

KANSAS DEPARTMENT OF AGRICULTURE
Division of Water Resources
M E M O R A N D U M

TO: Files

DATE: January 28, 2019

FROM: Austin McColloch

RE: Application, File No. 50,037

MS Real Estate Holdings LLC has filed the referenced application to appropriate 6.934 million gallons (21.28 acre-feet) of groundwater for stockwater use, to be diverted at a rate of 200 gallons per minute, from an existing well located in the Southeast Quarter of Section 5, Township 35 South, Range 32 West, Seward County. The new application is requesting an **increase in rate of diversion only**, with no additional quantity. The well is currently authorized under Water Right, File No. 45,115. This well (ID 6) is currently authorized 6.934 million gallons (21.28 acre-feet) of water at a diversion rate of 80 gallons per minute. Therefore, the requested increase in rate of diversion will provide an additional 120 gallons per minute, which is an increase from the current rate by greater than 15 percent. The place of use is owned by the applicant, and the applicant has signed the application form stating that he has access to the point of diversion.

Discussions during the certificate for Water Right, File No. 45,115 that overlaps the point of diversion back in September 2017 explain the reasoning for this rate only application. File No. 45,115 was initially for municipal use with a perfection period ending in 2024. The file was converted to stock use and issued a certificate with the understanding that a rate only application was to be filed shortly after. The change was approved and certificate was issued so that this current application could be filed for stock use rather than municipal use then through another change application converted to stock. See attached correspondence dated September 1, 2017.

Based on the applications request for 200 gallons per minute, an increase of 120 gallons per minute equals a 150 percent increase in the authorized maximum rate of diversion. The application was filed during what would have been the original perfection period for Water Right File No. 45,115, prior to the change in use made of water. Additionally, there has also been no significant physical enlargement of the capacity of the diversion works to divert water. This allows the application to be exempt from meeting safe yield requirements per K.A.R. 5-4-5(b)(1). The application appears to meet the criteria of K.A.R. 5-4-5(b)(2) as well, which further supports the exemption from complying with safe yield requirements.

The applicant identified one domestic wells and multiple non-domestic well located within one-half mile of this existing well, however those non-domestic wells are all owned by the applicant. Therefor one nearby well owner letter was sent out on September 4, 2018. No response has been received. As noted above, this new application is requesting only an increase in rate of diversion from an existing well that has been in place for many years. Any nearby well owner would certainly be aware of this well and related stockwatering use. No physical changes will be occurring at the well.

In an email dated October 24, 2018, a copy of the application along with a request to submit a recommendation was sent to GMD No. 3. In a letter dated January 18, 2019, Jason Norquest, Assistant Manager, Groundwater Management District No. 3, recommended approval of the referenced application for rate only. In the letter Jason stated the application is not in compliance with K.A.R. 5-23-3 well spacing. However, he stated that the application is not adding any new water allocation to the operation, all wells in the immediate area are part of the same operation, thus limiting negative effect on the public. One well, Water Right, File No. 41,117 was determined to be a "critical well" in their study but was determined the well has the ability to be drilled deeper if needed.

*includes well construction conditions from 45115 to preclude withdrawal of chlorides. KAB/DWR

In an email dated January 29, 2019, Mike Meyer, Water Commissioner, Garden City Field Office, recommended approval of the application.

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

Based on the above discussion, this is for additional rate only, well spacing regulations are not met but all non-domestic wells in the area are owned by the applicant, 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.

Austin McColloch

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, Interim Secretary

Laura Kelly, Governor

MS REAL ESTATE HOLDINGS LLC
MILK SOURCE LLC
N 3569 VANDEN BOSCH RD
KAUKAUNA WI 54130

February 18, 2019 **FILE COPY**

RE: Appropriation of Water, File No. 50,037

Dear Sir or Madam:

There is enclosed a permit to appropriate water authorizing you 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), 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 this permit. A water meter is required 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 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 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 establish the extent of your water right.

If you have any questions, please contact me at (785) 564-6627. If you wish to discuss a specific file, please have the file number ready to that we may help you more efficiently.

Sincerely,

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

KAB:am

Enclosure(s)

pc: Garden City Field Office
Southwest Kansas GMD No. 3



KANSAS DEPARTMENT OF AGRICULTURE
Mike Beam, Interim 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. **50,037** of the applicant

**MS REAL ESTATE HOLDINGS LLC
MILK SOURCE LLC
N 3569 VANDEN BOSCH RD
KAUKAUNA WI 54130**

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

1. That the priority date assigned to such application is **April 16, 2018**.
2. That the water sought to be appropriated shall be used for stockwatering use at a feedlot located in Section 5, Township 35 South, Range 32 West, Seward 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 Southeast Quarter of the Southeast Quarter of the Southeast Quarter (SE $\frac{1}{4}$ SE $\frac{1}{4}$ SE $\frac{1}{4}$) of Section 5, more particularly described as being near a point 432 feet North and 325 feet West of the Southeast corner of said section, in Township 35 South, Range 32 West, Seward 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 **200 gallons per minute (0.44 c.f.s.)** and to a quantity not to exceed **6.934 million gallons (21.28 acre-feet)** of water for any calendar year.
5. That installation of works for diversion of water shall be completed on or before **December 31, 2020** or within any authorized extension thereof. The applicant shall notify the Chief Engineer and pay the statutorily required field inspection fee of \$400.00 when construction of the works has been completed. Failure to timely submit the notice and the fee will result in revocation of the permit. Any request for an extension of time shall be submitted prior to the expiration of the deadline and shall be accompanied by the required statutory fee of \$100.00.
6. That the proposed appropriation shall be perfected by the actual application of water to the proposed beneficial use on or before **December 31, 2024** or any authorized extension thereof. Any request for an extension of time shall be submitted prior to the expiration of the deadline and shall be accompanied by the required statutory fee of \$100.00.

7. That the applicant shall not be deemed to have acquired a water appropriation for a quantity in excess of the amount approved herein nor in excess of the amount found by the Chief Engineer to have been actually used for the approved purpose during one calendar year subsequent to approval of the application and within the time specified for perfection or any authorized extension thereof.
8. That the use of water herein authorized shall not be made so as to impair any use under existing water rights nor prejudicially and unreasonably affect the public interest.
9. That the right of the appropriator shall relate to a specific quantity of water and such right must allow for a reasonable raising or lowering of the static water level and for the reasonable increase or decrease of the streamflow at the appropriator's point of diversion.
10. That this permit does not constitute authority under K.S.A. 82a-301 through 305a to construct any dam or other obstruction; nor does it grant any right-of-way, or authorize entry upon or injury to, public or private property.
11. That all diversion works constructed under the authority of this permit into which any type of chemical or other foreign substance will be injected into the water pumped from the diversion works shall be equipped with an in-line, automatic quick-closing, check valve capable of preventing pollution of the source of the water supply. The type of valve installed shall meet specifications adopted by the Chief Engineer and shall be maintained in an operating condition satisfactory to the Chief Engineer.
12. That all wells with a diversion rate of 100 gallons per minute or more drilled under the authority of this permit shall have a tube or other device installed in a manner acceptable to, and in accordance with specifications adopted by, the Chief Engineer. This tube or device shall be suitable for making water level measurements and shall be maintained in a condition satisfactory to the Chief Engineer.
13. That an acceptable water flow meter shall be installed and maintained on the diversion works authorized by this permit in accordance with the Kansas Administrative Regulations 5-1-4 through 5-1-12 adopted by the Chief Engineer. This water flow meter shall be used to provide an accurate quantity of water diverted as required for the annual water use report (including the meter reading at the beginning and end of the report year).
14. That the applicant shall maintain accurate and complete records from which the quantity of water diverted during each calendar year may be readily determined and the applicant shall file an annual water use report with the Chief Engineer by March 1 following the end of each calendar year. Failure to file the annual water use report by the due date shall cause the applicant to be subject to a civil penalty.
15. That no water user shall engage in nor allow the waste of any water diverted under the authority of this permit.
16. That failure without cause to comply with provisions of the permit and its terms, conditions and limitations will result in the forfeiture of the priority date, revocation of the permit and dismissal of the application.
17. That the right to appropriate water under authority of this permit is subject to any minimum desirable streamflow requirements identified and established pursuant to K.S.A. 82a-703c for the source of supply to which this water right applies.
18. That the applicant shall cause the well under this appropriation to be constructed so that the source of supply will be restricted to withdrawal of water from only that portion of the Ogallala Formation that precludes withdrawal of water from any water-bearing strata that may contain concentrations of chlorides of more than 250 milligrams per liter.

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, KS 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.

Any request for hearing or petition for administrative review shall be in writing and shall be submitted to the attention of: Chief Legal Counsel, Kansas Department of Agriculture, 1320 Research Park Drive, Manhattan, Kansas 66502, Fax: (785) 564 – 6777.

CERTIFICATE OF SERVICE

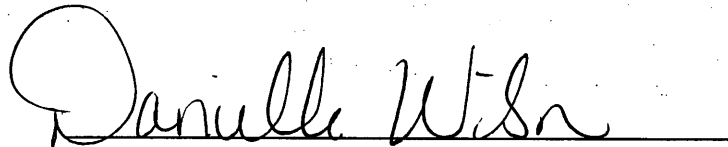
On this 18th day of February, 2019, I hereby certify that the foregoing Approval of Application and Permit to Proceed, File No. 50,037, dated February 14th, 2019 was mailed postage prepaid, first class, US mail to the following:

MS REAL ESTATE HOLDINGS LLC
MILK SOURCE LLC
N 3569 VANDEN BOSCH RD
KAUKAUNA WI 54130

With photocopies to:

Garden City Field Office

Groundwater Management District No. 3



Division of Water Resources



THE STATE OF KANSAS

WATER RESOURCES RECEIVED

APR 16 2018

12:30

KS DEPT OF AGRICULTURE

KANSAS DEPARTMENT OF AGRICULTURE Jackie McClaskey, Secretary of Agriculture

DIVISION OF WATER RESOURCES David W. Barfield, Chief Engineer

File Number 50037

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

Water Resources Received

APPLICATION COMPLETE 1/29/19 Reviewer KAB

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.)

UNACCEPTED APR 02 2018 PRIORITY 11:32 KS Dept Of Agriculture

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

1. Name of Applicant (Please Print): MS Real Estate Holdings, LLC Address: N3569 Vandan Bosch Rd. City: Kaukauna State WI Zip Code 54130 Telephone Number: (920) 766-5335

2. The source of water is: [] surface water in (stream) OR [x] groundwater in Cimarron 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 21.28 acre-feet OR 6.934 million gallons per calendar year, to be diverted at a maximum rate of 200+ 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) [x] Stockwatering (h) [] Sediment Control (i) [] Domestic (j) [] Dewatering (k) [] Hydraulic Dredging (l) [] Fire Protection (m) [] Thermal Exchange (n) [] Contamination Remediation

YOU MUST COMPLETE AND ATTACH ADDITIONAL DIVISION OF WATER RESOURCES FORM(S) PROVIDING INFORMATION TO SUBSTANTIATE YOUR REQUEST FOR THE AMOUNT OF WATER FOR THE INTENDED USE REFERENCED ABOVE.

For Office Use Only: F.O. 4 GMD 3 Meets K.A.R. 5-3-1 (YES / NO) Use STK Source GYS County SW By AJW Date 4/16/18 Code REG Fee \$ 200.00 TR # Receipt Date 4/16/18 Check # 49691

SCANNED 4/19/18 DAW

5. The location of the proposed wells, pump sites or other works for diversion of water is:

Note: For the application to be accepted, the point of diversion location must be described to at least a 10 acre tract, unless you specifically request a 60 day period of time in which to locate the site within a specifically described, minimal legal quarter section of land.

(A) One in the SE quarter of the SE quarter of the SE quarter of Section 5, more particularly described as being near a point 432 feet North and 325 feet West of the Southeast corner of said section, in Township 35 South, Range 32 East West (circle one), Seward County, Kansas.

(B) One in the _____ quarter of the _____ quarter of the _____ quarter of Section _____, more particularly described as being near a point _____ feet North and _____ feet West of the Southeast corner of said section, in Township _____ South, Range _____ East/West (circle one), _____ County, Kansas.

(C) One in the _____ quarter of the _____ quarter of the _____ quarter of Section _____, more particularly described as being near a point _____ feet North and _____ feet West of the Southeast corner of said section, in Township _____ South, Range _____ East/West (circle one), _____ County, Kansas.

(D) One in the _____ quarter of the _____ quarter of the _____ quarter of Section _____, more particularly described as being near a point _____ feet North and _____ feet West of the Southeast corner of said section, in Township _____ South, Range _____ East/West (circle one), _____ County, Kansas.

If the source of supply is groundwater, a separate application shall be filed for each proposed well or battery of wells, except that a single application may include up to four wells within a circle with a quarter (1/4) mile radius in the same local source of supply which do not exceed a maximum diversion rate of 20 gallons per minute per well.

A battery of wells is defined as two or more wells connected to a common pump by a manifold; or not more than four wells in the same local source of supply within a 300 foot radius circle which are being operated by pumps not to exceed a total maximum diversion rate of 800 gallons per minute and which supply water to a common distribution system.

6. The owner of the point of diversion, if other than the applicant is (please print):

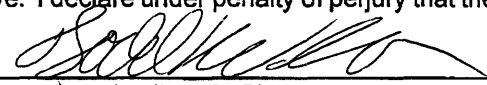
(name, address and telephone number)

(name, address and telephone number)

You must provide evidence of legal access to, or control of, the point of diversion from the landowner or the landowner's authorized representative. Provide a copy of a recorded deed, lease, easement or other document with this application. In lieu thereof, you may sign the following sworn statement:

I have legal access to, or control of, the point of diversion described in this application from the landowner or the landowner's authorized representative. I declare under penalty of perjury that the foregoing is true and correct.

Executed on March 16, 2018.



Applicant's Signature

The applicant must provide the required information or signature irrespective of whether they are the landowner. Failure to complete this portion of the application will cause it to be unacceptable for filing and the application will be returned to the applicant.

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

and (was)(will be) completed (by) June 10, 2003
(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 June 30, 2003
(Mo/Day/Year)

9. Will pesticide, fertilizer, or other foreign substance be injected into the water pumped from the diversion works?
 Yes No If "yes", a check valve shall be required.

All chemigation safety requirements must be met including a chemigation permit and reporting requirements.

10. If you are planning to impound water, please contact the Division of Water Resources for assistance, prior to submitting the application. Please attach a reservoir area capacity table and inform us of the total acres of surface drainage area above the reservoir.

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

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

11. The application must be supplemented by a U.S.G.S. topographic map, aerial photograph or a detailed plat showing the following information. On the topographic map, aerial photograph, or plat, identify the center of the section, the section lines or the section corners and show the appropriate section, township and range numbers. Also, please show the following information:

- (a) The location of the proposed point(s) of diversion (wells, stream-bank installations, dams, or other diversion works) should be plotted as described in Paragraph No. 5 of the application, showing the North-South distance and the East-West distance from a section line or southeast corner of section.
- (b) If the application is for groundwater, please show the location of any existing water wells of any kind within 1/2 mile of the proposed well or wells. Identify each existing well as to its use and furnish the name and mailing address of the property owner or owners. If there are no wells within 1/2 mile, please advise us.
- (c) If the application is for surface water, the names and addresses of the landowner(s) 1/2 mile downstream and 1/2 mile upstream from your property lines must be shown.
- (d) The location of the proposed place of use should be shown by crosshatching on the topographic map, aerial photograph or plat.
- (e) Show the location of the pipelines, canals, reservoirs or other facilities for conveying water from the point of diversion to the place of use.

A 7.5 minute U.S.G.S. topographic map may be obtained by providing the section, township and range numbers to: Kansas Geological Survey, 1930 Constant, Campus West, University of Kansas, Lawrence, Kansas 66047.

12. List any application, appropriation of water, water right, or vested right file number that covers the same diversion points or any of the same place of use described in this application. Also list any other recent modifications made to existing permits or water rights in conjunction with the filing of this application.

File No. 45,115; this is a rate-only application

Water Resources
Received

UNACCEPTABLE PRIORITY
APR 02 2018

WATER RESOURCES
RECEIVED

APR 16 2018

KS Dept Of Agriculture

SCANNED

**STOCKWATER USE
SUPPLEMENTAL SHEET**

File No. 50037

Name of Applicant (Please Print): MS Real Estate Holdings, LLC

1. Please indicate type of livestock (cattle, hogs, etc.): dairy heifers

2. Please complete the following table showing past and present water requirements:

PAST NUMBER OF HEAD AND WATER DIVERTED, IF APPLICABLE

LAST 5 YEARS	NUMBER OF HEAD	WATER DIVERTED (GALLONS)	GALLONS PER HEAD PER DAY
5 years ago	13,000	118,937,498	25
Last year	21,000	117,855,700	15
Present Year	21,000	138,852,901	18

3. Please complete the following table showing estimated future water requirements:

ESTIMATED FUTURE NUMBER OF HEAD AND WATER DIVERTED

NEXT 5 YEARS	NUMBER OF HEAD	WATER TO BE DIVERTED (GALLONS)	GALLONS PER HEAD PER DAY
Year 1	21,000	147,000,000	19
Year 2	29,000	159,500,000	15
Year 3	37,000	203,500,000	15
Year 4	45,000	247,500,000	15
Year 5	53,000	259,027,804	13

Please attach any additional information, tables, or curves showing past, present and estimated future water requirements to substantiate the amount of water requested.

4. Please designate the legal description of the location where the water is to be used. Show in the space provided below the Section (S), Township (T), and Range (R), and the number of acres in each forty acre tract or fractional portion thereof.

S	T	R	NE¼				NW¼				SW¼				SE¼				TOTAL
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
5	35	32	40	40	40	40	40	40	40	40	40	40	40	40	40	40	40	40	640

5. Show quantities of water used and all associated water uses at the feedlot such as water used in feed mills, cooling of animals, washing, flushing of wastes, etc.:

DRINKING

53,000 head of dairy heifers x 13 gallons/head (avg.) x 365 days = 25,485,000 gallons
 _____ head of _____ x _____ gallons/head (avg.) x _____ days = _____ gallons
 _____ head of _____ x _____ gallons/head (avg.) x _____ days = _____ gallons

COOLING

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

SANITATION

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

OTHER USE (Explain) _____ = _____ gallons

TOTAL ----- 25,485,000 gallons

6. Show location of present and future location of confinement pens on your attached maps or photographs.

7. Total feed bunk space for cattle or livestock is 40,450 linear feet.

8. Total size of stock pens for confinement area of cattle, hogs, etc. is 7,642,000 square feet.

You may attach any additional information you believe will assist in informing the Division of Water Resources of the need for your request.

13. Furnish the following well information if the proposed appropriation is for the use of groundwater. If the well has not been completed, give information obtained from test holes, if available.

Information below is from: Test holes Well as completed Drillers log attached

Well location as shown in paragraph No.	(A)	(B)	(C)	(D)
Date Drilled	June 10, 2003			
Total depth of well	288 - 300			
Depth to water bearing formation				
Depth to static water level				
Depth to bottom of pump intake pipe				

14. The relationship of the applicant to the proposed place where the water will be used is that of Owner
(owner, tenant, agent or otherwise)

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

(name, address and telephone number)

(name, address and telephone number)

16. The undersigned states that the information set forth above is true to the best of his/her knowledge and that this application is submitted in good faith.

Dated at Kawheena, Wisconsin, Kansas, this 12th day of April, 2018
(month) (year)



(Applicant Signature)

By _____
(Agent or Officer Signature)

(Agent or Officer - Please Print)

Water Resources
Received
APR 16 2018
KS Dept Of Agriculture

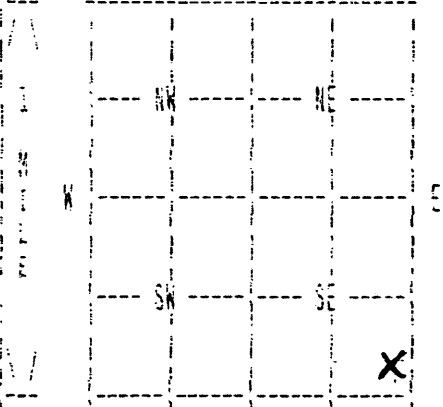
Assisted by _____ Date: _____
(office/title)

1 LOCATION OF WATER WELL: COUNTY: 088 SEWARD FRACTION: SE 1/4 SE 1/4 SECTION NUMBER: 05 TOWNSHIP NUMBER: T 35 RANGE NUMBER: R 32 W

DISTANCE AND DIRECTION FROM NEAREST TOWN OR CITY STREET ADDRESS OF WELL IF LOCATED WITHIN CITY?
FROM LIBERAL; APPX 5 1/4 MILES EAST & 1 MILE SOUTH

2 WATER WELL OWNER: LIBERAL FEEDERS BOARD OF AGRICULTURE, DIVISION OF WATER RESOURCES
RR#, ST. ADDRESS, BOX #: RT 2 BOX 150
CITY, STATE, ZIP CODE: LIBERAL, KS 67901-9418 APPLICATION NUMBER: 45,115

3 LOCATE WELL'S LOCATION WITH AN "X" IN SECTION BOX: 4 DEPTH OF COMPLETED WELL 288 ELEVATION: 0
DEPTH(S) GROUNDWATER ENCOUNTERED 1. 0 FT. 2. 0 FT. 3. 0 FT.



WELL'S STATIC WATER LEVEL 0 FT. BELOW LAND SURFACE MEASURED ON MO/DAY/YR
PUMP TEST DATA: WELL WATER WAS 0 FT. AFTER 0 HOURS PUMPING 0 GPM
ESTIMATED YIELD 0 GPM; WELL WATER WAS 0 FT. AFTER 0 HOURS PUMPING 0 GPM
BORE HOLE DIAMETER 18.5 IN. TO 288 FT., AND IN. TO 0 FT.
WELL WATER TO BE USED AS: 05 PUB. WTR SUP
WAS A CHEMICAL/BACTERIOLOGICAL SAMPLE SUBMITTED TO DEPARTMENT? No ;
IF YES, MO/DAY/YR SAMPLE WAS SUBMITTED WATER WELL DISINFECTED? Yes

5 TYPE OF BLANK CASING USED: 02 PVC CASING JOINTS: GLUED
BLANK CASING DIAMETER 8 IN. TO 288 FT., DIA IN. TO 0 FT., DIA IN. TO 0 FT.
CASING HEIGHT ABOVE LAND SURFACE 12 FT., WEIGHT 7 LBS/FT. WALL THICKNESS OF GAUGE NO. 1410
TYPE OF SCREEN OR PERFORATION MATERIAL: 07 PVC
DIAMETER OR PERFORATION OPENINGS ARE: 03 MILL SLOT

SCREEN PERFORATED INTERVALS: FROM 228 FT. TO 288 FT., FROM 0 FT. TO 0 FT.
GRAVEL PACK INTERVALS: FROM 0 FT. TO 0 FT., FROM 0 FT. TO 0 FT.
FROM 25 FT. TO 288 FT., FROM 0 FT. TO 0 FT.
FROM 0 FT. TO 0 FT., FROM 0 FT. TO 0 FT.

6 GROUT MATERIAL 03 BENTONITE
GROUT INTERVALS: FROM 5 FT. TO 25 FT., FROM 0 FT. TO 0 FT., FROM 0 FT. TO 0 FT.
WHAT IS THE NEAREST SOURCE OF POSSIBLE CONTAMINATION: NONE OBSERVED
DIRECTION FROM WELL? HOW MANY FEET? 0

FROM	TO	LITHOLOGIC LOG	FROM	TO	PLUGGING INTERVALS
0	15	02 SILT 07 FINE SAND 01 CLAY			
15	31	07 FINE SAND 01 CLAY			
31	45	01 CLAY 20 LIMESTONE			
45	75	01 CLAY 20 LIMESTONE			
75	90	01 CLAY 20 LIMESTONE 05 SAND			
90	105	01 CLAY 20 LIMESTONE			
105	120	01 CLAY 20 LIMESTONE			
120	150	01 CLAY 20 LIMESTONE			
150	165	05 SAND 01 CLAY			
165	167	05 SAND			

Water Resources Received
UNACCEPTABLE PRIORITY
APR 02 2018
KS Dept Of Agriculture

7 CONTRACTOR'S OR LANDOWNER'S CERTIFICATION: THIS WATER WELL WAS CONSTRUCTED UNDER MY JURISDICTION AND RECEIVED
COMPLETED ON (MO/DAY/YEAR) 06/10/03 AND THIS RECORD IS TRUE TO THE BEST OF MY KNOWLEDGE AND BELIEF. KANSAS
WATER WELL CONTRACTOR'S LICENSE NO. 145 THIS WATER WELL RECORD WAS COMPLETED ON (MO/DAY/YR) 06/10/03 2018
UNDER THE BUSINESS NAME OF HENKLE DRILLING & SUPPLY BY (SIGNATURE) SCANNED
KS DEPT OF AGRICULTURE

(CONTINUED)

WATER WELL RECORD FORM WWC-5 KSA 82A-1212

1 LOCATION OF WATER WELL: COUNTY: 088 SEWARD	FRACTION SE 1/4 SE 1/4 SE 1/4	SECTION NUMBER 05	TOWNSHIP NUMBER T 35 S	RANGE NUMBER R 32 W
---	----------------------------------	----------------------	---------------------------	------------------------

2 WATER WELL OWNER: LIBERAL FEEDERS
 RR#, ST. ADDRESS, BOX #: RT 2 BOX 150
 BOARD OF AGRICULTURE, DIVISION OF WATER RESOURCES

CITY, STATE, ZIP CODE : LIBERAL, KS 67901-9418
 APPLICATION NUMBER: 45,115

FROM	TO	LITHOLOGIC LOG
167	174	01 CLAY
174	180	05 SAND
180	181	05 SAND
181	188	05 SAND
188	192	01 CLAY 20 LIMESTONE
192	198	05 SAND
198	201	01 CLAY
201	212	05 SAND
212	217	01 CLAY
217	218	20 LIMESTONE
218	223	01 CLAY 20 LIMESTONE
223	225	20 LIMESTONE 01 CLAY
225	228	01 CLAY
228	240	05 SAND
240	245	01 CLAY 05 SAND
245	246	20 LIMESTONE
246	252	05 SAND 01 CLAY
252	260	01 CLAY 20 LIMESTONE
260	264	07 FINE SAND 01 CLAY
264	269	01 CLAY 20 LIMESTONE
269	270	07 FINE SAND
270	274	07 FINE SAND 01 CLAY
274	295	01 CLAY 20 LIMESTONE
295	300	20 LIMESTONE 01 CLAY

APPROVED BY: [Signature]
 DIVISION OF WATER RESOURCES
 STATE OF KANSAS
 DATE: 09/10/03

7 CONTRACTOR'S OR LANDOWNER'S CERTIFICATION: THIS WATER WELL WAS CONSTRUCTED UNDER MY JURISDICTION AND WAS COMPLETED ON (MO/DAY/YEAR) 06/10/03 AND THIS RECORD IS TRUE TO THE BEST OF MY KNOWLEDGE AND BELIEF, KANSAS WATER WELL CONTRACTOR'S LICENSE NO. 145 THIS WATER WELL RECORD WAS COMPLETED ON (MO/DAY/YR) 09/10/03 UNDER THE BUSINESS NAME OF HENKLE DRILLING & SUPPLY BY (SIGNATURE) *James J. Reichman*

50037



Specific Water Well Detail

Well T35S, R32W, Sec. 5, SE SE SE , Action: Constructed

Location Info		
Owner: Liberal Feeders	Status: Constructed	
Location: T35S, R32W, Sec. 5, SE SE SE	County: Seward	
Directions: from Liberal: 5.25 mi E, 1 mi S		
Longitude: -100.8149775	Latitude: 37.025845	Datum: NAD 27
Longitude and latitude calculated by Survey from township-range-section-quarter calls. Only good to within the quarter call accuracy.		
View well on interactive map This link will create a new window and display an interactive map of this well and its neighbors.		
General Info		
Well Depth: 288 ft.	Elevation: ft.	
Static Water Level: ft.	Est. Yield: gpm.	
Comp. Date: 10-Jun-2003	Well Use: Public Water Supply	
DWR Applic. #: 45115	Other ID:	
Driller Info		
Driller: Hydro Resources Mid Continent, Inc.	License #: 145	
Scanned Form		
View form(s) on screen	Download scan(s)	
The file you download contains one or more TIFF images compressed into a ZIP archive. Your browser may be already set up to decompress these files. Commercial software to perform this is available from <u>PKWARE, Inc.</u> , the company that invented the format. A web page from a group of people creating shareware or public domain software is available at <u>Info-ZIP</u> . The TIFFs are 300 dpi archival-quality scans of the WWC5 forms and can be viewed by software like Corel PhotoPaint or Adobe PhotoShop.		
Lithologic Log (Log data entered by KGS.)		
From: 0 ft. to 15 ft.	silt fine sand clay	
From: 15 ft. to 31 ft.	fine sand clay	
From: 31 ft. to 45 ft.	clay limestone	
From: 45 ft. to 75 ft.	clay limestone	
From: 75 ft. to 90 ft.	clay limestone sand	
From: 90 ft. to 105 ft.	clay limestone	

UNACCEPTABLE
WATER RESOURCES RECEIVED
PRIORITY
APR 02 2018

APR 16 2018

KS Dept Of Agriculture

SCANNED

From: 105 ft. to 120 ft.	clay limestone
From: 120 ft. to 150 ft.	clay limestone
From: 150 ft. to 165 ft.	sand clay
From: 165 ft. to 167 ft.	sand
From: 167 ft. to 174 ft.	clay
From: 174 ft. to 180 ft.	sand
From: 180 ft. to 181 ft.	sand
From: 181 ft. to 188 ft.	sand
From: 188 ft. to 192 ft.	clay limestone
From: 192 ft. to 198 ft.	sand
From: 198 ft. to 201 ft.	clay
From: 201 ft. to 212 ft.	sand
From: 212 ft. to 217 ft.	clay
From: 217 ft. to 218 ft.	limestone
From: 218 ft. to 223 ft.	clay limestone
From: 223 ft. to 225 ft.	limestone clay
From: 225 ft. to 228 ft.	clay
From: 228 ft. to 240 ft.	sand
From: 240 ft. to 245 ft.	clay sand
From: 245 ft. to 246 ft.	limestone
From: 246 ft. to 252 ft.	sand clay
From: 252 ft. to 260 ft.	clay limestone
From: 260 ft. to 264 ft.	fine sand clay
From: 264 ft. to 269 ft.	clay limestone
From: 269 ft. to 270 ft.	fine sand
From: 270 ft. to 274 ft.	fine sand clay
From: 274 ft. to 295 ft.	clay limestone
From: 295 ft. to 300 ft.	limestone clay

Kansas Geological Survey

Comments to webadmin@kgs.ku.edu

URL=<http://www.kgs.ku.edu/Magellan/WaterWell/index.html>

Display Programs Updated July 2, 2014

Data added continuously.

Water Resources
Division
July 2, 2014

Kansas Department of Agriculture

http://chasm.kgs.ku.edu/ords/wwc5.wwc5d2.well_details?well_id=341387

8/31/2017

McColloch, Austin

From: Meyer, Mike [KDA]
Sent: Tuesday, January 29, 2019 10:23 AM
To: McColloch, Austin [KDA]
Subject: RE: Recommendation File No. 50037

Perfect
Thanks
approve

Mike

From: McColloch, Austin [KDA]
Sent: Tuesday, January 29, 2019 10:15 AM
To: Meyer, Mike [KDA] <Mike.Meyer@ks.gov>
Subject: RE: Recommendation File No. 50037

Here is an updated memo with some changes that Kristen made.

Austin McColloch
Ph: (620) 276-2901

From: Meyer, Mike [KDA]
Sent: Monday, January 28, 2019 5:11 PM
To: McColloch, Austin <Austin.McColloch@ks.gov>
Subject: RE: Recommendation File No. 50037

I think they way you justified the rate, it is good.
Can you have Kristin take a look and see if she agrees with how we worded this.

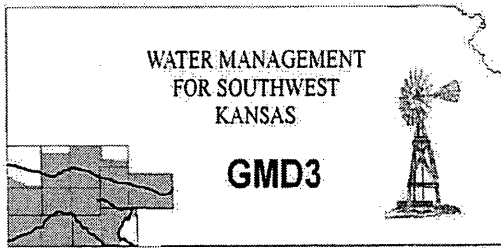
thanks

Mike

From: McColloch, Austin
Sent: Monday, January 28, 2019 10:33 AM
To: Meyer, Mike [KDA] <Mike.Meyer@ks.gov>
Subject: Recommendation File No. 50037

Mike,

Attached is my draft memo for New Application, File No. 50037 submitted by MS Real Estate Holdings. This is for rate only on an existing well under File No. 45115. Also attached is GMD3 review. Let me know if you have questions or need anything changed.



Southwest Kansas
Groundwater Management District No. 3
2009 E. Spruce Street
Garden City, Kansas 67846
(620) 275-7147 phone (620) 275-1431 fax
www.gmd3.org

January 18, 2019

Austin J McColloch
Division of Water Resources
2508 N Johns Street
Garden City, Kansas 67846

RE: Application for new Appropriation
File No. 50037

Dear Austin:

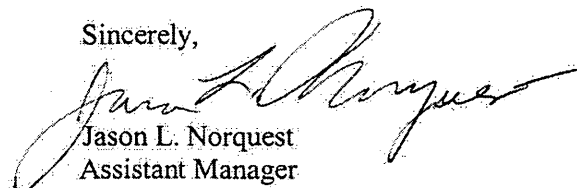
We have completed a review of the application for the above referenced appropriation right. The proposed new application, for rate increase only, is not in accordance with current area rules, K.A.R. 5-23-3, as it pertains to minimum spacing to neighboring wells.

Well evaluations were conducted to estimate possible effects of the proposal on the supply of other wells with water rights prior to the proposal per K.S.A. 82a-708b and K.S.A. 82a-711 and the draft revised management program. It is considered unreasonable to dis-allow any new effects from a proposal, so a standard maximum drawdown allowance applied over 50 years is used under an assumption the proposed well is pumped at maximum authorized rate and quantity. A drawdown allowance is used based on saturated thickness. The maximum reasonable or de minimis effect is used to screen for water right wells that need more investigation for a critical well result from the proposal. A critical well is a strong candidate for water right impairment. The attached review information is based on the Theis and GMD3 model tools and considered the best information available. Conclusions of the well analysis may change if better information on well and aquifer data can be made available.

Records indicate that all of the neighboring wells reviewed are owned/operated by the applicant. Review of the logs for each neighboring well, within a mile, shows one stock well (WR 41117) had calculations determine that it could potentially be critical a well. It was also determined that the well under water right 41117 appears to have the ability to go deeper if needed. We are dealing with reasonably small allocations on these wells that all operate in the same system for the stock operation that have to be operated in a manor to balance usage for the operation. Again, this new appropriation is for rate only on an existing well that currently does not meet spacing and is not adding any new water allocation to the operation. After review of the analysis and the fact that all wells in the immediate area are part of the same operation and we are dealing with rate only, it is therefore recommended that the application be approved.

Thank you for the opportunity to review the applications and to provide a recommendation. If you have any questions, please don't hesitate to contact us.

Sincerely,



Jason L. Norquest
Assistant Manager

GMD3 Change Review

File No(s): 50037.

DWR office: HQ/GC.

App filed to change: New Appropriation (Rate Only).

Is Landowner(s) correct in WRIS: MS Real Estate Holdings, LLC.

If NO, is documentation included?

Is Water Use Correspondent correct in WRIS? Yes.

If NO, is documentation included?

Regulation(s) Reviewed: KAR 5-23-3,

Point of diversion ID No(s) being changed.

	ft. North	ft. West				
Authorized PD						
Proposed PD						
Difference	0	0				
a ² + b ² = c ²	0	0	0			

GPS for proposed PD: Lat: Long: .

Is proposed PD stacking on existing WRs? 45115.

Is Proposed PU overlapping existing WRs? .

Land Owner(s) notified: .

Name . Name .

Address . Address .

Zip . Zip .

Neighboring certified well(s) notified: .

Name . Name .

Address . Address .

Zip . Zip .

Domestic well(s) notified: .

Name . Name .

Address . Address .

Zip . Zip .

Base Acres: .

Perfected Acres: .

Irr. Return-Flow %

45115 authorizes 6.934mgd=21.3AF @ 80gpm

This app requesting no additional AF, but 200gpm rate which is more than 15% current on the well. WR 45115 was originally applied for as a MUN right, but has since been changed.

Only one certified well within a mile was determined to be a critical well (WR41117). All of those wells studied are owned/operated by the applicant. It appears 41117 has the ability to possibly be drilled deeper if needed.

Everything in area is operated by the applicant and options on well locations can be limited within the calf facility.

GMD3 Change Review

Is a waiver needed: ___.

Final Recommendation: The request is only for increase in rate and NO NEW WATER will be authorized. Our analysis shows only one well would be critical and have more change at impairment. That neighboring well, along with all the other wells within a mile, are part of the same operation of the applicant's. Since this is for rate only, it basically means the applicant will have to monitor the usage more or be done pumping sooner in the year. Staff recommends approval of the application

A handwritten signature in black ink, appearing to be 'JLZ', is located on the right side of the page.

AMOUNT STATISTICS REPORT FOR POINTS OF DIVERSION UNDER A 50037 00

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AMOUNT STATISTICS REPORT FOR POINTS OF DIVERSION UNDER A 50037 00 STK

Water Right and Points of Diversion Within 1.00 miles of point defined as:

432 Feet North and 325 Feet West of the Southeast Corner of Section 5 T 35S R 32W

GROUNDWATER ONLY

```

=====
File Number  Use ST SR Dist (ft) Q4 Q3 Q2 Q1 FeetN FeetW Sec Twp Rng ID Batt Auth_Quan Add_Quan Unit
A__ 20625 00 STK NK G      3582 -- SE NE NE 4003  47  5 35 32W 15          97.01  97.01 AF
A__ 20626 00 STK NK G      3071 -- NE SE NE 3500  55  5 35 32W  4          72.00  72.00 AF
A__ 41117 00 STK NK G       141 -- SE SE SE  333  225  5 35 32W 12 G 2    281.05  238.99 AF
Same                211 -- SE SE SE  575  170  5 35 32W  7 B 2
Same                345 -- SE SE SE   90  280  5 35 32W 13 B 2
A__ 41119 00 STK NK G     1352 -- -- NC SE 1320 1350  5 35 32W  1          264.85  156.58 AF
A__ 45115 00 STK NK G       0 -- SE SE SE  432  325  5 35 32W 14          21.28  21.28 AF
A__ 50037 00 STK AY G       0 -- SE SE SE  432  325  5 35 32W 14          21.28  21.28 AF
=====

```

```

=====
Total Net Quantities Authorized:  Direct      Storage
Total Requested Amount (AF) =      21.28      .00
Total Permitted Amount (AF) =         .00      .00
Total Inspected Amount (AF) =         .00      .00
Total Pro_Cert Amount (AF) =         .00      .00
Total Certified Amount (AF) =     585.85      .00
Total Vested Amount (AF) =         .00      .00
TOTAL AMOUNT (AF) =     607.13      .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 1.00 miles of point defined as:

432 Feet North and 325 Feet West of the Southeast Corner of Section 5 T 35S R 32W

GROUNDWATER ONLY

WATER USE CORRESPONDENTS:

=====

```

File Number  Use ST SR
A__ 20625 00 STK NK G
> MS REAL ESTATE HOLDINGS LLC
> MILK SOURCE LLC
> N 3569 VANDEN BOSCH RD
> KAUKAUNA WI 54130
>-----

```

```

A__ 20626 00 STK NK G
> MS REAL ESTATE HOLDINGS LLC
> MILK SOURCE LLC
> N 3569 VANDEN BOSCH RD
> KAUKAUNA WI 54130
>-----

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A__ 41117 00 STK NK G
> MS REAL ESTATE HOLDINGS LLC
> MILK SOURCE LLC
> N 3569 VANDEN BOSCH RD

```


> KAUKAUNA WI 54130

>-----

A__ 41119 00 STK NK G

> MS REAL ESTATE HOLDINGS LLC

> MILK SOURCE LLC

> N 3569 VANDEN BOSCH RD

> KAUKAUNA WI 54130

>-----

A__ 45115 00 STK NK G

> MS REAL ESTATE HOLDINGS LLC

> MILK SOURCE LLC

> N 3569 VANDEN BOSCH RD

> KAUKAUNA WI 54130

>-----

A__ 50037 00 STK AY G

> MS REAL ESTATE HOLDINGS LLC

> MILK SOURCE LLC

> N 3569 VANDEN BOSCH RD

> KAUKAUNA WI 54130

>-----

=====

#####

AMOUNT STATISTICS REPORT FOR POINTS OF DIVERSION UNDER A 50037 00

#####

AMOUNT STATISTICS REPORT FOR POINTS OF DIVERSION UNDER A 50037 00 STK

Water Right and Points of Diversion Within 1.00 miles of point defined as:

432 Feet North and 325 Feet West of the Southeast Corner of Section 5 T 35S R 32W

GROUNDWATER ONLY

File Number	Use	ST	SR	Dist (ft)	Q4	Q3	Q2	Q1	FeetN	FeetW	Sec	Twp	Rng	ID	Batt	Auth_Quan	Add_Quan	Unit
A__ 20625 00	STK	NK	G	3582	--	SE	NE	NE	4003	47	5	35	32W	15		97.01	97.01	AF
A__ 20626 00	STK	NK	G	3071	--	NE	SE	NE	3500	55	5	35	32W	4		72.00	72.00	AF
A__ 41117 00	STK	NK	G	141	--	SE	SE	SE	333	225	5	35	32W	12	G 2	281.05	238.99	AF
Same				211	--	SE	SE	SE	575	170	5	35	32W	7	B 2			
Same				345	--	SE	SE	SE	90	280	5	35	32W	13	B 2			
A__ 41119 00	STK	NK	G	1352	--	--	NC	SE	1320	1350	5	35	32W	1		264.85	156.58	AF
A__ 45115 00	STK	NK	G	0	--	SE	SE	SE	432	325	5	35	32W	14		21.28	21.28	AF
A__ 50037 00	STK	AY	G	0	--	SE	SE	SE	432	325	5	35	32W	14		21.28	21.28	AF

Total Net Quantities Authorized:	Direct	Storage
Total Requested Amount (AF) =	21.28	.00
Total Permitted Amount (AF) =	.00	.00
Total Inspected Amount (AF) =	.00	.00
Total Pro_Cert Amount (AF) =	.00	.00
Total Certified Amount (AF) =	585.85	.00
Total Vested Amount (AF) =	.00	.00
TOTAL AMOUNT (AF) =	607.13	.00

An * after the source of supply indicates a pending application for change under the file number.

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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 1.00 miles of point defined as:

432 Feet North and 325 Feet West of the Southeast Corner of Section 5 T 35S R 32W

GROUNDWATER ONLY

WATER USE CORRESPONDENTS:

=====

File Number Use ST SR

A__ 20625 00 STK NK G
 > MS REAL ESTATE HOLDINGS LLC
 > MILK SOURCE LLC
 > N 3569 VANDEN BOSCH RD
 > KAUKAUNA WI 54130

 A__ 20626 00 STK NK G
 > MS REAL ESTATE HOLDINGS LLC
 > MILK SOURCE LLC
 > N 3569 VANDEN BOSCH RD
 > KAUKAUNA WI 54130

 A__ 41117 00 STK NK G
 > MS REAL ESTATE HOLDINGS LLC
 > MILK SOURCE LLC
 > N 3569 VANDEN BOSCH RD

> KAUKAUNA WI 54130

>-----

A__ 41119 00 STK NK G

> MS REAL ESTATE HOLDINGS LLC

> MILK SOURCE LLC

> N 3569 VANDEN BOSCH RD

> KAUKAUNA WI 54130

>-----

A__ 45115 00 STK NK G

> MS REAL ESTATE HOLDINGS LLC

> MILK SOURCE LLC

> N 3569 VANDEN BOSCH RD

> KAUKAUNA WI 54130

>-----

A__ 50037 00 STK AY G

> MS REAL ESTATE HOLDINGS LLC

> MILK SOURCE LLC

> N 3569 VANDEN BOSCH RD

> KAUKAUNA WI 54130

>-----

=====

#####

New Appropriation for Water Right No. 50037

1

Proposed:

- Increase rate on the well authorized under water right number 45115 from 80 gpm to 200 gpm by creating a new water right appropriation under number 50037.

2

Wells Within 1 Mile and Proposed Drawdown Effects

- **41117**
 - Distance from proposed location = 141 ft
 - 50 yr drawdown effect = 5.0 ft
- **41119**
 - Distance from proposed location = 1352 ft
 - 50 yr drawdown effect = 1.9 ft
- **Southern well authorized under 20625**
 - Distance from proposed location = 3070 ft
 - 50 yr drawdown effect = 0.9 ft
- **Northern well authorized under 20625**
 - Distance from proposed location = 3589 ft
 - 50 yr drawdown effect = 0.7 ft

3

Maximum Drawdown Allowance

- Current saturated thickness is greater than 200 ft.
- Drawdown allowance over 50 years is 4.0 ft.
 - Additional 50 year drawdown effect exceeds 4.0 ft for the well authorized under water right number 41117, so that well needs to be evaluated.

4

Aquifer Conditions at Proposed Well Location

- Saturated thickness is 295 ft.
 - Projected to decline 22.6 ft in 25 years
 - $T = 19,723$ gpd/ft
 - $S = 0.00295$

5

Evaluation of Water Right No. 41117

- Drawdown due to additional proposed pumping = **5.0 ft**
 - Based upon 25 years Theis analysis using $S = 0.00295$, $T = 19,723$ gpd/ft,
 $r_{\text{proposed}} = 141$ ft, $r_{\text{original}} = 141$ ft, $Q_{\text{proposed}} = 200$ gpm, $Q_{\text{original}} = 80$ gpm,
 $t_{\text{proposed}} = 24$ days, $t_{\text{original}} = 61$ days
- Drawdown due to existing pumping = **22.6 ft**
 - Based upon water level declines predicted by the GMD3 model
- Dynamic Drawdown = **30.4 ft**
 - Based upon a Theis analysis using $r = 0.5$ ft, $S = 0.00295$, $T = 19,723$ gpd/ft,
 $t = 1$ day, $Q = 231$ gpm, well efficiency = 70%.
- Total Drawdown = **58.0 ft**

6

Drawdown Constraints for WR No. 41117

- **Physical Drawdown Constraint**

- Well is screened to a depth of 271 ft.
- Depth to the bottom of the aquifer is unknown, so depth to water was calculated by adding the measured depth from the 1996 driller's log, 208 ft, to the decline between 1996 and 2018 from the GMD3 model, 24.1 ft, to get a total depth of 232 ft.
- The water column is the distance between the bottom of the well screen and the water table, 39 ft.
- The PDC is assumed to be 40 ft above the bottom of the well screen, 1 ft above the water column. Therefore, the well is already critical without any further effects from existing or proposed wells factored in.
 - The well is not drilled to the bottom, but is only 22 years old.
 - No change or new authority can be allowed that exceeds the 4.0 ft maximum drawdown allowance without a redrill of this well or a waiver of analysis.
 - A waiver may be advisable here because the applicant owns the affected well and the well can also be drilled deeper.

FEB 26 2003

File No. 45,115

Garden City Field Office Page 3 of 4
Division of Water Resources

15. 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.

16. 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.

17. That the well casing and other appurtenances to said well under this appropriation shall be maintained by the applicant to the satisfaction of the Chief Engineer, Division of Water Resources, Kansas Department of Agriculture.

18. That in the event that this application is dismissed or the well under this appropriation should become abandoned by the applicant, the applicant shall cause said well to be plugged in accordance with the requirements of article 30 of the Rules and Regulations as adopted by the Kansas Department of Health and Environment.

19. That the applicant shall cause the well under this appropriation to be constructed so that the source of supply will be restricted to withdrawal of water from only that portion of the Ogallala Formation that precludes withdrawal of water from any water-bearing strata that may contain concentrations of chlorides of more than 250 milligrams per liter.

20. That if water samples contain concentrations of chlorides of more than 250 milligrams per liter, additional samples of water shall be taken from selected depths which shall be sufficient to determine the location of water containing more than 250 milligrams per liter chlorides, and the well shall be constructed/reconstructed in such a manner to preclude said water.

21. That the permit holder must submit a progress report to the office of the Chief Engineer by March 1, after the tenth year from the date of the approval of this application and permit to proceed. The progress report is to contain sufficient details to explain the extent of development (perfection) of the water right during the previous ten (10) years, the extent of population being served by the water right and how the water right, in association with any other water right(s) meets the demonstrated municipal use need.

22. That the Chief Engineer specifically retains jurisdiction in this matter with authority to make such reasonable reductions in the approved rate of diversion and quantity authorized to be perfected, and such changes in other terms, conditions, and limitations set forth in this approval and permit to proceed as may be deemed to be in the public interest.

This Order shall become a final agency action, as defined by K.S.A. 77-607(b), without further notice to the parties, if a request for hearing or a petition for administrative review is not filed as set forth below.

Request for Hearing. According to K.A.R. 5-14-3(c), any party who desires a hearing must submit a request within 15 days after the date shown on the Certificate of Service attached to this Order. Filing a request for a hearing will give you the opportunity to submit additional facts for consideration, contest any findings made by the Chief Engineer or present any other information you believe should be considered in this matter. A timely-filed request for hearing will stay the deadline for requesting administrative review of this Order pending the outcome of the hearing.

MICROFILMED

STATE OF KANSAS

DEPARTMENT OF AGRICULTURE
DIVISION OF WATER RESOURCES
GARDEN CITY FIELD OFFICE
2508 JOHNS STREET
GARDEN CITY, KS 67846-2804



PHONE: (620) 276-2901
FAX: (620) 276-9315
www.agriculture.ks.gov

GOVERNOR JEFF COLYER, M.D.
JACKIE MCCLASKEY, SECRETARY OF AGRICULTURE

September 4, 2018

JAQUELINE REYS
2846 ROAD O
LIBERAL KS 67901

New Application,
File No. 50,037

Dear Sir or Madam:

This is to advise you that MS Real Estate Holdings, LLC has filed the application referred to above for permit to appropriate 6.934 million gallons of water per calendar year for stockwatering use to be diverted at a maximum rate of 200 gallons per minute. Please note this is an **existing well**, and the application is requesting an **increase in rate of diversion only** (i.e. no additional quantity of water from the existing well). The well is located as follows:

one (1) well located in the Southeast Quarter of the Southeast Quarter of the Southeast Quarter (SE $\frac{1}{4}$ SE $\frac{1}{4}$ SE $\frac{1}{4}$) of Section 5, more particularly described as being near a point 432 feet North and 325 feet West of the Southeast corner of said section, in Township 35 South, Range 32 West, Seward County, Kansas.

Records in this office indicate that you may have a well or wells in this vicinity and you are notified of receipt of this application in order that you may be fully informed of the proposed location 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.

If you have any questions, please contact me at (620) 276-2901. If you call, please reference the file number so we can help you more efficiently.

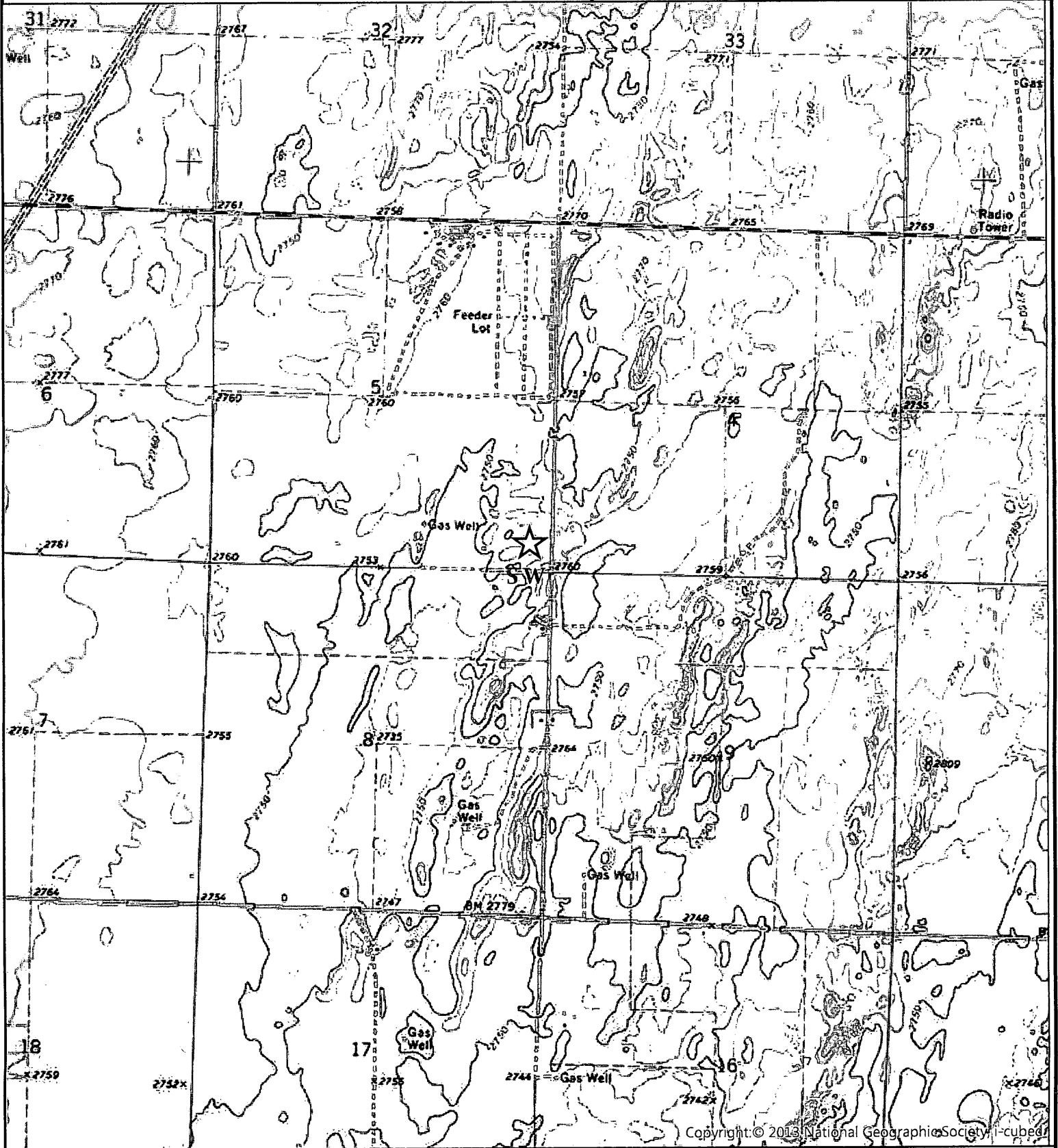
Sincerely,

A handwritten signature in black ink, appearing to read "Austin McColloch".

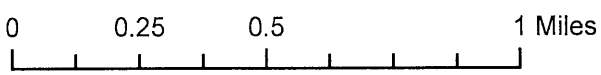
Austin McColloch
Environmental Scientist
Water Appropriation Program

Enclosure
pc:

File No. 50,037 Township 35S Range 32W



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Proposed Point of Diversion - Rate Only

Kansas Department of Agriculture
Division of Water Resources
04 Sep 2018

User amccolch

McColloch, Austin

From: Sarah Babcock <sbabcock@milksource.net>
Sent: Tuesday, August 28, 2018 10:19 AM
To: McColloch, Austin
Subject: RE: DWR New Application File No. 50,037
Attachments: File No. 50037 Well Map Signed.pdf

EXTERNAL: This email originated from outside of the organization. Do not click any links or open any attachments unless you trust the sender and know the content is safe.

Austin,

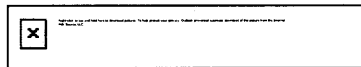
Attached is the signed map. I couldn't find any further information on any wells in the area, so this looks correct.

Do you happen to know how long the application process might take after this point?

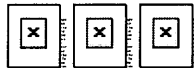
Thanks,
Sarah Babcock

Sarah Babcock
Environmental Coordinator
Milk Source, LLC
N3569 Vanden Bosch Rd.
Kaukauna, WI 54130

E: sbabcock@milksource.net
O: 920-759-4647
F: 920-766-3579
C: 920-858-6976



www.milksource.com



From: McColloch, Austin [KDA] <Austin.McColloch@ks.gov>
Sent: Wednesday, July 11, 2018 8:44 AM
To: Sarah Babcock <SBabcock@milksource.net>
Subject: DWR New Application File No. 50,037

Sarah,

Attached is the map I have drawn up to show all nearby nondomestic and domestic wells located within a half mile of the point of diversion. When completed sign the statement declaring all wells within one-half (½) mile of the requested point(s) of diversion have been plotted. You may return the signed map via email.

It appears there might be two farmsteads (one on the very edge) located approximately 1,300' & 2,600' South of the proposed point of diversion. It is unclear if the closest property has a domestic well or not per the WWC5 database. The Southern farmstead appears to have a domestic well per WWC5 database.

Let me know if you have any questions.

Thanks,

STATE OF KANSAS



DEPARTMENT OF AGRICULTURE
1320 RESEARCH PARK DRIVE
MANHATTAN, KS 66502
PHONE: (785) 564-6700
FAX: (785) 564-6777

900 SW JACKSON, ROOM 456
TOPEKA, KS 66612
PHONE: (785) 296-3556
www.agriculture.ks.gov

GOVERNOR JEFF COLYER, M.D.
JACKIE MCCLASKEY, SECRETARY OF AGRICULTURE

April 18, 2018

MS REAL ESTATE HOLDINGS, LLC
N3569 VANDAN BOSCH RD
KAUKAUNA WI 54130

RE: Application
File No. 50037

Dear Sir or Madam:

Your application for permit to appropriate water in 5-35S-32W in Seward County, was received and has been assigned the file number noted above.

As a matter of record, the Division of Water Resources has on hand a large number of applications awaiting processing. Therefore to be fair to all concerned, and so that we can process those applications on hand in the order they were received, we intend to concentrate on the backlog of applications until the issue is resolved. Once review of your application has begun, we will contact you, if additional information is required.

In accordance with the provisions of the Kansas Water Appropriation Act, a portion of which is included below, the use of water as proposed prior to approval of the application is unlawful. Once approved, compliance with the terms, conditions and limitations of the permit is necessary. Conservation of the water resources of Kansas is required.

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

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

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

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

Sincerely,

Kristen A. Baum
New Applications Unit Supervisor
Water Appropriation Program

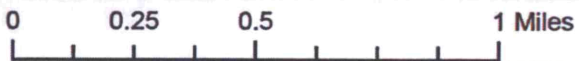
BAT: dlw
pc: GARDEN CITY Field Office
GMD 3

SCANNED

File No. 50,037 Township 35S Range 32W



Source: Esri, DigitalGlobe, GeoEye, Earthstar Geographics, CNES/Airbus DS, USDA, USGS, AeroGRID, IGN, and the GIS User Community



All wells of any kind within a half mile of the proposed point(s) of diversion are shown above:

MS Real Estate Holdings, LLC

By: *Debbie Babosch*
Debbie Babosch, Environmental Coordinator

8/28/18

Signature

Date



Kansas Department of Agriculture
Division of Water Resources

10 Jul 2018

50037



GORRIN

750-002,003,004 (20677, 42320)

Well #7 (20624)

Well #6 (20624)

Well #1 (20625)

Well #2 (20626)

Well #5 (41119)

Well #3 (41117)

Well #4 (41117)

Well #8 (45115)

4

Bluebell Rd

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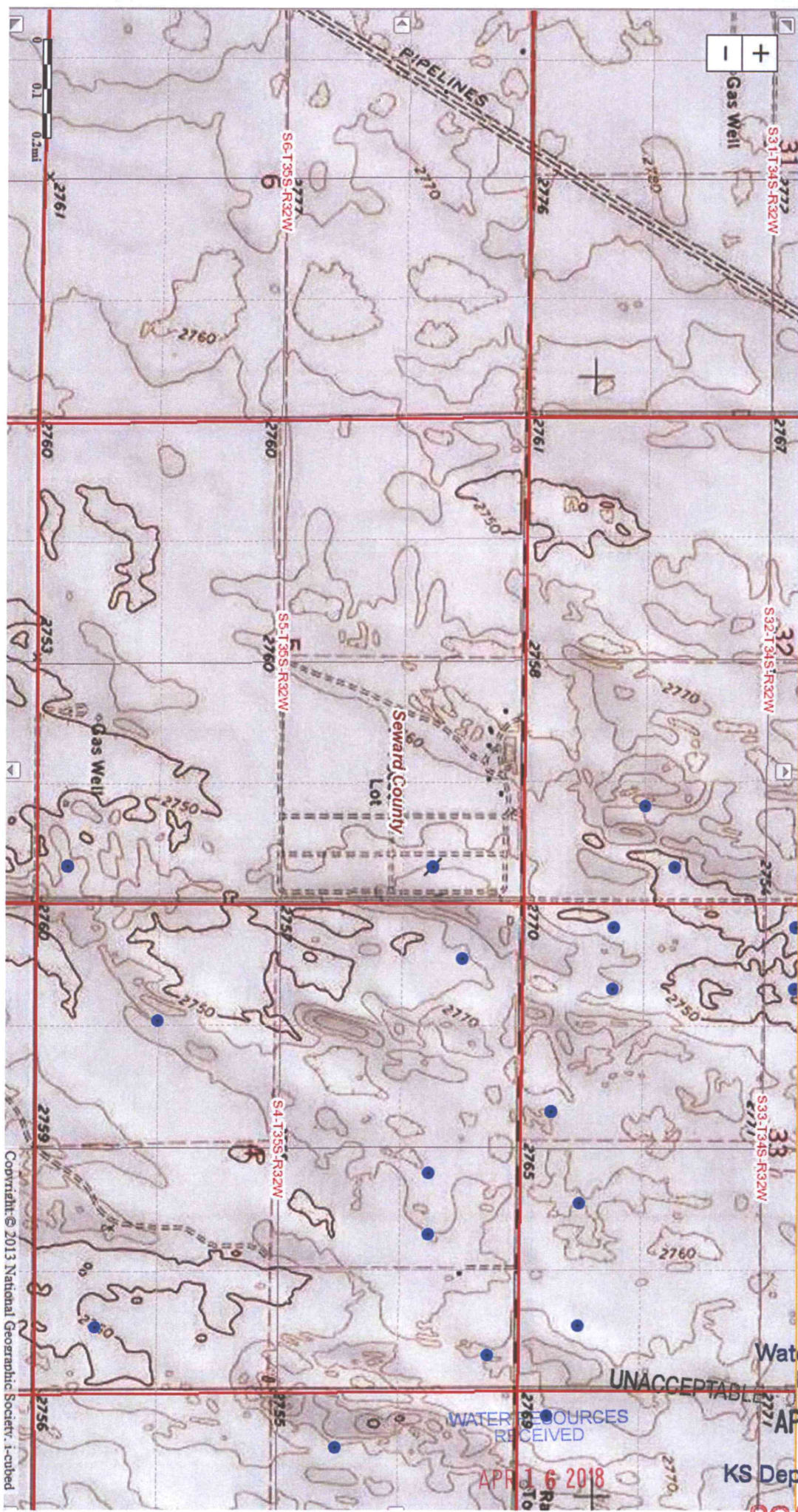
o

Google Earth

ACCEPTABLE RESOURCES RECEIVED

APR 02 2018

50037



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Water Resources Received OR PRIORITY UNACCEPTABLE APR 02 2016

APR 16 2018

KS Dept Of Agriculture

KS DEPT OF AGRICULTURE

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