

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.



DEC 09 2022 12:15

KANSAS DEPARTMENT OF AGRICULTURE
Mike Beam, Secretary of Agriculture

DIVISION OF WATER RESOURCES
Earl D. Lewis, Jr., Chief Engineer

File Number 50922
This item to be completed by Division of Water Resources

APPLICATION FOR PERMIT TO APPROPRIATE WATER FOR BENEFICIAL USE
Filing Fee Must Accompany the Application
(Please refer to Fee Schedule attached to this application form)

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

1. Name of Applicant:
Mr. Douglas K. Claassen
HENRY CREEK FARMS, INC. — Dyck Finisher Site
12247 NW 130th Street
Whitewater, Kansas 67154
316-204-3220 (Doug Claassen Cell)
316-616-3481 (Kim Claassen Cell)

2. The source of water is:
[] surface water in _____ (stream)
OR
[x] groundwater in the Upper Walnut River drainage basin

Certain streams in Kansas have minimum target flows established by law or may be subject to administration when water is released from storage for use by water assurance district members. If your application is subject to these regulations on the date we receive your application, you will be sent the appropriate form to complete and return to the Division of Water Resources.

3. The maximum quantity of water desired is 16.74 acre feet OR 5,453,100 gallons per calendar year, to be diverted at a maximum rate of 99 gallons per minute OR _____ cubic feet per second.

Once your application has been assigned a priority, the requested maximum rate of diversion and maximum requested quantity under than priority number can NOT be increased. Please be certain your requested maximum rate of diversion and maximum quantity of water are appropriate and reasonable for your proposed project and are in agreement with the Division of Water Resources requirements.

4. The water is intended to be appropriated for (check use intended):
(a) [] Artificial Recharge (b) [] Irrigation (c) [] Recreational (d) [] Water Power
(e) [] Industrial (f) [] Municipal (g) [x] Stock watering (h) [] Sediment Control
(i) [] Domestic (j) [] Dewatering (k) [] Hydraulic Dredging (l) [] Fire Protection
(m) [] Thermal Exchange (n) [] Contamination Remediation

YOU MUST COMPLETE AND ATTACH ADDITIONAL DIVISION OF WATER RESOURCES FORM(S) PROVIDING INFORMATION TO SUBSTANTIATE YOUR REQUEST FOR THE AMOUNT OF WATER FOR THE INTENDED USE REFERENCED ABOVE.

For Office Use Only:
F.O. 2 GMD Meets K.A.R. 5-3-1 (Yes/No) YES Use STK Source G/S County BU By ALB Date 12/12/22
Code REG Fee \$ TR# Receipt Date Check #

60 DTL
5115'
3300'

5. The location of the proposed wells, pump sites or other works for diversion of water is:

Note: For the application to be accepted, the point of diversion location must be described to at least a 10 acre tract, unless you specifically request a 60 day period of time in which to locate the site within a specifically described, minimal legal quarter section of land.

We specifically request at least sixty (60) days to locate the water well site and schedule a licensed water well driller.

- (A) TWO WELLS (Proposed as a Battery)
One well in the _____ quarter of the _____ quarter of the NW quarter of Section 31, more particularly described as being near a point _____ feet North and _____ feet West of the Southeast corner of said section, in Township 23 South, Range 4 (East / West) of Butler County, Kansas.

If the source of supply is groundwater, a separate application shall be filed for each proposed well or battery of wells, except that a single application may include up to four (4) wells within a circle with a quarter (1/4) mile radius in the same local source of supply which do not exceed a maximum diversion rate of 20 gallons per minute per well.

A battery of wells is defined as two (2) or more wells connected to a common pump by a manifold, or not more than four (4) wells in the same local source of supply within a 300 foot radius circle which are being operated by pumps not to exceed a total maximum diversion rate of 800 gallons per minute and which supply water to a common distribution system.

6. The owner of the point of diversion, if other than the applicant is (please print):
SAME as APPLICANT

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 as 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 December 5, 2022



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.

7. The proposed project for diversion of water will consist of Two (2) Wells (number of wells, pumps or dams, etc.) and are not completed.
8. The first actual application of water for the proposed beneficial use will be April 1, 2023.
9. Will pesticide, fertilizer or other foreign substance be injected into the water pumped from the diversion works:
 Yes No

All chemigation safety requirements must be met including a chemigation permit and reporting requirements.

10. If you are planning to impound water, please contact the Division of Water Resources for assistance, prior to submitting the application. Please attach a reservoir area capacity table and inform us of the total acres of surface drainage area above the reservoir.

Have you also made application for a permit for construction of this dam and reservoir with the Division of Water Resources?

Yes No N/A

- If yes, show the Water Structures permit number here.
- If no, explain here why a Water Structures permit is not required.

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11. The application must be supplemented by a USGS topographic map, aerial photograph or a detailed plan showing the following information. On the topographic map, aerial photograph or plat - identify the center of the section, the section lines or the section corners and show the appropriate section, township and range numbers. Also please show the following information:

- (a) The location of the proposed point(s) of diversion (wells, stream-bank installations, dams or other diversion works) should be plotted as described in Paragraph 5 of the application, showing the North-South distance and the East-West distance from a section line or southeast corner of the section.
- (b) If the application is for groundwater, please show the location of any existing water wells of any kind within one-half (1/2) mile of the proposed well or wells. Identify each existing well as to its use and furnish the name and mailing address of the property owner or owners. If there are no wells within one-half (1/2) mile, please advise us.
- (c) If the application is for surface water, the names and addresses of the landowner(s) one-half (1/2) mile downstream and one-half (1/2) mile upstream from your property lines must be shown.
- (d) The location of the proposed place of use should be shown by crosshatching on the topographic map, aerial photograph or plat.
- (e) Show the location of the pipelines, canals, reservoirs or other facilities for conveying water from the point of diversion to the place of use.

A 7.5 minutes USGS topographic map may be obtained by providing the section, township and range numbers to: Kansas Geological Survey, 1930 Constant, Campus West, University of Kansas, Lawrence, Kansas 66047.

12. List any application, appropriation of water, water right or vested right file number that covers the same diversion points or any of the same place of use described in this application. Also list any other recent modifications made to existing permits or water rights in conjunction with the filing of this application.

None

13. Furnish the following well information if the proposed appropriation is for the use of groundwater. If the well has not been completed, give information obtained from test holes, if available.

Information below is from: Test Holes Well as Completed Drillers Log Attached

Well location as shown in paragraph #	(A)	(B)	(C)	(D)
Date Drilled				
Total Depth of Well				
Depth to Water Bearing Formation				
Depth to Static Water Level				
Depth to Bottom of Pump Intake Pipe				

14. The relationship of the applicant to the proposed place where the water will be used is that of:

- Owner Tenant Agent Other _____

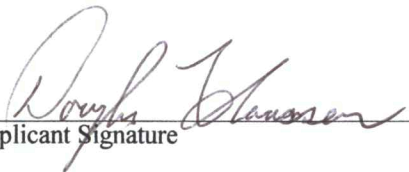
15. The owner of the property where the water is used, if other than the applicant, is (please print):

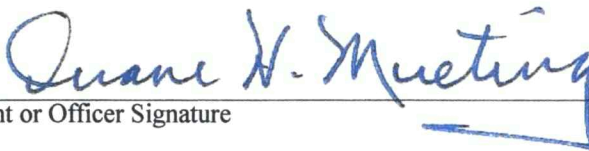
Applicant is the Owner. The owners propose to utilize a licensed water well driller to construct two (2) water wells as a battery on property owned by the livestock facility. The exact location of the wells will be submitted when determined.

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16. The undersigned states that the information set forth above is true to the best of his/her knowledge and that this application is submitted in good faith.

Dated at Seneca, Kansas, this 5th day of December 2022


Applicant Signature

By 
Agent or Officer Signature

Duane H. Mueting, P.E., P.L.S., Agent
Agent or Officer (Please Print)

Assisted By:

Duane H. Mueting, P.E., P.L.S.
Mueting Engineering
612 Community Drive
Seneca, Kansas 66538
785-334-6044 / 785-336-1361 (Cell)
mueting-eng@rainbowtel.net

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FEE SCHEDULE

1. The fee for an application for a permit to appropriate water for beneficial use, except for domestic use, shall be (see paragraph #2 below if requesting storage):

ACRE-FEET	FEE
0-100	\$200.00
101-320	\$300.00
More than 320	\$300.00 plus @\$20.00 for each additional 100 acre-feet or any part thereof

2. The fee for an application in which storage is requested, except for domestic use, shall be:

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 paragraph #1 or paragraph #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.

NOTE: The applicant shall notify the Chief Engineer and pay the statutorily required field inspection fee of \$400.00 when construction of the works for diversion has been completed, except that for applications filed on or after July 1, 2009, for works constructed for sediment control use and for evaporation from a groundwater pit for industrial use shall be accompanied by the field inspection fee of \$200.00.

MAKE CHECKS PAYABLE TO THE KANSAS DEPARTMENT OF AGRICULTURE

ATTENTION:

A Water Conservation Plan may be required per K.S.A. 82a-733. A statement that your application for permit to appropriate water may be subject to the minimum desirable streamflow requirements per K.S.A. 82a-703a, b and c may also be required from you. After the Division of Water Resources has had the opportunity to review your application, you will be notified whether or not you will need to submit a Water Conservation Plan. You also may be required to install a water flow meter or water stage measuring device on your diversion works prior to diverting water. There may be other special conditions or Groundwater Management District regulations that you will need to comply with if this application is approved.

**HENRY CREEK FARMS, INC.
DYCK FINISHER SITE**

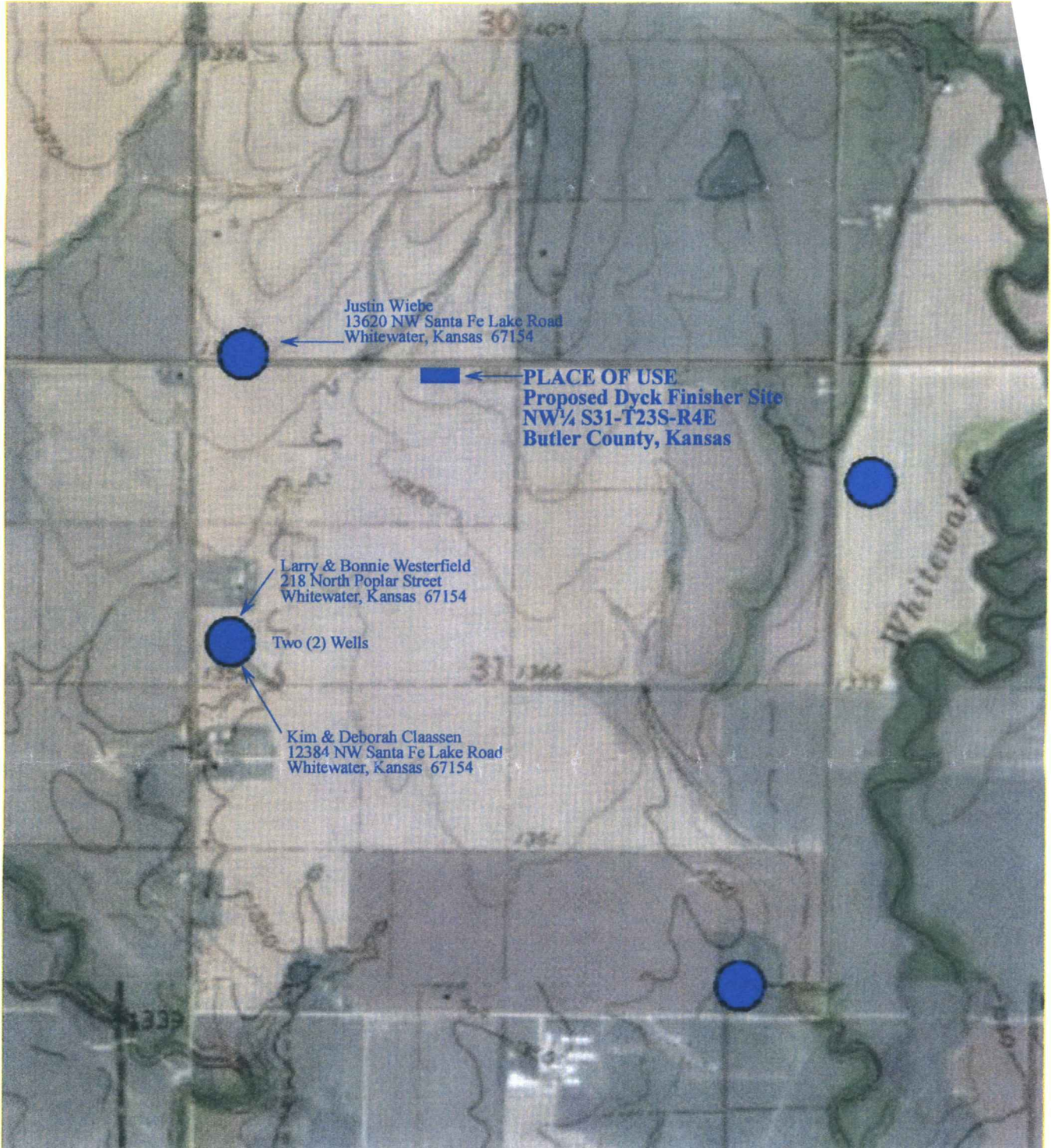
NW¼ of Section 31, Township 23 South, Range 4 East
Butler County, Kansas

**Three (3) Water Wells
within one-half (½) mile of proposed wells
as per WWC5**

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**STOCK WATER USE
SUPPLEMENTAL SHEET**

File # To Be Assigned

WATER RESOURCES
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Name of Applicant (please print):

Mr. Douglas K. Claassen
HENRY CREEK FARMS, INC. — DYCK FINISHER SITE
12247 NW 130th Street
Whitewater, Kansas 67154

1. Please indicate the type of livestock (cattle, hogs, etc.)
Hogs

2. Please complete the following table showing past and present water requirements:

PAST NUMBER OF HEAD AND WATER DIVERTED, IF APPLICABLE

LAST 5 YEARS	NUMBER OF HEAD	WATER DIVERTED (Gallons)	GALLONS PER HEAD PER DAY
5 Years Ago	0	0	0
Last Year	0	0	0
Present Year	0	0	0

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 DIVERTED (Gallons)	GALLONS PER HEAD PER DAY
Year 1	2490	5,453,100	6.0 Gallons Drinking, Cooling & Sanitation
Year 2	2490	5,453,100	6.0 Gallons Drinking, Cooling & Sanitation
Year 3	2490	5,453,100	6.0 Gallons Drinking, Cooling & Sanitation
Year 4	2490	5,453,100	6.0 Gallons Drinking, Cooling & Sanitation
Year 5	2490	5,453,100	6.0 Gallons Drinking, Cooling & Sanitation

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	23	4E	Swine Facility - Stockwatering - Near the North side of the Northwest One-Quarter of Section 31																

5. Show quantities of water used and all associated water used at the feedlot such as water used in feed mills, cooling of animals, washing, flushing of waste, etc:

Drinking Water

2490 Head of Finish Pigs x 4 gallons / head (avg) x 365 days/year = 3,635,400 Gallons

Servicing / Flushing / Cooling / Sanitation

2490 Head of Finish Pigs x 2 gallons / head (avg) x 365 days/year = 1,817,700 Gallons

TOTAL

5,453,100 Gallons - 16.74 Acre-Feet

6. Show location of present and future location of confinement pens on your attached maps or photographs.
7. Total feed bunk space for cattle or livestock is N/A linear feet.
8. Total size of stock pens for confinement area of cattle, hogs, etc is one (1) confinement building with dimensions of 51'-2" x 426'-0".

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

DATA ENTRY SYSTEM ID NUMBER SHEET

FILE NUMBER 50922

APPLICANT PERSON ID & SEQ #	89927	PDIV ID	BATTERY ID
<u>68778</u>	<u> </u>	<u> </u>	<u> </u>
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LANDOWNER PERSON ID & SEQ #	71141	PUSE ID
<u>68778</u>	<u> </u>	<u> </u>
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**WATER USE CORRESPONDENT
PERSON ID & SEQ #**

68778