

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;">50,228</p>	2. Status Change Date: <p style="text-align: center; font-size: 1.2em;">5/31/2019</p>	3. Field Office: <p style="text-align: center; font-size: 1.2em;">4</p>	4. GMD:
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 type="checkbox"/> Driller Copy <input checked="" type="checkbox"/> Meter			
<p>7a. Applicant(s) <input type="checkbox"/> New to system <input type="checkbox"/> Person ID <u>66353</u> Add Seq# <u>1</u></p> <p>FULLMER AUTO COMPANY TEXAS LLC QUE FULLMER PO BOX 986 SYRACUSE KS 67878</p> <p>7b. Landowner(s) <input type="checkbox"/> New to system <input type="checkbox"/> Person ID _____ Add Seq# _____</p> <p>7a.</p>	<p>7c. Landowner(s) <input type="checkbox"/> New to system <input type="checkbox"/> Person ID _____ Add Seq# _____</p> <p>7d. Misc. <input type="checkbox"/> New to system <input type="checkbox"/> Person ID _____ Add Seq# _____</p>		
<p>8. WUR Correspondent <input type="checkbox"/> New to system <input type="checkbox"/> Person ID _____ Add Seq# _____ Overlap File (s) WUC Notarized WUC Form <input type="checkbox"/> Agree <input type="checkbox"/> Yes <input type="checkbox"/> No</p> <p>7a.</p>	<p>9. Use of Water: Changing? <input type="checkbox"/> Yes <input type="checkbox"/> No</p> <p><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 checked="" type="checkbox"/> IND SIG: <u>8744</u> <input type="checkbox"/> OTHER: _____</p>		
10. Completion Date: <u>12/31/2020</u>		11. Perfection Date: <u>12/31/2024</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: 5/14/2019 By: AM Date Entered: <u>6/3/2019</u> By: <u>WM</u></p>			

File No. 50,228	15. Formation Code: 211	Drainage Basin: Arkansas River	County: HM	Special Use:	Stream:																
16. Points of Diversion T MOD DEL PDIV ENT Qualifier S T R ID 'N 'W			17. Rate and Quantity Authorized Additional Rate gpm Quantity mgy Rate gpm Quantity mgy Overlap PD Files																		
			15 7.884 0 2.936 45936																		
CHK 70406 NW SE NE 36 24S 41W 1 3538 1126			(24.2 AF)		(9 AF)																
18. Storage: Rate _____ NF Quantity _____ ac/ft Additional Rate _____ NF Additional Quantity _____ ac/ft																					
19. Limitation: 7.884 mg/yr at 15 gpm (_____ cfs) when combined with file number(s) 45936 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 12/31/2020 Date Acceptable Meter Installed _____																					
21. Place of Use T MOD DEL ENT PUSE S T R ID		NE¼				NW¼				SW¼				SE¼				Total	Owner	Chg? NO	Overlap Files
		NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼				
CHK 56408 36 24S41W 1		FEEDLOT (NE)																	7a	45936, 45937, 47593	
Comments:																					

KANSAS DEPARTMENT OF AGRICULTURE
Division of Water Resources

MEMORANDUM

TO: Files

DATE: May 14, 2019

FROM: Austin McColloch

RE: New Application,
File No. 50,228

Fullmer Auto Company Texas LLC has filed the above referenced application proposing to appropriate a total of 7.884 million gallons (24.2 acre-feet) of groundwater per calendar year at a diversion rate not to exceed 15 gallons per minute for stockwatering use. The application overlaps in point of diversion with Water Right, File No. 45,936 located in the drainage basin of the Arkansas River. The applicant has signed the application form stating that they have legal access to the point of diversion.

The proposed point of diversion is an existing well located in the Northwest Quarter of the Southeast Quarter of the Northeast Quarter (NW¼ SE¼ NE¼) of Section 36, more particularly described as being near a point 3,538 feet North and 1,126 feet West of the Southeast corner of said section, in Township 24 South, Range 41 West, Hamilton County, Kansas.

As stated above, this overlaps in point of diversion with Water Right, File No. 45,936 which has a total of 4.948 million gallons (15.2 acre-feet) and a total of 15 gallons per minute. Thus, New Application, File No. 50,228 will have an additional 2.936 million gallons (9 acre-feet) and will be limited when combined with Water Right, File No. 45,936.

The place of use is described as a Feedlot located in the Northeast Quarter (NE¼) of Section 36. The applicant is the owner of the property. Water Right, File Nos. 45,936; 45,937 and 47,593 also overlap this place of use. Combined they have a total quantity of 39.837 million gallons (122.26 acre-feet).

The requested quantity of and additional 2.936 million gallons was based on providing an adequate supply of water for a 38,000 head cattle facility. The applicant provided an estimate for drinking water quantity as follows:

38,000 head of cattle x 3.1 gallons per head per day x 365 days = 43,000,000 gallons

However, due to the limitations of the physical well only being able to pump at 15 gallons per minute, the quantity must be limited to 7.884 million gallons.

15 gpm x 60 min/hr x 24 hrs/day x 365 days = 7.884 million gallons

K.A.R. 5-3-22 provides for a maximum of 15 gallons per head per day for beef cattle. The requested quantity and rate of diversion will be limited when combined with Water Right, File No. 45,936 to provide a total quantity not to exceed 7.884 million gallons at a rate of diversion not to exceed 15 gallons per minute. The requested quantity and rate of diversion appear to be reasonable for the intended use.

A well log was submitted with the previous senior water rights application, which shows the source of supply being the Ogallala aquifer (211). The two other water rights overlapping the place of use (File Nos. 45,937 and 47,593) have been classified as sourcing the Confined Dakota aquifer (340).

A safe yield analysis based on the area of consideration of 7,786 acres, a recharge of 0.5 inches, and 75% of recharge available for appropriation, resulted in a safe yield of 243.3 acre-feet. Due to the only other wells in the area sourcing the Confined Dakota formation, there are not other appropriations located within the area of consideration. Therefore, there is 288.11 acre-feet of water available for appropriation, and safe yield criteria have been met.

There are two possible domestic wells located within one-half ($\frac{1}{2}$) mile of the proposed point of diversion. Nearby letters notifying the owners of the proposed appropriation were sent out on April 23, 2019. No response was received. With the other appropriated water rights sourcing the Confined Dakota, and the domestic wells are over 2,000 feet away, the application meets minimum well spacing criteria.

In a May 14, 2019 e-mail, Mike Meyer, Water Commissioner, Garden Coty 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, the area is open to new appropriations, the application complies with safe yield and well spacing criteria, 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
Environmental Scientist

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, Secretary

Laura Kelly, Governor

June 4, 2019

FILE COPY

FULLMER AUTO COMPANY TEXAS LLC
QUE FULLMER
PO BOX 986
SYRACUSE KS 67878

RE: Appropriation of Water, File No. 50,228

Dear Sir or Madam:

Enclosed is a permit authorizing you to proceed with construction of the proposed diversion works and to appropriate water for beneficial use as set forth in the permit. Your attention is directed to the enclosures and to the terms, conditions, limitations, and requirements specified in this permit.

Notice must be filed on the enclosed form once the diversion works have been completed. Failure to complete the diversion works within the time allowed, or within any authorized extension of time thereof, will result in dismissal of this permit. If you need an extension of time, you must request it before the deadline for completion set forth in the permit. Any request for an extension of time must be accompanied by the statutorily required fee, which is currently \$100.00.

An acceptable water flowmeter must be installed on the diversion works authorized by this permit prior to using water. An annual water use report must be filed with the Chief Engineer by March 1, following the end of each calendar year. If a complete annual water use report is not received by the deadline, then a fine may be assessed and all water use under such permit or right may be suspended. Reports submitted in paper form will be assessed a \$20 per file number paper filing fee. In order to avoid this filing fee, you may submit your report online at www.kswaterusereport.org.

The approval of your application constitutes a permit to appropriate water. It does not give authority to construct any dam or other stream obstruction regulated by K.S.A. 82a-301 through 305a. It does not give authority to access any right-of-way or authorize trespassing upon or injury to public or private property. It may also be necessary for you to comply with other local, state or federal requirements.

Enclosed is an informational sheet that sets forth the procedure to obtain a Certificate of Appropriation which will establish the extent of your perfected water right. Additional information and applicable forms may be found on our website at agriculture.ks.gov/divisions-programs/dwr. If you have any questions or need assistance with any of these requirements, please contact our office at 785-564-6640 or your local Garden City Field Office at 620-276-2901. If you call, please reference the file number so we can 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

THE STATE  OF KANSAS

KANSAS DEPARTMENT OF AGRICULTURE
Mike Beam, 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. 50,228** of the applicant

**FULLMER AUTO COMPANY TEXAS LLC
QUE FULLMER
PO BOX 986
SYRACUSE KS 67878**

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 **March 28, 2019**.
2. That the water sought to be appropriated shall be used for stock watering use in the Northeast Quarter (NE $\frac{1}{4}$) of Section 36, in Township 24 South, Range 41 West, Hamilton 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 Northeast Quarter (NW $\frac{1}{4}$ SE $\frac{1}{4}$ NE $\frac{1}{4}$) of Section 36, more particularly described as being near a point 3,538 feet North and 1,126 feet West of the Southeast corner of said section, in Township 24 South, Range 41 West, Hamilton 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 **15 gallons per minute (0.03 c.f.s.)** and to a quantity not to exceed **7.884 million gallons (24.2 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 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).

13. 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.

14. That no water user shall engage in nor allow the waste of any water diverted under the authority of this permit.

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 quantity of water and rate of diversion approved under this permit is further limited to the quantity and rate which combined with Water Right, File No. 45,936, will provide a total not to exceed **7.884 million gallons (24.2 acre-feet)** of water per calendar year to be diverted at a maximum diversion rate not in excess of **15 gallons per minute (0.03 c.f.s.)** for stock watering use on the land described herein.

RIGHT TO A HEARING AND TO ADMINISTRATIVE REVIEW

If you are aggrieved by this Order, then pursuant to K.S.A. 82a-1901, you may:

- 1) request an evidentiary hearing before the Chief Engineer, or
- 2) request administrative review by the Secretary of Agriculture.

Failure to request an evidentiary hearing before the Chief Engineer does not preclude your right to administrative review by the Secretary.

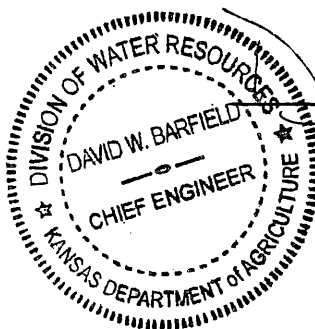
To obtain an evidentiary hearing before the Chief Engineer, a written request for hearing must be filed within 15 days after service of this Order as provided in K.S.A. 77-531 (i.e., **within a total of 18 days after this Order was mailed to you**), with: Kansas Department of Agriculture, Attn: Legal Section, 1320 Research Park Drive, Manhattan, KS 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, 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.

Ordered this 31st day of May, 2019, in Manhattan, Riley County, Kansas.



David W. Barfield

 David W. Barfield, P.E.
 Chief Engineer
 Division of Water Resources
 Kansas Department of Agriculture

State of Kansas)
) SS
 County of Riley)

The foregoing instrument was acknowledged before me this 31st day of May, 2019, by David W. Barfield, P.E., Chief Engineer, Division of Water Resources, Kansas Department of Agriculture.



Karen Hunter

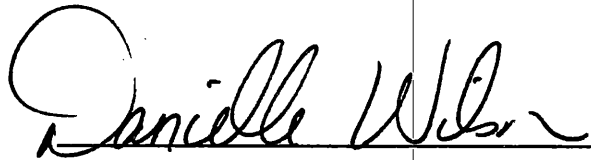
 Notary Public

CERTIFICATE OF SERVICE

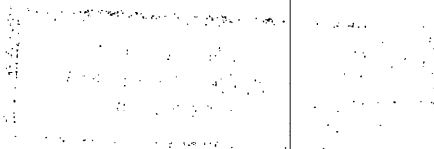
On this ~~4th~~ day of *June*, 2019, I hereby certify that the foregoing Approval of Application and Permit to Proceed, File No. 50,228, dated *May 31st, 2019* was mailed postage prepaid, first class, US mail to the following:

FULLMER AUTO COMPANY TEXAS LLC
QUE FULLMER
PO BOX 986
SYRACUSE KS 67878

With photocopies to:
Garden City Field Office



Division of Water Resources



THE STATE OF KANSAS



WATER RESOURCES RECEIVED

MAR 28 2019
KS DEPT OF AGRICULTURE

KANSAS DEPARTMENT OF AGRICULTURE
Jackie McClaskey, Secretary of Agriculture

DIVISION OF WATER RESOURCES
David W. Barfield, Chief Engineer

File Number 50228
This item to be completed by the Division of Water Resources.

WATER RESOURCES RECEIVED

APPLICATION COMPLETE
5/14/19
Reviewer KAB

MAR 28 2019
1123

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.)

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): FULLMER AUTO COMPANY TEXAS LLC; QUE FULLMER
Address: PO BOX 986
City: SYRACUSE State KS Zip Code 67878
Telephone Number: (____) _____

2. The source of water is: surface water in _____ (stream)
OR groundwater in ARKANSAS RIVER BASIN - OGALLALA FORMATION (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 _____ acre-feet OR 7.884 million (2.936 add) gallons per calendar year, to be diverted at a maximum rate of 15 (0 add.) gallons per minute OR _____ cubic feet per second.

Once your application has been assigned a priority, the requested maximum rate of diversion and maximum requested quantity of water under that priority number can **NOT** be increased. Please be certain your requested maximum rate of diversion and maximum quantity of water are appropriate and reasonable for your proposed project and are in agreement with the Division of Water Resources' requirements.

4. The water is intended to be appropriated for (Check use intended):
(a) Artificial Recharge (b) Irrigation (c) Recreational (d) Water Power
(e) Industrial (f) Municipal (g) Stockwatering (h) Sediment Control
(i) Domestic (j) Dewatering (k) Hydraulic Dredging (l) Fire Protection
(m) Thermal Exchange (n) Contamination Remediation

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

For Office Use Only:
F.O. 4 GMD Meets K.A.R. 5-3-1 (YES / NO) Use SRV Source S County HM By DAW Date 3/28/19
Code REG Fee \$ 200 TR # _____ Receipt Date 3/28/19 Check # 17923

SCANNED
4/11/2019 UM

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 NW quarter of the SE quarter of the NE quarter of Section 36, more particularly described as being near a point 3538 feet North and 1126 feet West of the Southeast corner of said section, in Township 24 South, Range 41 West, HAMILTON 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):

SAME AS APPLICANT
(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:

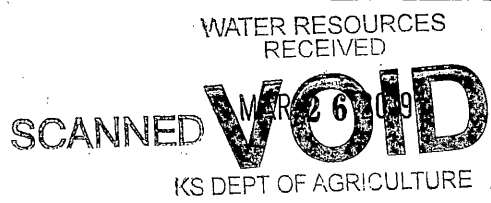
I have legal access to, or control of, the point of diversion described in this application from the landowner or the landowner's authorized representative. I declare under penalty of perjury that the foregoing is true and correct.

Executed on March 7, 2019 _____
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 1 well _____
(number of wells, pumps or dams, etc.)
and (was)(will be) completed (by) 7/22/2004
(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 ASAP
(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.

OVERLAPPING PD W/ FILE NO. 45936 AUTHORIZED 4.948 MGY AT 15 GPM

OVERLAPPING PU W/ FILE NOS. 45936; 45937 & 47593

FILE NOS. 45937 & 47593 ARE COINFINE DAKOTA WELLS (340)

WATER RESOURCES RECEIVED

WATER RESOURCES RECEIVED

MAR 28 2019

SCANNED MAR 26 2019 VOID

KS DEPT OF AGRICULTURE

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

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

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

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

15. The owner(s) of the property where the water is used, if other than the applicant, is (please print):
SAME AS APPLICANT
(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 Syracuse, Kansas, this 1 day of March, 2019
(month) (year)

[Signature]
(Applicant Signature)

By _____
(Agent or Officer Signature)

(Agent or Officer - Please Print)

Assisted by AM/GCFO _____ Date: 11/7/2018
(office/title)

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MAR 28 2019
KS DEPT OF AGRICULTURE

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MAR 26 2019
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**STOCKWATER USE
SUPPLEMENTAL SHEET**

File No. 50228

Name of Applicant (Please Print): FULLMER AUTO COMPANY TEXAS LLC

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

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

PAST NUMBER OF HEAD AND WATER DIVERTED, IF APPLICABLE

LAST 5 YEARS	NUMBER OF HEAD	WATER DIVERTED (GALLONS)	GALLONS PER HEAD PER DAY
5 years ago	5,300	5,069,660	3.6
Last year 17	18,063	17,562,800	3
Present Year 18	32,371	28,231,970	3

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	38,000	43,000,000	3.1
Year 2	44,000	58,000,000	3.6
Year 3	50,000	72,000,000	3.9
Year 4	55,000	86,000,000	4.3
Year 5	60,000	100,000,000	4.6

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	
36	24S	41W	FEEDLOT (NE)																

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Baum, Kristen [KDA]

From: Meyer, Mike [KDA]
Sent: Tuesday, May 14, 2019 11:36 AM
To: McColloch, Austin [KDA]
Subject: RE: Recommendation New App File No. 50228

Yes, approve.
just making sure we limit to the max as you calculated and limit rate to 15 gpm
thanks

Mike

From: McColloch, Austin [KDA]
Sent: Tuesday, May 14, 2019 10:49 AM
To: Meyer, Mike [KDA] <Mike.Meyer@ks.gov>
Subject: Recommendation New App File No. 50228

Mike,

Attached is my draft memo for the new application above submitted by Fullmer Auto Company for stockwatering use.
Let me know if you have any questions or need something changed.

Thanks,

Austin McColloch
Ph: (620) 276-2901

AMOUNT STATISTICS REPORT FOR POINTS OF DIVERSION UNDER A 50228 00

#####

AMOUNT STATISTICS REPORT FOR POINTS OF DIVERSION UNDER A 50228 00 STK

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

3538 Feet North and 1126 Feet West of the Southeast Corner of Section 36 T 24S R 41W

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__ 45936 00 STK NK G           0 -- NW SE NE 3538 1126 36 24 41W 1           15.19 15.19 AF
A__ 45937 00 STK NK G          383 -- NW SE NE 3640 757 36 24 41W 8 G 2           8.07 8.07 AF
Same          333 -- NW SE NE 3451 805 36 24 41W 5 B 2
Same          509 -- NW SE NE 3829 708 36 24 41W 7 B 2
A__ 47593 00 STK LO G          383 -- NW SE NE 3640 757 36 24 41W 8 G 2           99.00 99.00 AF
Same          333 -- NW SE NE 3451 805 36 24 41W 5 B 2
Same          509 -- NW SE NE 3829 708 36 24 41W 7 B 2
A__ 50228 00 STK AY G           0 -- NW SE NE 3538 1126 36 24 41W 1           24.20 9.01 AF
=====
    
```

```

=====
Total Net Quantities Authorized:   Direct      Storage
Total Requested Amount (AF) =      9.01         .00
Total Permitted Amount (AF) =       .00         .00
Total Inspected Amount (AF) =     99.00         .00
Total Pro_Cert Amount (AF) =       .00         .00
Total Certified Amount (AF) =     23.25         .00
Total Vested Amount (AF) =         .00         .00
TOTAL AMOUNT (AF) =     131.27         .00
=====
    
```

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

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

3538 Feet North and 1126 Feet West of the Southeast Corner of Section 36 T 24S R 41W

GROUNDWATER ONLY

WATER USE CORRESPONDENTS:

```

=====
File Number   Use ST SR
A__ 45936 00 STK NK G
> FULLMER AUTO COMPANY TEXAS LLC
> QUE FULLMER
> PO BOX 986
> SYRACUSE KS 67878
>-----
A__ 45937 00 STK NK G
> FULLMER AUTO COMPANY TEXAS LLC
> QUE FULLMER
> PO BOX 986
> SYRACUSE KS 67878
>-----
A__ 47593 00 STK LO G
> FULLMER AUTO COMPANY TEXAS LLC
> QUE FULLMER
> PO BOX 986
    
```


> SYRACUSE KS 67878

>-----

A__ 50228 00 STK AY G

> FULLMER AUTO COMPANY TEXAS LLC

> QUE FULLMER

> PO BOX 986

> SYRACUSE KS 67878

>-----

=====

#####

50228

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

60,000 head of CALVES x 4.6 gallons/head (avg.) x 365 days = 100,000,000 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) milk preparation and wash other than drinking = 5,000,000 gallons

TOTAL ----- 105,000,000 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 37,600 linear feet.

8. Total size of stock pens for confinement area of cattle, hogs, etc. is 3,600,000 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.

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Page 2 of 2
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(Date)

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

Re: Application
File No. 50228

Minimum Desirable Streamflow

Dear Sir:

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

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

I also understand that if this application is approved, there could be times, as determined by the Division of Water Resources, when I would not be allowed to divert water. I realize that this could affect the economics of my decision to appropriate water.

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




Signature of Applicant

Ty Fullmer

(Print Applicant's Name)

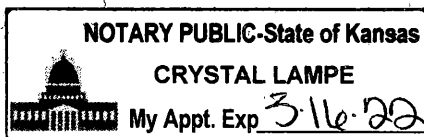
State of Kansas)
County of Hamilton) ss

I hereby certify that the foregoing instrument was signed in my presence and sworn to before me this 7 day of March, 2019.



Notary Public

My Commission Expires:



DWR 1-100.171 (Revised 03/27/2008)

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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

April 4, 2019

FULLMER AUTO COMPANY TEXAS, LLC
PO OBX 986
SYRACUSE, KS 67878

RE: Application, File No. **50228**

Dear Sir or Madam:

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

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

Additional information about the process may be found on our website at agriculture.ks.gov/divisions-programs/dwr. If you have any other questions, please contact our office at 785-564-6640 or your local Garden City Field Office at 620-276-2901. If you call, please reference the file number so we can help you more efficiently.

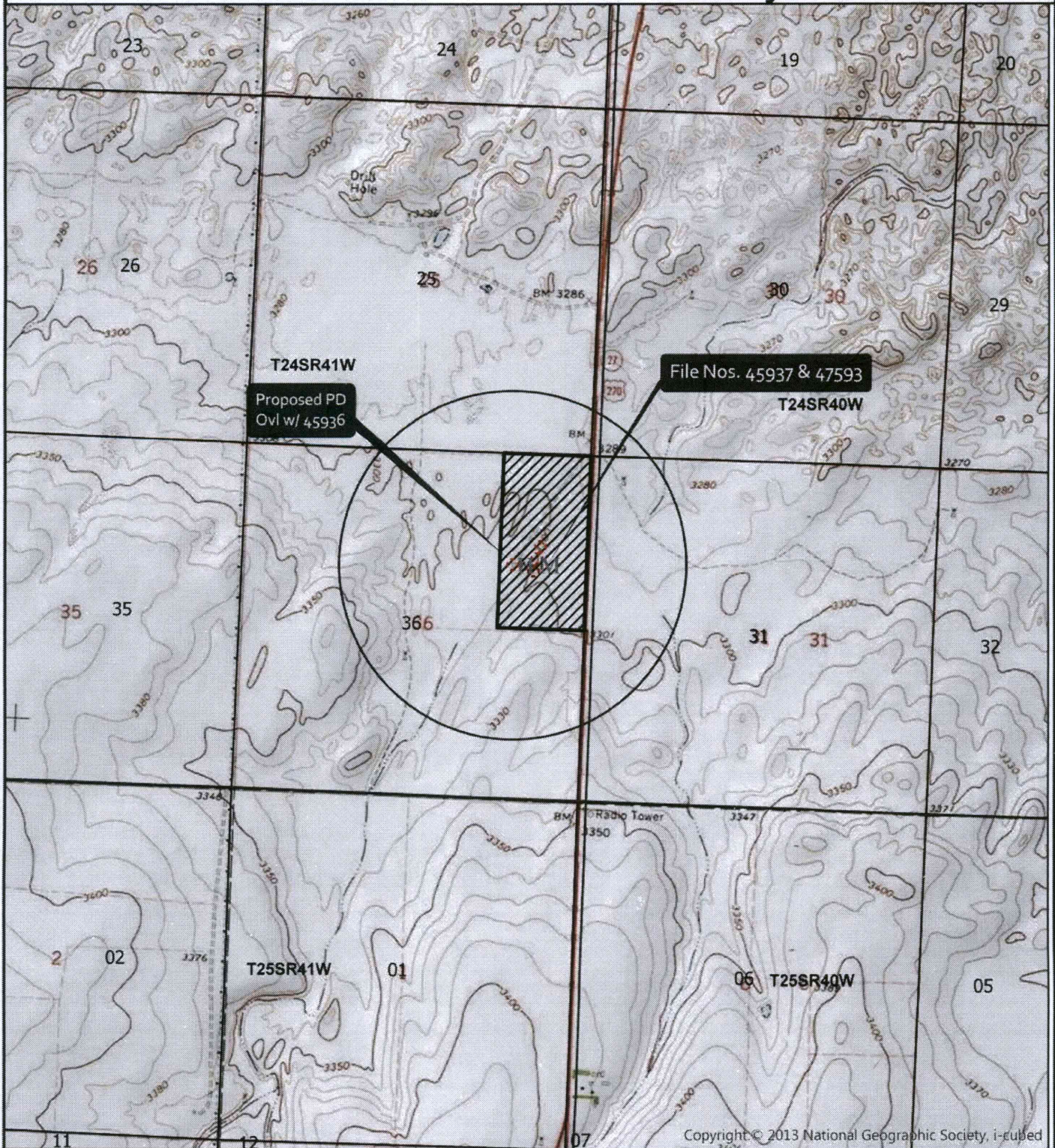
Sincerely,

Kristen A. Baum
New Applications Unit Supervisor
Water Appropriation Program


SCANNED


50228

36-24S-41W Hamilton County KS



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 Proposed PU

 0.5 Mile Circle

0 0.25 0.5 1 Miles

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

J. Fullmer
Signature

3-27-19
Date



Kansas Department of Agriculture
Division of Water Resources

07 Nov 2018

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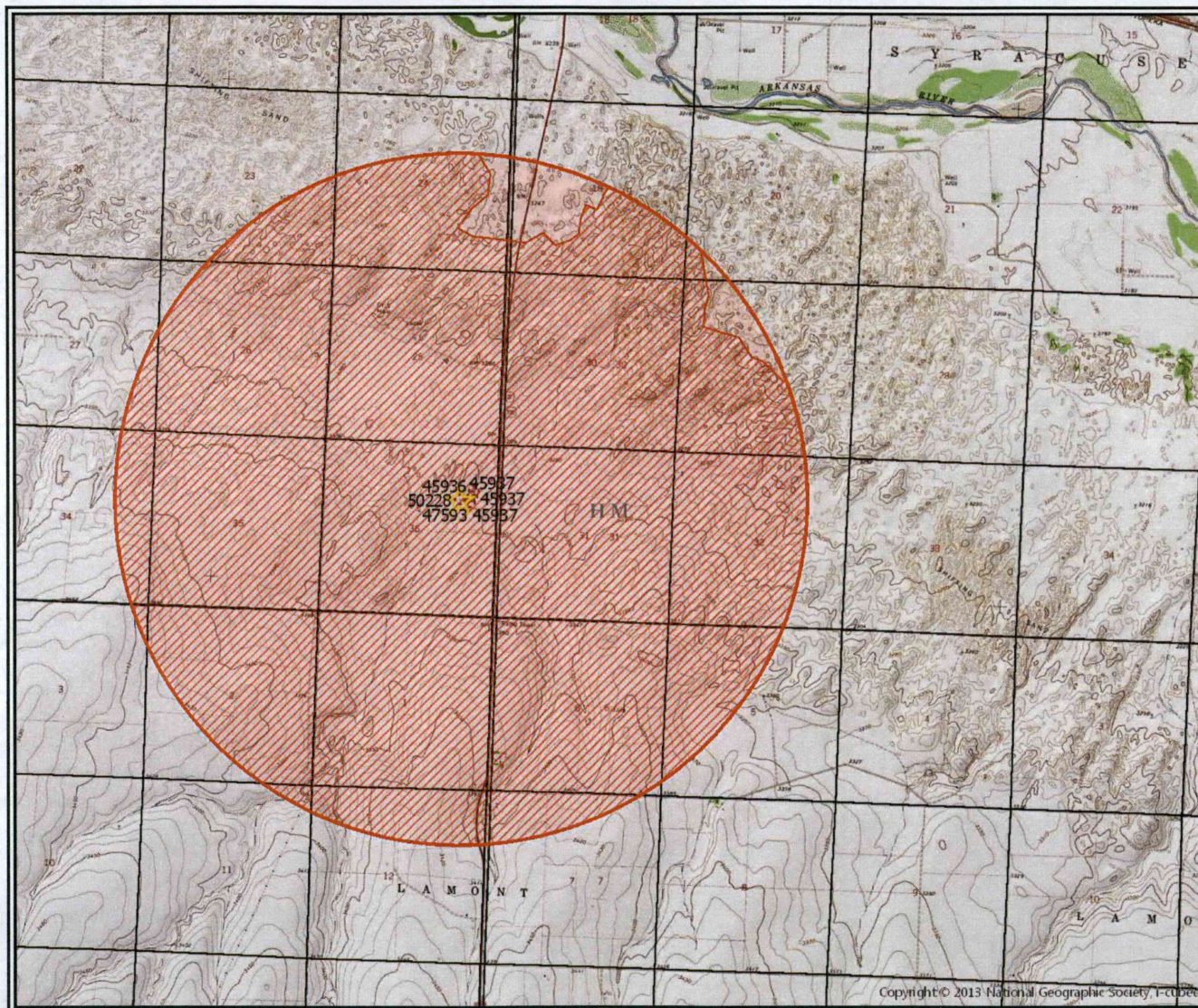
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SCANNED **VOID** 6 21

KS DEPT OF AGRICULTURE

Safe Yield Report Sheet
Water Right- A5022800
Point of Diversion in 36-24S-41W
Footages from SE corner- 3,538 feet North 1,126 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 243.30 AF.

Total prior appropriations in the circle is 131.27 AF.

Total quantity of water available for appropriation is 112.04 AF.

Safe Yield Variables

The area used for the analysis is set at 7,786 acres.

The potential annual recharge at the circle center is estimated to be 0.5 inches.

The percent of recharge available for appropriation is 75%.

Authorized Quantity values are as of 23-APR-2019 and are based on Appropriated and Vested ground water right and possible stream nodes for GMD #2. Domestic, Term and Temporary water rights have been excluded.

There are 4 water rights and 4 points of diversion within the circle.

File Number	Use	ST	SR	Q4	Q3	Q2	Q1	FeetN	FeetW	Sec	Twp	Rng	ID	Qind	Auth Quant	Add Quant	Tot Acres	Net Acres
A 45936 00	STK	NK	G		NW	SE	NE	3538	1126	36	24	41W	1	WR	15.19	15.19		
A 45937 00	STK	NK	G		NW	SE	NE	3451	805	36	24	41W	5	WR	8.07	8.07		
Same	STK	NK	G		NW	SE	NE	3829	708	36	24	41W	7	WR				
Same	STK	NK	G		NW	SE	NE	3640	757	36	24	41W	8	WR				
A 47593 00	STK	LO	G		NW	SE	NE	3451	805	36	24	41W	5	WR	99.00	99.00		
Same	STK	LO	G		NW	SE	NE	3829	708	36	24	41W	7	WR				
Same	STK	LO	G		NW	SE	NE	3640	757	36	24	41W	8	WR				
A 50228 00	STK	AY	G		NW	SE	NE	3538	1126	36	24	41W	1	WR	24.20	9.01		