

# NOTICE

This scan only represents the application as filed. The information contained herein meets the requirements of K.A.R. 5-3-1 or K.A.R. 5-5-1, and has been found acceptable for filing in the office of the Chief Engineer. The application should not be considered to be a complete application as per K.A.R. 5-3-1b or K.A.R. 5-5-2a.

Submit To: CHIEF ENGINEER  
Division of Water Resources  
Kansas Department of Agriculture  
1320 Research Park Drive  
Manhattan, Kansas 66502  
http://agriculture.ks.gov/dwr

**APPLICATION FOR APPROVAL TO  
CHANGE THE PLACE OF USE, THE  
POINT OF DIVERSION OR THE USE  
MADE OF THE WATER UNDER AN  
EXISTING WATER RIGHT**



State of Kansas

**Filing Fee Must Accompany the Application**  
(Please refer to Fee Schedule on signature page of application form.)

Paragraph Nos. 1, 2, 3, 4 & 8 must be completed. Complete all other applicable portions. A topographic map or detailed plat showing the authorized and proposed points(s) of diversion and /or place of use must accompany this application.

1. Application is hereby made for approval of the Chief Engineer to change the

- Place of Use  
(Check one or more)  Point of Diversion  
 Use Made of Water

Water Resources  
Received

DEC 12 2018

11:29  
KS Dept Of Agriculture

File No. 183

2. Name of applicant: Rome Farms

Address: 1272 Rome Farms Road or 1096 Road BB

City, State and Zip: Hugoton, KS 67951

Phone Number: ( 620 ) 544-8991 E-mail address: rf1@pld.com or rfarms@pld.com

What is your relationship to the water right;  owner  tenant  agent  other? If other, please explain. \_\_\_\_\_

Name of water use correspondent: same as above

Address: \_\_\_\_\_

City, State and Zip: \_\_\_\_\_

Phone Number: ( ) \_\_\_\_\_

E-mail address: \_\_\_\_\_

3. The change(s) proposed herein are desired for the following reasons (please be specific): A new dairy will be constructed in the SE 1/4 of Section 8 T31S R37W. This application changes a point of diversion, adds a use made of water to include stockwater, and modifies the current place of use to serve the new operation.

The change(s) (was) (will be) completed by June 2019

(Date)

**For Office Use Only:**

F.O. 4 GMD 3 Meets K.A.R. 5-5-1 (YES) Use IRF Source G/S County SV By LE Date 12/12/18  
Code C3 Fee \$ 700.00 TR # \_\_\_\_\_ Receipt Date 12/12/18 Check # 27766

1/3/2019 LLH

4. The presently authorized place of use is:

Owner of Land — NAME: Rome Farms

ADDRESS: 1272 Rome Farms Road or 1096 RD BB, Hugoton, KS 67951

Sec.	Twp.	Range	NE¼				NW¼				SW¼				SE¼				TOTAL ACRES
			NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	
8	T31S	R37W	31	31	31	31					38	31	31	38		31	31		324
5	T31S	R37W													31	31	31	31	124
7	T31S	R37W	12	40	12	35	35	12	35	40	40	35	12	35	35	40	35	12	488

List any other water rights that cover this place of use. 10716, 101, 135, 18167, 5099, 17722

Owner of Land — NAME: same as above

ADDRESS:

Sec.	Twp.	Range	NE¼				NW¼				SW¼				SE¼				TOTAL ACRES
			NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	
17	T31S	R37W	12	35	40	35	35	12	35	40	40	35	12	35	35	40	35	12	488
18	T31S	R37W	31	31	31	31													124
16	T31S	R37W	35	40	35	12	40	35	12	35									244

List any other water rights that cover this place of use. same as above

(If there are more than two landowners, attach additional sheets as necessary.)

5. It is proposed that the place of use be changed to:

Owner of Land — NAME: Same as above

ADDRESS:

Sec.	Twp.	Range	NE¼				NW¼				SW¼				SE¼				TOTAL ACRES
			NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	
8	T31S	R37W	31	31	31	31					31	31	31	31	livestock facility (dairy)				248
5	T31S	R37W													31	31	31	31	124
7	T31S	R37W	12	35	40	35	40	35	12	35	40	35	12	35	35	40	35	12	488

List any other water rights that cover this place of use. 10716, 101, 135, 18167, 5099, 17722

Owner of Land — NAME:

ADDRESS:

Sec.	Twp.	Range	NE¼				NW¼				SW¼				SE¼				TOTAL ACRES
			NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	
17	T31S	R37W	12	35	40	35	35	12	35	40	40	35	12	35	35	40	35	12	488
18	T31S	R37W	31	31	31	31													124
16	T31S	R37W	35	40	35	12	40	35	12	35									244

List any other water rights that cover this place of use. same as above

Water Resources  
Received

IF MORE SPACE IS NEEDED, ATTACH ADDITIONAL SHEETS AS NECESSARY

DEC 12 2000

4. The presently authorized place of use is:

Owner of Land — NAME: Rome Farms

ADDRESS: 1272 Rome Road or 1096 Road BB, Hugoton, KS 67951

Sec.	Twp.	Range	NE¼				NW¼				SW¼				SE¼				TOTAL ACRES
			NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	
9	T31S	R27W									35	12	35	40	12	35	40	35	244

List any other water rights that cover this place of use. 101,10716,5099,17722, 18167

Owner of Land — NAME:                     

ADDRESS:                     

Sec.	Twp.	Range	NE¼				NW¼				SW¼				SE¼				TOTAL ACRES
			NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	

List any other water rights that cover this place of use.                     

(If there are more than two landowners, attach additional sheets as necessary.)

5. It is proposed that the place of use be changed to:

Owner of Land — NAME: same as above

ADDRESS:                     

Sec.	Twp.	Range	NE¼				NW¼				SW¼				SE¼				TOTAL ACRES
			NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	
9	T31S	R37W									35	12	35	40	12	35	40	35	244

List any other water rights that cover this place of use. 101,10716,5099,17722, 18167

Owner of Land — NAME:                     

ADDRESS:                     

Sec.	Twp.	Range	NE¼				NW¼				SW¼				SE¼				TOTAL ACRES
			NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	

List any other water rights that cover this place of use.                     

**IF MORE SPACE IS NEEDED, ATTACH ADDITIONAL SHEETS AS NECESSARY**

Water Resources

DEC 12 2018

KS Dept Of Agriculture

- 6. The presently authorized point(s) of diversion (is) (are) One located Section 18 T31S R37W  
(Provide description and number of points)
- 7. The proposed point(s) of diversion (is) (are) SW SW SW 8 T31S R37W  
(Provide description and number of points)

List all presently authorized point(s) of diversion:

8. **Presently authorized point of diversion:**  
 One in the SE Quarter of the SE Quarter of the NE Quarter of Section 18, Township 31S South, Range 37W (E/W), in Stevens County, Kansas, 2779 feet North 132 feet West of Southeast corner of section.  
 Authorized Rate 2245 GPM Authorized Quantity 480 AF  
 (DWR use only: Computer ID No. \_\_\_\_\_ GPS \_\_\_\_\_ feet North \_\_\_\_\_ feet West)  
 This point will not be changed  This point will be changed as follows:  
**Proposed point of diversion: (Complete only if change is requested)**  
 One in the SW Quarter of the SW Quarter of the SW Quarter of Section 8, Township 31S South, Range 37W (E/W), in Stevens County, Kansas, 75 feet North 4995 feet West of Southeast corner of section.  
 Proposed Rate 500 gpm Proposed Quantity 427.7 AF  
 This point is:  Additional Well  Geo Center List other water rights that will use this point \_\_\_\_\_

9. **Presently authorized point of diversion:**  
 One in the \_\_\_\_\_ Quarter of the \_\_\_\_\_ Quarter of the \_\_\_\_\_ Quarter of Section \_\_\_\_\_, Township \_\_\_\_\_ South, Range \_\_\_\_\_ (E/W), in \_\_\_\_\_ County, Kansas, \_\_\_\_\_ feet North \_\_\_\_\_ feet West of Southeast corner of section.  
 Authorized Rate \_\_\_\_\_ Authorized Quantity \_\_\_\_\_  
 (DWR use only: Computer ID No. \_\_\_\_\_ GPS \_\_\_\_\_ feet North \_\_\_\_\_ feet West)  
 This point will not be changed  This point will be changed as follows:  
**Proposed point of diversion: (Complete only if change is requested)**  
 One in the \_\_\_\_\_ Quarter of the \_\_\_\_\_ Quarter of the \_\_\_\_\_ Quarter of Section \_\_\_\_\_, Township \_\_\_\_\_ South, Range \_\_\_\_\_ (E/W), in \_\_\_\_\_ County, Kansas, \_\_\_\_\_ feet North \_\_\_\_\_ feet West of Southeast corner of section.  
 Proposed Rate \_\_\_\_\_ Proposed Quantity \_\_\_\_\_  
 This point is:  Additional Well  Geo Center List other water rights that will use this point \_\_\_\_\_

10. **Presently authorized point of diversion:**  
 One in the \_\_\_\_\_ Quarter of the \_\_\_\_\_ Quarter of the \_\_\_\_\_ Quarter of Section \_\_\_\_\_, Township \_\_\_\_\_ South, Range \_\_\_\_\_ (E/W), in \_\_\_\_\_ County, Kansas, \_\_\_\_\_ feet North \_\_\_\_\_ feet West of Southeast corner of section.  
 Authorized Rate \_\_\_\_\_ Authorized Quantity \_\_\_\_\_  
 (DWR use only: Computer ID No. \_\_\_\_\_ GPS \_\_\_\_\_ feet North \_\_\_\_\_ feet West)  
 This point will not be changed  This point will be changed as follows:  
**Proposed point of diversion: (Complete only if change is requested)**  
 One in the \_\_\_\_\_ Quarter of the \_\_\_\_\_ Quarter of the \_\_\_\_\_ Quarter of Section \_\_\_\_\_, Township \_\_\_\_\_ South, Range \_\_\_\_\_ (E/W), in \_\_\_\_\_ County, Kansas, \_\_\_\_\_ feet North \_\_\_\_\_ feet West of Southeast corner of section.  
 Proposed Rate \_\_\_\_\_ Proposed Quantity \_\_\_\_\_  
 This point is:  Additional Well  Geo Center List other water rights that will use this point \_\_\_\_\_

- 11. Describe the current condition of and future plans for any point(s) of diversion which will no longer be used. Both points of diversion will be used. A combined quantity of 427.7 will be allowed for the use of stockwater and/or irrigation.

IF MORE SPACE IS NEEDED, ATTACH ADDITIONAL SHEETS AS NECESSARY

DEC 12 2018

12. The presently authorized use of water is for irrigation purposes.  
It is proposed that the use be changed to stockwater purposes.
13. If changing the place of use and/or use made of water, describe how the consumptive use will not be increased.  
Water right 183 will be reduced from 480 AF to 427.7 according to the Consumptive Use Percentages in Kansas map. Additionally, the place of use for irrigation will be reduced by 80 acres. There is an existing stockwater right (101) for a small feedlot that will continue to be used for stockwater purposes at the new dairy (39.9 AF). The dairy will then have a total of 467.6 AF.

(Please show any calculations here.)

14. It is requested that the maximum annual quantity of water be reduced to 427.7 (acre-feet or million gallons).
15. It is requested that the maximum rate of diversion of water be reduced to 500 gallons per minute (\_\_\_\_ c.f.s.).
16. The application must include either a topographic map or detailed plat. A U.S. Geological Survey Topographic Map, scale 1:24,000, is available through the Kansas Geological Survey, 1930 Constant Avenue, University of Kansas, Lawrence, Kansas 66047-3726 ([www.usgs.gov](http://www.usgs.gov)). The map should show the location of the presently authorized point(s) of diversion. Distances North and West of the Southeast corner of the section must be shown. The presently authorized place of use should also be shown. Identify the center of the section, the section lines and the section corners and show the appropriate section, township, and range numbers on the map. In addition the following information must also be shown on the map.
- If a change in the location of the point(s) of diversion is proposed, show:
    - The location of the proposed point(s) of diversion. Distances North and West of the Southeast corner of the section must be shown. Please be certain that the information shown on the map agrees with the information shown in Paragraph Nos. 9, 10 and 11 of the application.
    - If the source of supply is groundwater, please show the location of existing water wells of any kind, including domestic wells, within ½ mile of the proposed well or wells. Identify each well as to its use and furnish name and mailing address of the property owner or owners. If there are no wells within ½ mile, please indicate so on the map.
    - If the source of supply is surface water, the names and mailing addresses of all landowner(s) ½ mile downstream and ½ mile upstream from your property lines must be shown.
  - If a change in the place of use is desired, show the proposed place of use by crosshatching on the map. Please be certain that the information shown on the map agrees with the information shown in Paragraph No. 5 of the application.
17. Attach documentation to show the change(s) proposed herein will not impair existing water rights and relates to the same local source of supply as to which the water right relates. This information may include statements, plats, geology reports, well logs, test hole logs, and other information as necessary information to show the above. Additional comments may be made below.
- The Change in Point of Diversion does not met spacing requirements. It is move less than 2640 feet, and is 2079 feet from the closest well. A petition is asked for to waive this requirement due to the well being used for a dairy at a low flow rate. Rome Farms is in support of this and would sign a waiver for the petition if needed. A wavier is included for for the domestic well that is within 660 feet of the new location.
18. If the proposed change(s) does not meet all applicable rules and regulations of the Kansas Water Appropriation Act, please identify the rules and regulations for which you request a waiver. State the reason why a waiver is needed and why the request should be granted. Attach documentation showing that granting the request will not impair existing water rights and will not prejudicially and unreasonably affect the public interest.
- The proposed change in point of diversion would locate the new dairy stockwater well 2079 feet from Water Right 135 (authorized for 708 AF). According to GMD #3 5-23-3 the minimum spacing requirement for a well of this size would need to be 2300 feet. A waiver from this regulation is being requested and a waiver can be signed if needed.

IF MORE SPACE IS NEEDED, ATTACH ADDITIONAL SHEETS AS NECESSARY

Received  
DEC 12 2018

KS Dept Of Agriculture

Any use of water that is not as authorized by the water right or permit to authorize water **before** the chief engineer approves this application is a violation of the Kansas Water Appropriation Act for which criminal or civil penalties may be assessed. Such violation is a class C misdemeanor, punishable by a fine not to exceed \$500 and/or a term of confinement not to exceed one month in the county jail. K.S.A. 82a-728(b). Civil penalties shall be not less than \$100 nor more than \$1,000 per violation. In the case of a continuing violation, each day such violation continues may be deemed a separate violation. In addition to these penalties the water right may be modified or suspended. K.S.A. 82a-737, as amended.

The application must be signed by all owners of the place of use authorized under the water right and his or her spouse, if married. Please indicate if there is no spouse. If land is being purchased under contract, the seller must sign as landowner until such time as the contract is completed.

In the event that all applicants cannot appear before one notary public, they may as necessary sign separate copies of the application before any notary public conveniently available to them. All copies signed in this manner shall be considered to be valid parts of the application.

If the request is signed on behalf of any Owner by someone with legal authority to do so (for example, an agent, one who has power of attorney, or an executor, executrix, conservator), it will be necessary to attach proper documents showing such authority.

I declare that I am an owner of the currently authorized place of use as identified herein, or that I represent all such owners and am authorized to make this application on their behalf, and declare further that the statements contained herein are true, correct, and complete. By filing this application I authorize the chief engineer to permanently reduce the quantity of water and/or rate of diversion as specified in sections 14 and 15 of this application.

Dated at Hugoton, Kansas, this 7<sup>th</sup> day of December, 2018.

Rome Farms of Keith A. Rome  
(Owner) (Spouse)

Rome Farms Rome Farms by Keith A. Rome  
(Please Print) (Please Print)

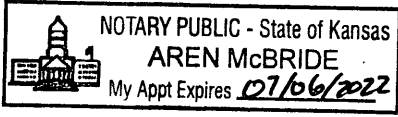
(Owner) (Spouse)

(Please Print) (Please Print)

(Owner) (Spouse)

(Please Print) (Please Print)

State of Kansas }  
County of Stevens } SS



I hereby certify that the foregoing application was signed in my presence and sworn to before me this 7<sup>th</sup> day of December, 202018.

[Signature]  
Notary Public

My Commission Expires 07/06/2022

**FEE SCHEDULE**

Each application to change the place of use, the point of diversion or the use made of the water under this section shall be accompanied by the application fee set forth in the schedule below:

- (1) Application to change a point of diversion 300 feet or less ..... \$100
- (2) Application to change a point of diversion more than 300 feet ..... \$200
- (3) Application to change the place of use ..... \$200
- (4) Application to change the use made of the water ..... \$300

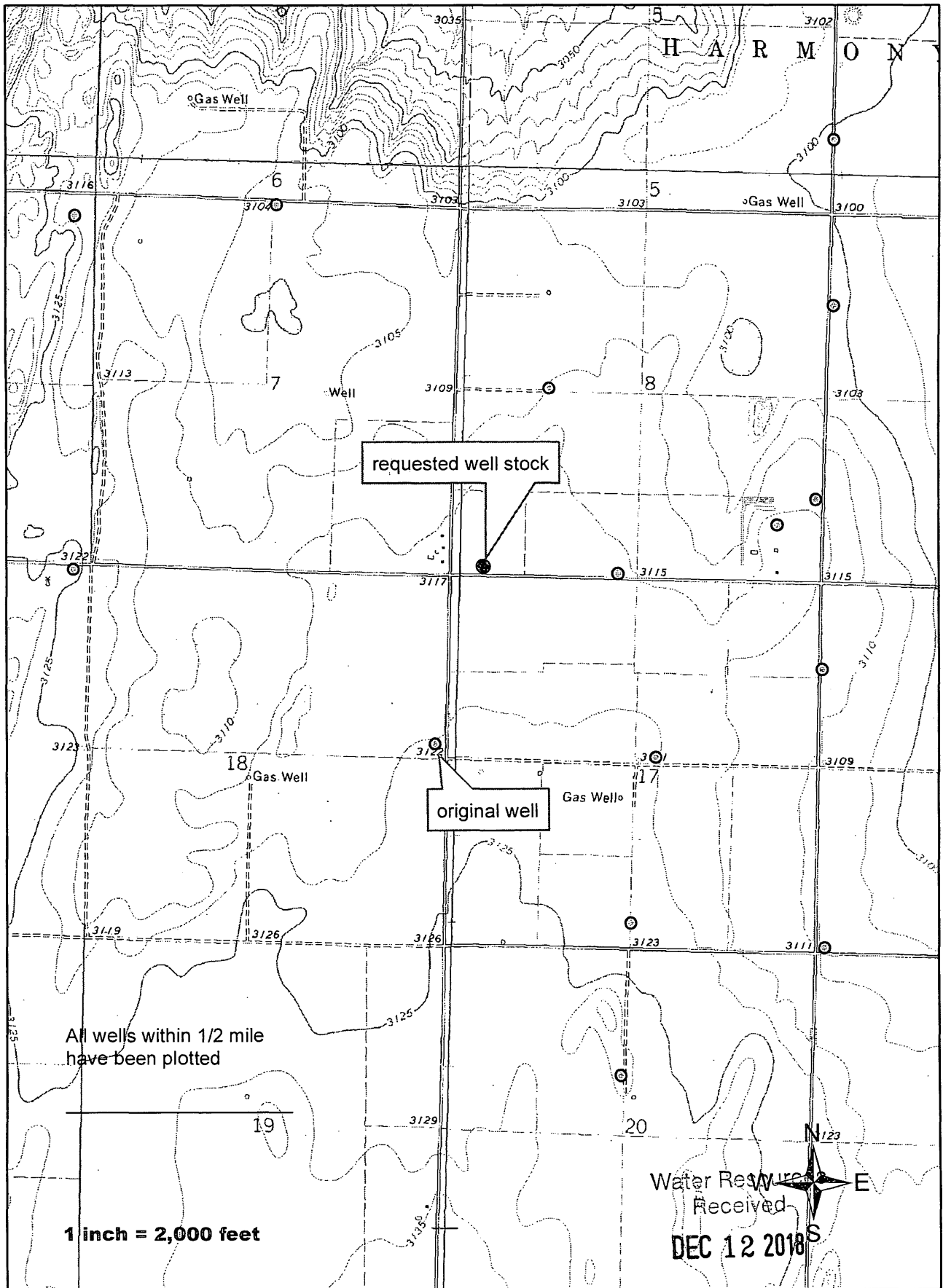
Make check payable to **Kansas Department of Agriculture.**

Water Resources  
Received

**DEC 12 2018**

KS Dept Of Agriculture

# pd change 183



All wells within 1/2 mile  
have been plotted

1 inch = 2,000 feet

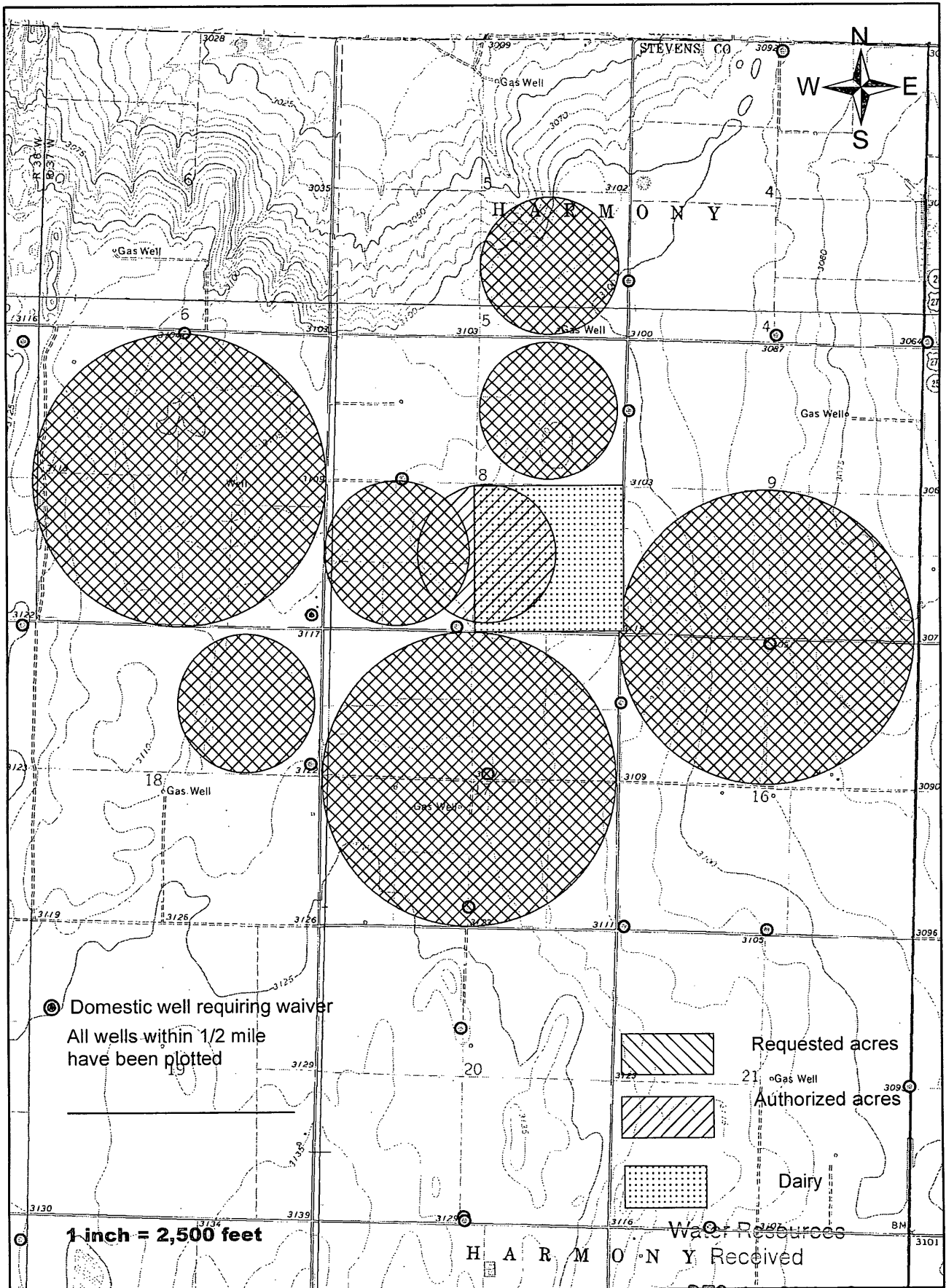
Water Resources  
Received

DEC 12 2018

KS Dept Of Agriculture



# place of use



DEC 12 2018

I/We, Rome Farms, the owner(s) of a domestic water well

located at SE ¼ Section 7 T31S R37W and within a distance of 2,100 feet West

of the perimeter of Dairy Tech, LLC c/o Brian Hemann

hereby state that I/we are aware of the construction or expansion of a confined feeding facility and have no objections to such construction or expansion of the confined feeding facility.

I/We reserve the right to seek relief from all personal or property damages resulting from the subsequent operation of these facilities.

Rome Farms Keith D. Rome

12-7-18

Signature of Water Well Owner

Date

1096 Rd RR

620-544-8991

Address

Telephone number

Hugoton, KS 62951

City, State, Zip

\*\*\*\*\*

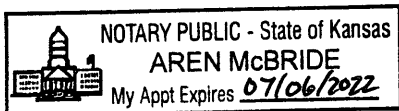
State of Kansas

County of Stevens

Signed or attested before me on 12/7/18

[Date]

by Keith Rome



[Name(s) of person(s) owning habitable structures]

[Signature]

Signature of Notarial Officer

(Notary Seal) My appointment expires: 07/06/2022

Water Resources

Received

This agreement shall be filed in the register of deeds office of the county in which the domestic well is located.

DEC 12 2018

# 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

ROME FARMS  
1272 ROME FARMS RD  
HUGOTON, KS 67951

January 3, 2019

RE: File No 183

Dear Sir or Madam:

An application for approval of the Chief Engineer to change the following condition or conditions of the file number referred to above has been received:

- place of use      PU/PD/UMW  
 point of diversion  
 use made of water

As a matter of record, the Division of Water Resources has on hand a large number of applications awaiting processing. Therefore, to be fair to all concerned, and so that we can process those applications on hand in the order they were received, we intend to concentrate on the backlog of applications until the issue is resolved. You will be contacted regarding this application as soon as it has been examined.

In accordance with the provisions of the Kansas Water Appropriation Act, a portion of which is included below, the use of water prior to approval of the application is unlawful. You should not proceed and divert water as indicated by your plans in your application for a change for this file until you receive approval for this change from the Chief Engineer. Once approved, compliance with the terms, conditions and limitations of the permit is necessary. Conservation of the water resources of Kansas is required.

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

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

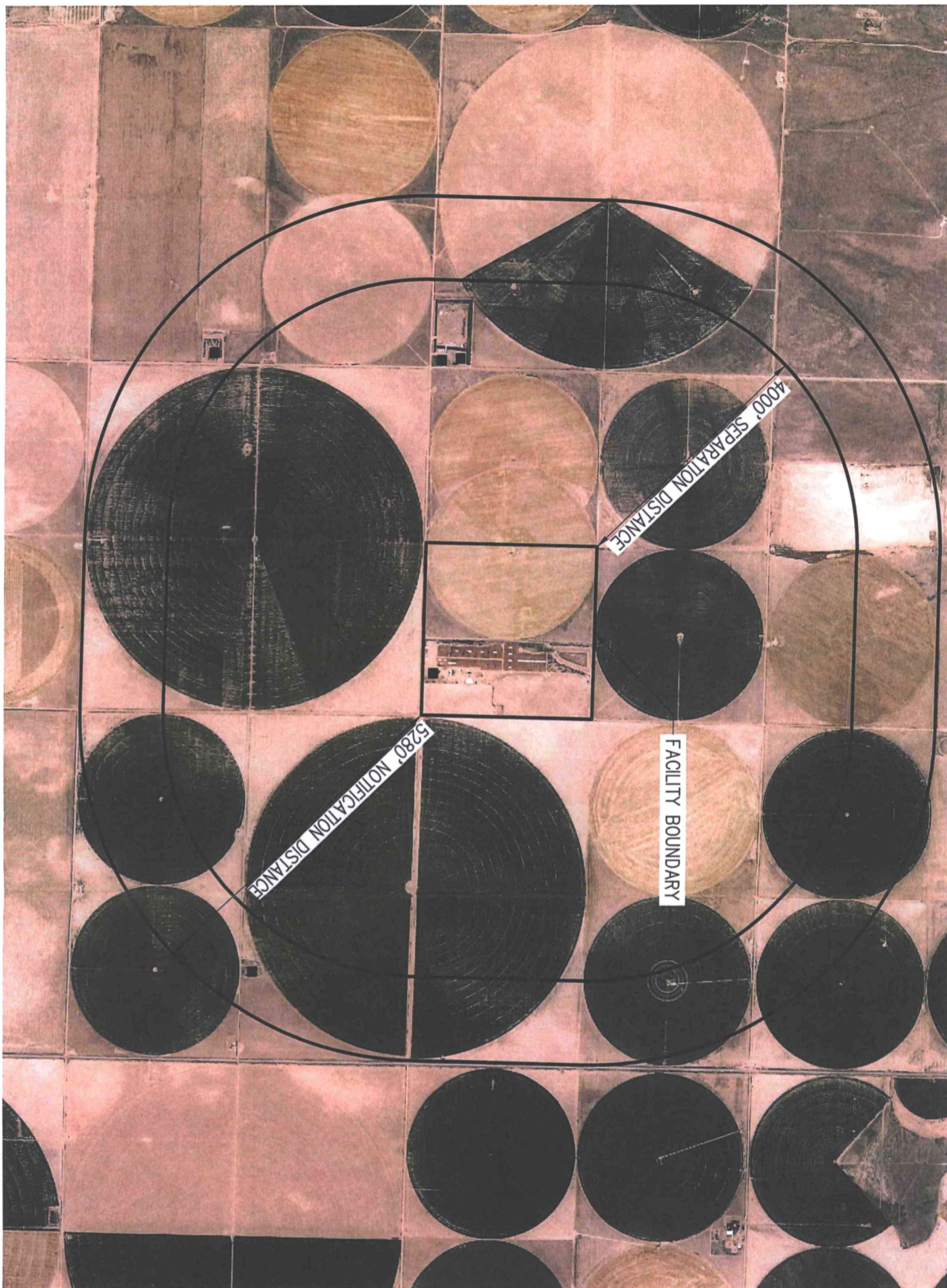
**A class C misdemeanor is punishable by a fine not to exceed \$500 and/or a term of confinement not to exceed one month in the county jail. Each day that the violation occurs constitutes a separate offense.**

If you have any questions, please contact me at (785) 564-6645. If you wish to discuss a specific file, please have the file number ready so that we may help you more efficiently.

Sincerely,

Brent Tournay, L.G.  
Change Applications Unit Supervisor  
Water Appropriation Program

BAT: DLW  
pc: GARDEN CITY Field Office GMD3

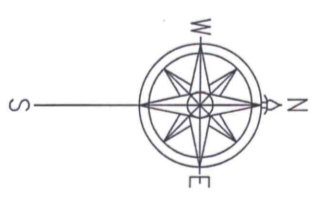


**LEGEND**

HABITABLE STRUCTURE ■

Water Resources  
Received  
**DEC 12 2018**

KS Dept Of Agriculture



DRAWN	ERH	DATE
CHECKED		DATE
APPROVED		DATE

**BRIAN HEMANN**  
MILK PRODUCTION FACILITY  
SE 1/4 SECTION 8 T31S R37W  
STEVENS COUNTY, KANSAS

**KLA**  
ENVIRONMENTAL SERVICES, INC.

1700 E. IRON  
SALINA, KANSAS 67401  
(785) 823-0097

1303 YUCCA STREET  
SCOTT CITY, KANSAS 67871  
(620) 872-2300