

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

1. File Number: <p style="text-align: center; font-size: 1.2em;"><b>50,340</b></p>	2. Status Change Date: <p style="text-align: center; font-size: 1.2em; color: blue;"><b>5/22/2020</b></p>	3. Field Office: <p style="text-align: center; font-size: 1.5em;"><b>1</b></p>	4. GMD: <p style="text-align: center; font-size: 1.5em;"><b>0</b></p>
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 type="checkbox"/> Water Tube <input checked="" type="checkbox"/> Driller Copy <input checked="" type="checkbox"/> Meter			
<p>7a. Applicant(s)                      Person ID <u><b>67165</b></u> New to system <input type="checkbox"/>                      Add Seq# _____</p> <p style="margin-left: 20px;"><b>HAVERKAMP BROTHERS INC</b> Attn: ALAN HAVERKAMP 2976 L4 ROAD BERN KS 66408</p>	<p>7c. Landowner(s)                      Person ID _____ New to system <input type="checkbox"/>                      Add Seq# _____</p>		
<p>7b. Landowner(s)                      Person ID _____ New to system <input type="checkbox"/>                      Add Seq# _____</p> <p><b>7a.</b></p>	<p>7d. Misc.                                      Person ID _____ New to system <input type="checkbox"/>                      Add Seq# _____</p>		
<p>8. WUR Correspondent                      Person ID _____ New to system <input type="checkbox"/>                      Add Seq# _____ Overlap File (s) WUC                      Notarized WUC Form <input type="checkbox"/> Agree <input type="checkbox"/> Yes <input type="checkbox"/> No</p> <p><b>7a.</b></p>	<p>9. Use of Water:    Changing?    <input type="checkbox"/> Yes    <input checked="" type="checkbox"/> No</p> <p style="margin-left: 40px;"><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><b>12/31/2021</b></u> 11. Perfection Date: <u><b>12/31/2025</b></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: _____			
<p>Date Prepared: <b>3/31/2020</b>    By: <b>DWS</b></p> <p>Date Entered:    <span style="border: 1px solid blue; padding: 2px;">5/27/2020</span>    By: <b>LMoody</b></p>			

File No. <b>50,340</b>	15. Formation Code: <b>100</b>	Drainage Basin: <b>S.F. BIG NEMAHA RIVER</b>	County: <b>NM</b>	Special Use:	Stream:																
16. Points of Diversion T MOD DEL ENT PDIV Qualifier S    T    R    ID    'N    'W			17. Rate and Quantity MOD QTY Authorized Additional Rate gpm    Quantity mgy    Rate gpm    Quantity mgy    Overlap PD Files																		
✓ <b>87876    NW SE NW    12    1S    12E    2    3425    3555</b>			<b>99    16.361    99    16.361    NONE</b>																		
18. Storage: Rate _____ NF    Quantity _____ ac/ft    Additional Rate _____ NF    Additional Quantity _____ ac/ft																					
19. Limitation: _____ af/yr at _____ gpm ( _____ cfs) when combined with file number(s) _____ Limitation: _____ af/yr at _____ gpm ( _____ cfs) when combined with file number(s) _____																					
20. Meter Required? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No    To be installed by <b>12/31/2021</b> Date Acceptable Meter Installed _____																					
21. Place of Use T MOD DEL ENT PUSE		NE¼				NW¼				SW¼				SE¼				Total	Owner	Chg? <b>NO</b>	Overlap Files
S    T    R    ID		NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼				
✓ <b>69819    12    1    12E    2</b>		<b>SWINE FACILITY (W2 NE)</b>																	<b>7a.</b>	<b>NO</b>	<b>NONE</b>
Comments:																					

**KANSAS DEPARTMENT OF AGRICULTURE**  
**Division of Water Resources**

**M E M O R A N D U M**

**TO:** Files

**DATE:** March 31, 2020

**FROM:** Doug Schemm

**RE:** Application, File No. 50,340

Alan Haverkamp (Haverkamp Brothers, Inc.) has filed the above referenced application proposing to appropriate a total of 16.36 million gallons (50.2 acre-feet) of groundwater per calendar year at a diversion rate not to exceed 99 gallons per minute for stockwatering use. The point of diversion is one well located in the Northwest Quarter of Section 12, Township 1 South, Range 12 East, in Nemaha County. There are no overlapping files in place of use or point of diversion. The place of use is described as a swine facility located in the West Half of the Northeast Quarter of Section 12. The well is located on property owned by Robert Haverkamp Trust, and the applicant has signed the application stating he has access to the point of diversion. The well is located within the S.F. Big Nemaha River basin. The applicant was assisted by Mueing Engineering.

Based on a review of the well log submitted with the application, the source of supply is the South Fork Big Nemaha river alluvium. The well log shows a sandy clay extending from 5 feet to 35 feet, underlain by four feet of sand and gravel, on top of shale bedrock at 39 feet depth. Water was encountered at a depth of 10.5 feet below ground, which is the same as the static water level. Per K.A.R. 5-3-11, the extent of the alluvial deposits is the area of consideration. The alluvial aquifer extent provides an area of consideration of 2,320 acres. With a recharge of 4.9 inches, and 100% available for appropriation, this results in a safe yield of 947.36 acre-feet. There are no existing water rights within this area of consideration, leaving the entire quantity of water available, and the application clearly meets safe yield criteria.

The applicant did not identify any wells of any kind within one-half (1/2) mile of the proposed point of diversion. The applicant or family members own all the surrounding property, including the nearest house located over 1,000 feet away. The WRIS database indicates that the nearest non-domestic well is located over 2 miles away. Per the requirements in K.A.R. 5-4-4 for all other aquifers, well spacing should be 1,320 feet to other nondomestic wells and 660 feet to domestic wells. The application complies with well spacing criteria.

The requested quantity of 16.36 million gallons was based on providing an adequate supply of drinking water for a 4,625 head hog facility, as follows: 800 head sows and litters x 8 gallons per head per day x 365 days = 2.34 million gallons, and 3,825 head of gestating sows x 6 gallons per head per day x 365 days = 8.38 million gallons. Additional water was estimated for flushing, cooling and sanitation, bringing the total quantity of water to 16.36 million gallons. The requested quantity appears to be reasonable for the intended use based on the maximum allowable.

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 no chemicals will be injected into the water pumped under this permit, therefore a check valve will not be required. A diversion rate of less than 100 gallons per minute has been proposed, so a water level measurement tube would not be required by regulation.

Haverkamp – Memorandum  
File No. 50,340  
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In a March 2, 2020 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, 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 approved.

Douglas W. Schemm  
Environmental Scientist  
Topeka Field Office

## Schemm, Doug [KDA]

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**From:** Tietsort, Katie [KDA]  
**Sent:** Monday, March 2, 2020 3:44 PM  
**To:** Schemm, Doug [KDA]  
**Subject:** RE: Alan Haverkamp 50,340

Doug,

TFO has no objections to approval.

Thanks, Katie

Katie Tietsort  
Water Commissioner

[Katie.Tietsort@ks.gov](mailto:Katie.Tietsort@ks.gov)  
785-296-5733

**NOTE NEW ADDRESS AS OF 3/16/20:**  
Kansas Department of Agriculture  
Division of Water Resources  
Topeka Field Office  
1131 SW Winding Rd, Suite 400  
Topeka, KS 66615

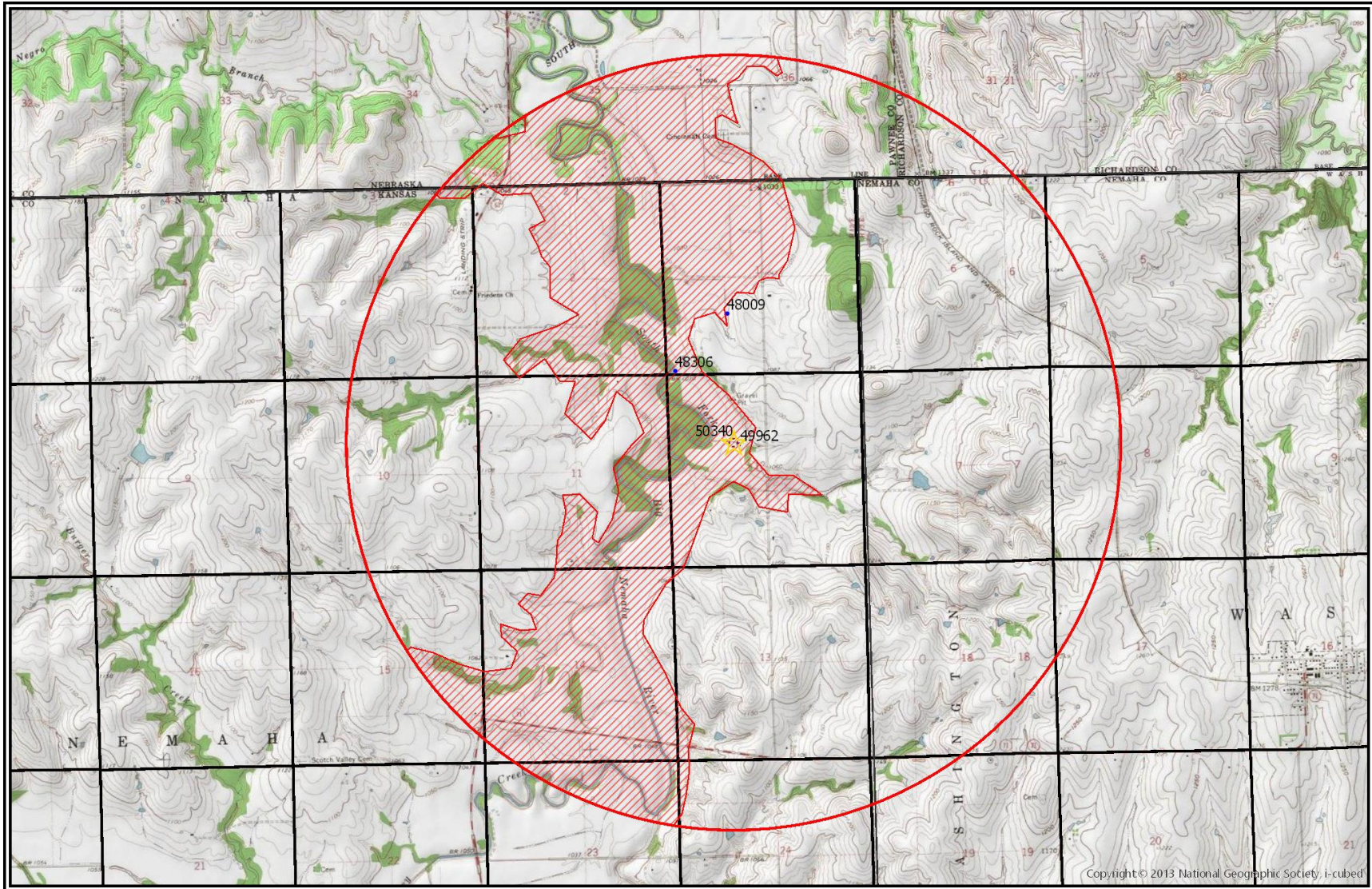
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**From:** Schemm, Doug [KDA] <Doug.Schemm@ks.gov>  
**Sent:** Thursday, February 27, 2020 9:58 AM  
**To:** Tietsort, Katie [KDA] <Katie.Tietsort@ks.gov>  
**Subject:** Alan Haverkamp 50,340

Typical Hog facility. Mueting Engineering helped with the app. No issues, meets all the regs. Alluvial aquifer.



**Safe Yield Report Sheet**  
**Water Right- A5034000**  
**Point of Diversion in 12-01S-12E**  
**Footages from SE corner- 3,425 feet North 3,555 feet West**



## Analysis Results

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

The safe yield based on the variables listed below is 947.36 AF.

Total prior appropriations in the circle is 50.02 AF. - 50.02 = 0 AF

Total quantity of water available for appropriation is ~~897.34~~ AF.  
947.36 AF

Application File No. 50,340 Meets Safe Yield  
dws/dwr 2/27/20

## Safe Yield Variables

The area used for the analysis is set at 2,320 acres.

The potential annual recharge at the circle center is estimated to be 4.9 inches.

The percent of recharge available for appropriation is 100%.

Authorized Quantity values are as of 27-FEB-2020 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 is 1 water right and 1 point 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 50340 00	STK	AY	G		NW	SE	NW	3425	3555	12	01	12E	2	WR	<del>50.02</del>	<del>50.02</del>		



THE STATE OF KANSAS



KANSAS DEPARTMENT OF AGRICULTURE  
Mike Beam, Secretary of Agriculture

DIVISION OF WATER RESOURCES  
Christopher W. Beightel, Acting 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. 50,340** of the applicant

**HAVERKAMP BROTHERS INC  
Attn: ALAN HAVERKAMP  
2976 L4 ROAD  
BERN KS 66408**

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 **January 27, 2020**.
2. That the water sought to be appropriated shall be used for stockwatering use at a swine facility located in the West Half of the Northeast Quarter (W $\frac{1}{2}$  NE $\frac{1}{4}$ ) of Section 12, in Township 1 South, Range 12 East, Nemaha 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 Northwest Quarter of the Southeast Quarter of the Northwest Quarter (NW $\frac{1}{4}$  SE $\frac{1}{4}$  NW $\frac{1}{4}$ ) of Section 12, more particularly described as being near a point 3,425 feet North and 3,555 feet West of the Southeast corner of said section, in Township 1 South, Range 12 East, Nemaha County, Kansas, located substantially as shown on the map accompanying the application.
4. That the appropriation sought shall be limited to a maximum diversion rate not in excess of **99 gallons per minute (0.22 c.f.s.)** and to a quantity not to exceed **16.361 million gallons** (50.21 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, 2021** 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, 2025** 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.



Ordered this 22 day of may, 2020, in Manhattan, Riley County, Kansas.

Lane P. Letourneau

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

State of Kansas                    )  
  ) SS  
County of Riley                    )

The foregoing instrument was acknowledged before me this 22 day of may, 2020, by Lane P. Letourneau, P.G., Program Manager, Division of Water Resources, Kansas Department of Agriculture.



Ashlee Freeman  
Notary Public

**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.


**CERTIFICATE OF SERVICE**

On this 28 day of May, 2020, I hereby certify that the foregoing Approval of Application and Permit to Proceed, File No. 50,340, dated May 22, 2020 was mailed postage prepaid, first class, US mail to the following:

HAVERKAMP BROTHERS INC  
Attn: ALAN HAVERKAMP  
2976 L4 ROAD  
BERN KS 66408

With photocopies to:

Topeka Field Office

  
Division of Water Resources