas. BATT 1 OF 2
(C) One in the SW quarter of the NW quarter of the SE quarter of Section 35, more particularly described as being near a point 1542 feet North and 2621 feet West of the Southeast corner of said section, in Township 1 South, Range 17 EAST, BROWN, County, Kansas. BATT 1 OF 2
(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)

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 11-7, 2018 Howard F. ... By [Signature] Howard F. ... PRES. Applicant's Signature

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

and (was) completed (by) SPRING 2019 (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 SPRING 2019 (Mo/Day/Year)

DWR 1-100 (Revised 02/16/2011)

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. Water Resources Received

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.

NOV 13 2018

KS Dept Of Agriculture

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

THE STATE OF KANSAS



KANSAS DEPARTMENT OF AGRICULTURE

DIVISION OF WATER RESOURCES

Jackie McClaskey, Secretary of Agriculture

David W. Barfield, Chief Engineer

File Number

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.)

50162

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): HOWARD FARMS INC.

Address: 1606 280th ST

City: HIAWATHA State: KS Zip Code 66434

Telephone Number: (785) 742-2706

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

OR groundwater in SF BIG NEMAHA 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 160 acre-feet OR gallons per calendar year, to be diverted at a maximum rate of 800 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) Water Resources Received
(d) Water Power
(e) Industrial (f) Municipal (g) Stockwatering (h)
(i) Domestic (j) Dewatering (k) Hydraulic Dredging (l)
(m) Thermal Exchange (n) Contamination Remediation

Water Resources Received NOV 13 2018 1:02 11/15/2018 KS Dept Of Agriculture WM

For Office Use Only:

F01 AND 8

67-12B B2 DAW 11/13/18 1232 \$350445

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

50162

GROUNDWATER WELLS

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.

47,383 PD AND PU OVERLAP

Limited to 800 gpm with senior file.

DWR 1-100 (Revised 02/16/2011)

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
	(A)	(B)	(C)	(D)
Well location as shown in paragraph No.				
Date Drilled	_____	_____	_____	_____
Total depth of well	_____	_____	_____	_____
Depth to water bearing formation	_____	_____	_____	_____
Depth to static water level	_____	_____	_____	_____
Depth to bottom of pump intake pipe	_____	_____	_____	_____

Water Resources
Received

NOV 13 2018

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)

KS Dept Of Agriculture

SCANNED

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

50162

(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 AWAUGH, Kansas, this 7 day of Nov., 2018
(month) (year)

(Applicant Signature) _____
APPLICANT(S) SOCIAL SECURITY IDENTIFICATION NUMBER(S)
John R. Howard
(Agent or Officer Signature) _____
and/or
APPLICANT(S) TAXPAYER I.D. NO.(S)
JOHN R. HOWARD 48-0836414
(Agent or Officer - Please Print)

Assisted by DWS TOPEKA FO Date: 11/5/2018
(office/title)

DWR 1-100 (Revised 02/16/2011)

FEE SCHEDULE

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

ACRE-FEET FEE

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

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

ACRE-FEET FEE

0-250 \$200.00
More than 250 \$200.00 plus \$20.00 for each additional 250 acre-feet of storage or any part thereof.

Note: If an application requests both direct use and storage, the fee charged shall be as determined under No. 1 or No. 2 above, whichever is greater, but not both fees.

Water Resources Received

NOV 13 2018

KS Dept Of Agriculture

SCANNED

3. The fee for an application for a permit to appropriate water for water power or dewatering purposes shall be \$100.00 plus \$200.00 for each 100 cubic feet per second, or part thereof, of the diversion rate requested.

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

50162

MAKE CHECKS PAYABLE TO THE KANSAS DEPARTMENT OF AGRICULTURE

ATTENTION

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

CONVERSION FACTORS

1 acre-foot equals 325,851 gallons

1 million gallons equal 3.07 acre-feet

Water Resources
Received

NOV 13 2018

KS Dept Of Agriculture

SCANNED

**IRRIGATION USE
SUPPLEMENTAL SHEET**

File No. 50,162

Name of Applicant (Please Print): Howard Farms Inc.

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

Landowner of Record NAME: HOWARD FARMS INC.

ADDRESS: 1606 280TH ST, HIAWATHA KS 66434

S	T	R	NE¼				NW¼				SW¼				SE¼				TOTAL ACRES			
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE				
35	1S	17E	40	40	40	40												40	40	40	40	320

Landowner of Record NAME: _____

ADDRESS: _____

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

Landowner of Record NAME: _____

ADDRESS: _____

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

50,162

ATTACHMENT "A"
FILE NO. 47383

Authorized Points of Diversion - Battery of 2 Wells

GEO CTR - (SW NW SE)	35-1-17E	1683'N & 2600'W	I.D.# 9
1 Well - (SW NW SE)	35-1-17E	1845'N & 2605'W	I.D.# 10
1 Well - (SW NW SE)	35-1-17E	1520'N & 2595'W	I.D.# 11

Actual Points of Diversion - Battery of 2 Wells

GEO CTR - (SW NW SE)	35-1-17E	1697'N & 2627'W	I.D.# 9
1 Well - (SW NW SE)	35-1-17E	1851'N & 2633'W	I.D.# 10
1 Well - (SW NW SE)	35-1-17E	1542'N & 2621'W	I.D.# 11

GPS DATA

Well (ID#10) Latitude = 39.919070 Longitude = 95.479830

Well (ID#11) Latitude = 39.918220 Longitude = 95.479790

Difference between authorized & actual = 30 Feet

#50,162
meets safe yield

Analysis Results

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

The safe yield based on the variables listed below is 2,456.30 AF.

Total prior appropriations in the circle is 2,097.00 AF. $-0 = 2097$ AF

Total quantity of water available for appropriation is 359.29 AF.

Safe Yield Variables

The area used for the analysis is set at 5,668 acres.

The potential annual recharge at the circle center is estimated to be 5.2 inches.

The percent of recharge available for appropriation is 100%.

Authorized Quantity values are as of 30-JAN-2019 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 10 water rights and 24 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 46707 00	IRR	LR	G		NW	NW	SE	2440	2440	03	02	17E	3	WR	142.00	142.00	142.00	142.00
Same	IRR	LR	G		NE	NW	SE	2440	1850	03	02	17E	4	WR				
Same	IRR	LR	G		NW	NW	SE	2440	2145	03	02	17E	7	WR				
A 46708 00	IRR	MM	G		SW	SW	NW	2890	5247	03	02	17E	12	WR	320.00	320.00	320.00	320.00
A 47382 00	IRR	LR	G		SE	SE	NW	2700	3208	35	01	17E	13	WR	160.00	160.00 ✓	400.00	400.00
Same	IRR	LR	G		SW	SE	NW	2671	3802	35	01	17E	14	WR				
Same	IRR	LR	G		SW	SE	NW	2682	3548	35	01	17E	16	WR				
Same	IRR	LR	G		SW	SE	NW	2674	3634	35	01	17E	17	WR				
A 47383 00	IRR	LR	G		SW	NW	SE	1683	2600	35	01	17E	9	WR	160.00	160.00	160.00	160.00
Same	IRR	LR	G		SW	NW	SE	1845	2605	35	01	17E	10	WR				
Same	IRR	LR	G		SW	NW	SE	1520	2595	35	01	17E	11	WR				
A 47392 00	MUN	LO	G		NW	NW	SW	2344	5135	02	02	17E	3	WR	620.00	620.00		
Same	MUN	LO	G		NW	NW	SW	2441	5189	02	02	17E	4	WR				
Same	MUN	LO	G		NW	NW	SW	2217	5191	02	02	17E	5	WR				
Same	MUN	LO	G		NW	NW	SW	2328	5043	02	02	17E	6	WR				
A 47461 00	IRR	LR	G		NE	SW	NE	3685	1785	04	02	17E	6	WR	245.00	245.00	245.00	245.00
Same	IRR	LR	G		NW	SW	NE	3685	2075	04	02	17E	8	WR				
A 48616 00	IRR	LR	G		SW	SW	NW	2718	5253	35	01	17E	1	WR	400.00	240.00 ✓	400.00	0.00
A 50150 00	IRR	AY	G		NW	SE	SW	1070	4050	35	01	17E	18	WR	50.00	50.00 ✓	400.00	400.00
Same	IRR	AY	G		NW	SE	SW	830	3912	35	01	17E	19	WR				
Same	IRR	AY	G		SW	NE	SW	1330	3950	35	01	17E	20	WR				
A 50151 00	IRR	AY	G		SE	SE	SW	245	2860	35	01	17E	21	WR	160.00	160.00 ✓	400.00	0.00
Same	IRR	AY	G		SE	SE	SW	35	2660	35	01	17E	22	WR				
Same	IRR	AY	G		SE	SE	SW	450	2660	35	01	17E	23	WR				
A 50162 00	IRR	AY	G		SW	NW	SE	1683	2600	35	01	17E	9	WR	160.00	0.00 ✓	160.00	0.00

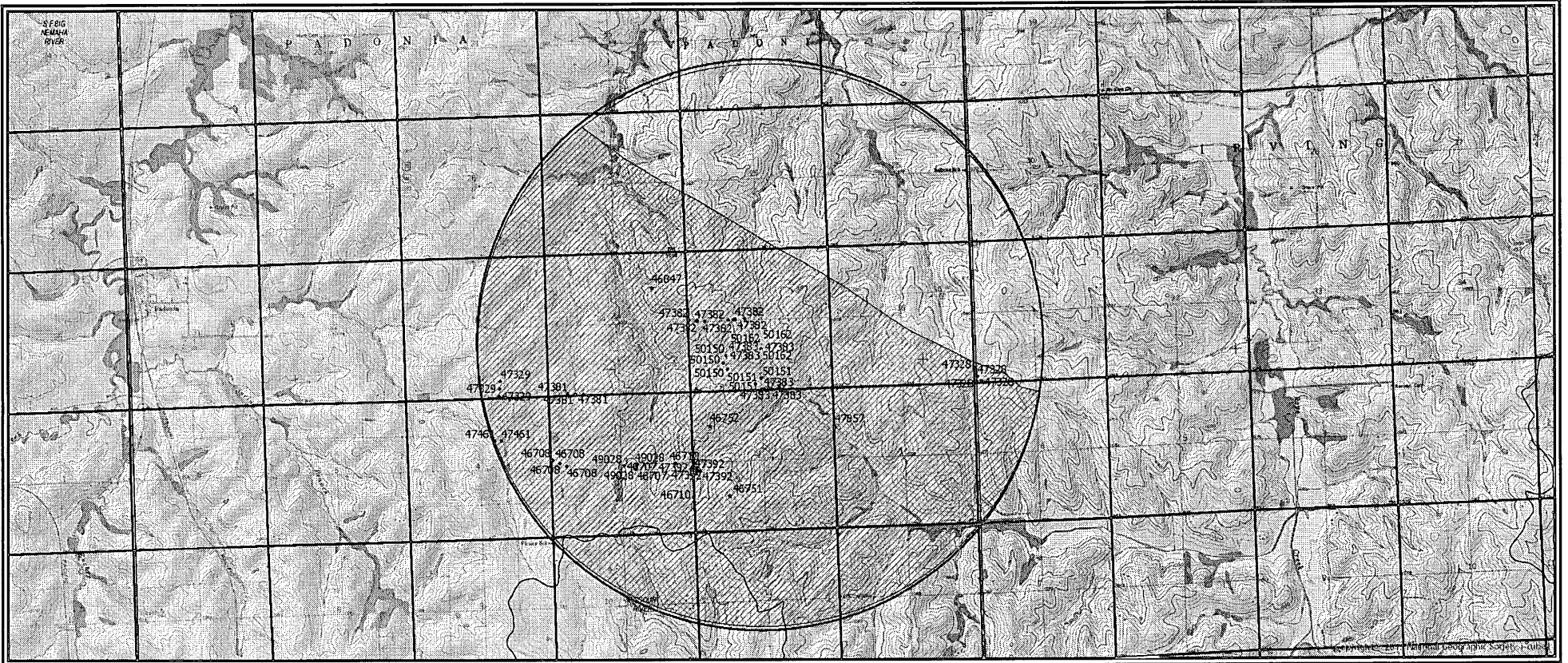
these are approved

Safe Yield Report Sheet

Water Right- A5016200

Point of Diversion in 35-01S-17E

Footages from SE corner- 1,683 feet North 2,600 feet West



File Number	Use	ST	SR	Q4	Q3	Q2	Q1	FeetN	FeetW	Sec	Twp	Rng	ID	Qind	Auth Quant	Add Quant	Tot Acres	Net Acres
Same	IRR	AY	G		SW	NW	SE	1845	2605	35	01	17E	10	WR				
Same	IRR	AY	G		SW	NW	SE	1520	2595	35	01	17E	11	WR				

Limitations

File Number	Seq Num	Limitations
A 48616 00	1	400 AF COM/W #47382 $240 + 160 = 400$ AF ✓

AMOUNT STATISTICS REPORT FOR POINTS OF DIVERSION UNDER A 50162 00

#####

AMOUNT STATISTICS REPORT FOR POINTS OF DIVERSION UNDER A 50162 00 IRR

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

1683 Feet North and 2600 Feet West of the Southeast Corner of Section 35 T 1S R 17E

GROUNDWATER ONLY

All wells
>1,320 feet
meets well
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__ 46707	00	IRR	LR	G	6586	--	NW	NW	SE	2440	2145	3	2	17E	7	G	2	142.00	142.00	AF
Same					6805	--	NW	NW	SE	2440	2440	3	2	17E	3	B	2			
Same					6374	--	NE	NW	SE	2440	1850	3	2	17E	4	B	2			
A__ 46708	00	IRR	MM	G	8889	--	SW	SW	NW	2890	5247	3	2	17E	12		320.00	320.00	AF	
A__ 47382	00	IRR	LR	G	1377	--	SW	SE	NW	2682	3548	35	1	17E	16	G	3	160.00	160.00	AF
Same					1185	--	SE	SE	NW	2700	3208	35	1	17E	13	B	3			
Same					1556	--	SW	SE	NW	2671	3802	35	1	17E	14	B	3			
Same					1432	--	SW	SE	NW	2674	3634	35	1	17E	17	B	3			
A__ 47383	00	IRR	LR	G*	0	--	SW	NW	SE	1683	2600	35	1	17E	9	G	2	160.00	160.00	AF
Same					162	--	SW	NW	SE	1845	2605	35	1	17E	10	B	2			
Same					163	--	SW	NW	SE	1520	2595	35	1	17E	11	B	2			
A__ 47392	00	MUN	LO	G	5241	--	NW	NW	SW	2344	5135	2	2	17E	3	G	3	620.00	620.00	AF
Same					5183	--	NW	NW	SW	2441	5189	2	2	17E	4	B	3			
Same					5379	--	NW	NW	SW	2217	5191	2	2	17E	5	B	3			
Same					5211	--	NW	NW	SW	2328	5043	2	2	17E	6	B	3			
A__ 47461	00	IRR	LR	G	10535	--	NW	SW	NE	3685	2075	4	2	17E	8	G	2	245.00	245.00	AF
Same					10260	--	NE	SW	NE	3685	1785	4	2	17E	6	B	2			
A__ 48616	00	IRR	LR	G	2848	--	SW	SW	NW	2718	5253	35	1	17E	1		400.00	240.00	AF	
A__ 50150	00	IRR	AY	G	1574	--	NW	SE	SW	1070	4050	35	1	17E	18	G	2	50.00	50.00	AF
Same					1565	--	NW	SE	SW	830	3912	35	1	17E	19	B	2			
Same					1395	--	SW	NE	SW	1330	3950	35	1	17E	20	B	2			
A__ 50151	00	IRR	AY	G	1461	--	SE	SE	SW	245	2860	35	1	17E	21		160.00	160.00	AF	
Same					1649	--	SE	SE	SW	35	2660	35	1	17E	22					
Same					1234	--	SE	SE	SW	450	2660	35	1	17E	23					
A__ 50162	00	IRR	AY	G	0	--	SW	NW	SE	1683	2600	35	1	17E	9	G	2	160.00	.00	AF
Same					162	--	SW	NW	SE	1845	2605	35	1	17E	10	B	2			
Same					163	--	SW	NW	SE	1520	2595	35	1	17E	11	B	2			

Total Net Quantities Authorized:		Direct	Storage
Total Requested Amount (AF) =		210.00	.00
Total Permitted Amount (AF) =		.00	.00
Total Inspected Amount (AF) =		1567.00	.00
Total Pro_Cert Amount (AF) =		320.00	.00
Total Certified Amount (AF) =		.00	.00
Total Vested Amount (AF) =		.00	.00
TOTAL AMOUNT (AF) =		2097.00	.00

An * after the source of supply indicates a pending application for change under the file number.
 An * after the ID indicates a 15 AF exemption was granted under 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:

1683 Feet North and 2600 Feet West of the Southeast Corner of Section 35 T 1S R 17E

GROUNDWATER ONLY

WATER USE CORRESPONDENTS:

=====

File Number Use ST SR

A__ 46707 00 IRR LR G
> KENNETH C & NANCY S BABCOCK
>
> 1858 220TH ST
> HIAWATHA KS 66434
>-----

A__ 46708 00 IRR MM G
> JERRY & JANE RESCHKE
>
> 1515 320TH ST
> HIAWATHA KS 66434
>-----

A__ 47382 00 IRR LR G
> HOWARD FARMS INC
>
> 1606 280TH ST
> HIAWATHA KS 66434
>-----

A__ 47383 00 IRR LR G
> HOWARD FARMS INC
>
> 1606 280TH ST
> HIAWATHA KS 66434
>-----

A__ 47392 00 MUN LO G
> PUBLIC WHOLESALE WATER SUPPLY DIST #27
> ATTN PRESIDENT
> PO BOX 111
> HIAWATHA KS 66434
>-----

A__ 47461 00 IRR LR G
> JERRY & JANE RESCHKE
>
> 1515 320TH ST
> HIAWATHA KS 66434
>-----

A__ 48616 00 IRR LR G
> HOWARD FARMS INC
>
> 1606 280TH ST
> HIAWATHA KS 66434
>-----

A__ 50150 00 IRR AY G
> TERRY RESCHKE
>
> 505 NAVAJO ST
> HIAWATHA KS 66434
>-----

A__ 50151 00 IRR AY G

Topeka Field Office
6531 SE Forbes Ave., Suite B
Topeka, KS 66619



Phone: 785-296-5733
Fax: 785-296-8298
www.agriculture.ks.gov

Mike Beam, Interim Secretary

Laura Kelly, Governor

January 30, 2019

TERRY RESCHKE
505 NAVAJO ST
HIAWATHA KS 66434

Re: Pending New Application, File No. 50,162; and
Change Application, Appropriation of Water, File No. 47,383 (Place of Use)

Dear Sir or Madam:


This is to advise you that Howard Farms Inc. has filed the new application referred to above for permit to appropriate groundwater for irrigation use. Application, File No. 50,162 is requesting 160 acre-feet of groundwater per calendar year to be diverted at a maximum rate of 800 gallons per minute from an existing battery of wells, currently authorized under Appropriation of Water, File No. 47,383. The pending change application for File No. 47,383 will increase its authorized place of use to match the new application irrigation project. The proposed point of diversion is in the Southeast Quarter of Section 35, in Township 1 South, Range 17 East, Brown County, Kansas.

Records in this office indicate that you may have a well or wells in this vicinity and you are being notified of receipt of these applications in order that you may be fully informed of the proposed locations of the applicant's point of diversion and proposed use of water. Consideration will be given to comments or other information which you desire to submit to this office **within 15 days** from the date of this letter.

You can find the new and change applications and site maps posted by the file numbers referenced above at: <http://agriculture.ks.gov/divisions-programs/dwr/water-appropriation/notices>

If you have any questions or comments, you may also contact me at (785) 296-3495. If you call, please reference the file number so I can help you more efficiently.

Sincerely,


Douglas W. Schemm
Environmental Scientist
Topeka Field Office

pc: Howard Farms Inc.

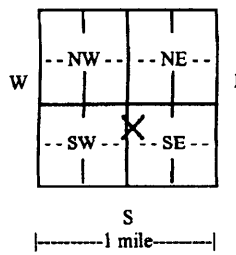
50,162

WATER WELL RECORD

Form WWC-5

Division of Water Resources App. No.

1 LOCATION OF WATER WELL: County: Brown		Fraction SW 1/4 SW 1/4 NW 1/4 SE 1/4	Section Number 35	Township No. T 1 S	Range Number R 17 <input checked="" type="checkbox"/> E <input type="checkbox"/> W
Street/Rural Address of Well Location; if unknown, distance & direction from nearest town or intersection: If at owner's address, check here <input type="checkbox"/> 1/2 mile East of 280th & Mulberry Rd, 1/3 mile north			Global Positioning System (GPS) information: Latitude: .39.918222..... (in decimal degrees) Longitude: -95.480027..... (in decimal degrees) Elevation: Datum: <input type="checkbox"/> WGS 84, <input checked="" type="checkbox"/> NAD 83, <input type="checkbox"/> NAD 27 Collection Method: <input checked="" type="checkbox"/> GPS unit (Make/Model: <u>Garmin 12xl</u>) <input type="checkbox"/> Digital Map/Photo, <input type="checkbox"/> Topographic Map, <input type="checkbox"/> Land Survey Est. Accuracy: <input type="checkbox"/> <3 m, <input checked="" type="checkbox"/> 3-5 m, <input type="checkbox"/> 5-15 m, <input type="checkbox"/> >15 m		
2 WATER WELL OWNER: Howard Farms Inc. RR#, Street Address, Box #: 1606 280th St. City, State, ZIP Code : Hiawatha, KS 66434					

3 LOCATE WELL WITH AN "X" IN SECTION BOX: N 	4 DEPTH OF COMPLETED WELL .87 ft. Depth(s) Groundwater Encountered (1) <u>.49</u> ft. (2)..... ft. (3)..... ft. WELL'S STATIC WATER LEVEL <u>.49.5</u>ft. below land surface measured on mo/day/yr. <u>05/02/2010</u> ... Pump test data: Well water was.....ft. after..... hours pumping..... gpm EST. YIELD <u>.240</u>gpm. Well water was.....ft. after..... hours pumping..... gpm Bore Hole Diameter <u>.14</u>in. to <u>.87</u>ft., andin. toft. WELL WATER TO BE USED AS: <input type="checkbox"/> Public water supply <input type="checkbox"/> Geothermal <input type="checkbox"/> Injection well <input type="checkbox"/> Domestic <input type="checkbox"/> Feedlot <input type="checkbox"/> Oil field water supply <input type="checkbox"/> Dewatering <input type="checkbox"/> Other (Specify below) <input checked="" type="checkbox"/> Irrigation <input type="checkbox"/> Industrial <input type="checkbox"/> Domestic-lawn & garden <input type="checkbox"/> Monitoring well Was a chemical/bacteriological sample submitted to Department? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No If yes, mo/day/yr sample was submitted..... Water well disinfected? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	
	5 TYPE OF CASING USED: <input type="checkbox"/> Steel <input checked="" type="checkbox"/> PVC <input type="checkbox"/> Other CASING JOINTS: <input checked="" type="checkbox"/> Glued <input type="checkbox"/> Clamped <input type="checkbox"/> Welded <input type="checkbox"/> Threaded Casing diameter <u>.8</u> in. to <u>.87</u> ft., Diameter in. to ft. Casing height above land surface <u>.24</u> in., Weight <u>7.07</u>lbs./ft., Wall thickness or gauge No. <u>.041</u> TYPE OF SCREEN OR PERFORATION MATERIAL: <input type="checkbox"/> Steel <input type="checkbox"/> Stainless Steel <input checked="" type="checkbox"/> PVC <input type="checkbox"/> Other (Specify) <input type="checkbox"/> Brass <input type="checkbox"/> Galvanized Steel <input type="checkbox"/> None used (open hole) SCREEN OR PERFORATION OPENINGS ARE: <input type="checkbox"/> Continuous slot <input checked="" type="checkbox"/> Mill slot <input type="checkbox"/> Gauze wrapped <input type="checkbox"/> Torch cut <input type="checkbox"/> Drilled holes <input type="checkbox"/> None (open hole) <input type="checkbox"/> Louvered shutter <input type="checkbox"/> Key punched <input type="checkbox"/> Wire wrapped <input type="checkbox"/> Saw cut <input type="checkbox"/> Other (specify) SCREEN-PERFORATED INTERVALS: From <u>.87</u> ft. to <u>.87</u> ft., From ft. to ft. GRAVEL PACK INTERVALS: From <u>.25</u> ft. to <u>.87</u> ft., From ft. to ft. From..... ft. to ft., From ft. to ft.	

6 GROUT MATERIAL: Neat cement Cement grout Bentonite Other
 Grout Intervals: From .5..... ft. to .25..... ft., From ft. to ft., From ft. to ft.
 What is the nearest source of possible contamination:
 Septic tank Lateral lines Pit privy Livestock pens Insecticide storage Other (specify below)
 Sewer lines Cesspool Sewage lagoon Fuel storage Abandoned water well
 Watertight sewer lines Seepage pit Feedyard Fertilizer storage Oil well/gas well None - open field
 Direction from well Distance from well

FROM	TO	LITHOLOGIC LOG	FROM	TO	LITHO. LOG (cont.) or PLUGGING INTERVALS
0	4	no sample	100	112	shale gray
4	15	clay silty brown			
15	34	clay silty light brown			
34	36	gravel course			
36	49	clay brown			
49	65	sand & gravel			
65	83	finer sand & gravel			
83	87	gravel coarse			
87	94	clay brown			
94	100	gravel fine uniform angular			

7 CONTRACTOR'S OR LANDOWNER'S CERTIFICATION: This water well was constructed, reconstructed, or plugged under my jurisdiction and was completed on (mo/day/year) 04/27/2010..... and this record is true to the best of my knowledge and belief. Kansas Water Well Contractor's License No. .779..... This Water Well Record was completed on (mo/day/year) 06/02/2010..... under the business name of Drill-Well, LLC..... by (signature) *[Signature]*.....

INSTRUCTIONS: Use typewriter or ball point pen. PLEASE PRESS FIRMLY and PRINT clearly. Please fill in blanks and check the correct answers. Send three copies (white, blue, pink) to Kansas Department of Health and Environment, Bureau of Water, Geology Section, 1000 SW Jackson St., Suite 420, Topeka, Kansas 66612-1367. Telephone 785-296-5522. Send one copy to WATER WELL OWNER and retain one for your records. Include fee of \$5.00 for each constructed well. Visit us at <http://www.kdheks.gov/waterwell/index.html>.

WATER WELL RECORD

Form WWC-5

Division of Water Resources App. No.

1 LOCATION OF WATER WELL: County: Brown	Fraction SE ¼ SE ¼ SW ¼ SW ¼	Section Number 34	Township No. T 1 S	Range Number R 17 <input checked="" type="checkbox"/> E <input type="checkbox"/> W
Street/Rural Address of Well Location; if unknown, distance & direction from nearest town or intersection: If at owner's address, check here <input type="checkbox"/> About 1/4 mile East of 280th and Mallard Rd.		Global Positioning System (GPS) information: Latitude: 39.914250 (in decimal degrees) Longitude: -95.503633 (in decimal degrees) Elevation: 1090' Datum: <input type="checkbox"/> WGS 84, <input checked="" type="checkbox"/> NAD 83, <input type="checkbox"/> NAD 27 Collection Method: <input checked="" type="checkbox"/> GPS unit (Make/Model: Garmin 12xl) <input type="checkbox"/> Digital Map/Photo, <input type="checkbox"/> Topographic Map, <input type="checkbox"/> Land Survey Est. Accuracy: <input type="checkbox"/> <3 m, <input checked="" type="checkbox"/> 3-5 m, <input type="checkbox"/> 5-15 m, <input type="checkbox"/> >15 m		
2 WATER WELL OWNER: Howard Farms Inc. RR#, Street Address, Box #: 1606 280th St. City, State, ZIP Code : Hiawatha, KS 66434				

3 LOCATE WELL WITH AN "X" IN SECTION BOX: N <table style="width: 100%; text-align: center; border-collapse: collapse;"> <tr> <td style="border: 1px solid black; width: 25px; height: 25px;">NW</td> <td style="border: 1px solid black; width: 25px; height: 25px;">NE</td> </tr> <tr> <td style="border: 1px solid black; width: 25px; height: 25px;">SW</td> <td style="border: 1px solid black; width: 25px; height: 25px;">SE</td> </tr> </table> S -----1 mile-----	NW	NE	SW	SE	4 DEPTH OF COMPLETED WELL 120 ft. Depth(s) Groundwater Encountered (1) 33 ft. (2) 59 ft. (3) 95 ft. WELL'S STATIC WATER LEVEL 25ft. below land surface measured on mo/day/yr. 09/30/2009 ... Pump test data: Well water was.....ft. after..... hours pumping..... gpm EST. YIELD. 200 ...gpm. Well water was.....ft. after..... hours pumping..... gpm Bore Hole Diameter 14in. to 120ft., andin. toft. WELL WATER TO BE USED AS: <input type="checkbox"/> Public water supply <input type="checkbox"/> Geothermal <input type="checkbox"/> Injection well <input type="checkbox"/> Domestic <input type="checkbox"/> Feedlot <input type="checkbox"/> Oil field water supply <input type="checkbox"/> Dewatering <input type="checkbox"/> Other (Specify below) <input checked="" type="checkbox"/> Irrigation <input type="checkbox"/> Industrial <input type="checkbox"/> Domestic-lawn & garden <input type="checkbox"/> Monitoring well Was a chemical/bacteriological sample submitted to Department? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No If yes, mo/day/yr sample was submitted..... Water well disinfected? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
NW	NE				
SW	SE				

5 TYPE OF CASING USED: Steel PVC Other

CASING JOINTS: Glued Clamped Welded Threaded
 Casing diameter **8**..... in. to **120**..... ft., Diameter in. to ft., Diameter in. to ft.
 Casing height above land surface. **24**..... in., Weight **5.39**.....lbs./ft., Wall thickness or gauge No. **0.322**.....

TYPE OF SCREEN OR PERFORATION MATERIAL:
 Steel Stainless Steel PVC Other (Specify)
 Brass Galvanized Steel None used (open hole)

SCREEN OR PERFORATION OPENINGS ARE:
 Continuous slot Mill slot Gauze wrapped Torch cut Drilled holes None (open hole)
 Louvered shutter Key punched Wire wrapped Saw cut Other (specify)

SCREEN-PERFORATED INTERVALS: From **95**..... ft. to **120**..... ft., From ft. to ft.
 From **55**..... ft. to **70**..... ft., From ft. to ft.
 GRAVEL PACK INTERVALS: From **25**..... ft. to **120**..... ft., From ft. to ft.
 From ft. to ft., From ft. to ft.

6 GROUT MATERIAL: Neat cement Cement grout Bentonite Other

Grout Intervals: From **5**..... ft. to **25**..... ft., From ft. to ft., From ft. to ft.

What is the nearest source of possible contamination:
 Septic tank Lateral lines Pit privy Livestock pens Insecticide storage Other (specify below)
 Sewer lines Cesspool Sewage lagoon Fuel storage Abandoned water well
 Watertight sewer lines Seepage pit Feedyard Fertilizer storage Oil well/gas well Road
 Direction from well **South**..... Distance from well **100'**.....

FROM	TO	LITHOLOGIC LOG	FROM	TO	LITHO. LOG (cont.) or PLUGGING INTERVALS
0	4	no sample	115	119	shale gray
4	23	clay silty brown	119	122	boulder
23	33	clay sandy brown	122	131	shale gray
33	52	sand brown M-C w/clay layers			
52	59	sand brown M-C w/few clay layers			
59	64	sand brown M-C			
64	95	clay silty gray			
95	103	sand & fine gravel			
103	111	clay silty gray			
111	115	gravel clean C			

7 CONTRACTOR'S OR LANDOWNER'S CERTIFICATION: This water well was constructed, reconstructed, or plugged under my jurisdiction and was completed on (mo/day/year) **09/30/2009**.... and this record is true to the best of my knowledge and belief. Kansas Water Well Contractor's License No. **779**..... This Water Well Record was completed on (mo/day/year) **10/19/2009**..... under the business name of **Drill-Well, LLC**..... by (signature) *[Signature]*

INSTRUCTIONS: Use typewriter or ball point pen. **PLEASE PRESS FIRMLY** and **PRINT** clearly. Please fill in blanks and check the correct answers. Send three copies (white, blue, pink) to Kansas Department of Health and Environment, Bureau of Water, Geology Section, 1000 SW Jackson St., Suite 420, Topeka, Kansas 66612-1367. Telephone 785-296-5522. Send one copy to WATER WELL OWNER and retain one for your records. Include fee of \$5.00 for each constructed well. Visit us at <http://www.kdheks.gov/waterwell/index.html>.

WATER WELL RECORD

Form WWC-5

Division of Water Resources App. No.

1 LOCATION OF WATER WELL: County: Brown	Fraction SW ¼ NW ¼ SW ¼ NW ¼	Section Number 35	Township No. T 1 S	Range Number R 17 <input checked="" type="checkbox"/> E <input type="checkbox"/> W
Street/Rural Address of Well Location; if unknown, distance & direction from nearest town or intersection: If at owner's address, check here <input type="checkbox"/> 1/3 mile South of 290th and Mulberry Rd.		Global Positioning System (GPS) information: Latitude: .39,92360 (in decimal degrees) Longitude: -95.489533 (in decimal degrees) Elevation: 1096' Datum: <input type="checkbox"/> WGS 84, <input checked="" type="checkbox"/> NAD 83, <input type="checkbox"/> NAD 27 Collection Method: <input checked="" type="checkbox"/> GPS unit (Make/Model: Garmin 12xl) <input type="checkbox"/> Digital Map/Photo, <input type="checkbox"/> Topographic Map, <input type="checkbox"/> Land Survey Est. Accuracy: <input type="checkbox"/> <3 m, <input checked="" type="checkbox"/> 3-5 m, <input type="checkbox"/> 5-15 m, <input type="checkbox"/> >15 m		
2 WATER WELL OWNER: Howard Farms Inc. RR#, Street Address, Box #: 1606 280th St. City, State, ZIP Code : Hiawatha, KS 66434				

3 LOCATE WELL WITH AN "X" IN SECTION BOX: N <table style="width: 100%; text-align: center; border-collapse: collapse;"> <tr> <td style="border: 1px solid black; padding: 5px;">NW</td> <td style="border: 1px solid black; padding: 5px;">NE</td> </tr> <tr> <td style="border: 1px solid black; padding: 5px;">SW</td> <td style="border: 1px solid black; padding: 5px;">SE</td> </tr> </table> S -----1 mile-----	NW	NE	SW	SE	4 DEPTH OF COMPLETED WELL 145 ft. Depth(s) Groundwater Encountered (1) 71 ft. (2) 130 ft. (3) ft. WELL'S STATIC WATER LEVEL 71 ft. below land surface measured on mo/day/yr. 07/17/2009 Pump test data: Well water was ft. after hours pumping gpm EST. YIELD 50 gpm. Well water was ft. after hours pumping gpm Bore Hole Diameter 14 in. to 145 ft., and in. to ft. WELL WATER TO BE USED AS: <input type="checkbox"/> Public water supply <input type="checkbox"/> Geothermal <input type="checkbox"/> Injection well <input type="checkbox"/> Domestic <input type="checkbox"/> Feedlot <input type="checkbox"/> Oil field water supply <input type="checkbox"/> Dewatering <input type="checkbox"/> Other (Specify below) <input checked="" type="checkbox"/> Irrigation <input type="checkbox"/> Industrial <input type="checkbox"/> Domestic-lawn & garden <input type="checkbox"/> Monitoring well Was a chemical/bacteriological sample submitted to Department? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No If yes, mo/day/yr sample was submitted. Water well disinfected? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
NW	NE				
SW	SE				

5 TYPE OF CASING USED: Steel PVC Other

CASING JOINTS: Glued Clamped Welded Threaded

Casing diameter .8 in. to 145 ft., Diameter in. to ft., Diameter in. to ft.
 Casing height above land surface 30 in., Weight 5.39 lbs./ft., Wall thickness or gauge No. 0.322

TYPE OF SCREEN OR PERFORATION MATERIAL:
 Steel Stainless Steel PVC Other (Specify) _____
 Brass Galvanized Steel None used (open hole)

SCREEN OR PERFORATION OPENINGS ARE:
 Continuous slot Mill slot Gauze wrapped Torch cut Drilled holes None (open hole)
 Louvered shutter Key punched Wire wrapped Saw cut Other (specify) _____

SCREEN-PERFORATED INTERVALS: From 75 ft. to 145 ft., From ft. to ft.
 From ft. to ft., From ft. to ft.

GRAVEL PACK INTERVALS: From 25 ft. to 145 ft., From ft. to ft.
 From ft. to ft., From ft. to ft.

6 GROUT MATERIAL: Neat cement Cement grout Bentonite Other

Grout Intervals: From 5 ft. to 25 ft., From ft. to ft., From ft. to ft.

What is the nearest source of possible contamination:
 Septic tank Lateral lines Pit privy Livestock pens Insecticide storage Other (specify below)
 Sewer lines Cesspool Sewage lagoon Fuel storage Abandoned water well
 Watertight sewer lines Seepage pit Feedyard Fertilizer storage Oil well/gas well Road
 Direction from well West Distance from well 50'

FROM	TO	LITHOLOGIC LOG	FROM	TO	LITHO. LOG (cont.) or PLUGGING INTERVALS
0	4	no sample			
4	59	clay silty brown			
59	82	sand F-M brown			
82	94	clay sandy brown-gray			
94	107	clay silty gray			
107	117	sand F-M brown			
117	130	clay gray			
130	141	sand & gravel gray dirty			
141	146	shale gray			
146		limestone			

7 CONTRACTOR'S OR LANDOWNER'S CERTIFICATION: This water well was constructed, reconstructed, or plugged under my jurisdiction and was completed on (mo/day/year) 07/01/2009 and this record is true to the best of my knowledge and belief. Kansas Water Well Contractor's License No. 779. This Water Well Record was completed on (mo/day/year) 07/21/2009 under the business name of Drill-Well, LLC by (signature) _____

INSTRUCTIONS: Use typewriter or ball point pen. PLEASE PRESS FIRMLY and PRINT clearly. Please fill in blanks and check the correct answers. Send three copies (white, blue, pink) to Kansas Department of Health and Environment, Bureau of Water, Geology Section, 1000 SW Jackson St., Suite 420, Topeka, Kansas 66612-1367. Telephone 785-296-5522. Send one copy to WATER WELL OWNER and retain one for your records. Include fee of \$5.00 for each constructed well. Visit us at <http://www.kdheks.gov/waterwell/index.html>.

WATER WELL RECORD

Form WWC-5

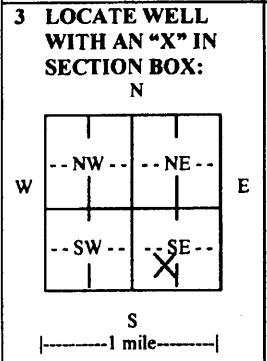
Division of Water Resources App. No.

1 LOCATION OF WATER WELL: County: Brown	Fraction NW ¼ SE ¼ SW ¼ SE ¼	Section Number 33	Township No. T 1 S	Range Number R 17 <input checked="" type="checkbox"/> E <input type="checkbox"/> W
--	--	-----------------------------	------------------------------	--

Street/Rural Address of Well Location; if unknown, distance & direction from nearest town or intersection: If at owner's address, check here .
5/8 mile E & 500' N of 280th and HY73.

Global Positioning System (GPS) information:
 Latitude: **.39,9155830**..... (in decimal degrees)
 Longitude: **-95.514960**..... (in decimal degrees)
 Elevation: **1116'**
 Datum: WGS 84, NAD 83, NAD 27
 Collection Method:
 GPS unit (Make/Model: **Garmin 12xl**).....
 Digital Map/Photo, Topographic Map, Land Survey
 Est. Accuracy: <3 m, 3-5 m, 5-15 m, >15 m

2 WATER WELL OWNER: **James L Mueller**
 RR#, Street Address, Box #: **1591 320th St.**
 City, State, ZIP Code : **Hiawatha, KS 66434**



4 DEPTH OF COMPLETED WELL **165**..... ft.
 Depth(s) Groundwater Encountered (1). **85**..... ft. (2). **155**..... ft. (3)..... ft.
 WELL'S STATIC WATER LEVEL **91**..... ft. below land surface measured on mo/day/yr. **08/05/2009**...
 Pump test data: Well water was **146**..... ft. after **1**..... hours pumping. **55**..... gpm
 EST. YIELD **60**..... gpm. Well water was..... ft. after..... hours pumping..... gpm
 Bore Hole Diameter **14**..... in. to **165**..... ft., and..... in. to..... ft.
 WELL WATER TO BE USED AS: Public water supply Geothermal Injection well
 Domestic Feedlot Oil field water supply Dewatering Other (Specify below)
 Irrigation Industrial Domestic-lawn & garden Monitoring well
 Was a chemical/bacteriological sample submitted to Department? Yes No
 If yes, mo/day/yr sample was submitted.....
 Water well disinfected? Yes No

5 TYPE OF CASING USED: Steel PVC Other.....
 CASING JOINTS: Glued Clamped Welded Threaded
 Casing diameter **8**..... in. to **165**..... ft., Diameter..... in. to..... ft., Diameter..... in. to..... ft.
 Casing height above land surface **30**..... in., Weight **5.39**..... lbs./ft., Wall thickness or gauge No. **0.322**.....
 TYPE OF SCREEN OR PERFORATION MATERIAL:
 Steel Stainless Steel PVC Other (Specify).....
 Brass Galvanized Steel None used (open hole)
 SCREEN OR PERFORATION OPENINGS ARE:
 Continuous slot Mill slot Gauze wrapped Torch cut Drilled holes None (open hole)
 Louvered shutter Key punched Wire wrapped Saw cut Other (specify).....
 SCREEN-PERFORATED INTERVALS: From **100**..... ft. to **120**..... ft., From..... ft. to..... ft.
 From **150**..... ft. to **165**..... ft., From..... ft. to..... ft.
 GRAVEL PACK INTERVALS: From **25**..... ft. to **165**..... ft., From..... ft. to..... ft.
 From..... ft. to..... ft., From..... ft. to..... ft.

6 GROUT MATERIAL: Neat cement Cement grout Bentonite Other.....
 Grout Intervals: From **5**..... ft. to **25**..... ft., From..... ft. to..... ft., From..... ft. to..... ft.
 What is the nearest source of possible contamination:
 Septic tank Lateral lines Pit privy Livestock pens Insecticide storage Other (specify below)
 Sewer lines Cesspool Sewage lagoon Fuel storage Abandoned water well
 Watertight sewer lines Seepage pit Feedyard Fertilizer storage Oil well/gas well **Road**.....
 Direction from well **South**..... Distance from well **500'**.....

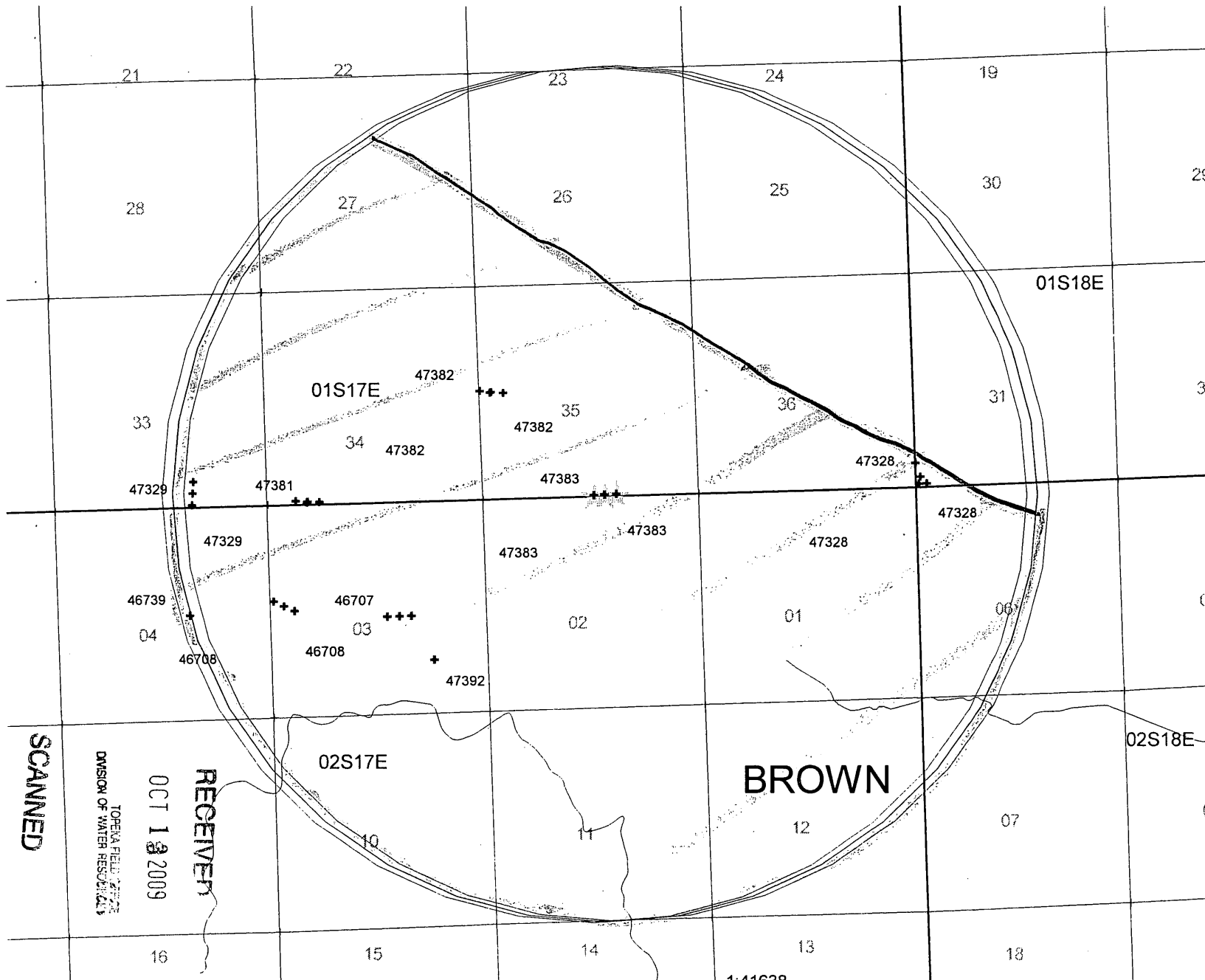
FROM	TO	LITHOLOGIC LOG	FROM	TO	LITHO. LOG (cont.) or PLUGGING INTERVALS
0	5	no sample			
5	58	clay silty brown			
58	60	sand M-C			
60	85	silty clay brown			
85	114	sand F-M			
114	135	silty clay gray			
135	155	sandy clay gray			
155	162	sand F-M			
162	166	clay silty gray			
166	180	shale gray			

7 CONTRACTOR'S OR LANDOWNER'S CERTIFICATION: This water well was constructed, reconstructed, or plugged under my jurisdiction and was completed on (mo/day/year) **04/05/2011**..... and this record is true to the best of my knowledge and belief. Kansas Water Well Contractor's License No. **779**..... This Water Well Record was completed on (mo/day/year) **05/10/2011**..... under the business name of **Drill-Well, LLC**..... by (signature) *[Signature]*.....

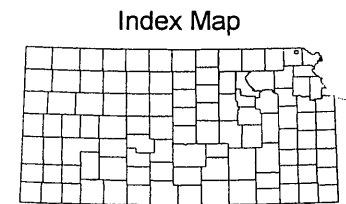
INSTRUCTIONS: Use typewriter or ball point pen. **PLEASE PRESS FIRMLY** and **PRINT** clearly. Please fill in blanks and check the correct answers. Send three copies (white, blue, pink) to Kansas Department of Health and Environment, Bureau of Water, Geology Section, 1000 SW Jackson St., Suite 420, Topeka, Kansas 66612-1367. Telephone 785-296-5522. Send one copy to WATER WELL OWNER and retain one for your records. Include fee of \$5.00 for each constructed well. Visit us at <http://www.kdheks.gov/waterwell/index.html>.

Water Right Number, 47383-00, With A 2 Mile Buffer

Area of Consideration:
6,177 acres



- + Section Corners
- PLSS
- PD
- + Ground Water
- ★ Queried PD(s)
- Subbasins
- △ Hydrology
- Special Areas
- ▣ Closed
- ▣ Restricted
- Townships
- Cities
- Towns
- ▣ Lakes
- County
- GMD



SCANNED
 TOPEKA FIELD OFFICE
 DIVISION OF WATER RESOURCES
 OCT 19 2009
 RECEIVER

BROWN

1:41638

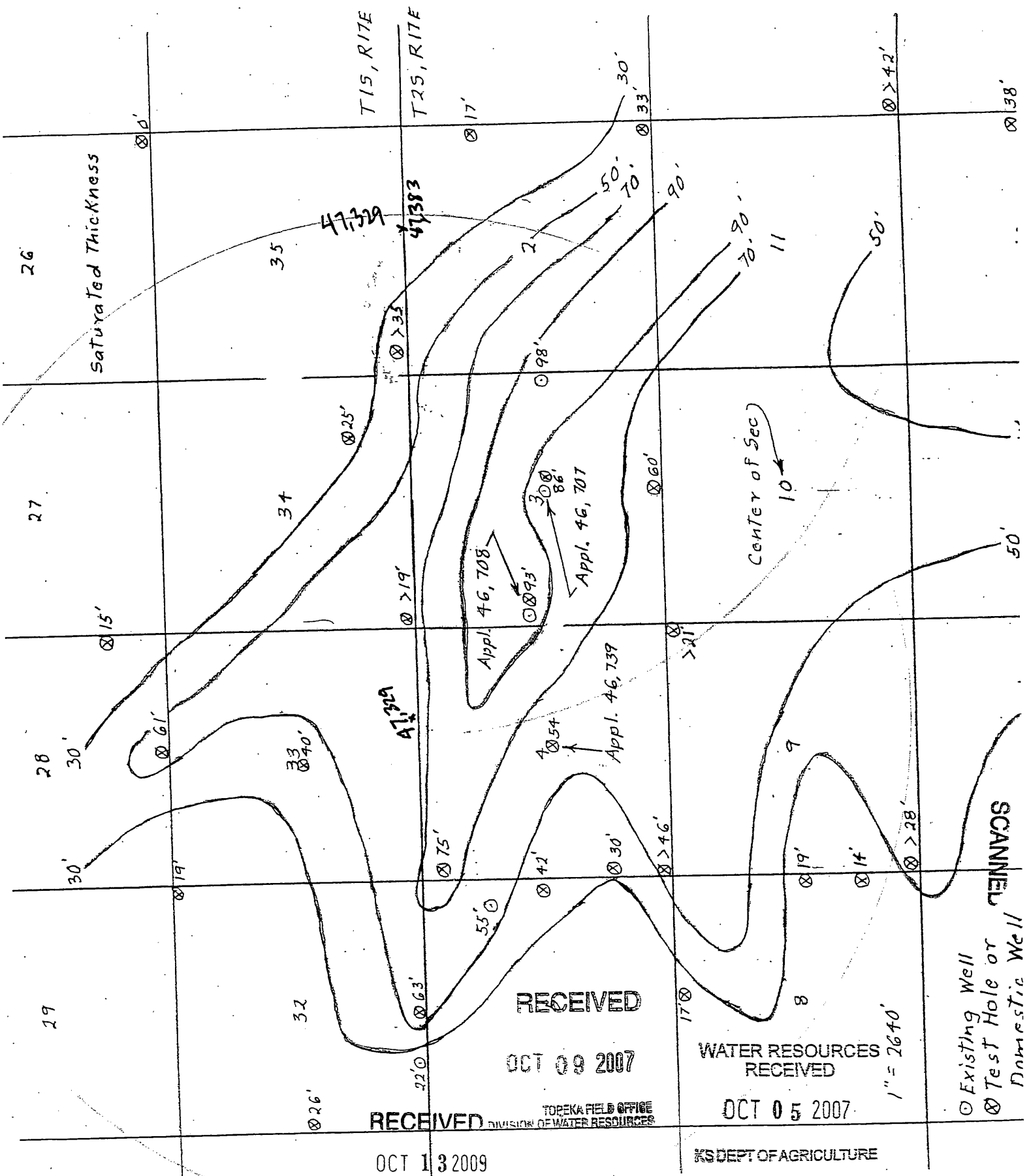
This map was created by WIMAS on Sep 24, 2009 and represents water right conditions as of 09/24/2009.





Subject

Date



RECEIVED

OCT 09 2007

WATER RESOURCES RECEIVED

OCT 05 2007

TOPEKA FIELD OFFICE DIVISION OF WATER RESOURCES

KS DEPT OF AGRICULTURE

OCT 13 2009

TOPEKA FIELD OFFICE DIVISION OF WATER RESOURCES

SCANNED

SCANNED

- ⊙ Existing Well
- ⊗ Test Hole or Domestic Well

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

November 15, 2018

HOWARD FARMS, INC
1606 280TH ST
HIAWATHA, KS 66434

RE: Application, File No. **50162**

Dear Sir or Madam:

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

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

Additional information about the process may be found on our website at agriculture.ks.gov/divisions-programs/dwr. If you have any other questions, please contact our office at 785-564-6640 or your local Topeka Field Office at 785-296-5733. If you call, please reference the file number so we can help you more efficiently.

Sincerely,

A handwritten signature in cursive script that reads "Kristen A. Baum".

Kristen A. Baum
New Application Unit Supervisor
Division of Water Resources

SCANNED

50162

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.

Code REG Fee \$ TR # Receipt Date Check #
DWR 1-100 (Revised 02/16/2011)

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 NW quarter of the SE quarter of Section 35, more particularly described as being near a point 1683 feet North and 2600 feet West of the Southeast corner of said section, in Township 1 South, Range 17 EAST, BROWN, County, Kansas. GEO-CENTER
- (B) One in the SW quarter of the NW quarter of the SE quarter of Section 35, more particularly described as being near a point 1845 feet North and 2605 feet West of the Southeast corner of said section, in Township 1 South, Range 17 EAST, BROWN, County, Kansas. BATT 1 OF 2
- (C) One in the SW quarter of the NW quarter of the SE quarter of Section 35, more particularly described as being near a point 1520 feet North and 2595 feet West of the Southeast corner of said section, in Township 1 South, Range 17 EAST, BROWN, County, Kansas. BATT 1 OF 2
- (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)

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 11-7, 2018

Howard Farnum By [Signature] Howard Farnum PRES.
Applicant's Signature

7. The proposed project for diversion of water will consist of BATTERY OF WELLS

(number of wells, pumps or dams, etc.)

and (was) completed (by) SPRING 2019

(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 SPRING 2019

(Mo/Day/Year)

DWR 1-100 (Revised 02/16/2011)

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.

Water Resources Received

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.

NOV 13 2018

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

Water Resources? Yes No

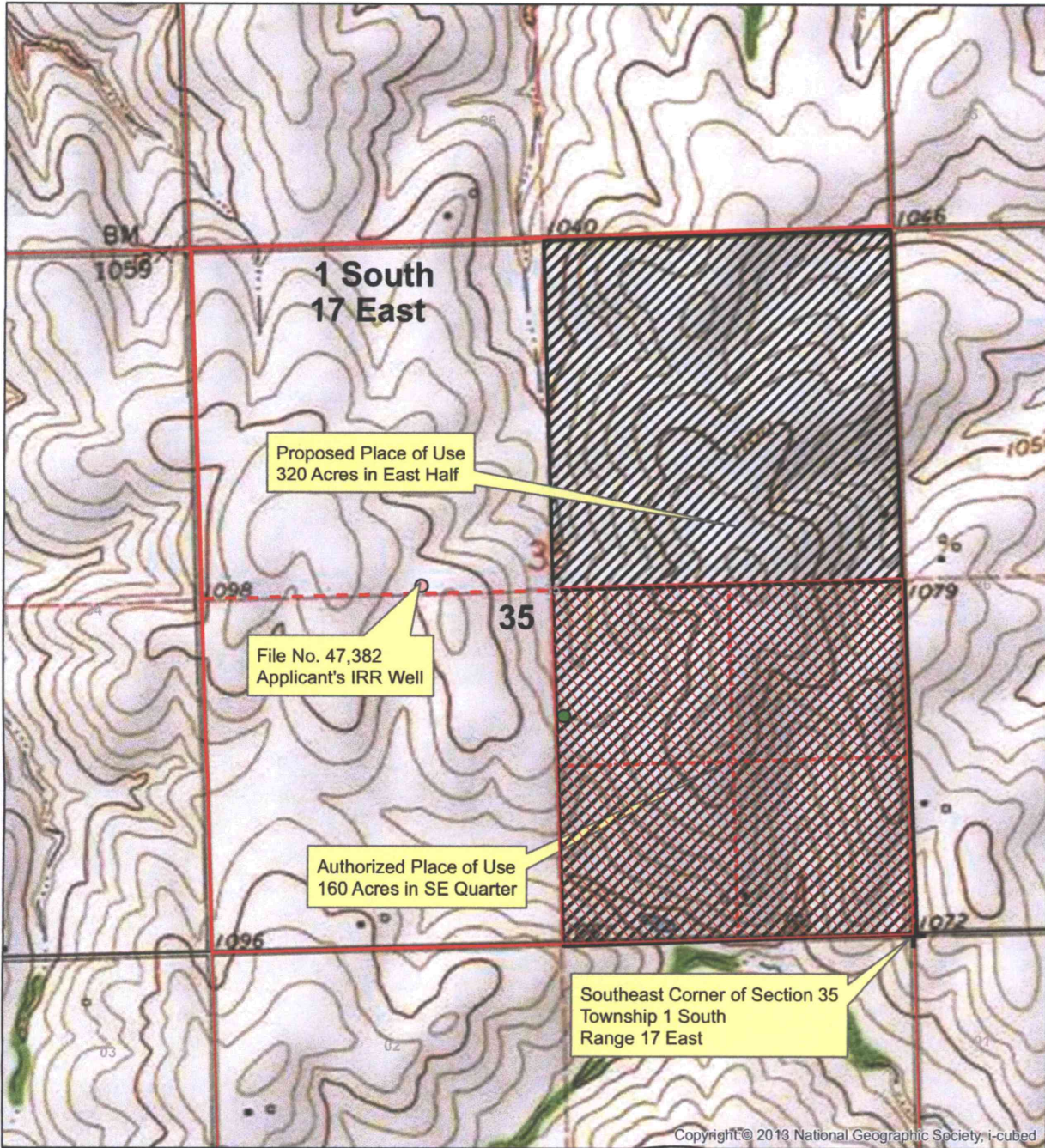
KS Dept Of Agriculture



SCANNED

HOWARD FARMS INC., FILE NO. 47,383
CHANGE APPLICATION SITE MAP



50162



-  Authorized Place of Use
-  Proposed Place of Use

1:12,000

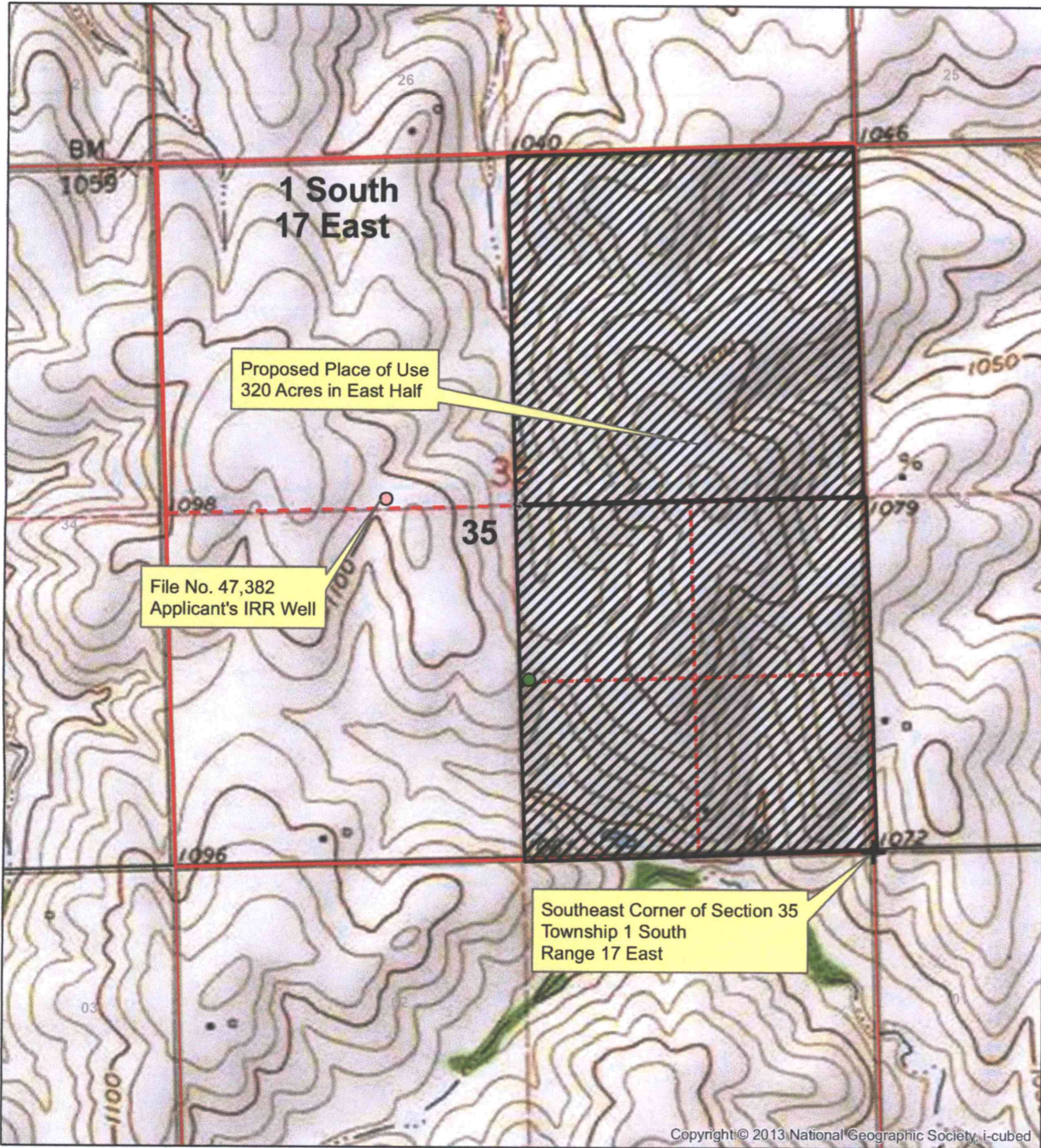
All Known Wells within 1/2 mile of the proposed point of diversion have been identified.

Water Resources
Received
NOV 13 2018
KS Dept Of Agriculture

SCANNED



50162



Copyright © 2013 National Geographic Society, i-cubed



Proposed Place of Use



Authorized Point of Diversion

1:12,000

All Known Wells within 1/2 mile of the proposed point of diversion have been identified.

Water Resources
Received

NOV 13 2018

KS Dept Of Agriculture

SCANNED