

Kansas Department of Agriculture
Division of Water Resources
PERMIT NEW APPLICATION WORKSHEET

1. File Number: <p style="text-align: center; font-size: 1.2em;">50905</p>	2. Status Change Date: <p style="text-align: center; font-size: 1.2em; color: purple;">4/7/2023</p>	3. Field Office: <p style="text-align: center; font-size: 1.2em;">4</p>	4. GMD:
--	---	---	---------

5. Status: Approved Denied by DWR/GMD Dismiss by Request/Failure to Return

6. Enclosures: Check Valve N of C Form Water Tube Driller Copy Meter

7a. Applicant(s) Person ID **66353**
New to system Add Seq# _____

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

7b. Landowner(s) Person ID _____
New to system Add Seq# _____

7a

7c. Landowner(s) Person ID _____
New to system Add Seq# _____

7d. Misc. Person ID _____
New to system Add Seq# _____

8. WUR Correspondent Person ID _____
New to system Add Seq# _____
Overlap File (s) WUC Notarized WUC Form
Agree Yes No

7a

9. Use of Water: Changing? Yes No

Groundwater Surface Water

IRR REC DEW MUN

STK SED DOM CON

HYD DRG WTR PWR ART RECHRG

IND SIC: _____ OTHER: _____

10. Completion Date: **12/31/2024** 11. Perfection Date: **12/31/2028** 12. Exp Date: _____

13. Conservation Plan Required? Yes No Date Required: _____ Date Approved: _____ Date to Comply: _____

14. Water Level Measuring Device? Yes No Date to Comply: _____ Date WLMD Installed: _____

4/11/2023 Date Prepared: **2/9/2023** By: **AM**
KKopp Date Entered: 4/11/2023 By: **LMoody**

File No. **50905** 15. Formation Code: **200** Drainage Basin: **ARKANSAS RIVER** County: **HM** Special Use: Stream:

16. Points of Diversion										17. Rate and Quantity					
BATTERY #2343										Authorized		Additional			
MOD	DEL	ENT	PDIV	Qualifier	S	T	R	ID	'N	'W	Rate gpm	Quantity mgy	Rate gpm	Quantity mgy	Overlap PD Files
ENT	90229			NE NE NE	19	24S	41W		5170	381	800	128.971	800	128.971	NONE
GEO-CENTER										(395.8 AF)		(395.8 AF)			
MOD	89891			NE NE NE	19	24S	41W	4	5170	81	BATT 1 OF 4				
ENT	90230			NE NE NE	19	24S	41W		5170	281	BATT 1 OF 4				
ENT	90231			NE NE NE	19	24S	41W		5170	481	BATT 1 OF 4				
ENT	90232			NE NE NE	19	24S	41W		5170	681	BATT 1 OF 4				

18. Storage: Rate _____ NF Quantity _____ ac/ft Additional Rate _____ NF Additional Quantity _____ ac/ft

19. Limitation: _____ af/yr at _____ gpm (_____ cfs) when combined with file number(s) _____
 Limitation: _____ af/yr at _____ gpm (_____ cfs) when combined with file number(s) _____

20. Meter Required? Yes No To be installed by 12/31/2023 2024 Date Acceptable Meter Installed _____

21. Place of Use										NE¼				NW¼				SW¼				SE¼				Total	Owner	Chg?	Overlap Files
MOD	DEL	ENT	PUSE	S	T	R	ID	NE ¼	NW ¼	SW ¼	SE ¼	NE ¼	NW ¼	SW ¼	SE ¼	NE ¼	NW ¼	SW ¼	SE ¼	NE ¼	NW ¼	SW ¼	SE ¼						
CHK	56408		36	24S	41W	1						FEEDLOT (NE)													7a	N	MULTIPLE		
CHK	70609		25	24S	41W	1						FEEDLOT (SE)													7a	N	MULTIPLE		
CHK	70682		36	24S	41W	3						FEEDLOT (SE)													7a	N	MULTIPLE		

Comments: **OVERLAPPING WR ON PLACE OF USE: 45936; 45937; 47593; 50228; 50690-A; 50690-B; 50905**
SPECIAL CONDITIONS: WELL CONSTRUCTION; SEAL ON EACH METER; OBS WELL LOCATED IN SEC. 22-24S-41W

Kansas Department of Agriculture
 Division of Water Resources
WAIVER REQUEST & WAIVER RULE WORKSHEET

File Number: **50,905**

FO: 4 GMD: 0

WAIVER REQUEST:

UMW	Date Requested	Rule ID	Applies	Rule Type	Rule Subtype
IRR	2/28/2023	53	Statewide	Safe Yield	Yield of The Unconfined Groundwater Exceeded
Rule Number	Date Granted	Date Denied	Justification:	Proposed quantity meets safe yield requirements within area of consideration. Safe Yield quantity was adjusted based on calculations consistent with previous files in this immediate unique area.	
K.A.R. 5-3-11(D)(3)					

WAIVER RULE:

Rule ID	Applicability	Type	Subtype	Rule Number	Date Active	Date Inactive

Date Prepared **3/21/2023** By **AM**

Date Entered _____ By _____

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

TO: Files

DATE: March 23, 2023

FROM: Austin McColloch

RE: New Application, File No. 50,905

Fullmer Auto Company Texas, LLC has filed the above referenced application to appropriate 128.971 million gallons (395.8 acre-feet) of groundwater for stockwatering use, at a maximum diversion rate of 800 gallons per minute (gpm). The application was received in the Office of the Chief Engineer on November 3, 2022. The proposed application is in the drainage basin of the Arkansas River. The source of supply appears to be the Tertiary System (200). There have been multiple edits to the application throughout the processing phase regarding quantity, rate and diversion points.

The proposed point of diversion was originally a single well, this has been modified to include a battery of four (4) wells. The newly proposed geo-center is located in the Northeast Quarter of the Northeast Quarter of the Northeast Quarter (NE $\frac{1}{4}$ NE $\frac{1}{4}$ NE $\frac{1}{4}$) of Section 19 more particularly described as being near a point 5170 feet North and 381 feet West of the Southeast Quarter of said section, in Township 24 South, Range 41 West, Hamilton County, Kansas. The original requested rate of diversion of 1,000 gpm has also been modified down to 800 gpm per K.A.R. 5-1-1, *battery of wells*.

The place of use is the stock facility located in the East Half (E $\frac{1}{2}$) of Section 36 and the Southeast Quarter (SE $\frac{1}{4}$) of Section 25, both in Township 24 South, Range 41 West, Hamilton County, Kansas. The place of use forms a complete overlap with Water Right, File Nos. 45,936; 45,937; 47,593; 50,228; 50,690-A and 50,690-B. The quantity requested will be all additional water, there are no proposed limitations per the supplied supplemental sheet of projected water use for the facility.

In order to stay consistent with nearby appropriations and Water Rights determined to be sourcing the same tertiary system but outside the two-mile area of consideration, safe yield was calculated with the same variables and boundaries of the area of consideration. This will take a waiver of K.A.R. 5-3-11, safe yield, more specifically part (D)(3) in relation to the percent available for appropriation. It has been adjusted from 75% to 100%. According to DWR's recharge map, the point of diversion is in the 0.51-0.52 range. By regulation, the recharge should be rounded to the nearest tenth. During review of File No. 50,671, it was determined that the area may prove to have a greater rate of recharge than indicated, thus was rounded up to 0.6 inches. Since the area has extremely sandy soils combined with a shallow depth to a sloping bedrock, there have been suggestions that the rate of recharge may be even significantly higher than 0.6 inches.

Thus, 0.6 inches recharge from rainfall x 7,916 acres within the limited area of the two-mile circle, divided by 12 inches = 395.8 acre-feet. There are no prior appropriations located within the two-mile area of consideration (Application, File No. 50,868 is being dismissed via voluntary dismissal from the applicant on the condition that this application be approved), leaving the full 395.8 acre-feet of water available for appropriation. The application requesting 395.8 complies with updated safe yield criteria via waiver of K.A.R. 5-3-11(D)(3), *safe yield - percent recharge*.

There are no other wells located within two miles of the proposed point of diversion. However, due to the unique qualities of the area, a courtesy letter was sent to the City of Syracuse for them to provide comments. No comments were received and minimum well spacing criteria is met according to K.A.R. 5-4-4.

The application has been reviewed by Mike Meyer, Water Commissioner at the Garden City Field Office. In an email dated March 23, 2023, Mr. Meyer recommended the approval of the application.

In accordance with K.S.A. 82a-706(c), the Chief Engineer retains full authority to require any water user to install meters, gauges, or other measuring 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 thru 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.

A condition of the permit will include that the applicant, will install and have maintained an observation well completed and equipped in accordance with the Chief Engineer and shall allow access for installation and monitoring of the water levels. The observation well will be located approximately described as being near the center of the Northwest Quarter (NW¹/₄) of Section 22, more particularly located 4,016 feet North and 3,965 feet West of the southeast corner of said section, Township 24 South, Range 41 West, Hamilton County, Kansas. The observation well will be completed with a protector and capable of being equipped with a Kansas Department of Agriculture water level sensor and datalogger to monitor and record the time and water level.

Based on the above discussion, well spacing and safe yield criteria are met, and approval of the new application will not impair senior water rights nor prejudicially or unreasonably affect the public interest. Therefore, it is recommended that the referenced new application be approved.



Austin McColloch
Assistant Water Commissioner
Garden City Field Office

From: Meyer, Mike [KDA]
Sent: Thu 3/23/2023 2:29 PM
To: McColloch, Austin [KDA]
Subject: RE: Recommendation New App File No. 50905

Yes please proceed on having HQ approve asap.

thanks

From: McColloch, Austin [KDA] <Austin.McColloch@ks.gov>
Sent: Thursday, March 23, 2023 2:16 PM
To: Meyer, Mike [KDA] <Mike.Meyer@ks.gov>
Subject: RE: Recommendation New App File No. 50905

see if this works.

Austin McColloch
Garden City Field Office
Ph: (620) 276-2901

From: Meyer, Mike [KDA] <Mike.Meyer@ks.gov>
Sent: Thursday, March 23, 2023 2:03 PM
To: McColloch, Austin [KDA] <Austin.McColloch@ks.gov>
Subject: RE: Recommendation New App File No. 50905

You should update your memo to discuss the waiver even tho you have a waiver memo

From: McColloch, Austin [KDA] <Austin.McColloch@ks.gov>
Sent: Thursday, March 23, 2023 1:42 PM
To: Meyer, Mike [KDA] <Mike.Meyer@ks.gov>
Subject: Recommendation New App File No. 50905

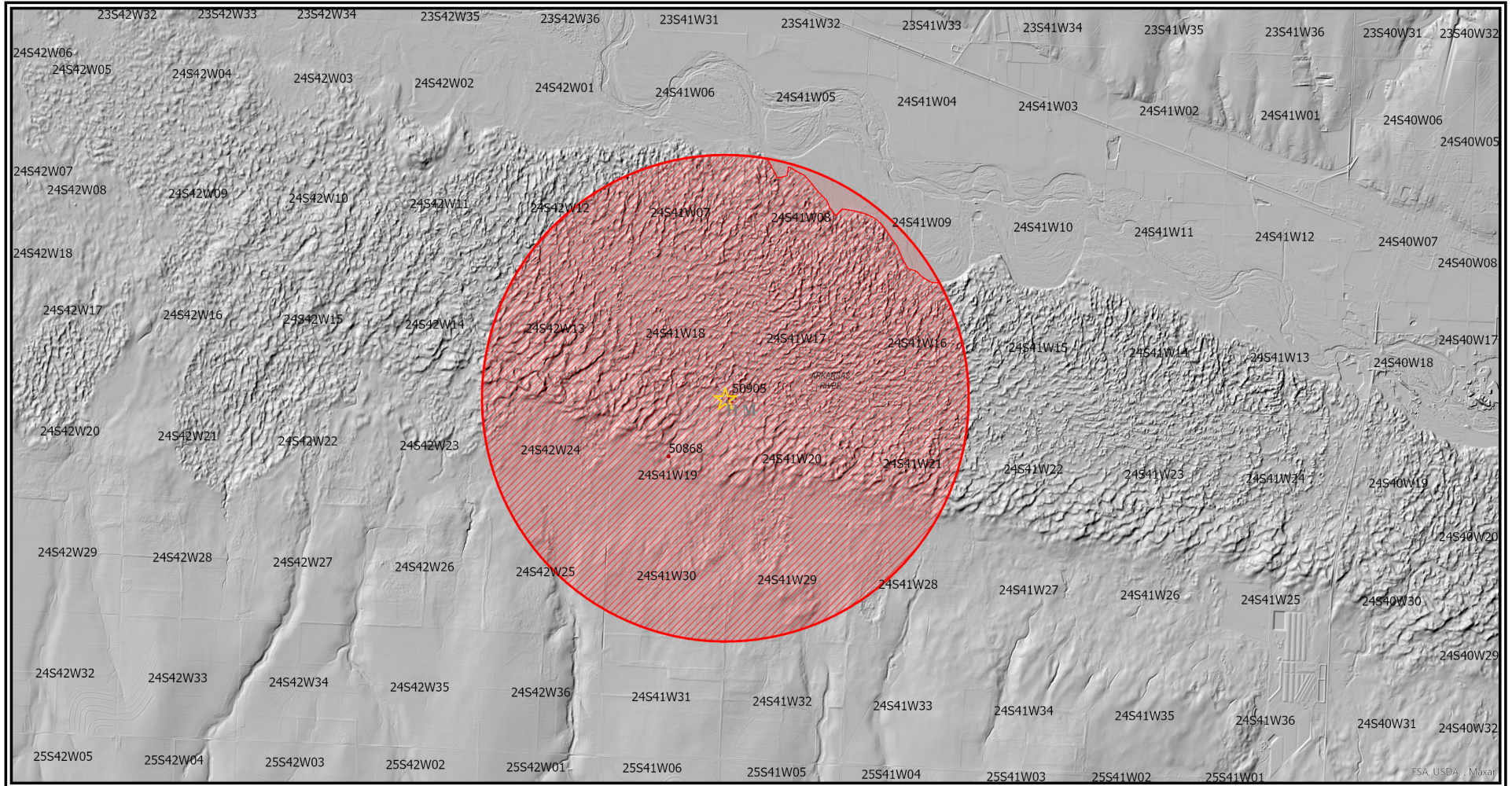
Mike,

Attached is my draft memo for the above referenced new app. Along with the drafted waiver. This will be in conjunction with the dismissal of new app file no. 50868. Let me know if anything needs changed.

Thanks,

Austin McColloch
Garden City Field Office
Ph: (620) 276-2901

Safe Yield Report Sheet
Water Right- Proposed Point of Diversion
Point of Diversion in 19-24S-41W
Footages from SE corner- 5,170 feet North 381 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 395.80 AF.
 Total prior appropriations in the circle is 764.00 AF. **- 764 AF = 0 AF**
 Total quantity of water available for appropriation is ~~0.00 AF~~. **395.8 AF - 0 AF = 395.8 AF AVAILABLE***

Safe Yield Variables

The area used for the analysis is set at 7,916 acres.
 The potential annual recharge at the circle center is estimated to be 0.6 inches.
 The percent of recharge available for appropriation is 100%.

Authorized Quantity values are as of 10-FEB-2023 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 2 water rights and 2 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 50868 00	IRR	AY	G		NE	NE	SW	2540	2750	19	24	41W	3	WR	200.00	200.00 **	128.00	128.00
A 50905 00	STK	AY	G		NE	NE	NE	5170	81	19	24	41W	4	WR	564.00	564.00		

APPLICATION FILE NO. 50868 WILL BE DISMISSED VIA VOLUNTARY DISMISSAL FORM SIGNED BY THE APPLICANT, RECIEVED ON DECEMBER 16, 2022

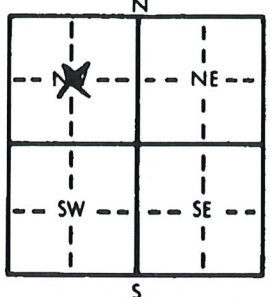
THE APPLICANT FOR FILE NO. 50905 HAS AGREED TO REDUCE THE REQUESTED QUANTITY ON THE APPLICATION DOWN TO THE SY NUMBER

LOCATION OF WATER WELL: Fraction $\frac{1}{4}$ $\frac{1}{4}$ NW $\frac{1}{4}$ Section Number 22 Township Number T 24 S Range Number R 41 E/W

Distance and direction from nearest town or city street address of well if located within city?

WATER WELL OWNER: Eugene Overton
 P.O. #, St. Address, Box #: Syracuse Ms. 67878
 City, State, ZIP Code: Garden City, Ks
 Board of Agriculture, Division of Water Resources
 Application Number: None Applied for

LOCATE WELL'S LOCATION WITH AN "X" IN SECTION BOX:



DEPTH OF COMPLETED WELL: 60 ft. ELEVATION: ...
 Depth(s) Groundwater Encountered 1. 20 ft. 2. ... ft. 3. ... ft.
 WELL'S STATIC WATER LEVEL: 20 ft. below land surface measured on mo/day/yr ...
 Pump test data: Well water was ... ft. after ... hours pumping ... gpm
 Est. Yield 200 gpm; Well water was ... ft. after ... hours pumping ... gpm
 Bore Hole Diameter 8 3/4 in. to 60 ft., and ... in. to ... ft.
 WELL WATER TO BE USED AS:
 1 Domestic 3 Feedlot 6 Oil field water supply 9 Dewatering 12 Other (Specify below)
 2 Irrigation 4 Industrial 7 Lawn and garden only 10 Monitoring well
 Was a chemical/bacteriological sample submitted to Department? Yes... No... X... If yes, mo/day/yr sample was submitted
 Water Well Disinfected? Yes No X

TYPE OF BLANK CASING USED:
 1 Steel 3 RMP (SR) 5 Wrought iron 8 Concrete tile CASING JOINTS Glued Clamped
 2 PVC 4 ABS 6 Asbestos-Cement 9 Other (specify below) Welded
 7 Fiberglass Threaded

Blank casing diameter 6 in. to 40 ft., Dia. ... in. to ... ft., Dia. ... in. to ... ft.
 Casing height above land surface 12 in., weight ... lbs./ft. Wall thickness or gauge No. 200

TYPE OF SCREEN OR PERFORATION MATERIAL:
 1 Steel 3 Stainless steel 5 Fiberglass 7 PVC 10 Asbestos-cement
 2 Brass 4 Galvanized steel 6 Concrete tile 8 RMP (SR) 11 Other (specify)
 9 ABS 12 None used (open hole)

SCREEN OR PERFORATION OPENINGS ARE:
 1 Continuous slot 3 Mill slot 5 Gauzed wrapped 8 Saw cut 11 None (open hole)
 2 Louvered shutter 4 Key punched 6 Wire wrapped 9 Drilled holes
 7 Torch cut 10 Other (specify)

SCREEN-PERFORATED INTERVALS: From 40 ft. to 60 ft., From ... ft. to ... ft.
 GRAVEL PACK INTERVALS: From -20 ft. to 60 ft., From ... ft. to ... ft.

GROUT MATERIAL: 1 Neat cement 2 Cement grout 3 Bentonite 4 Other
 Grout Intervals: From 0 ft. to -20 ft., From ... ft. to ... ft., From ... ft. to ... ft.

What is the nearest source of possible contamination:
 1 Septic tank 4 Lateral lines 7 Pit privy 10 Livestock pens 14 Abandoned water well
 2 Sewer lines 5 Cess pool 8 Sewage lagoon 11 Fuel storage 15 Oil well/Gas well
 3 Watertight sewer lines 6 Seepage pit 9 Feedyard 12 Fertilizer storage 16 Other (specify below)
 Nothing at time of drilling

Direction from well? How many feet?

FROM	TO	LITHOLOGIC LOG	FROM	TO	PLUGGING INTERVALS
0	20	SAND			
20	60	GRAVEL			
20		Blue Shale			

CONTRACTOR'S OR LANDOWNER'S CERTIFICATION: This water well was (1) constructed (2) reconstructed, or (3) plugged under my jurisdiction and was completed on (mo/day/year) 12-10-90 and this record is true to the best of my knowledge and belief. Kansas Water Well Contractor's License No. 347 This Water Well Record was completed on (mo/day/year) 2-3-91 under the business name of Gault Drilling by signature [Signature]

INSTRUCTIONS: Use typewriter or ball point pen. PLEASE PRESS FIRMLY and PRINT clearly. Please fill in blanks, underline or circle the correct answers. Send top three copies to Kansas Department of Health and Environment, Bureau of Water Protection, Topeka, Kansas 66620-7320. Telephone: 913-296-5514. Send one to WATER WELL OWNER and retain one for your records.

-101.8123129 37.9539592 4016' N x 3965' W.

City of Syracuse

-101.8123129
37.9539592





March 14, 2023

To: Mike Meyer, Water Commissioner
Division of Water Resources, Kansas Department of Agriculture
Garden City Field Office

From: Frank Mercurio, P.E.

Subject: Updated Estimate of Water Use for Fullmer Cattle Company Facility, Hamilton County

Enclosed with this memo is an estimate of the water quantity required by Fullmer Cattle Company to supply that facility when the pending expansion project is completed and fully populated. The estimate is based upon information provided by the owner and information included in the KDHE permit application for the expansion project. Related supporting documentation is also included to substantiate the data sources.

The area to be occupied by pens and calf hutches is approximately 283 acres. A small portion of this area will be used for manure storage, but it is not defined in the plans. Therefore, 283 acres may be considered a conservative value for this use.

The total estimated water quantity required to supply the facility when it is fully operational is 574 acre-feet per year. If the Fergus application is approved for 396 acre-feet, then this quantity in conjunction with the existing authorized quantities will be sufficient to supply the facility. We acknowledge that the quantity associated with the Helfrich well field may not produce sufficient water to perfect the permitted quantity. The owner therefore intends to pursue other sources of water to obtain adequate quantity.

Please contact me if you have any questions concerning this information.

**WATER USE ESTIMATE FOR FULLMER CATTLE COMPANY FACILITY BASED UPON
COMPLETION AND FULL POPULATION OF EXPANSION PROJECT TO 100,000 HEAD**

WATER USE	RATE	NO.	DAYS PER YEAR	ANNUAL QUANTITY	
				GALLONS	ACRE-FEET
DRINKING, CATTLE WEIGHING LESS THAN 300 LBS.	4.0 GAL/HEAD/DAY	65,000	365	94,900,000	291.24
DRINKING, CATTLE WEIGHING GREATER THAN 300 LBS.	7.0 GAL/HEAD/DAY	35,000	365	89,425,000	274.44
BOTTLE WASH & SANITATION	2,500 GAL/DAY	1	365	912,500	2.80
TRUCK WASH	7,000 GAL/DAY	1	260	1,820,000	5.59
TOTAL				187,057,500	574.06

→ **AVERAGE USE RATE = 5.12 GALLONS/HEAD/DAY**

NOTES:

1. CATTLE WATER CONSUMPTION IS BASED ON INFORMATION PROVIDED BY THE OWNER.
2. PROCESS WATER CONSUMPTION IS BASED ON INFORMATION INCLUDED IN THE KDHE PERMIT APPLICATION FOR THE EXPANSION PROJECT.

FCM
03/14/2023

FACILITY LAND USE SUMMARY

LAND USE	DRAINAGE AREA IN ACRES					
	AREA 1	AREA 2	AREA 3	AREA 4	AREA 5	TOTAL
OPEN LOTS, MANURE STORAGE	98.04	33.01	65.38	24.68	61.93	283.04
PAVED/ROOF AREAS	11.00	0.00	14.10	0.00	0.00	25.10
OTHER AREA	0.00	0.00	1.00	0.00	0.00	1.00
RETENTION STRUCTURE (LAGOON)	4.06	5.89	9.62	2.22	5.07	26.86
TOTAL	113.10	38.90	90.10	26.90	67.00	336.00

OK



Kansas Water Pollution Control Permit for Agricultural and Related Wastes

Livestock Waste Management Program

Permit Application

Instructions: PLEASE PRINT. Complete and provide all information as requested. Attach all drawings and plans to this application. If you need assistance completing this form, call (785) 296-6432 or your local KDHE District Office. Mail completed application to:

**KANSAS DEPARTMENT OF HEALTH & ENVIRONMENT
LIVESTOCK WASTE MANAGEMENT SECTION
1000 SW JACKSON STREET, SUITE 430
TOPEKA, KS 66612-1367**

If a registration form has been submitted to KDHE within the previous eighteen months, only pages 1 through 7 and not previously submitted portions of Appendix 3 need to be completed. Any information from pages 5 or 7 submitted with the registration does not need to be resubmitted unless changes need to be noted.

NOTICE: Failure to provide all required documentation at the time of submission of this permit application will result in the entire permit package being returned to the applicant for completion.

FACILITY IDENTIFICATION

- Check one: New Facility Application
 Renewal Application Permit # _____ (only complete pages 1 & 11)
 Facility Modification/Expansion Application Permit # A-UAHM-C005
 Facility Name/Owner Change ONLY Permit # _____ (only complete pages 1 & 6)

1. Name of Applicant: QUE FULLMER Date: 5/18/2022

Name of Property owner(s) (if different from Applicant): _____

2. Name of Facility: FULLMER CATTLE COMPANY

3. Mailing Address: PO BOX 986

City: SYRACUSE State: KS Zip: 67878

4. Facility Address (if different): _____

City: _____ State: _____ Zip: _____

5. Applicant's Telephone No.: 620-384-7499 Home Telephone No.: _____

Cellular Telephone No.: 909-644-3673 Fax No.: 620-384-7507

E-Mail Address: qjfullmer@gmail.com

Applicant hereby makes application to the Kansas Department of Health and Environment in conformance with K.S.A. 65-171d et seq. and K.A.R. 28-18-1 through 17, and/or 28-18a-1 through 33.

ADDITIONAL CONTACT INFORMATION: (optional additional facility contact to receive copy of correspondence)

Name: _____

Title: _____

Mailing address: _____

City: _____ State: _____ Zip: _____

FACILITY DESCRIPTION

6. Legal description of property where facility is located:

RANCH	NE	36	24	South	41	Circle: E or W	HAMILTON
Facility ID	Quarter(s)	Section	Township		Range		County
RANCH	SE	36	24	South	41	Circle: E or W	HAMILTON
Facility ID	Quarter(s)	Section	Township		Range		County
RANCH	SE	25	24	South	41	Circle: E or W	HAMILTON
Facility ID	Quarter(s)	Section	Township		Range		County

7. The existing, proposed, and/or expanded livestock operation will consist of: (mark **E** if existing or **P** if proposed)

 E,P Open Lots Enclosed Bldg. Both Open/Closed Truck Wash Other

8. Existing and/or proposed waste control systems: (mark **E** if existing or **P** if proposed)

 E Earthen Retention Structure Sedimentation Basin Concrete Storage Structure

Other (explain) _____

9. Are there any county or local comprehensive land use plans or zoning requirements or restrictions at this site?

Yes No .

If yes, please explain: _____

10. Waste Management Equipment: Indicate the type and size of equipment available for: land application and transportation of process waste (in any form: liquid, slurry, or solid). Indicate whether each piece of equipment is owned, leased, or contractor provided. If a wastewater retention structure is present at the facility dewatering equipment **must** be listed. (Please attach additional page if needed)

Equipment Description (55 hp tractor, high lift, pto driven pump, manure wagon, honey wagon, center pivot, traveling gun, etc.)	Equipment Purpose (Transportation, collection, land application, agitate manure in basin, etc.)	Capacity (Gallons per minute, gallons, bushels, acres, cubic yards, etc.)	Owned (O), Leased (L), or Contractor ' s (C)
	SEE PREVIOUS EQUIPMENT LIST		

ANIMAL UNITS CALCULATION TABLE

Please complete the table below. Identify the **maximum** capacity of each type of animal at your facility. Each pig, weaned or unweaned, weighing 55 pounds or less must be counted as 0.1 animal units. Similarly, for permitting purposes, dairy facilities must count calves and heifers weighing less than 700 pounds as 0.5 animal units and bulls, and heifers weighing more than 700 pounds as 1.0 animal unit. Lactating and dry dairy cows should be counted as 1.4 animal units, etc.

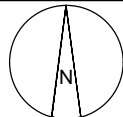
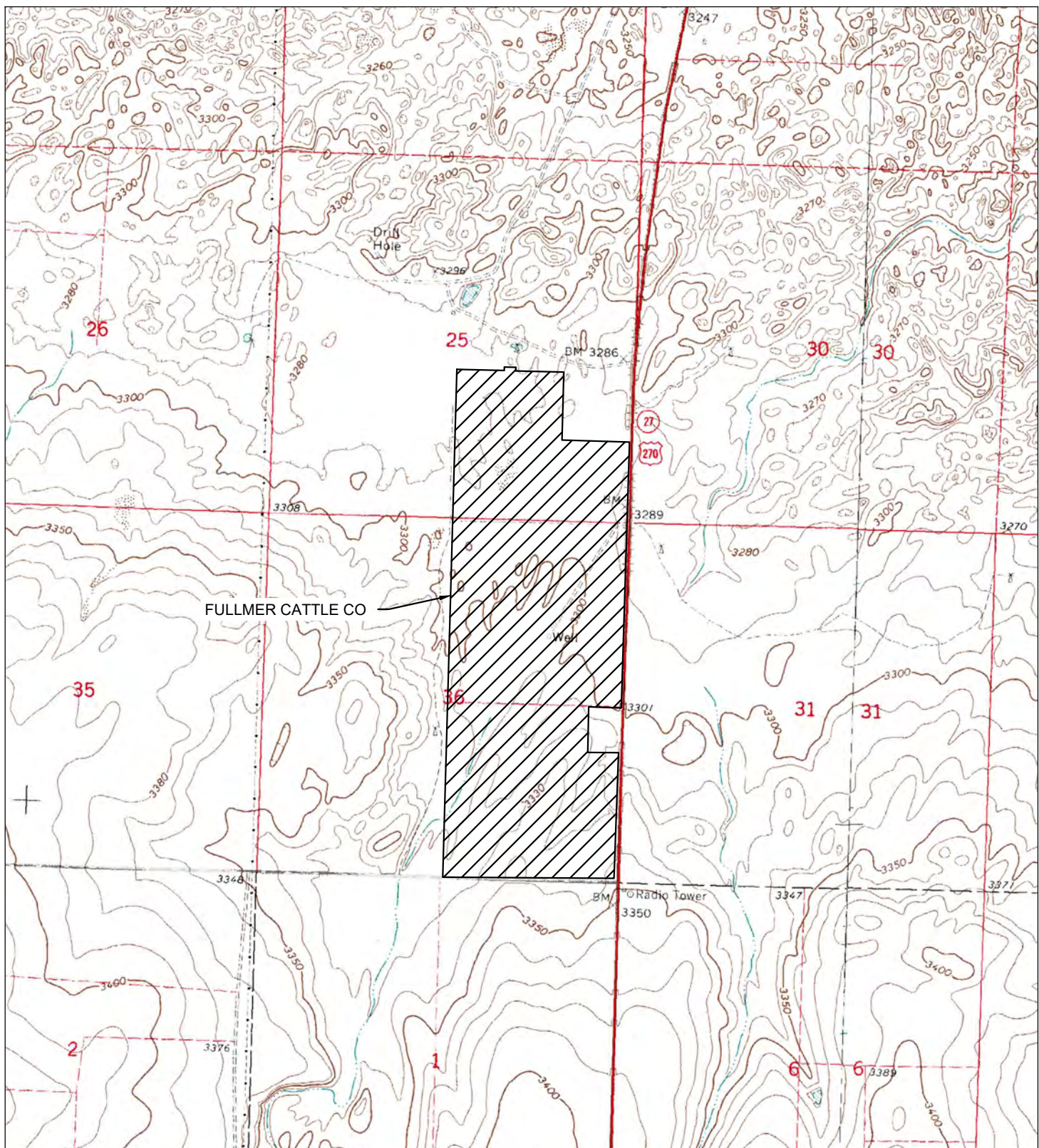
(A) Type of Facility*	(B) Current Maximum Permitted Capacity (Head)	(C) Proposed Expansion or New (Head)	(D) AU Conversion Factor	(E) Maximum Animal Units (B+C) x D
Swine weighing more than 55 pounds			0.4	
Swine weighing 55 pounds or less			0.1	
Cattle weighing more than 700 pounds			1.0	
Cattle weighing less than 700 pounds	80,000	20,000	0.5	50,000
Mature Dairy Cows (Lactating and Dry)			1.4	
Sheep/Lambs/Goats			0.1	
Turkeys			0.018	
Laying Hens/Broilers w/ continuous overflow watering			0.01	
Laying Hens/Broilers w/ liquid manure system			0.033	
Laying Hens/Broilers w/ dry manure system ¹			0.003	
Horses			2.0	
Ducks			0.2	
Other-specify species _____				
Total	80,000	20,000		50,000

***Minimum EPA thresholds requiring an NPDES permit** are: 700 head of mature dairy cows (lactating or dry), 1,000 head of veal calves, 1,000 head of cattle other than mature dairy cows or veal calves, 2,500 head of swine weighing greater than 55 pounds, 10,000 head of swine weighing 55 pounds or less, 500 horses, 10,000 sheep or lambs, 30,000 ducks w/ other than liquid manure system, 5,000 ducks w/ liquid manure system, 55,000 turkeys, 30,000 laying hens/broilers w/ liquid manure system, 125,000 chickens other than laying hens (broilers) w/ other than liquid manure system, and 82,000 laying hens w/ other than liquid (dry) manure system.

¹ A 0.033 AU conversion factor should be used for chicken facilities with dry litter systems if manure is exposed to precipitation during collection or when stored in stockpiles, or if manure is land applied without incorporation into the soil within 24 hours.

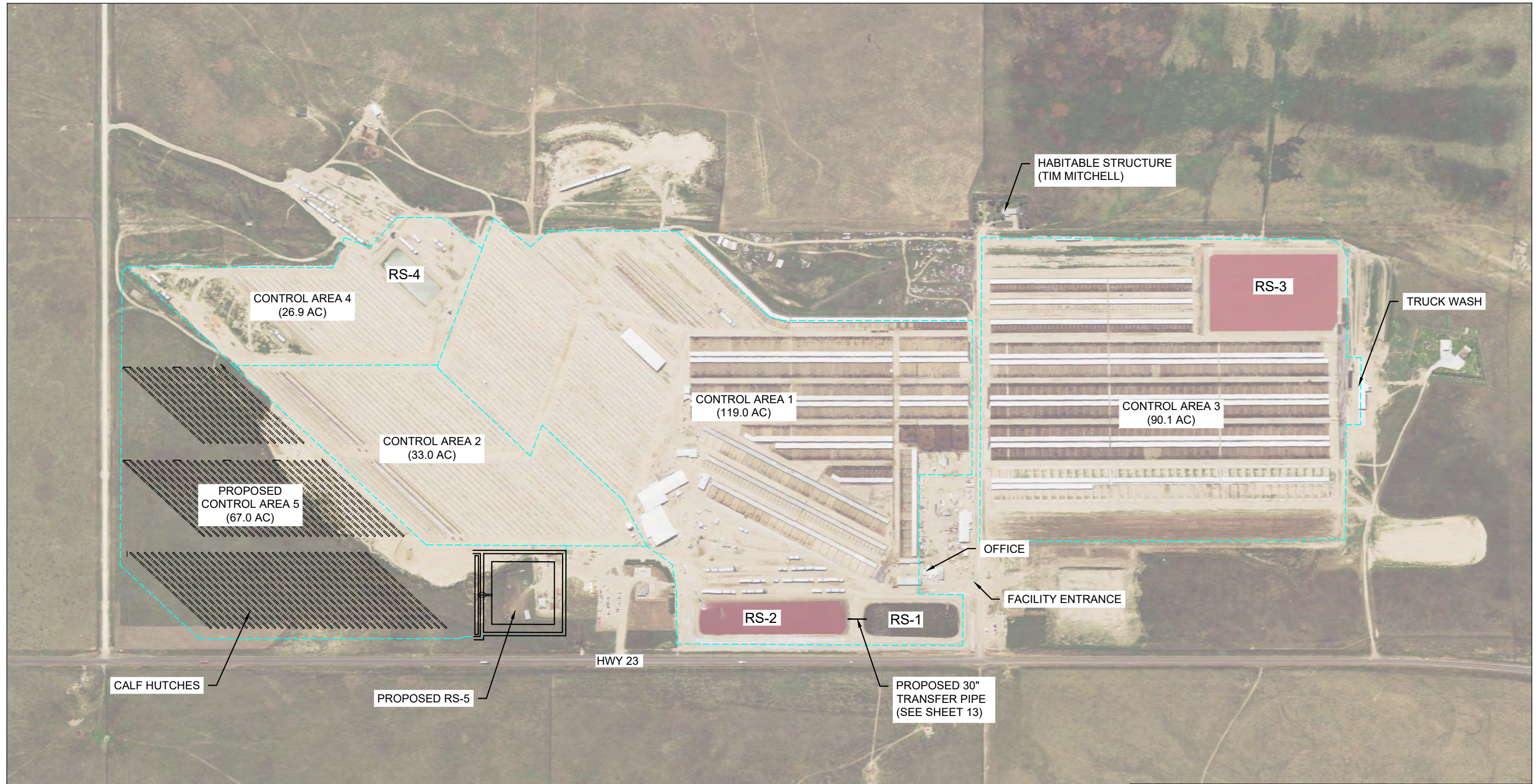
Table 2 Control Area and Design Storm Runoff

Control Areas	CN (1 day)	DS Runoff (in/ac)		SE				
				Area 1 <i>EXIST</i> acres	Area 2 <i>EXIST</i>	Area 3 <i>NW</i> acres	Area 4 <i>SW</i> acres	Area 5 <i>PROPOSED</i> acres
Area Controlled			acres	113.10	38.90	90.10	26.90	67.00
Open Lots, Manure Storage	90	3.30		98.04	33.01	65.38	24.68	61.93
Paved/Roof Areas	98	4.16		11.00	0.00	14.10	0.00	0.00
Cropland	70	1.60		0.00	0.00	0.00	0.00	0.00
other area	98	4.16		0.00	0.00	1.00	0.00	0.00
Retention Structure	100	4.40		4.06	5.89	9.62	2.22	5.07
Design Storm Runoff (25yr, 24hr Event)								
Open Lots, Manure Storage			ac-ft	26.96	9.08	17.98	6.79	17.03
Paved/Roof Areas				3.81	0.00	4.89	0.00	0.00
Cropland				0.00	0.00	0.00	0.00	0.00
other area				0.00	0.00	0.35	0.00	0.00
Retention Structure				1.49	2.16	3.53	0.81	1.86
Total Design Storm Runoff				32.26	11.24	26.74	7.60	18.89
Process Waste Water								
Bottle Washing			gpd	2,500				
Truck Wash								
		recycle water wash	gpd			14,000		
		freshwater rinse	gpd			7,000		
		TW days in use	days			260		
Tank Waterer Overflows								
Number of Overflow Waterers			ea	60	0	200	0	0
Average Hours per Day			hr	8	8	8	8	8
Days in Operation			day	120	120	120	120	120
Overflow Rate			gpm	0.20	0.20	0.20	0.20	0.20
Solids Accumulation Storage								
Mean Annual Open Lot Runoff			in/ac	2.70	2.70	2.70	2.70	2.70
Percent Solids in Lot Runoff (MWPS-18)				1.5%	1.5%	1.5%	1.5%	1.5%
Percent solids retained by Basins/Channels				20.0%	20.0%	20.0%	20.0%	20.0%
Percent solids removed in dewatering				5.0%	5.0%	5.0%	5.0%	5.0%
Period of solids accumulation in Retention Structure			yrs	10.0	10.0	10.0	10.0	10.0
Period of solids accumulation in Basins			yrs	0.0	0.0	0.0	0.0	0.0
Percent Solids in Truck Wash Effluent				0.0%	0.0%	2.5%	0.0%	
Volume of Solids added from TW for period			ac-ft	0.00	0.00	4.19	0.00	
Retention Structure			ac-ft	2.48	0.84	5.85	0.63	1.57
Basin				0.00	0.00	0.00	0.00	0.00
Total Design Solid Storage				2.48	0.84	5.85	0.63	1.57

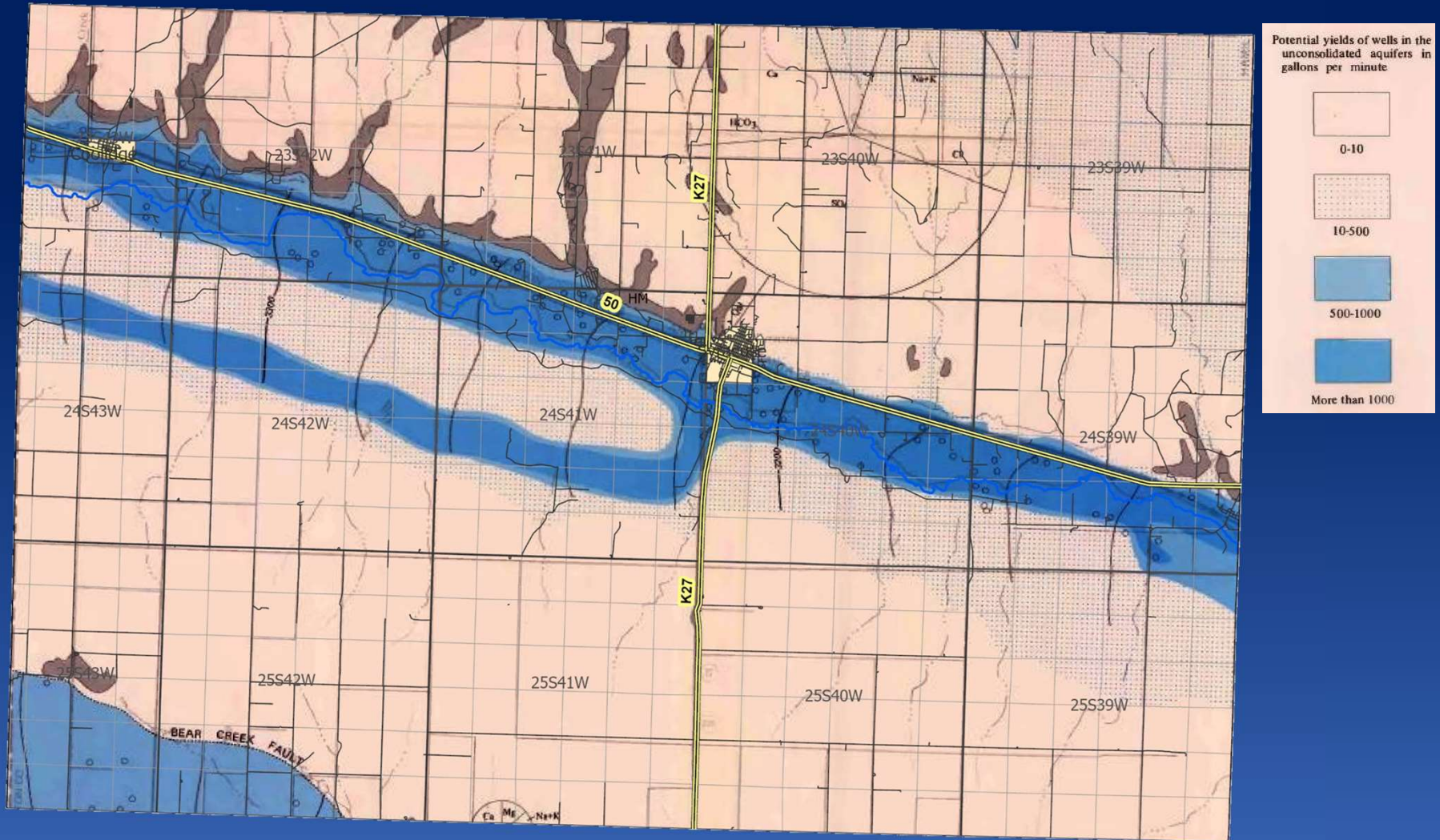


FULLMER CATTLE COMPANY
 HAMILTON COUNTY, KANSAS
 SE EXPANSION

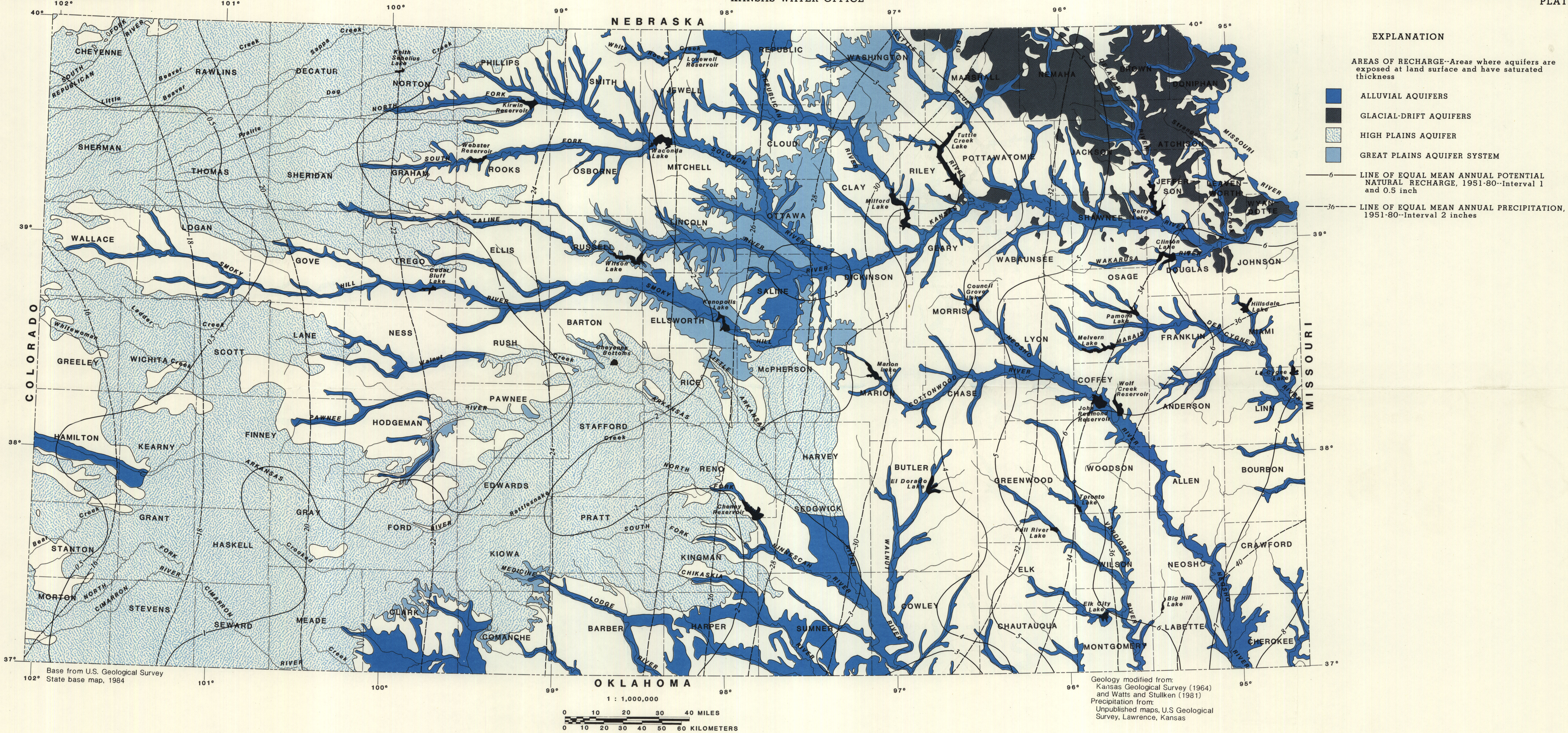
USGS 7.5' QUADRANGLE MAP	SCALE	1" = 2,000'
	PROJECT MANAGER	DMG
Darren George Engineering, LLC. 104 Kristi Lane Holcomb, KS 67846 (620) 272-6629	DATE	5/18/2022
	SHEET NAME	VICINITY
	SHEET NO.	M2



FULLMER CATTLE COMPANY HAMILTON COUNTY KANSAS SE EXPANSION PLANS		
Darren George Engineering, LLC. 104 Kristi Lane Holcomb, KS 67851 (620) 272-6629	SCALE	1" = 600'
	DRAWN BY	DMG
	DATE	5/18/2022
	SHEET NAME	SITE OVERVIEW
	SHEET NO.	1



Potential well yields, USGS Atlas HA-516



MAP SHOWING AREAS OF RECHARGE TO PRINCIPAL AQUIFERS, MEAN ANNUAL POTENTIAL NATURAL RECHARGE, AND MEAN ANNUAL PRECIPITATION IN KANSAS

By
Cristi V. Hansen
1987

THE STATE OF KANSAS



KANSAS DEPARTMENT OF AGRICULTURE
Mike Beam, Secretary of Agriculture

DIVISION OF WATER RESOURCES
Earl D. Lewis Jr., 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. 50,905** of the applicant

**FULLMER AUTO COMPANY TEXAS LLC
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 **November 3, 2022**.
2. That the water sought to be appropriated shall be used for stockwatering use in the East Half (E½) of Section 36, and the Southeast Quarter (SE¼) of Section 25, all 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 a battery of four (4) wells, with a geographic center located in the Northeast Quarter of the Northeast Quarter of the Northeast Quarter (NE¼ NE¼ NE¼) of Section 19, more particularly described as being near a point 5,170 feet North and 381 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 **800 gallons per minute (1.78 c.f.s.)** and to a quantity not to exceed **128.972 million gallons (395.8 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, 2024**, 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, 2028**, or any authorized extension thereof. Any request for an extension of time shall be submitted prior to the expiration of the deadline and shall be accompanied by the required statutory fee of \$100.00.

7. That the applicant shall not be deemed to have acquired a water appropriation for a quantity in excess of the amount approved herein nor in excess of the amount found by the Chief Engineer to have been actually used for the approved purpose during one calendar year subsequent to approval of the application and within the time specified for perfection or any authorized extension thereof.

8. That the use of water herein authorized shall not be made so as to impair any use under existing water rights nor prejudicially and unreasonably affect the public interest.

9. That the right of the appropriator shall relate to a specific quantity of water and such right must allow for a reasonable raising or lowering of the static water level and for the reasonable increase or decrease of the streamflow at the appropriator's point of diversion.

10. That this permit does not constitute authority under K.S.A. 82a-301 through 305a to construct any dam or other obstruction; nor does it grant any right-of-way, or authorize entry upon or injury to, public or private property.

11. That all diversion works constructed under the authority of this permit into which any type of chemical or other foreign substance will be injected into the water pumped from the diversion works shall be equipped with an in-line, automatic quick-closing, check valve capable of preventing pollution of the source of the water supply. The type of valve installed shall meet specifications adopted by the Chief Engineer and shall be maintained in an operating condition satisfactory to the Chief Engineer.

12. That all wells with a diversion rate of 100 gallons per minute or more drilled under the authority of this permit shall have a tube or other device installed in a manner acceptable to, and in accordance with specifications adopted by, the Chief Engineer. This tube or device shall be suitable for making water level measurements and shall be maintained in a condition satisfactory to the Chief Engineer.

13. That an acceptable water flow meter shall be installed and maintained on the diversion works authorized by this permit in accordance with the Kansas Administrative Regulations 5-1-4 through 5-1-12 adopted by the Chief Engineer. This water flow meter shall be used to provide an accurate quantity of water diverted as required for the annual water use report (including the meter reading at the beginning and end of the report year).

14. That the applicant shall maintain accurate and complete records from which the quantity of water diverted during each calendar year may be readily determined and the applicant shall file an annual water use report with the Chief Engineer by March 1 following the end of each calendar year. Failure to file the annual water use report by the due date shall cause the applicant to be subject to a civil penalty.

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

16. That 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 applicant shall submit to the Chief Engineer a copy of the well log required by the Kansas Department of Health and Environment under the authority of K.S.A. 82a-1212, currently form WWC-5, within 30 days following the drilling of the well at the location authorized herein.

18. That this permit is further limited such that all four (4) wells shall be located within a three hundred (300) foot radius circle, in the same local source of supply and be limited to a total maximum diversion rate not in excess of 800 gallons per minute (1.78 c.f.s.) and shall supply water to a common distribution system.

19. That the applicant shall cause the wells under this water right to be constructed so that the required water flowmeter shall be installed, meeting all the aforementioned conditions in this order, at a location on the diversion works of the constructed common distribution system at which the flowmeter measures all of the water diverted from the source of supply.

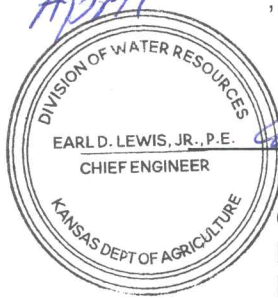
20. That a seal shall be placed on the flowmeter by the Division of Water Resources in such a manner as to render the meter non-removable from the measuring chamber without breaking the seal. If the seal is broken without the written permission of the Chief Engineer, this shall create a rebuttable presumption that the point of diversion had been unlawfully operated in violation of the order of the Chief Engineer and that the water right holder had been acting in violation of the conditions of his or her water right. If any such violation occurs, a written order shall be issued by the Chief Engineer stating the nature of the violation and the civil penalty, suspension of water right or modification to the water right, or any combination of these to be imposed.

21. That the constructed common distribution system shall be equipped with a properly installed water flowmeter with electronic rate logger whose data can be downloaded by the Kansas Department of Agriculture to monitor and log the pumping rate and time of use of the system. The water flowmeter with electronic rate logger shall be set to record the pumping rate in gallons per minute every 30 minutes on the hour and half hour throughout the year.

22. The applicant shall install and maintain an observation well completed and equipped in accordance with the Chief Engineer and shall allow access for installation and monitoring of the water levels located near the center of the Northwest Quarter (NW¼) of Section 22, more particularly described as being near a point 4,016 feet North and 3,965 feet West of the Southeast corner of said section, in Township 24 South, Range 41 West, Hamilton County, Kansas. The observation well shall be completed with a protector and capable of being equipped with a Kansas Department of Agriculture water level sensor and datalogger to monitor and record the time and water level. Access to the data shall be made available to the Office of the Chief Engineer so that all data can be viewed, retrieved, and evaluated by the Chief Engineer as deemed necessary.

23. 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.

Ordered this 7th day of April, 2023, in Manhattan, Riley County, Kansas.



Earl D. Lewis Jr.

Earl D. Lewis Jr., 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 7th day of April, 2023, by Earl D. Lewis Jr., P.E., Chief Engineer, Division of Water Resources, Kansas Department of Agriculture.



Melinda Jennings
Notary Public

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

April 12, 2023

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

RE: Appropriation of Water
File No. 50,905

Dear Mr. Fullmer:

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, with specific reference to Paragraph Nos. 18 through 23.

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/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

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 request an evidentiary hearing before the Chief Engineer, or 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 Division, 1320 Research Park Drive, Manhattan, Kansas 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 review 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, Kansas 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.

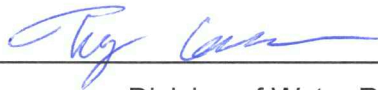
CERTIFICATE OF SERVICE

On this 12 day of April, 2023, I hereby certify that the foregoing Approval of Application and Permit to Proceed, File No. 50,905, dated April 7, 2023 was mailed postage prepaid, first class, US mail to the following:

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

With photocopies to:

KDA-DWR Garden City Field Office



Division of Water Resources