

WATER RESOURCES
RECEIVED

FEB 20 2024

13:22

KS Dept. of Agriculture



State of Kansas

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**

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

File No. 45119

2. Name of applicant: Tuls Dairy Farms

Address: PO Box 1138 1120 N Washington

City, State and Zip: Liberal, KS 67905

Phone Number: 620-629-1902 E-mail address: brian@agoasis.com

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

Name of water use correspondent: Same as applicant.

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): The dairy is supplied solely by the battery of 2 wells under the subject water right. Both wells must operate in unison to provide enough water to the cattle. As a safety measure to counter-act a potential well failure, it is proposed to add a third well into the battery. No other changes are proposed.

The change(s) (was) (will be) completed by ASAP (Date) 2/21/2024
KAnderson

For Office Use Only:															
F.O. Code	<u>4</u>	GMD	<u>3</u>	Meets K.A.R. 5-5-1	(YES / NO)	Use	<u>STK</u>	Source	<u>G / S</u>	County	<u>SV</u>	By	<u>ALB</u>	Date	<u>2/20/24</u>
Fee \$	<u>100</u>	TR #		Receipt Date	<u>2-20-24</u>	Check #	<u>33012</u>								

FEB 20 2024

4. The presently authorized place of use is:

Owner of Land — NAME: Same as applicant

KS Dept. of Agriculture

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	
34	32S	36W					Dairy												

List any other water rights that cover this place of use. N/A

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:

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.

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 MORE SPACE IS NEEDED, ATTACH ADDITIONAL SHEETS AS NECESSARY

6. The presently authorized point(s) of diversion (is) (are) two wells, geocenter, pumps, and appurtenances
(Provide description and number of points)
7. The proposed point(s) of diversion (is) (are) three wells, geocenter, pumps, and appurtenances
(Provide description and number of points)

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List all presently authorized point(s) of diversion:

8. **Presently authorized point of diversion:** Geocenter (ID 7) Geographic Center of Battery of Two Wells.*

One in the NORTHWEST Quarter of the NORTHWEST Quarter of the NORTHWEST Quarter of Section 34, Township 32 South, Range 36 WEST (E/W), in STEVENS County, Kansas, 4937 feet North 5116 feet West of Southeast corner of section.
 Authorized Rate ~~350~~ 350 GPM Authorized Quantity 442.263 AF
 (DWR use only: Computer ID No. 7 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) Geographic Center of Proposed Battery of Three Wells.*

* One in the NW Quarter of the NW Quarter of the NW Quarter of Section 34, Township 32 South, Range 36 (E/W), in STEVENS County, Kansas, 4926 feet North 5,088 feet West of Southeast corner of section.
 Proposed Rate 530 GPM Proposed Quantity (442.263 AF) 144.112 MGY
 This point is: Additional Well Geo Center List other water rights that will use this point NONE *

* 9. **Presently authorized point of diversion:** Battery 1 of 2 (ID 5)

One in the NORTHWEST Quarter of the NORTHWEST Quarter of the NORTHWEST Quarter of Section 34, Township 32 South, Range 36 WEST (E/W), in STEVENS County, Kansas, 4868 feet North 5047 feet West of Southeast corner of section.
 Authorized Rate 350 GPM Authorized Quantity 442.263 AF
 (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:** Battery 1 of 2 (ID 8)

One in the NORTHWEST Quarter of the NORTHWEST Quarter of the NORTHWEST Quarter of Section 34, Township 32 South, Range 36 WEST (E/W), in STEVENS County, Kansas, 5006 feet North 5184 feet West of Southeast corner of section.
 Authorized Rate 350 GPM Authorized Quantity 442.263 AF
 (DWR use only: Computer ID No. 8 GPS 5006 feet North 5184 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

6. The presently authorized point(s) of diversion (is) (are) two wells, geocenter, pumps, and appurtenances
(Provide description and number of points)
7. The proposed point(s) of diversion (is) (are) three wells, geocenter, pumps, and appurtenances
(Provide description and number of points)

WATER RESOURCES RECEIVED FEB 20 2024

List all presently authorized point(s) of diversion:

8. **Presently authorized point of diversion:** KS Dept. of Agriculture

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 NORTHWEST Quarter of the NORTHWEST Quarter of the NORTHWEST Quarter of Section 34, Township 32 South, Range 36 WEST (E/W), in STEVENS County, Kansas, 4904 feet North 5033 feet West of Southeast corner of section.

Proposed Rate 350 GPM Proposed Quantity 442.263 AF Q & R remain authorized a geographic center.

This point is: ~~Additional Well~~ Geo Center List other water rights that will use this point _____

Existing battery of two wells will go to three wells and maintain the operation of the wells as a battery. *

9. **Presently authorized point of diversion:** Meets KAR 5-2-3 *

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

*LI/DWR 2/28/2024

FEB 20 2024

File No. 45119

12. The presently authorized use of water is for stockwatering KS Dept. of Agriculture purposes.
It is proposed that the use be changed to N/A - remain stockwatering purposes.

13. If changing the place of use and/or use made of water, describe how the consumptive use will not be increased.
N/A

(Please show any calculations here.)

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

15. It is requested that the maximum rate of diversion of water be reduced to N/A 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.

The proposed additional well will be drilled to the same source of supply as the existing wells within the battery.
Proximity to the existing wells helps to ensure that the same source of supply will be utilized. Test log included.

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.

No known infringements on applicable rules and regulations.

IF MORE SPACE IS NEEDED, ATTACH ADDITIONAL SHEETS AS NECESSARY

FEB 20 2024

File No. 45119

KS Dept of Agriculture

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 1120 N Washington Ave, Liberal, Kansas, this 8th day of February, 20 24.

Brian D. Hermann
(Owner)

Brian D. Hermann
(Please Print)

(Owner)

(Please Print)

(Owner)

(Please Print)

(Spouse)

(Please Print)

(Spouse)

(Please Print)

(Spouse)

(Please Print)

State of Kansas }
County of Seward } SS

I hereby certify that the foregoing application was signed in my presence and sworn to before me this 8th day of February, 20 24.



Jenny Miller
Notary Public

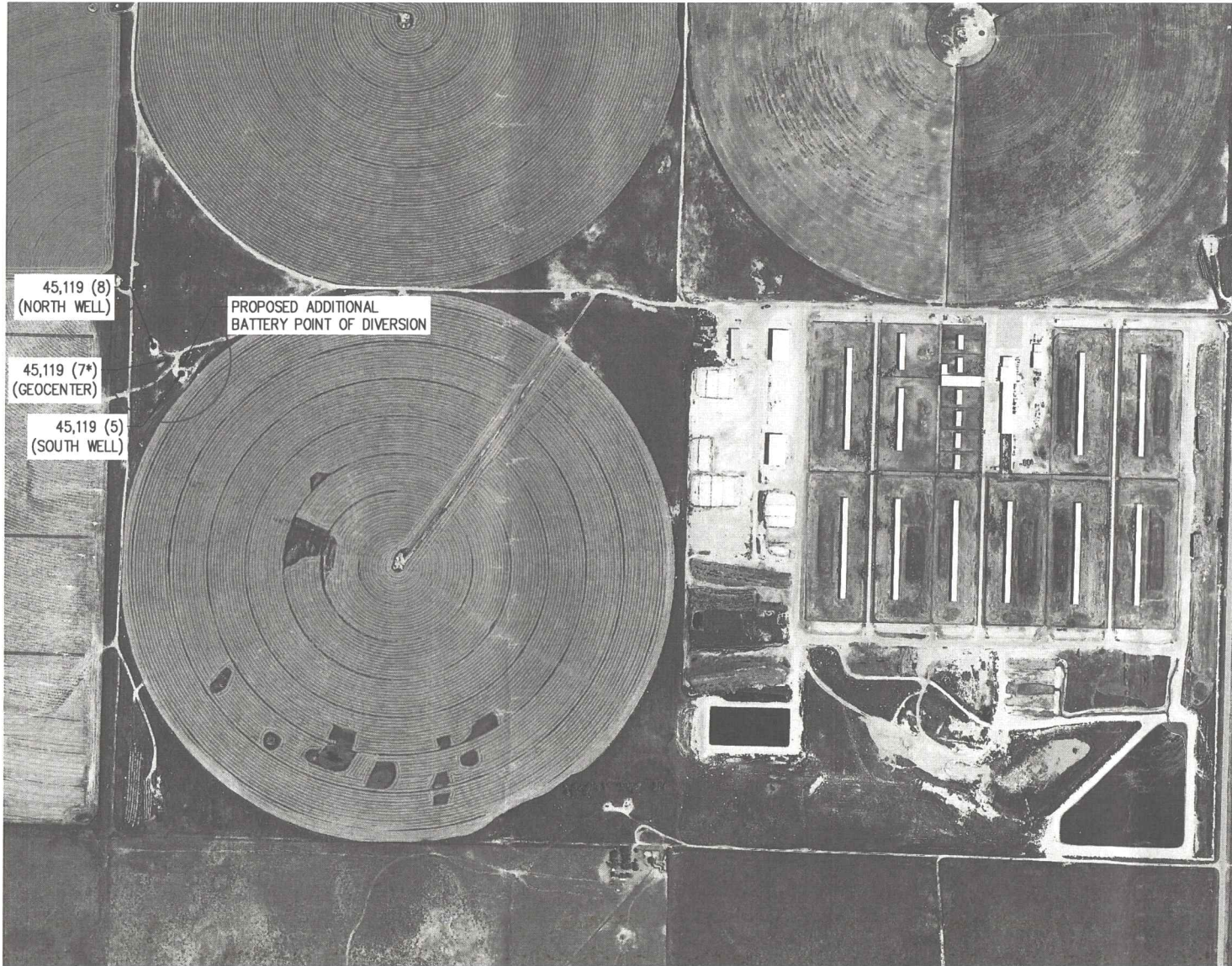
My Commission Expires 1/25/2025

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.**



45,119 (8)
(NORTH WELL)

45,119 (7*)
(GEOCENTER)

45,119 (5)
(SOUTH WELL)

PROPOSED ADDITIONAL
BATTERY POINT OF DIVERSION

R36W

T32S

LEGEND

- POINT OF DIVERSION (STK)
- 300' RADIUS FROM CURRENT GEOCENTER
- FILE NO. — 45,119 (8) (NORTH WELL)
- DWR ID — (8)
- FACILITY WELL ID —

KS Dept. of Agriculture
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WATER RESOURCES
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DATE	02/24
DRAWN	CSG
CHECKED	
APPROVED	

TULS DAIRY FARMS
WATER RIGHTS - MAS COW DAIRY LLC
SECTION 34 T32S R36W
STEVENS COUNTY, KANSAS

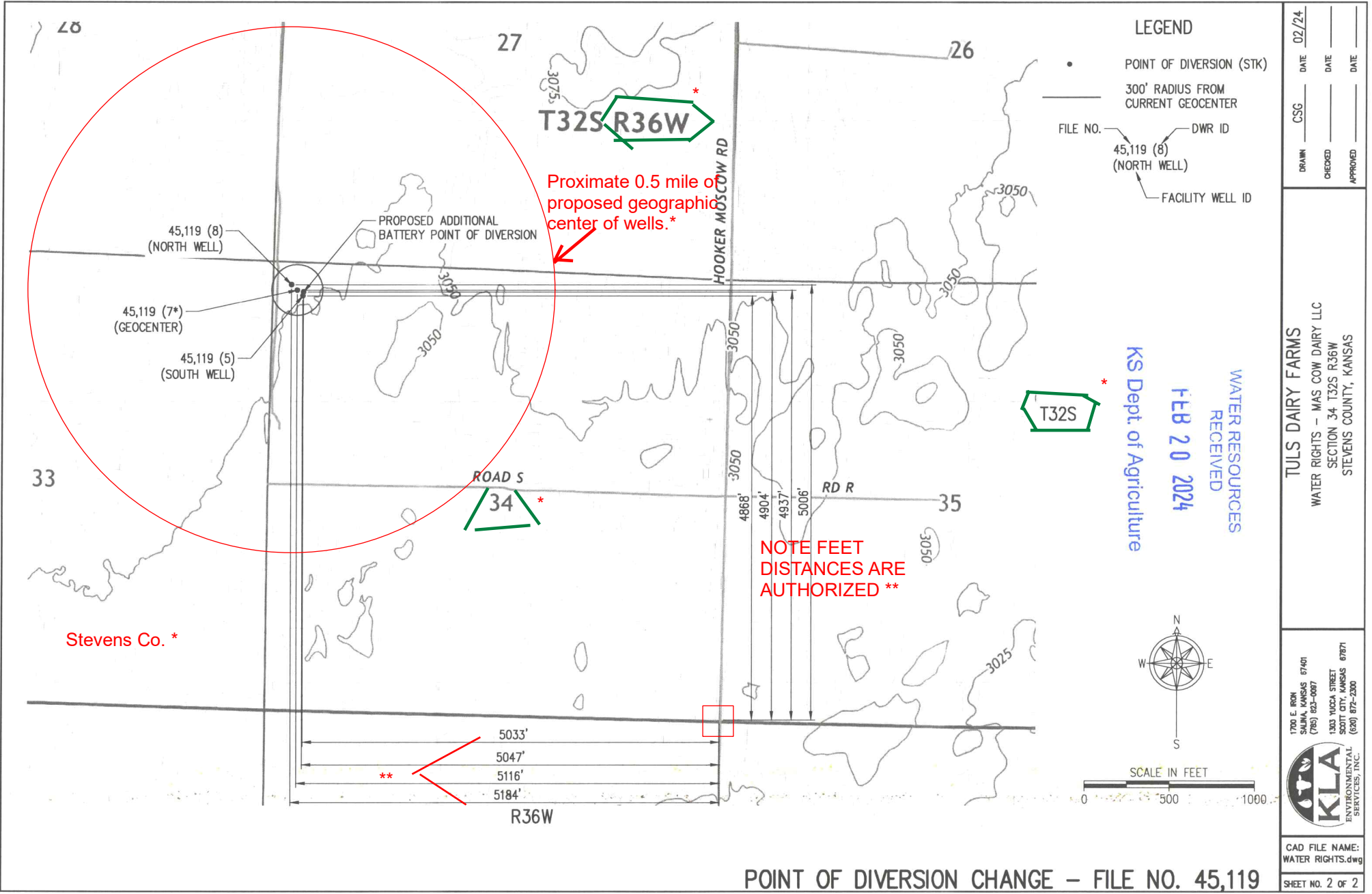
1700 E. IRON
SAUNA, KANSAS 67401
(785) 623-0087
1303 WYCKA STREET
SCOTT CITY, KANSAS 67271
(620) 672-2000



CAD FILE NAME:
WATER RIGHTS.dwg

SHEET NO. 1 OF 2

POINT OF DIVERSION CHANGE - FILE NO. 45,119



LEGEND

- POINT OF DIVERSION (STK)
- 300' RADIUS FROM CURRENT GEOCENTER
- FILE NO. 45,119 (8) (NORTH WELL)
- DWR ID (8)
- FACILITY WELL ID

DATE	02/24
DATE	
DATE	
DATE	
CSC	
DRAWN	
CHECKED	
APPROVED	

TULS DAIRY FARMS
 WATER RIGHTS - MAS COW DAIRY LLC
 SECTION 34 T32S R36W
 STEVENS COUNTY, KANSAS

KS Dept. of Agriculture
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 FEB 20 2024

1700 E. IRON
 SALINA, KANSAS 67401
 (785) 823-0087
 1303 WOODA STREET
 SUITE 200
 SALINA, KANSAS 67401
 (800) 872-2000



CAD FILE NAME:
 WATER RIGHTS.dwg

SHEET No. 2 of 2

□ Southeast Corner of Section

* LI/DWR

POINT OF DIVERSION CHANGE - FILE NO. 45,119

1700 E. IRON AVE. ▪ SALINA, KS 67401
T 785.823.0097 F 913.273.1493



1303 YUCCA ST. ▪ SCOTT CITY, KS 67871
WWW.KLAENVIRO.COM

WATER RESOURCES
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FEB 20 2024

KS Dept. of Agriculture

February 6, 2024

Mr. Earl Lewis, P.E.
Chief Engineer
Division of Water Resources
Kansas Department of Agriculture
1320 Research Park Drive
Manhattan, KS 66502

Subject: Change in Point of Diversion to File No. 45,119 – Tuls Dairy Farms

Dear Mr. Lewis:

The subject application is enclosed for your consideration. This application is submitted on behalf of the applicant, Tuls Dairy Farms. KLA Environmental Services, Inc. assisted with the preparation of this application. Payment is submitted separately.

Tuls Dairy Farms owns and operates the dairy located in the same section as the subject water right. File No. 45,119 consists of a battery of two wells. Both wells must operate in unison to provide enough water for the cattle. As a safety measure to counteract a potential well failure and allow downtime for repairs, it is proposed to add a third well into the battery. The additional well will meet all requirements to be defined as a battery of wells as specified in K.A.R. 5-1-1(n). The proposed well will utilize the same local source of supply as the existing wells, will be within a 300-foot radius circle including the existing wells, and the total diversion rate will remain at 350 gallons per minute. Approval of this application is critical to ensuring an adequate supply of water to the cattle.

Please contact me if you have any questions concerning these applications. Thank you for your consideration of this matter.

Respectfully,

Craig S. Griswold, P.E.
cgriswold@klaenviro.com
cell: 660-292-0823

Enclosures

cc/enc: Brian Hemann, Tuls Dairy Farms

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

February 23, 2024

TULS DAIRY FARM
PO BOX 1138
LIBERAL KS 67905

RE: File No(s). **45119**

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. 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 Applications and Changes Supervisor
Water Appropriation Program

File No 45119

Water Rights and Points of Diversion Within 2 miles of point defined as:
4936 Feet N and 5088 Feet W of the Southeast Corner of Section 34 Twp 32S Rng 36W
Located at: 101.229777 West Longitude and 37.227143 North Latitude
GROUNDWATER ONLY
Proposed Geo Center

Table with columns: File Number, Use, ST, SR, Dist (ft), Q4, Q3, Q2, Q1, FeetN, FeetW, Sec, Twp, Rng, ID, Batt, Auth_Quan, Add_Quan. Includes rows for various file numbers and a highlighted row for file 45119.

Summary table: Total Net Quantities Authorized: Direct Storage. Total Requested Amount (AF) = .00. Total Permitted Amount (AF) = .00. Total Inspected Amount (AF) = .00. Total Pro_Cert Amount (AF) = .00. Total Certified Amount (AF) = 3187.86. Total Vested Amount (AF) = .00. TOTAL AMOUNT (AF) = 3187.86.

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

Water Rights and Points of Diversion Within 2 miles of point defined as:
4936 Feet North and 5088 Feet West of the Southeast Corner of Section 34 Twp 32S Rng 36W
Located at: 101.229777 West Longitude and 37.227143 North Latitude
GROUNDWATER ONLY
WATER USE CORRESPONDENTS:

- List of water use correspondents: BRYNE L & TINA K SULLINS, AD ASTRA AG LLC, BRIAN PETERSON, PO BOX 914, JOHNSON KS 67855, S & S FARMS, BRYNE SULLINS.

> 1973 ROAD T
> MOSCOW KS 67952

>-----

> S & S FARMS
> BRYNE SULLINS
> 1973 ROAD T
> MOSCOW KS 67952

>-----

> BRYNE L & TINA K SULLINS
>
> 1973 ROAD T
> MOSCOW KS 67952

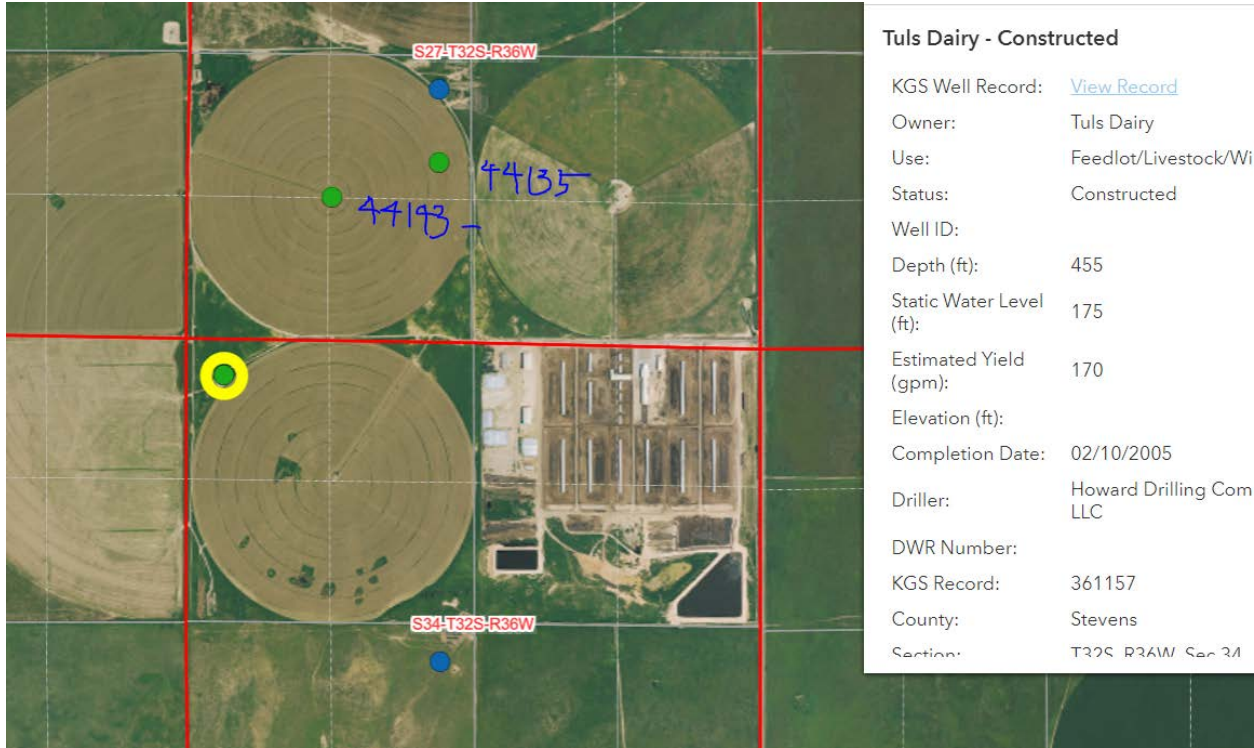
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> TULS DAIRY FARMS
>
> PO BOX 1138 1120 N WASHINGTON
> LIBERAL KS 67905

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File No. 45119 Nearby KGS & WRIS



Tuls Dairy - Constructed

KGS Well Record:	View Record
Owner:	Tuls Dairy
Use:	Feedlot/Livestock/Wi
Status:	Constructed
Well ID:	
Depth (ft):	455
Static Water Level (ft):	175
Estimated Yield (gpm):	170
Elevation (ft):	
Completion Date:	02/10/2005
Driller:	Howard Drilling Com LLC
DWR Number:	
KGS Record:	361157
County:	Stevens
Section:	T32S R36W Sec 31