

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.

File Number

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

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JUN 06 2022

11:29

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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 (Please Print): BRIAN LIVINGSTON

Address: PO BOX 136 70663 560 AVE

City: REYNOLDS State NE Zip Code 68429

Telephone Number: (402) 520-2337

2. The source of water is: surface water in

(stream)

OR groundwater in REPUBLICAN 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 104 acre-feet OR gallons per calendar year,

to be diverted at a maximum rate of 800 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 of water under that 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) Stockwatering (h) Sediment Control (i) Domestic (j) Dewatering (k) Hydraulic Dredging (l) Fire Protection (m) Thermal Exchange (n) Contamination Remediation

6/13/2022 LMoody

For Office Use Only:

F.O. 3 GMD Meets K.A.R. 5-3-1 (YES / NO) Use IRR Source G / S County RP By BMM Date 6/7/22

Code Fee \$ 200 TR # Receipt Date 6/6/22 Check # 2265

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.

DWR 1-100 (Revised 05/17/2019) \$100 6/13/2022 CC PY00041862

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.

- (A) One in the NC quarter of the N2 S2 quarter of the SW quarter of Section 22, more particularly described as being near a point 1016 feet North and 3960 feet West of the Southeast corner of said section, in Township 4 South, Range 1 WEST, RP County, Kansas.
- (B) One in the NC quarter of the S2 quarter of the SW quarter of Section 22, more particularly described as being near a point 765 feet North and 3963 feet West of the Southeast corner of said section, in Township 4 South, Range 1 WEST, RP County, Kansas.
- (C) One in the NC S2 quarter of the S2 quarter of the SW quarter of Section 22, more particularly described as being near a point 481 feet North and 3963 feet West of the Southeast corner of said section, in Township 4 South, Range 1 WEST, RP County, Kansas.
- (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 East/West (circle one), 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 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 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):

FRIESS FARMS LAND & CATTLE LLC 23458 6600 RD THAYER KS 66776-8169
(name, address and telephone number)

(name, address and telephone number)

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 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 6/2, 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 BATT OF 3 WELLS
(number of wells, pumps or dams, etc.)

and WAS completed (by) 12/31/15

(Month/Day/Year - each was or will be completed)

8. The first actual application of water for the proposed beneficial use was or is estimated to be 2022
(Mo/Day/Year)□

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 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 an application for a permit for construction of this dam and reservoir with the Division of Water Resources? Yes No

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

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11. The application must be supplemented by a U.S.G.S. topographic map, aerial photograph or a detailed plat 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 No. 5 of the application, showing the North-South distance and the East-West distance from a section line or southeast corner of section.
- (b) If the application is for groundwater, please show the location of any existing water wells of any kind within ½ 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 ½ mile, please advise us.
- (c) If the application is for surface water, the names and addresses of the landowner(s) ½ mile downstream and ½ 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 minute U.S.G.S. 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.

THIS APPLICATION IS FOR ADDITIONAL QUANTITY FOR WATER RIGHT 48.252



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 No.	(A)	(B)	(C)	(D)
Date Drilled	<u>13</u>	<u>6/20/</u>		
Total depth of well		<u>160</u>		
Depth to water bearing formation		<u>36</u>		
Depth to static water level		<u>37</u>		
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

TENANT/AGENT

(owner, tenant, agent or otherwise)

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

FRIESS FARMS LAND & CATTLE LLC 23458 6600 RD THAYER, KS 66776-8169

(name, address and telephone number)

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(name, address and telephone number)

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 Reynolds, Nebraska, Kansas, this day of

(month) (year)

June 21, 2022

(Applicant Signature)

By

(Agent or Officer Signature)

(Agent or Officer - Please Print)

Assisted by MB ASST WC Date: 5/19/22

(office/title)

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 No. 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 No. 1 or No. 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 a field inspection fee of \$200.00.

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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.

CONVERSION FACTORS

1 acre-foot equals 325,851 gallons

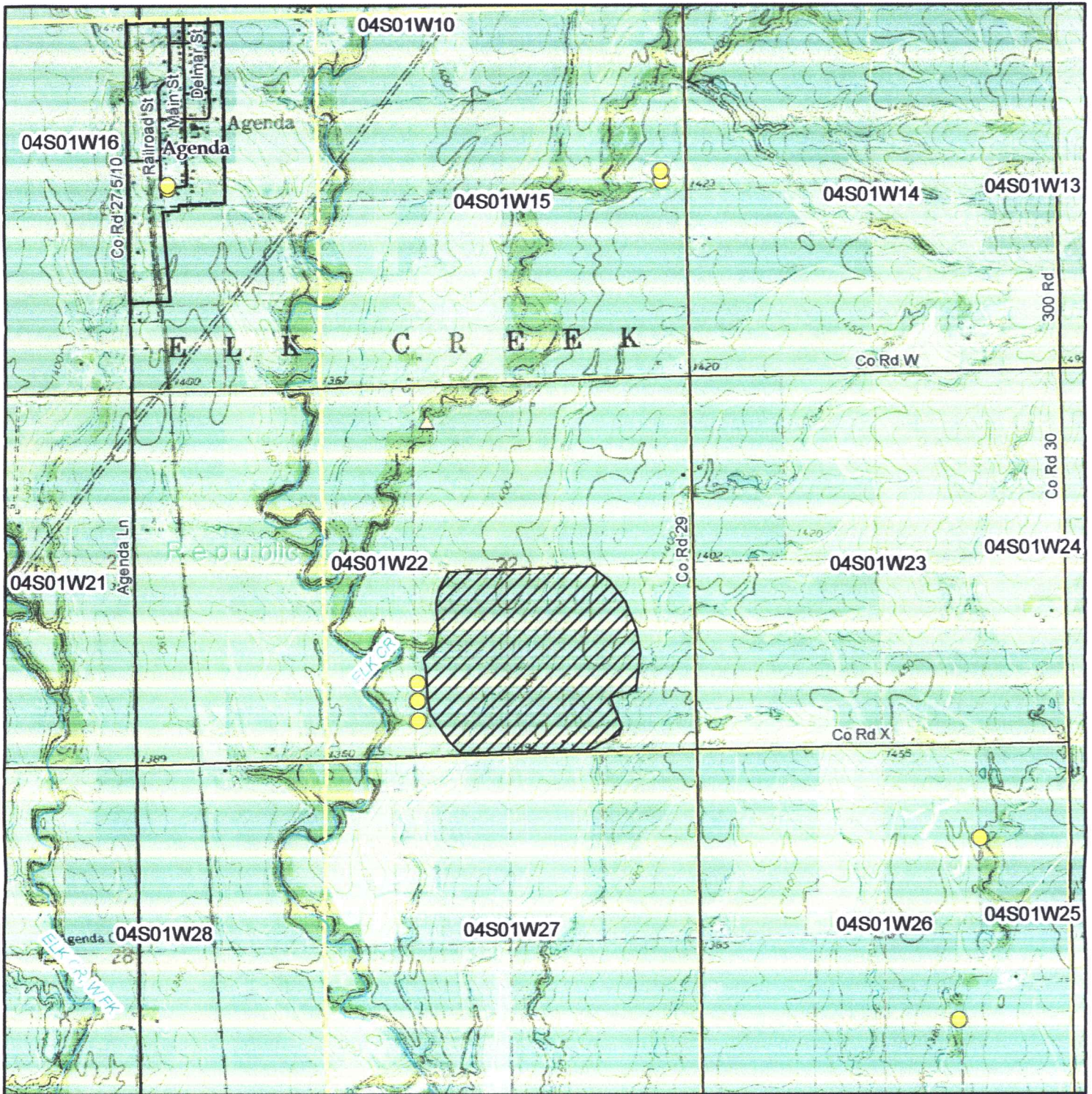
1 million gallons equal 3.07 acre-feet

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New Application Groundwater



Proposed Place of Use



-  Surface Water Point of Diversion
-  Groundwater Point of Diversion

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1-24-2000

JUN 06 2022

Signature Required

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By signing this I am stating that to the best of my knowledge that all wells within 1/2 mile of proposed well location are identified on this map.

June 2, 2022

(Date)

Kansas Department of Agriculture
Division of Water Resources
Earl D. Lewis, Jr., Chief Engineer
1320 Research Park Drive
Manhattan, Kansas 66502

Re: Application

File No. _____

Minimum Desirable Streamflow

I understand that a Minimum Desirable Streamflow requirement has been established by the legislature for the source of supply to which the above referenced application applies.

I understand that diversion of water pursuant to this application will be subject to regulation any time Minimum Desirable Streamflow requirements are not being met.

I also 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. I realize that this could affect the economics of my decision to appropriate water.

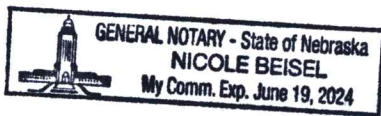
I am aware of the above factors, and with the knowledge thereof, request that the Division of Water Resources proceed with processing and approval, if possible, of the above referenced application.

Signature of Applicant

State of ~~Kansas~~ ^{Nebraska}) _____
) ss (Print Applicant's Name)
County of Thayer)

Brian E. Livingston
Brian E. Livingston

I hereby certify that the foregoing instrument was signed in my presence and sworn to before me this 2nd day of June, 2022.



Nicole Beisel
Notary Public

My Commission Expires: June 19, 2024

DWR 1-100.171 (Revised 06/16/2014)

**MINIMUM DESIRABLE STREAMFLOW FORM TO BE USED WHEN
APPLICABLE WHEN FILING AN APPLICATION FOR PERMIT**

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TO APPROPRIATE WATER FOR BENEFICIAL USE

The Kansas Legislature has established minimum desirable streamflows for the streams listed below. If your proposed diversion of water is going to be from one of these watercourses or adjacent alluvial aquifers, please complete the back side of this page and submit it along with your application for permit to appropriate water.

Arkansas River	Ninnescah River
Big Blue River	North Fork Ninnescah River
Chapman Creek	Rattlesnake Creek
Chikaskia River	Republican River
Cottonwood River	Saline River
Delaware River	Smoky Hill River
Little Arkansas River	Solomon River
Little Blue River	South Fork Ninnescah
Marais des Cygnes River	Spring River
Medicine Lodge River	Walnut River
Mill Creek (Wabaunsee Co. area)	Whitewater River
Neosho River	

DWR 1-100.171 (Revised 06/16/2014)

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**IRRIGATION USE
SUPPLEMENTAL SHEET**

File No.

Name of Applicant (Please Print): BRIAN LIVINGSTON

1. Please supply the name and address of each landowner, the legal description of the lands to be irrigated, and designate the actual number of acres to be irrigated in each forty acre tract or fractional portion thereof:

Landowner of Record NAME: FRIESS FARMS LAND & CATTLE LLC

ADDRESS: 23458 6600 RD THAYER KS 66776-8169

S	T	R	NE¼				NW¼				SW¼				SE¼				TOTAL	
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE		
22	4S	1W									30.8				30.8	11	38.9	37.5	6	155

Landowner of Record NAME:

ADDRESS:

S	T	R	NE¼				NW¼				SW¼				SE¼				TOTAL	
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE		

Landowner of Record NAME:

ADDRESS:

S	T	R	NE¼				NW¼				SW¼				SE¼				TOTAL	
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE		

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2. Please complete the following information for the description of the operation for the irrigation project. Attach supplemental sheets as needed.

a. Indicate the soils in the field(s) and their intake rates:

Soil Name	Percent of field (%)	Intake Rate (in/hr)	Irrigation Design Group
-----------	----------------------	---------------------	-------------------------

Total: 100 %

b. Estimate the average land slope in the field(s): %

Estimate the maximum land slope in the field(s): %

c. Type of irrigation system you propose to use (check one):

- Center pivot
- Gravity system (furrows)
- Center pivot - LEPA
- Gravity system (borders)
- "Big gun" sprinkler
- Sideroll sprinkler

Other, please describe:

d. System design features:

i. Describe how you will control tailwater: IRRIGATION SCHEDULING

ii. For sprinkler systems:

- (1) Estimate the operating pressure at the distribution system: 35 psi
- (2) What is the sprinkler package design rate? gpm
- (3) What is the wetted diameter (twice the distance the sprinkler throws water) of a sprinkler on the outer 100 feet of the system? feet
- (4) Please include a copy of the sprinkler package design information.

e. Crop(s) you intend to irrigate. Please note any planned crop rotations: CORN, SOYBEANS, WHEAT

f. Please describe how you will determine when to irrigate and how much water to apply (particularly important if you do not plan a full irrigation). SOIL MOISTURE

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

DWR 1-100.23 (7/7/2000)

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DATA ENTRY SYSTEM ID NUMBER SHEET

FILE NUMBER 50804

APPLICANT PERSON ID & SEQ #	PDIV ID	BATTERY ID
<u>62630</u>	<u>80496 - GEO CTR</u>	<u>2201</u>
<u> </u>	<u>82555 - 1 OF 3</u>	<u> </u>
<u> </u>	<u>82556 - 1 OF 3</u>	<u> </u>
<u> </u>	<u>82557 - 1 OF 3</u>	<u> </u>
<u> </u>	<u> </u>	<u> </u>

LANDOWNER PERSON ID & SEQ #	PUSE ID
<u>63729</u> <u>3</u>	<u>63568</u>
<u> </u>	<u> </u>
<u> </u>	<u> </u>
<u> </u>	<u> </u>
<u> </u>	<u> </u>

WATER USE CORRESPONDENT
PERSON ID & SEQ #
62630