

NOTICE

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

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

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



State of Kansas

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

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

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

- Place of Use
 Point of Diversion
 Use Made of Water

(Check one or more)

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APR 08 2020
12:10
KS Dept Of Agriculture

File No. 29113

2. Name of applicant: Spandet Dairy, LLC and Hemink Farms, LTD

Address: 6306 20 Rd

City, State and Zip: Cimarron, KS 67835

Phone Number: (661) 855-2312 E-mail address: ls@spandetdairy.com

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

Name of water use correspondent: Spandet Dairy, LLC

Address: 6306 20 Rd

City, State and Zip: Cimarron, KS 67835

Phone Number: (____) _____ E-mail address: _____

3. The change(s) proposed herein are desired for the following reasons (please be specific): Change in place of use

The change(s) (was) (will be) completed by Upon approval. Place of use for S/2 of SW/4 of S29-24S-27W and E/2 of NW/4 of S32-24S-27W to be used upon approval and construction of heifer expansion area.

For Office Use Only:	
F.O. <u>4</u> GMD <u>3</u> Meets K.A.R. 5-5-1 (YES / NO) Use <u>IRR/STK</u> Source <u>G/S</u> County <u>GY</u> By <u>BMM</u> Date <u>4/10/20</u>	
Code <u>CPU</u> Fee \$ <u>200</u> TR # _____ Receipt Date <u>4/08/2020</u> Check # <u>12930</u>	

4/14/2020
LMoody

4. The presently authorized place of use is:

Owner of Land — NAME: Hemink Farms, LTD
 ADDRESS: 6306 20 Rd, Cimarron, KS 67835

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	
31-24S-27W			X	X	X	X													

List any other water rights that cover this place of use. 13865, 21114 (pending), 23384(pending), 29113, 29068, 31670

Owner of Land — NAME: _____
 ADDRESS: _____

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

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

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

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

Owner of Land — NAME: Hemink Farms, LTD
 ADDRESS: 6306 20 Rd, Cimarron, KS 67835

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	
31-24S-27W			X	X	X	X												X	
32-24S-27W							X												
30-24S-27W (manure containment area) 29-24S-27W (proposed)																			X(S/2)

List any other water rights that cover this place of use. 13865, 21114, 23384, 29068, 29113, 31670, 36483, 36484, 39637

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	

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

6. The presently authorized point(s) of diversion (is) (are) 1 Well (STK)
(Provide description and number of points)

7. The proposed point(s) of diversion (is) (are) No proposed changes to the POD.
(Provide description and number of points)

List all presently authorized point(s) of diversion:

8. **Presently authorized point of diversion:** ID - 4

One in the NW Quarter of the NE Quarter of the NE Quarter of Section 31, Township 24 South, Range 27W (E/W), in Gray County, Kansas, 5244 feet North 788 feet West of Southeast corner of section.
 Authorized Rate 200 gpm Authorized Quantity 12.06 MGY
 (DWR use only: Computer ID No. _____ GPS _____ feet North _____ feet West)
 This point will not be changed This point will be changed as follows:
Proposed point of diversion: (Complete only if change is requested)
 One in the _____ Quarter of the _____ Quarter of the _____ Quarter of Section _____, Township _____ South, Range _____ (E/W), in _____ County, Kansas, _____ feet North _____ feet West of Southeast corner of section.
 Proposed Rate _____ Proposed Quantity _____
 This point is: Additional Well Geo Center List other water rights that will use this point _____

9. **Presently authorized point of diversion:**

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

10. **Presently authorized point of diversion:**

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

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

IF MORE SPACE IS NEEDED, ATTACH ADDITIONAL SHEETS AS NECESSARY

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12. The presently authorized use of water is for STK purposes.
It is proposed that the use be changed to No changes to use purposes.

13. If changing the place of use and/or use made of water, describe how the consumptive use will not be increased.
No increase in stockwater use is proposed.

(Please show any calculations here.)

14. It is requested that the maximum annual quantity of water be reduced to _____ (acre-feet or million gallons).

15. It is requested that the maximum rate of diversion of water be reduced to _____ 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). 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 1/2 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 1/2 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) 1/2 mile downstream and 1/2 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 proposed changes to the existing water rights.

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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.

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.

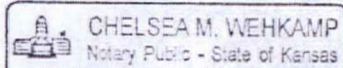
If the request is signed on behalf of any Owner by someone with legal authority to do so (for example, an agent, one who has power of attorney, or an executor, executrix, conservator), it will be necessary to attach proper documents showing such authority.

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 First National Bank, Kansas, this 6 day of April, 20 20.

<u>L. Schilderink.</u> (Owner)	_____	(Spouse)
<u>L. SCHILDERINK</u> (Please Print)	_____	(Please Print)
_____	_____	(Spouse)
_____	_____	(Please Print)
_____	_____	(Spouse)
_____	_____	(Please Print)
_____	_____	(Spouse)
_____	_____	(Please Print)

State of Kansas)
County of Conroy) SS

 CHELSEA M. WEHKAMP
Notary Public - State of Kansas
My Appt. Expires 12-28-2020

I hereby certify that the foregoing application was signed in my presence and sworn to before me this 6 day of April, 20 20.

Chelsea M. Wehkamp
Notary Public

My Commission Expires 12-28-20.

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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Corporate Office:
3404 Airway Blvd.
Amarillo TX 79118

Central Texas:
9855 FM 847
Dublin TX 76446

New Mexico:
203 East Main Street
Artesia NM 88210

April 6, 2020

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

Re: Application for Approval to Change the Place of Use and Use Made of Water for
Water Right File Nos. 29068, 29113, 31670, 36483, 36484 & 39637, Spandet Dairy, LLC
and Hemink Farms, LTD in Gray County, KS

Dear Chief Engineer,
Attached are applications for approval to change the place of use for the above
referenced Water Right Files.

If you have any questions or require additional information, please give me a call at
806/350-5463 or email me at mshoemaker@enviroag.com.

Sincerely,

Marsha Shoemaker

Marsha Shoemaker
Enviro-Ag Engineering, Inc.

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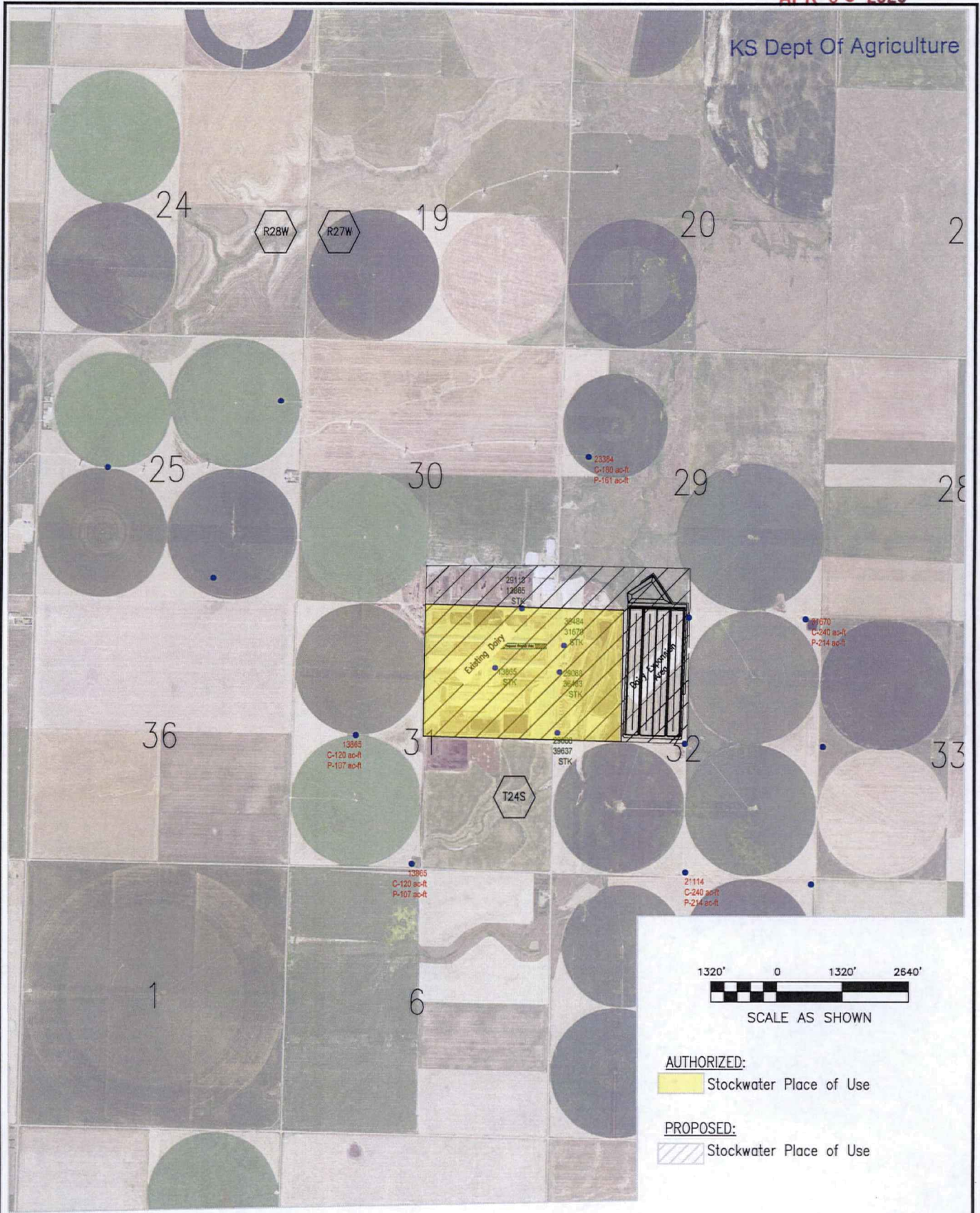
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
Enclosures


Cc: Spandet Dairy
Kansas Department of Agriculture, DWR, 432 W Jones, Ste. B, Garden City, KS 67846

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AUTHORIZED:
 Stockwater Place of Use

PROPOSED:
 Stockwater Place of Use

Spandet Dairy & Hemink Farms
Cimarron, KS
Gray County

Proposed DWR Change Applications
(29068, 29113, 31670, 36483, 36484,
39637) Date: Mar. 2020



Enviro-Ag Engineering, Inc.
ENGINEERING CONSULTANTS
3404 Airway Boulevard
AMARILLO, TEXAS 79118
TEL (806) 353-6123 FAX (806) 353-4132

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**STOCKWATER USE
SUPPLEMENTAL SHEET**

File No. 13865//29068/29113/31670/36483/36848/39637 & (21114/23384)

Name of Applicant (Please Print): Spandet Dairy, LLC & Hemink Land

1. Please indicate type of livestock (cattle, hogs, etc.): Dairy 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
2014 5 years ago	Facility not owned by applicant	121,835,688.9	Reviewing historical information.
2018 Last year	14,983	130,047,134.1	avg 23.78 gals/hd/day
Present Year			

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	20,700	260,000,000	avg 34.4 gals/hd/day
Year 2	20,700	260,000,000	avg 34.4 gals/hd/day
Year 3	20,700	260,000,000	avg 34.4 gals/hd/day
Year 4	20,700	260,000,000	avg 34.4 gals/hd/day
Year 5	20,700	260,000,000	avg 34.4 gals/hd/day

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	
31	24S	27W	X	X	X	X											X		
30	24S	27W																	X

32 24S 27W
29 24S 27W
DWR 1-100.26 (2/3/94)

X

X

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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.: Estimates below:

DRINKING

9,600 head of milkers x 36 gallons/head (avg.) x 365 days = 126 M gallons

7,500 head of heifers, dry cows x 14-15 gallons/head (avg.) x 365 days = 39 M gallons

3,600 head of young stock x 5 gallons/head (avg.) x 365 days = 6.5 M gallons

COOLING n/a

100-200 gallons/hour x 1.4 hour/day x 165 days = 2.4 M gallons

SANITATION

Parlor Operations-Sanitation

_____ g.p.m. x 60 min/hr x _____ hr/wk x _____ wks/yr = _____ gallons
40,000 gals/day x 365 days/yr = 14.6 M gallons
2,400 gals/day x 365 days = 876,000 gallons

OTHER USE (Explain) _____ Additional Cooling = 16 M gallons

Overflow Water Troughs 15 M gals

Cow Wash 7.2 M gals

TOTAL ----- 260 M gallons

6. Show location of present and future location of confinement pens on your attached maps or photographs.
Refer to attached Proposed Site Map.

7. Total feed bunk space for cattle or livestock is _____ 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.

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

SPANDET DAIRY LLC AND HEMINK FARMS LTD
6311 20 RD
CIMMARON, KS 67835

April 14, 2020

RE: File No **29113**

Dear Sir or Madam:

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

- place of use PU
- point of diversion
- use made of water

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

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

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

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

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

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

Sincerely,

Kristen A. Baum
New Applications Unit Supervisor
Water Appropriation Program