

303 to stock



State of Kansas

WATER RESOURCES RECEIVED

JAN 27 2025

KS DEPT OF AGRICULTURE

12:00 PM

Submit To: CHIEF ENGINEER Division of Water Resources Kansas Department of Agriculture 1320 Research Park Drive Manhattan, KS 66502-5000 http://agriculture.ks.gov/dwr

APPLICATION FOR PERMIT TO APPROPRIATE WATER FOR BENEFICIAL USE

STATUTORY FILING FEE MUST ACCOMPANY THIS APPLICATION Please refer to the Fee Schedule attached to this application form.

File Number: 51405

This item to be completed by the Division of Water Resources staff.

1. Name of Applicant: ILS Farms Address: WFY Holding Company Inc, 551 SW 30 Rd City: Great Bend State: KS Zip Code: 67530-9730 Phone: 620-792-6166 Email:

2. The source of water is: [] surface water in --- (stream) [x] groundwater in Arkansas River (drainage basin)

3. The maximum annual quantity of water desired is 195 [x] acre-feet [] gallons to be diverted at a maximum rate of 830 [x] gpm [] c.f.s [] natural flows [] natural evaporation [] This project involves surface water storage and rediversion. The maximum annual quantity of water desired to be rediverted is --- [] acre-feet [] gallons, at a rate of --- [] gpm [] c.f.s.

Conversion Factors

1 acre-foot (AF) = 325,851 gallons 1 million gallons (mg) = 3.07 acre-feet (AF) 1 cubic foot per second (c.f.s.) = 448.8 gallons per minute (gpm)

IMPORTANT: Once your application has been assigned a priority date and file number, the requested maximum rate of diversion and maximum requested annual quantity of water under that priority number can NOT be increased. Please be certain your requested maximum rate of diversion and maximum annual quantity of water are appropriate and reasonable for your proposed project.

4. The water is intended to be appropriated for the following use(s): [] Artificial Recharge* [] Irrigation* [] Recreational* [] Water Power* [] Industrial* [] Municipal* [x] Stockwatering* [] Sediment Control [] Domestic [] Dewatering [] Hydraulic Dredging [] Fire Protection [] Thermal Exchange [] Contamination Remediation

*IMPORTANT: You must submit a supplemental form providing information to substantiate your request for the quantity of water listed in Item No. 3 for the intended use(s) referenced above

FOR OFFICE USE ONLY FO 2 GMD 5 DUA - Use STK Source GW County PN By KJN Date 1/27/25 Code PE-2 Fee \$ 300 TR # Receipt Date 1/27/2025 Check # 2518

5. The location(s) of the proposed diversion work(s) (well, pumpsite, etc.) are described below. Note that for the application to be accepted, the point of diversion location(s) **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. You can specify a nickname for the point of diversion via the A.K.A. line to help you identify it.

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 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 or more wells connected to a common pump by a manifold; or not more than four 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 800gpm and which supply water to a common distribution system.

- (A) One Near the Center of Section 23, more particularly described as being near a point 2,811 feet North and 2,652 feet West of the Southeast corner of said section, in Township 23 South, Range 16 West, Pawnee County, KS. A.K.A: _____
- (B) One in the _____ quarter of the _____ quarter of the _____ quarter of Section _____, more particularly described as being near a point _____ feet North and _____ feet West of the Southeast corner of said section, in Township _____ South, Range _____ West, _____ County, KS. A.K.A: _____
- (C) One in the _____ quarter of the _____ quarter of the _____ quarter of Section _____, more particularly described as being near a point _____ feet North and _____ feet West of the Southeast corner of said section, in Township _____ South, Range _____ West, _____ County, KS. A.K.A: _____
- (D) One in the _____ quarter of the _____ quarter of the _____ quarter of Section _____, more particularly described as being near a point _____ feet North and _____ feet West of the Southeast corner of said section, in Township _____ South, Range _____ West, _____ County, KS. A.K.A: _____
- (E) One in the _____ quarter of the _____ quarter of the _____ quarter of Section _____, more particularly described as being near a point _____ feet North and _____ feet West of the Southeast corner of said section, in Township _____ South, Range _____ West, _____ County, KS. A.K.A: _____

6. The proposed project for diversion of water will consist of one well at stock facility
(number of wells, pumps, dams, etc.)
and was/will be completed on or by the following date: Fall 2026
(date each was or will be completed)

7. The first actual application of water for the proposed beneficial use was or is estimated to be Fall 2026
(Date)

8. List any application, appropriation of water, water right, or vested right file number that covers the same point(s) of diversion 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.
Place of Use: 12143, 31428, 31429 & 31430 - Proposed changes are pending on these files.
Point of Diversion: none
This application is an offset under K.A.R. 5-25-22 from File No. 18925 in Zone D.
File No. 18925 is currently in a 48.42% response area. File No. 18925 will be dismissed if this new application is approved.

9. Will pesticide, fertilizer, or other foreign substance be injected into the water pumped from the diversion works?
 Yes No If yes, a check valve shall be required. All chemigation safety requirements must be met including a chemigation permit and reporting requirements.

10. If you are planning to impound water, please contact DWR prior to submitting this application. Please attach a reservoir area capacity table and inform us of the total acres of surface drainage area above the reservoir.
 Have you made an application for a permit for construction of this dam and reservoir with DWR? Yes No
 If yes, write the Water Structures permit number here: ---

11. Furnish a detailed topographic or aerial map that depicts the following information:
 The application **must** be supplemented by a topographic map, aerial photograph or a detailed plat showing the information described in A-D below.

- (A) The center of the section, the section lines or the section corners, and labels showing the appropriate section, township and range numbers, as well as a north arrow and scale,
- (B) The location of the proposed point(s) of diversion (wells, stream-bank installations, dams, or other diversion works) described in Item No. 5 of the application, showing the North-South distance and the East-West distance from a section line or southeast corner of section,
- (C) The location of the proposed place of use identified by crosshatching,
- (D) **For Groundwater Use**, the location of any existing water wells of any kind within 1/2 mile of the proposed well or wells and indicate for each well its type of use and the name and mailing address of the property owner or owners, (If there are no wells within 1/2 mile, please indicate that on the map.)

For Surface Water Use, the names and addresses of the landowner(s) 1/2 mile downstream and 1/2 mile upstream from your property lines, and
- (E) The locations of proposed or existing dams, dikes, reservoirs, canals, pipelines, power houses, and any other structures for the purpose of storing, conveying, or using water.

12. For groundwater use, furnish copies of the driller's logs for all test holes or completed wells. Please ensure that the driller's logs provide depth to the static water level. If driller's logs cannot be obtained for an existing well, provide the following information:

Well location as shown in Item No. 5	(A)	(B)	(C)	(D)	(E)
Date drilled	_____	_____	_____	_____	_____
Total depth of well	_____	_____	_____	_____	_____
Depth to static water level	_____	_____	_____	_____	_____

12. The owner(s) of the point of diversion, if other than the applicant, is/are:
Applicant

 (name, address, and phone)

 (name, address, and phone)

14. The owner(s) of the property where the water is used, if other than the applicant, is/are:

Applicant

(name, address, and phone)

(name, address, and phone)

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

Owner Agent Tenant Other: _____

16. A water use correspondent (WUC) must be designated. The WUC will be mailed the annual water use report, which must be filed with the Division by March 1 of each year. Failure to timely file an accurate water use report will subject the owner(s) to a civil fine of up to \$1,000 and potential suspension of the water appropriation or right. By signing this application, I verify that the owner(s) of the water right or permit have confirmed that the following person or agent should be designated as the WUC:

ILS Farms, WFY Holding Company Inc, 551 SW 30 Rd, Great Bend KS 67530-9730 (PersonID 61230-1)

(name, address, and phone)

17. I understand that if this application is approved, there could be times, as determined by the Division of Water Resources, when I would not be allowed to divert water. This could affect the economics of my decision to appropriate water. Situations where this might occur may include times when minimum desirable streamflow (MDS) requirements are not met, when Assurance District or Water Marketing releases are made from storage in federal reservoirs, when a Water Reservation Right upstream of a federal reservoir is administered, or when water rights administration becomes necessary to prevent impairment.

I declare, under penalty of perjury, that I have legal access to or control of, the point(s) of diversion described in this application from the landowner or the landowner's authorized representative.

By signing below, I verify that the information set forth above is true to the best of my knowledge, I agree with all statements made above, and that this application is submitted in good faith.

Garret W Smith

(Applicant Signature)

01/24/2025

(Date)

Garret Smith

(Applicant Name - Please Print)

Director of Farm Operations

(Applicant Title, if applicable - Please Print)

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KS DEPT OF AGRICULTURE

Assisted By EKF
(office/title)

JAN 27 2025

FEE SCHEDULE

Make checks payable to the Kansas Department of Agriculture.

KS DEPT OF AGRICULTURE

1. The fee for an application for a permit to appropriate water for beneficial use, except for domestic, waterpower, dewatering, or sediment control use, shall be (see No. 2 below if requesting storage):

Million Gallons (mg)	Acre-Feet (AF)	Fee
≤ 32.585	≤ 100	\$200.00
32.586 - 104.272	100.1 – 320.0	\$300.00
> 104.272	> 320	\$300.00 plus \$20 for each additional 100AF (32.586mg) or any part thereof

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

Million Gallons (mg)	Acre-Feet (AF)	Fee
≤ 81.462	≤ 249.9	\$200.00
≥ 81.463	≥ 250	\$200.00 plus \$20 for each additional 100AF (32.586mg) or any part thereof

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

3. The fee for an application for **waterpower** or **dewatering** use shall be \$100.00 plus \$200.00 for each 44,880 gallons per minute (100 c.f.s.), or part thereof, of the diversion rate requested.

IMPORTANT NOTICE

If this application is approved, the applicant shall notify the Chief Engineer when the diversion works (well, pump, reservoir, pit, etc.) has/have been completed via the *Notice of Completion of Diversion Works* form (DWR 1-203.11) and along with the statutorily required field inspection fee of:

- \$200.00 for sediment control use or groundwater pits for industrial use, or
- \$400.00 for all other uses made of water

Failure to complete the diversion works by the deadline specified in the *Approval of Application and Permit to Proceed* (or any subsequent extension of time of said deadline) and/or failure to submit the proper notice and field inspection fee will result in the dismissal of the appropriation and forfeiture of any priority associated with it.

For assistance with this application, please contact the Division of Water Resources (DWR).

Manhattan HQ
1320 Research Park Dr.
Manhattan, KS 66502
785-564-6638

Topeka Field Office
1131 SW Winding Rd, Ste 400
Topeka, KS 66615
785-296-5733

Stafford Field Office
300 S. Main St
Stafford, KS 67578
620-234-5311

Stockton Field Office
820 S. Walnut
Stockton, KS 67669
785-425-6787

Garden City Field Office
4532 W. Jones Ave, Ste B
Garden City, KS 67846
620-276-2901

Helpful Sources of Information

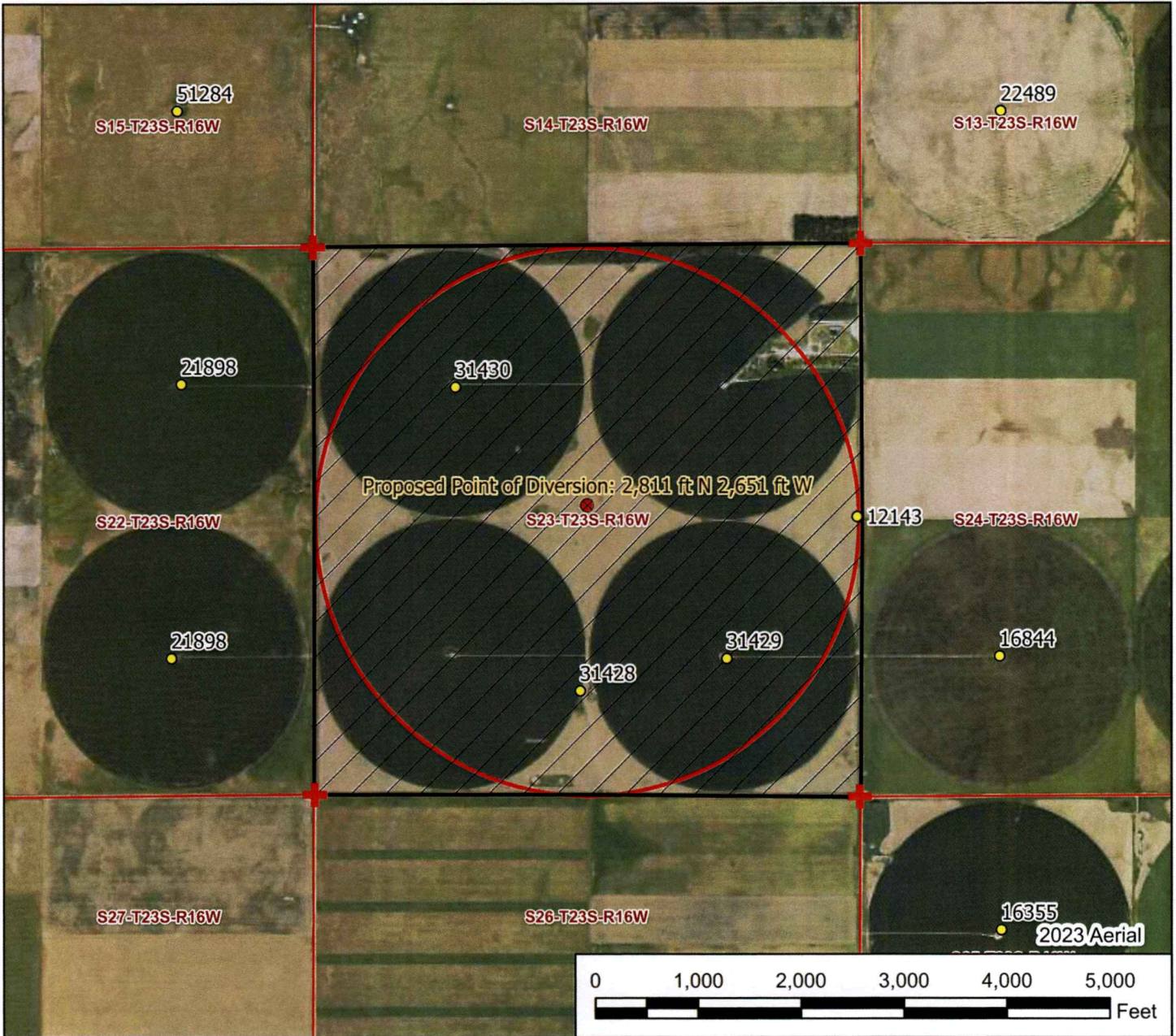
- DWR Water Appropriation Program <https://agriculture.ks.gov/divisions-programs/dwr/water-appropriation>
 DWR Water Appropriation Forms <https://agriculture.ks.gov/divisions-programs/dwr/water-appropriation/water-appropriation-forms>
 KGS Water Well Completion Records <https://www.kgs.ku.edu/Magellan/WaterWell/index.html>
 DWR Structures Program <https://agriculture.ks.gov/divisions-programs/dwr/dam-safety/permit-requirements>

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1/27/2025
KJN

PU: STOCK FACILITY IN SECTION 23-T23S-R16W



Legend

- Water Appropriation
- Proposed Point of Diversion
- ★ Domestic Well
- ⊕ Section Corner
- ▭ Section Line
- ▨ Proposed Place of Use

New Application, File No. _____

**Permit to Proceed Application Map
23-23S-16W // Pawnee County**



To the best of my knowledge, all groundwater wells within one-half mile of the proposed point of diversion have been shown and are owned by the applicant.

Gareth W. Smith

01/24/2025

Signature / Date

1/22/2025 EKF/SFFO 1:17,000 scale