

NOTICE

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

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

APPLICATION FOR TERM PERMIT Water Resources

- GROUNDWATER
 SURFACE WATER
 (check one)

Received

MAR 05 2020
 1:17



State of Kansas

STATUTORY FILING FEE MUST ACCOMPANY THIS APPLICATION
 (Make check payable to the Kansas Department of Agriculture)

20209030

1. Applicant: (Please print or type)
 Name T&O LLC
 Street 901 APOLLO ST
 City and State LIBERAL KS
 Zip Code 67901 Telephone No. ()
 E-Mail Address
 Social Security I.D. No.
 and/or Taxpayer I.D. No.

4. Water is to be used for (briefly describe proposed use and explain the rate and quantity requested):
IRRIGATION USE AS A RESEARCH
ADDING ADDITIONAL QUARTER FOR COW CALF
OPERATION ON GRASS FOR ECONOMIC RESEARCH

2. Location of Point of Diversion: ~~Center of Well:~~
 Sec. 6, Twp. 32, Rng. 33, W,
SEWARD County, Kansas.
 Distance from Southeast Corner of Section:
3960 feet North from Southeast Corner
1293 feet West from Southeast Corner

5. Location of place of use:
130 acres NE 1/4 6-32-33W, 130 acres SW 1/4 32-31-33W

6. Period of use:
 Commencing date: January 1st, 2020
 Ending Date: December 31st, 2024 Also enter on item 12

If off-stream pit, check here
 Will pit floor intersect water table? Yes No

NOTE: If point of diversion is not site specific (i.e. groundwater pit) show the approximate geographic center.

3. Water Use Data:
 Proposed Max. Pumping Rate (gpm) 810
 Amount Requested (acre-feet) 1143 (5 year LIMITED total)
 per calendar year 254 AF/yr
 Depth of Well (feet) NA
 Date (completed) (will be completed) NA- existing well
 Drainage Basin CIMARRON RIVER
 Name of Stream NA

3/18/2020
 AM

7. Location of the proposed point of diversion and those of other water users within 1/2 mile shall be indicated on the diagram to the lower-left, scale 1 inch = 2,000 feet. If surface water, indicate on the diagram the course of the stream, and its name. List other D.W.R. permit numbers that cover the requested point(s) of diversion or place of use here:
PD/PU 41066

FEE SCHEDULE

1. The filing fee for an application is based on the maximum amount of water use proposed within a year. Except for storage, the fee is:

Acre-feet	Fee
0-100	\$200.00
101-320	\$300.00
More than 320	\$300.00

plus \$20 for each additional 100 acre-feet or any part thereof.

2. The fee for an application in which storage is requested, is:

Acre-feet	Fee
0-250	\$200.00
More than 250	\$200.00

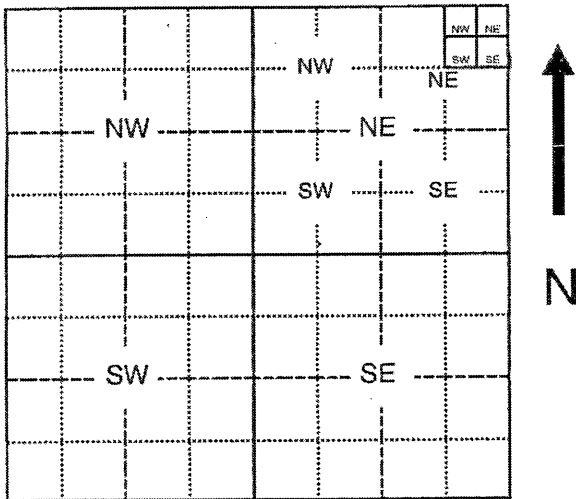
plus \$20.00 for each additional 250 acre-feet of storage or any part thereof.

NOTE: If an application requests both direct use and storage, the fee charged shall be as determined under No. 1 or No. 2 above, whichever is greater, but not both fees.

3. The fee for an application for a permit to appropriate water for water power or dewatering purposes shall be \$100.00 plus \$200.00 for each 100 cubic feet per second, or part thereof, of the diversion rate requested.

4. A request for an extension of time to extend the term of a term permit shall be accompanied by a fee of \$100.00.

5. There is a separate application form for domestic use. Do not use this form for domestic use.



See attached map on supplemental sheet...

CONVERSION FACTORS RECEIVED

1 acre-foot equals 325,851 gallons
 1 million gallons equal 3.07 acre-feet

FEB 26 2020

Assisted by MM/GCFO

3/18/2020
 LMoody

Garden City Field Office
 Division of Water Resources

For Office Use Only:
 F.O. 4 GMD 3 Meets K.A.R. 5-3-1 (YES/NO) Use IRR Source G/S County SW By KUN Date 3/5/20
 Code TR3 Fee \$ 480.00 TR # _____ Receipt Date 2-26-20 Check # 2275

8. For groundwater use, list below all wells within 1/2 mile of the proposed well, and plot locations upon the diagram on reverse side. If additional space is needed, attach a map.

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Other wells -

Well A Owner(s): File No. 27293 D2
Address: _____

Well B Owner(s): _____
Address: KS Dept Of Agriculture

9. For surface water use, list below the names and addresses of all landowners from a point 1/2 mile upstream to a point 1/2 mile downstream of the tract of land upon which the point of diversion is located. If additional space is needed, attach sheet.

Tract A Owner(s): NA
Address: _____

Tract B Owner(s): NA
Address: _____

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

same as applicant
(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 _____, 20____. Tom Willis
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.

11. The applicant states that the information set hereon is true and accurate to the best of his/her knowledge.

12. The applicant agrees to waive any right to a hearing on the matter of abandonment of this appropriation right and further agrees that this appropriation right may be dismissed and terminated upon completion of the proposed project, said dismissal date to be on December 31, 2024 or within any extension of time authorized by the Chief Engineer, Division of Water Resources, Kansas Department of Agriculture.

13. The applicant agrees to provide water to nearby water users, at no charge to said users, should their rights to use water become impaired by the project proposed by this application.

14. Water use contact person (in event emergency contact is needed):

Name: Tom Willis Telephone No. (620) 655-8228
Tom Willis Signature of Applicant or _____ Authorized Representative Date 2/25/2020
Tom Willis Applicant's Name Printed _____ Title MANAGING PARTNER

DO NOT WRITE BELOW THIS LINE

CONDITIONS OF APPROVAL:

The applicant shall maintain accurate and complete records from which the quantity of water diverted during each calendar year may be readily determined. Accurate and complete records shall be furnished to 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.

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.

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, and such changes in other terms, conditions, and limitation set forth in this approval and permit to proceed as may be deemed to be in the public interest.

ATTACHMENT TO TERM PERMIT

T & O LLC

This applicant currently is operating a water technology farm and is requesting another. The data from these farms can be very beneficial to potential operators with limited water capacity.

The proposed term permit is to authorize a 5 year water technology farm to conduct research for the profitability of limited irrigation on row crop on one quarter and grass on on another quarter. There will be grazing on both quarters. This is a five year pilot project with the potential for an additional five years if there is no adverse affects.

The term permit will authorized the new quarter with the condition that the quarter be limited irrigation row crop for the term of the research project. The exisiting acreage will be put into a variety of pasture grasses, with limited irrigation. With minimal water needs for new variety of grasses for grazing with the new pivot/land, this will allow for economic return test with minimal water use over the 5 year project rather than relying on high water use consuming crops.

The applicant requests the first 5 years to allow needed adjustments of water use during a trial and error evaluation. The quantity of the first 5 years will be based on 10% from the authorized quantity. A review of the water use record shows this owner has pumped on average about 30 acre-feet less than the previous operator. The most recent use is about 20% off authorized. We arrived at 10% from authorized giving credit for the 30 af of conservation from the new owner. If successful at the end of 5 years, the applicant will request a renewal of the term permit for another five years to finalize the research. If more than 10% conservation is achieved, the applicant agrees to an addition conservation factor of ½ of the saving over the 10%.

If successful at the end of 10 years, and there is not net increase in the consumptive use of the water right, the applicant will file for a change in place of use and meet the requirements in KAR 5-5-11 for a permemant water right if so desired. If the project is not successful, the term permit will not be renewed and project will not longer be viable. Everything will revert back to the current water right conditions. All data and water use will be reported each year to the Division of Water Resources for review and evaluation of the research program. The applicant understands the risk of purchasing an irrigation system under these conditions.

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KS Dept Of Agriculture

DATA ENTRY SYSTEM ID NUMBER SHEET

20209030

FILE NUMBER _____

APPLICANT

PDIV ID

BATTERY ID

PERSON ID & SEQ #

33530

53735

LANDOWNER

PUSE ID

PERSON ID & SEQ #

15757

53735

WATER USE CORRESPONDENT

PERSON ID & SEQ #

53735

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

March 5, 2020

T&O LLC
901 APOLLO ST
LIBERAL KS 67901

RE: Application, File No. **20209030**

Dear Sir or Madam:

The Division of Water Resources (Division) has received your application for a Term 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 Stafford Field Office at 620-234-5311. If you call, please reference the file number so we can help you more efficiently.

Sincerely,

A handwritten signature in black ink that reads "Kristen A. Baum". The signature is written in a cursive, flowing style.

Kristen A. Baum
New Applications Unit Supervisor
Water Appropriation Program