

# NOTICE

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

RECEIVED

SEP 24 2020

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

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

Garden City Field Office  
Division of Water Resources



State of Kansas

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

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

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

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

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SEP 28 2020  
3:26

KS Dept Of Agriculture

File No. 17878 D2

2. Name of applicant: LAKIN DAIRY LLP

Address: PO BOX 323, LAKIN KS 67860-0323

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

Phone Number: (320) 266 2429 E-mail address: Craigjachen@gmail.com

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

Name of water use correspondent: NO CHANGE

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

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

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

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

3. The change(s) proposed herein are desired for the following reasons (please be specific): \_\_\_\_\_

TO PROPOSE DUAL USE FOR THIS WATER RIGHT, STOCKWATER / IRRIGATION USE, AND TO ADD ON THE FEEDLOT AND DAIRY PLACE OF USE AS ADDITIONAL STOCKWATER QUANTITY WILL BE NEEDED FOR FUTURE

The change(s) (was) (will be) completed by 1-1-2021

(Date)

For Office Use Only:

F.O. 4 GMD 3 Meets K.A.R. 5-5-1 (YES/NO) Use IRR Source  G / S County KE By KJN Date 9/28/2020  
Code ca Fee \$ 5000 TR # \_\_\_\_\_ Receipt Date 9/28/2020 Check # 6800

10/6/2020  
LMoody

Assisted by: \_\_\_\_\_

4. The presently authorized place of use is:

Owner of Land — NAME: LAKIN DAIRY LLP

ADDRESS: \_\_\_\_\_

Sec.	Twp.	Range	NE¼				NW¼				SW¼				SE¼				TOTAL ACRES
			NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	
4	26	36W			29	19			18	29	40	39	17	27	39	40	27	17	341
9	26	36W	40	40	40	40													160
5	26	36W	80.5	78.5	35	35	57	58	17.5	17.5					22.5	22.5			421

List any other water rights that cover this place of use. L-1 L-2 L-3 L-4 14273 D2, 14288, 14279, 27105

Owner of Land — NAME: \_\_\_\_\_

ADDRESS: \_\_\_\_\_

Sec.	Twp.	Range	NE¼				NW¼				SW¼				SE¼				TOTAL ACRES
			NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	
33	25	36W	40	40	40	40	40	40	40	40	40	40	40	40	40	40	40	40	640

List any other water rights that cover this place of use. 14273 D2, 14288, 14279, 27105

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

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

Owner of Land — NAME: LAKIN DAIRY LLP

ADDRESS: \_\_\_\_\_

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Sec.	Twp.	Range	NE¼				NW¼				SW¼				SE¼				TOTAL ACRES
			NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	
4	26	36W			29	19			18	29	40	39	17	27	39	40	27	17	341
9	26	36W	40	40	40	40													160
5	29	36W	L-1 80.5	L-2 78.5	35	35	L-3 57	L-4 58	17.5	17.5					22.5	22.5			421
33	25	36W	40	40	40	40	40	40	40	40	40	40	40	40	40	40	40	40	640

List any other water rights that cover this place of use. 14273 D2, 14288, 14279, 27105

Owner of Land — NAME: LAKIN DAIRY LLP

ADDRESS: \_\_\_\_\_

Sec.	Twp.	Range	NE¼				NW¼				SW¼				SE¼				TOTAL ACRES
			NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	
32	25	36W	feed	lot	NE¼														
29	25	36W	feed	lot	E2	of	W2	of the	SE¼	AND	E2	of the	SE¼						

List any other water rights that cover this place of use. 14298.01, 24627.01, 24627.02, 24627.03, 24627.04, 24627.05, 37773.01, 39593, 37773.02, 39594, 35959

6. The presently authorized point(s) of diversion are 3 WELLS  
(Provide description and number of points)

7. The proposed point(s) of diversion are 3 WELLS  
(Provide description and number of points)

**List all presently authorized point(s) of diversion:**

8. **Presently authorized point of diversion:**  
 One in the \_\_\_\_\_ Quarter of the \_\_\_\_\_ Quarter of the LOT 3 (NENW) Quarter  
 of Section 5, Township 26 South, Range 36 W,  
 in KE County, Kansas, 4420 feet North 3920 feet West of Southeast corner of section.  
 Authorized Rate \_\_\_\_\_ Authorized Quantity \_\_\_\_\_  
 (DWR use only: Computer ID No. 03 GPS \_\_\_\_\_ feet North \_\_\_\_\_ feet West)  
 This point will not be changed  This point will be changed as follows:  
**Proposed point of diversion: (Complete only if change is requested)**  
 One in the \_\_\_\_\_ Quarter of the \_\_\_\_\_ Quarter of the \_\_\_\_\_ Quarter  
 of Section \_\_\_\_\_, Township \_\_\_\_\_ South, Range \_\_\_\_\_ (E/W),  
 in \_\_\_\_\_ County, Kansas, \_\_\_\_\_ feet North \_\_\_\_\_ feet West of Southeast corner of section.  
 Proposed Rate \_\_\_\_\_ Proposed Quantity \_\_\_\_\_  
 This point is:  Additional Well  Geo Center List other water rights that will use this point \_\_\_\_\_

9. **Presently authorized point of diversion:**  
 One in the SE Quarter of the SW Quarter of the NE Quarter  
 of Section 5, Township 26 South, Range 36 W,  
 in KE County, Kansas, 3050 feet North 1360 feet West of Southeast corner of section.  
 Authorized Rate --- Authorized Quantity ---  
 (DWR use only: Computer ID No. 05 GPS \_\_\_\_\_ feet North \_\_\_\_\_ feet West)  
 This point will not be changed  This point will be changed as follows:  
**Proposed point of diversion: (Complete only if change is requested)**  
 One in the \_\_\_\_\_ Quarter of the \_\_\_\_\_ Quarter of the \_\_\_\_\_ Quarter  
 of Section \_\_\_\_\_, Township \_\_\_\_\_ South, Range \_\_\_\_\_ (E/W),  
 in \_\_\_\_\_ County, Kansas, \_\_\_\_\_ feet North \_\_\_\_\_ feet West of Southeast corner of section.  
 Proposed Rate \_\_\_\_\_ Proposed Quantity \_\_\_\_\_  
 This point is:  Additional Well  Geo Center List other water rights that will use this point \_\_\_\_\_

10. **Presently authorized point of diversion:**  
 One in the \_\_\_\_\_ Quarter of the \_\_\_\_\_ Quarter of the LOT 2 NWNE Quarter  
 of Section 5, Township 26 South, Range 36 W,  
 in KE County, Kansas, 6135 feet North 1473 feet West of Southeast corner of section.  
 Authorized Rate 1005 GPM Authorized Quantity 250 AF  
 (DWR use only: Computer ID No. 06 GPS \_\_\_\_\_ feet North \_\_\_\_\_ feet West)  
 This point will not be changed  This point will be changed as follows:  
**Proposed point of diversion: (Complete only if change is requested)**  
 One in the \_\_\_\_\_ Quarter of the \_\_\_\_\_ Quarter of the LOT 2 (NWNE) Quarter  
 of Section 5, Township 26 South, Range 36 W,  
 in KE County, Kansas, 6135 feet North 1473 feet West of Southeast corner of section.  
 Proposed Rate 1005 GPM Proposed Quantity 218.25 AF  
 This point is:  Additional Well  Geo Center List other water rights that will use this point \_\_\_\_\_

11. Describe the current condition of and future plans for any point(s) of diversion which will no longer be used \_\_\_\_\_

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**STOCKWATER USE  
SUPPLEMENTAL SHEET**

File No. \_\_\_\_\_

Name of Applicant (Please Print): Larkin Dairy LLP

1. Please indicate type of livestock (cattle, hogs, etc.): Dairy Cattle, Heifers, and Calves

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	<u>Different ownership</u>		
Last year	<u>16,000</u>	<u>95,464,500</u>	<u>16.35</u>
Present Year	<u>17,500</u>	<u>105,000,000</u>	<u>16.43</u>

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	<u>19,000</u>	<u>114,000,000</u>	<u>16.43</u>
Year 2	<u>22,600</u>	<u>126,166,600</u>	<u>15.30</u>
Year 3	<u>22,600</u>	<u>126,166,600</u>	<u>15.30</u>
Year 4	<u>22,600</u>	<u>126,166,600</u>	<u>15.30</u>
Year 5	<u>22,600</u>	<u>126,166,600</u>	<u>15.30</u>

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	
<u>32</u>	<u>25</u>	<u>36</u>																	
<u>27</u>	<u>25</u>	<u>36</u>																	

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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**

3900 head of Dairy Cows x 32 gallons/head (avg.) x 365 days = 45,532,000 gallons  
 15,700 head of Heifers x 9 gallons/head (avg.) x 365 days = 45,844,000 gallons  
 3,000 head of Calves x 4 gallons/head (avg.) x 365 days = 4,380,000 gallons

**COOLING**

1500 gallons/hour x 22 hour/day x 365 days = 12,045,000 gallons

**SANITATION**

35 g.p.m. x 60 min/hr x 168 hr/wk x 52 wks/yr = 18,345,600 gallons

**OTHER USE** (Explain) \_\_\_\_\_ = \_\_\_\_\_ gallons

**TOTAL** ----- 126,166,600 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 39,390 linear feet.

8. Total size of stock pens for confinement area of cattle, hogs, etc. is \_\_\_\_\_ square feet.

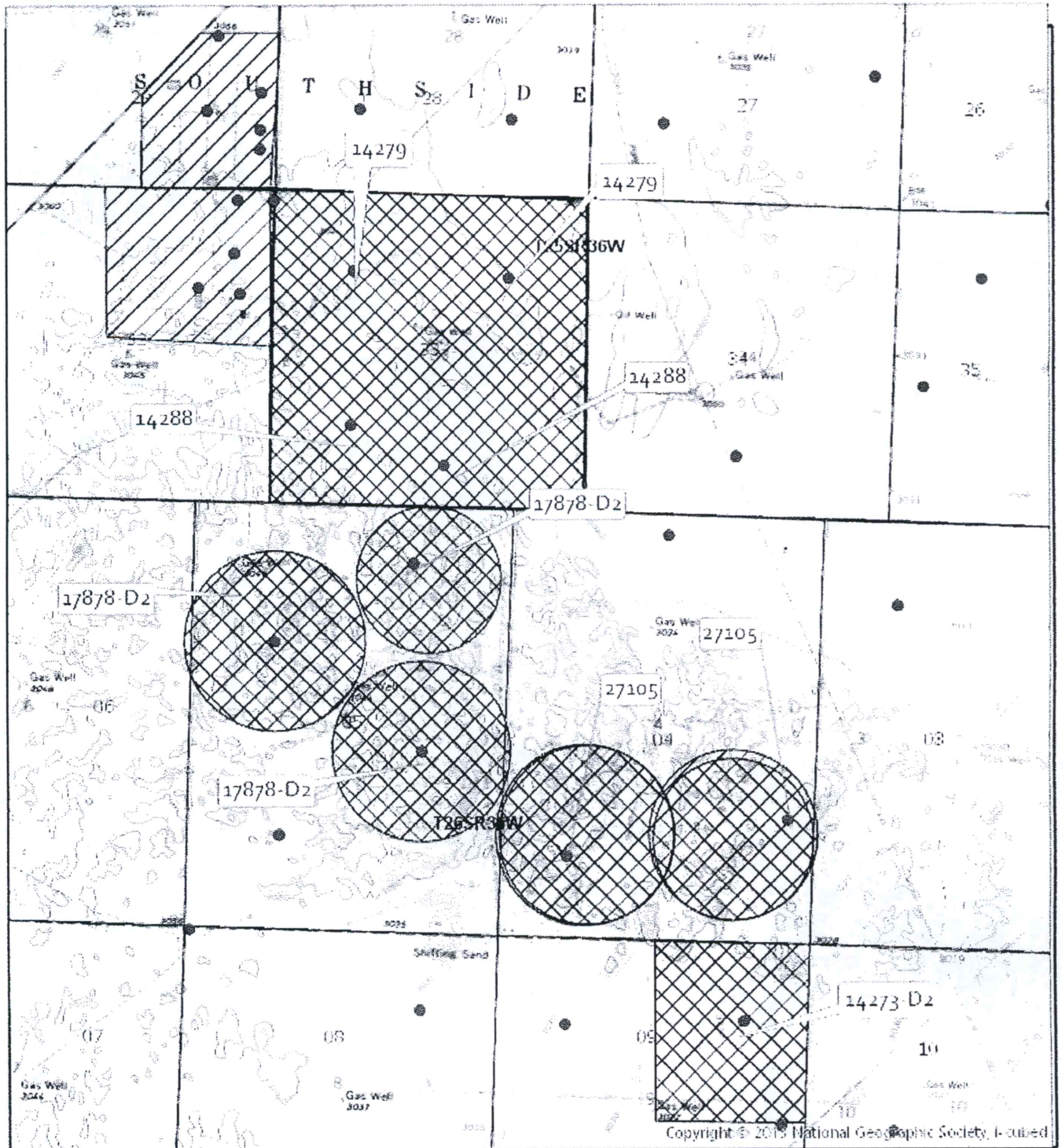
You may attach any additional information you believe will assist in informing the Division of Water Resources of the need for your request.

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# 17878-D2 CHANGE IN PLACE OF USE



Township 26 South Range 36 West  
KE County



PROPOSED PLACE OF USE



AUTHORIZED PLACE OF USE



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Created By: A166110

12. The presently authorized use of water is for IRRIGATION purposes.  
It is proposed that the use be changed to IRRIGATION/STOCKWATER purposes.
13. If changing the place of use and/or use made of water, describe how the consumptive use will not be increased.  
according to K.A.R. 5-5-9, the authorized quantity for well id No. 5 (NWNE¼ well) will be LIMITED to 87.3% consumptive use = 218.25 AF for dual use for proposed irrigation/stockwater use.total use of well cannot exceed 218.25 AF per calendar year  
applicant requests to be able to have the full authorized quantity 250 AF back for well id no. 05 (NWNE¼ well) if regeust to change use made of water to full irrigation use in the future.

(Please show any calculations here.)

14. It is requested that the maximum annual quantity of water be reduced to NA (acre-feet or million gallons).
15. It is requested that the maximum rate of diversion of water be reduced to NA gallons per minute (     c.f.s.).
16. The application must include either a topographic map or detailed plat. A U.S. Geological Survey Topographic Map, scale 1:24,000, is available through the Kansas Geological Survey, 1930 Constant Avenue, University of Kansas, Lawrence, Kansas 66047-3726 ([www.usgs.gov](http://www.usgs.gov)). The map should show the location of the presently authorized point(s) of diversion. Distances North and West of the Southeast corner of the section must be shown. The presently authorized place of use should also be shown. Identify the center of the section, the section lines and the section corners and show the appropriate section, township, and range numbers on the map. In addition the following information must also be shown on the map.
- a. If a change in the location of the point(s) of diversion is proposed, show:
- 1) The location of the proposed point(s) of diversion. Distances North and West of the Southeast corner of the section must be shown. Please be certain that the information shown on the map agrees with the information shown in Paragraph Nos. 9, 10 and 11 of the application.
  - 2) If the source of supply is groundwater, please show the location of existing water wells of any kind, including domestic wells, within ½ mile of the proposed well or wells. Identify each well as to its use and furnish name and mailing address of the property owner or owners. If there are no wells within ½ mile, please indicate so on the map.
  - 3) If the source of supply is surface water, the names and mailing addresses of all landowner(s) ½ mile downstream and ½ mile upstream from your property lines must be shown.
- b. If a change in the place of use is desired, show the proposed place of use by crosshatching on the map. Please be certain that the information shown on the map agrees with the information shown in Paragraph No. 5 of the application.
17. Attach documentation to show the change(s) proposed herein will not impair existing water rights and relates to the same local source of supply as to which the water right relates. This information may include statements, plats, geology reports, well logs, test hole logs, and other information as necessary information to show the above. Additional comments may be made below.

no change in local source of supply or source of supply

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18. If the proposed change(s) does not meet all applicable rules and regulations of the Kansas Water Appropriation Act, please identify the rules and regulations for which you request a waiver. State the reason why a waiver is needed and why the request should be granted. Attach documentation showing that granting the request will not impair existing water rights and will not prejudicially and unreasonably affect the public interest.

meets all rules

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

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

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

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

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

Dated at Lakin, Kansas, this 9th day of Sept., 2020.

Lakin Dairy LLP by Robert Hennen  
(Owner) (Spouse)

Lakin Dairy LLP by Robert Hennen  
(Please Print) (Please Print)

(Owner) (Spouse)

(Please Print) (Please Print)

(Owner) (Spouse)

(Please Print) (Please Print)

State of Kansas }  
County of Kearny } SS

I hereby certify that the foregoing application was signed in my presence and sworn to before me this 9th day of Sept, 2020.



Tracy Manly  
Notary Public

My Commission Expires \_\_\_\_\_

FEE SCHEDULE

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

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

Make check payable to Kansas Department of Agriculture.

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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, Secretary

Laura Kelly, Governor

October 8, 2020

LAKIN DAIRY LLP  
PO BOX 323  
LAKIN KS 67860

RE: File No(s). **17878-D2**

Dear Sir or Madam:

The Division of Water Resources (Division) has received your application(s) to change the place of use, point of diversion or use made of water for the file number(s) 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(s) and does not guarantee approval. In accordance with the provisions of the Kansas Water Appropriation(s) Act, the use of water as proposed prior to approval of the application(s) is unlawful.

Additional information about the process may be found on our website at [agriculture.ks.gov/divisions-programs/dwr](http://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 Baum  
New Application Unit Supervisor  
Water Appropriation Program