

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.

THE STATE OF KANSAS



KANSAS DEPARTMENT OF AGRICULTURE
Jackie McClaskey, Secretary of Agriculture

DIVISION OF WATER RESOURCES
David W. Barfield, Chief Engineer

File Number 49,711
This item to be completed by the Division of Water Resources.

WATER RESOURCES RECEIVED

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.)

SEP 28 2016 11:03
KS DEPT OF AGRICULTURE

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

1. Name of Applicant (Please Print): DANIEL UNRUH
Address: 147 A ROAD
City: BURNS State KS Zip Code: 66840
Telephone Number: (620) 726-5604 Cell #-316-772-1149

2. The source of water is: surface water in _____ (stream)
OR groundwater in COTTONWOOD RIVER ³⁶ _____ (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 87.8 acre-feet OR 28.6 million gallons per calendar year, to be diverted at a maximum rate of 320 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

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. 1 GMD 0 Meets K.A.R. 5-3-1 (YES/NO) Use STK Source G/S County CS By ASW Date 9/28/16
Code _____ REG _____ Fee \$ 200 TR # _____ Receipt Date 9/28/16 Check # 1961

9/28/2016 LLM

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 SE quarter of the SE quarter of the SW quarter of Section 36, more particularly described as being near a point 209 feet North and 3,246 feet West of the Southeast corner of said section, in Township 22 South, Range 5 EAST, CHASE County, Kansas.

(B) One in the NW quarter of the SE quarter of the SW quarter of Section 36, more particularly described as being near a point 1,020 feet North and 3,385 feet West of the Southeast corner of said section, in Township 22 South, Range 5 EAST, CHASE County, Kansas.

(C) One in the SE quarter of the NW quarter of the SW quarter of Section 36, more particularly described as being near a point 1,767 feet North and 4,435 feet West of the Southeast corner of said section, in Township 22 South, Range 5 EAST, CHASE County, Kansas.

(D) One in the NW quarter of the NW quarter of the NW quarter of Section 1, more particularly described as being near a point 4,882 feet North and 5,077 feet West of the Southeast corner of said section, in Township 23 South, Range 5 East, 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 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.

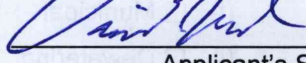
6. The owner of the point of diversion, if other than the applicant is (please print):

APPLICANT

(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 9/19, 2016. 
Applicant's Signature

7. The proposed project for diversion of water will consist of 4 Wells with pumps in 1/4 mile radius
(number of wells, pumps or dams, etc.)
and (was)(will be) completed (by) 2 EXISTING, 2 Proposed wells
(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 Fall 2016
(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 _____
- If no, explain here why a Water Structures permit is not required _____

Not building impoundment, proposed wells

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 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 1/2 mile, please advise us.

(c) If the application is for surface water, the names and addresses of the landowner(s) 1/2 mile downstream and 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.

(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.

NONE

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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	2010	1930	_____	_____
Total depth of well	130ft	?	_____	_____
Depth to water bearing formation	?	?	_____	_____
Depth to static water level	40	20	_____	_____
Depth to bottom of pump intake pipe	120	120	_____	_____

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


Glen Langeresser 136 10th Road Burns Ks 66840 820 726 5604
(name, address and telephone number)

(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 _____, Kansas, this 19 day of 9, 2016
(month) (year)


(Applicant Signature)


APPLICANT(S) SOCIAL SECURITY IDENTIFICATION NUMBER(S)

By _____
(Agent or Officer Signature)

and/or
APPLICANT(S) TAXPAYER I.D. NO.(S)

(Agent or Officer - Please Print)

Assisted by DWS TOPEKA FO Date: 9/13/2016
(office/title)

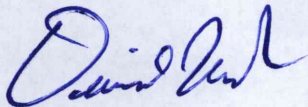
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Waiver Request

This application is proposing to install four wells within a circle with a quarter-mile radius in the same local source of supply; however the requested diversion rate exceeds 20 gallons per minute per well, which will require a waiver of K.A.R. 5-3-4 (d) (1). This increased pumping rate is necessary to ensure an adequate water supply to the feedlot, especially if one of the wells were to become inoperable at a critical time. None of the wells are likely to exceed 80 gallons per minute, and they are pumped based on water supply demands at the feedlot, not on a continuous basis. This operational flexibility in pumping rates will provide for more efficient management of both the feedlot operations and the source of supply.

Granting this waiver will not prejudicially or unreasonably affect the public interest and will not impair any existing water right.

Sincerely,



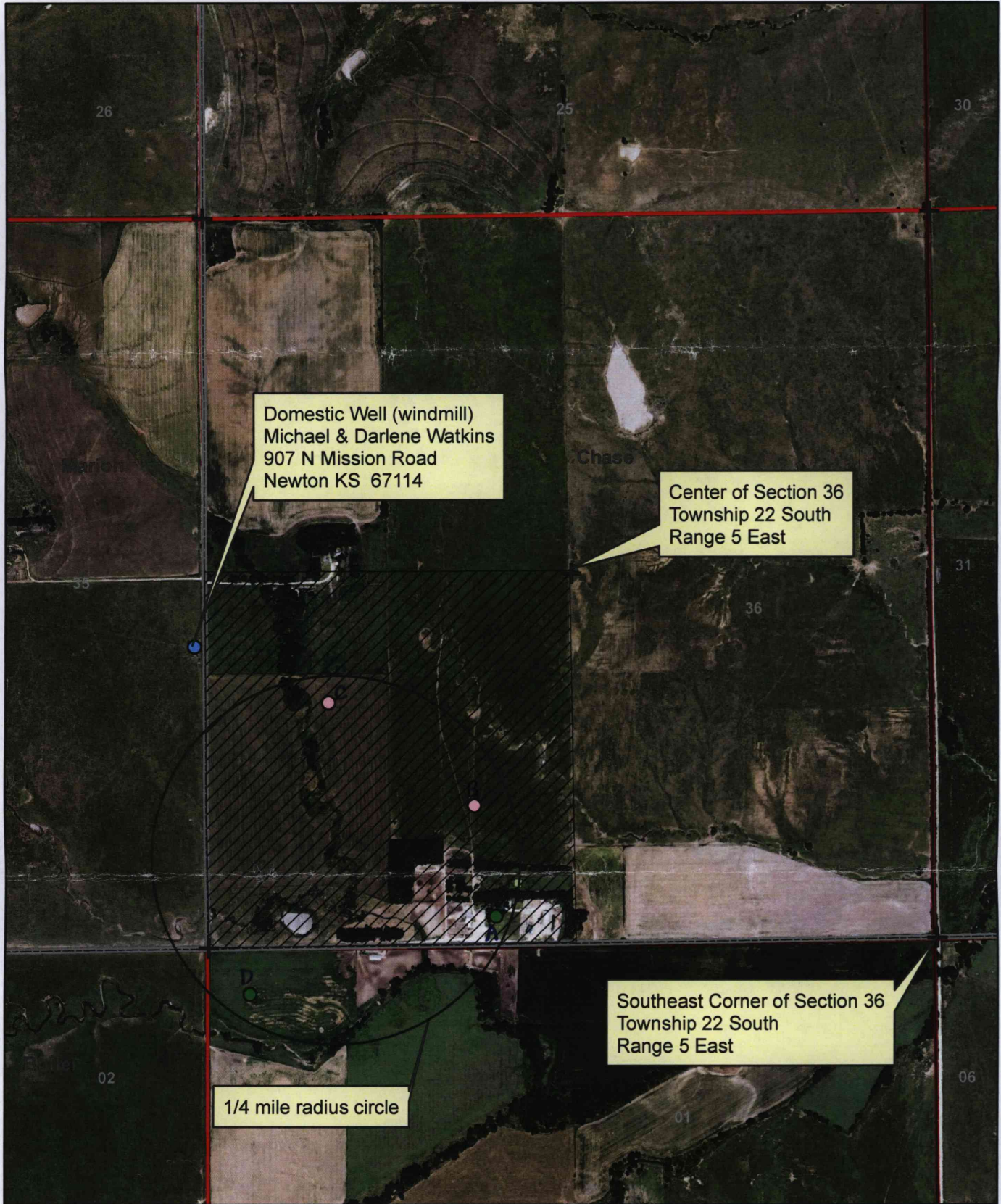
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KS DEPT OF AGRICULTURE

DANIEL UNRUH - NEW APPLICATION
Section 36, Township 22 South, Range 5 East
Chase County

49,711



Proposed Place of Use
WATER RESOURCES RECEIVED

● Existing Wells

○ Proposed Wells

KS DEPT OF AGRICULTURE

All known wells within one-half mile of the proposed point of diversion are shown on this map.

Daniel Unruh

1:12,000

SEP 28 2016

STOCKWATER USE SUPPLEMENTAL SHEET

File No. 49,711

Name of Applicant (Please Print): DANIEL UNRUH

1. Please indicate type of livestock (cattle, hogs, etc.): Cattle

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			
Last year			
Present Year	2000		15

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 TO BE DIVERTED (GALLONS)	GALLONS PER HEAD PER DAY
Year 1	4000	28.6 Million	15 (Plus cooling & sanitation)
Year 2	4000	28.6 Million	15 (Plus cooling & sanitation)
Year 3	4000	28.6 Million	15 (Plus cooling & sanitation)
Year 4	4000	28.6 Million	15 (Plus cooling & sanitation)
Year 5	4000	28.6 Million	15 (Plus 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	
36	22S	5E	SOUTHWEST QUARTER																

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

DRINKING

4000 head of CATTLE x 15 gallons/head (avg.) x 365 days = 21.9 Million gallons

_____ head of _____ x _____ gallons/head (avg.) x _____ days = _____ gallons

_____ head of _____ x _____ gallons/head (avg.) x _____ days = _____ gallons

COOLING

40 g.p.m. x 60 min/hr x 10 hour/day x 120 days = 2.9 Million gallons

SANITATION

40 g.p.m. x 60 min/hr x 10 hr/wk x 52 wks/yr = 1.3 Million gallons

OTHER USE (Explain) Misc (Processing, dust control, etc.) = 2.5 Million gallons

TOTAL ----- **28.6 MILLION** gallons

(87.8 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 _____ linear feet.

8. Total size of stock pens for confinement area of cattle, hogs, etc. is _____ square feet.

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

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SEP 28 2018

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9/19/2016

(Date)

Kansas Department of Agriculture
Division of Water Resources
David W. Barfield, Chief Engineer
1320 Research Park Drive
Manhattan, Kansas 66502

Re: Application File No. 49,711

Minimum Desirable Streamflow
Cottonwood River Basin

Dear Sir:

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.

[Handwritten Signature]

Signature of Applicant

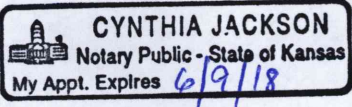
State of Kansas)
County of Marion) ss

Daniel Unruh
(Print Applicant's Name)

I hereby certify that the foregoing instrument was signed in my presence and sworn to before me this 19 day of September, 2016.

[Handwritten Signature]
Notary Public

My Commission Expires:



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**MINIMUM DESIRABLE STREAMFLOW FORM TO BE USED WHEN
APPLICABLE WHEN FILING AN APPLICATION FOR PERMIT
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
Big Blue River
Chapman Creek
Chikaskia River
Cottonwood River
Delaware River
Little Arkansas River
Little Blue River
Marais des Cygnes River
Medicine Lodge River
Mill Creek (Wabaunsee Co. area)
Neosho River

Ninnescah River
North Fork Ninnescah River
Rattlesnake Creek
Republican River
Saline River
Smoky Hill River
Solomon River
South Fork Ninnescah
Spring River
Walnut River
Whitewater River

[Signature]

Applicant

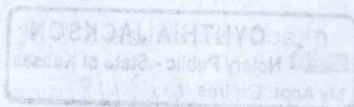
[Signature]

Permit Applicant

I hereby certify that the foregoing instrument was signed in my presence and sworn to before me this 14 day of September, 2018.

[Signature]

Notary Public



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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 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.

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.

CONVERSION FACTORS

1 acre-foot equals 325,851 gallons

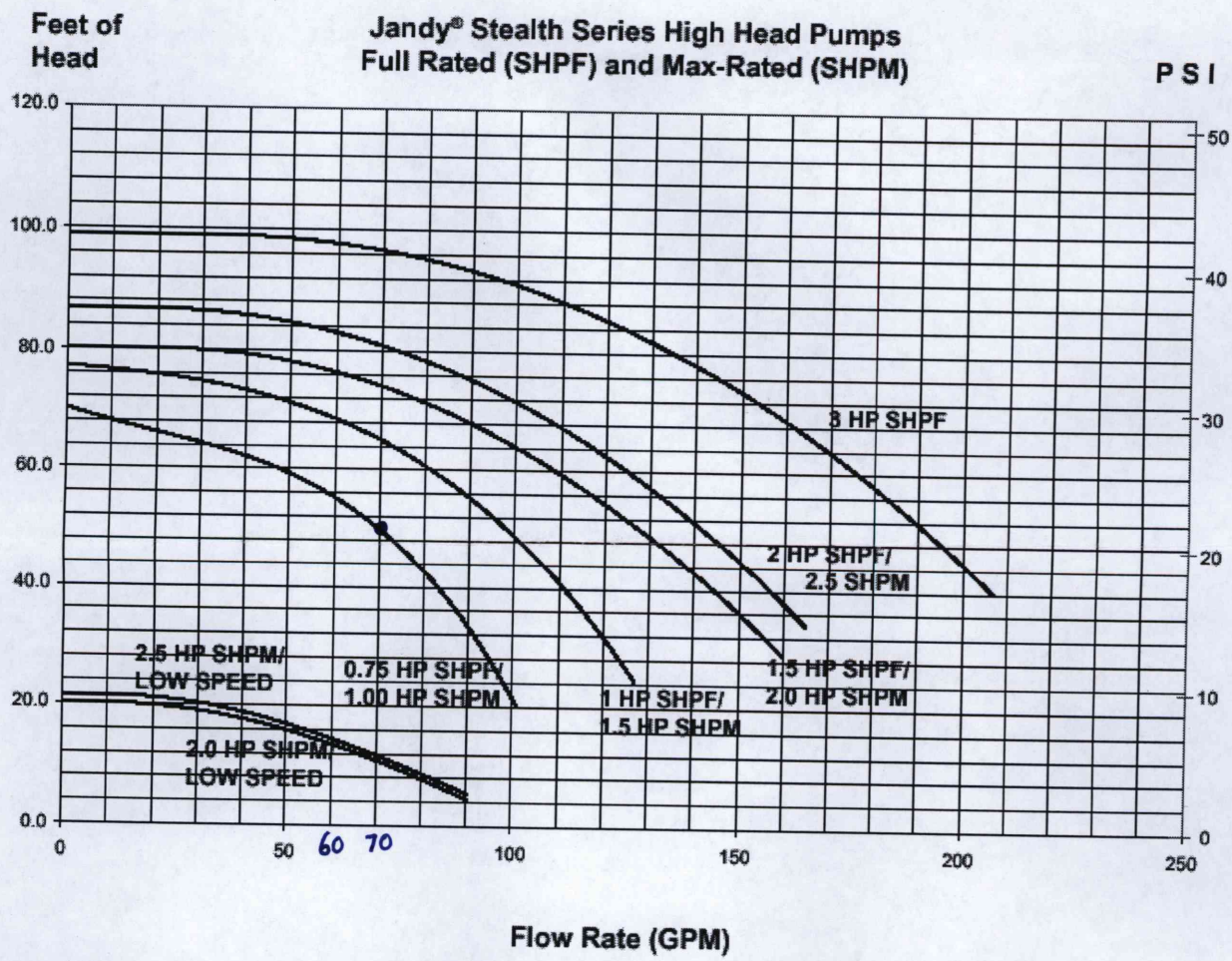
1 million gallons equal 3.07 acre-feet

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≈ 70 gpm

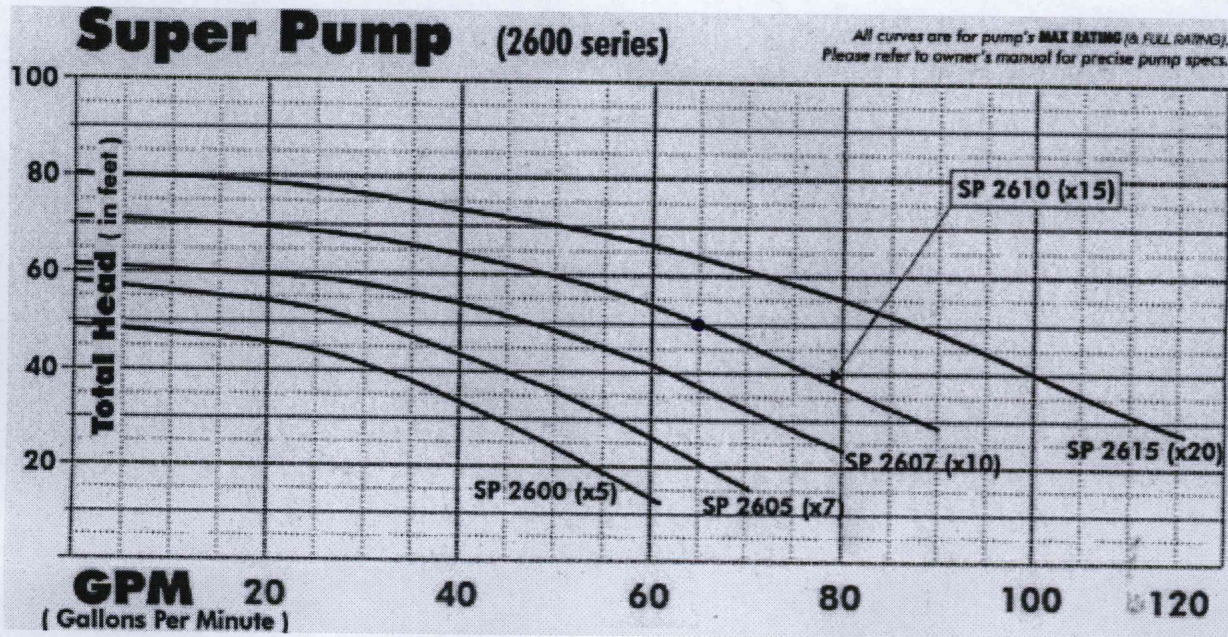


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~65gpm
49,711



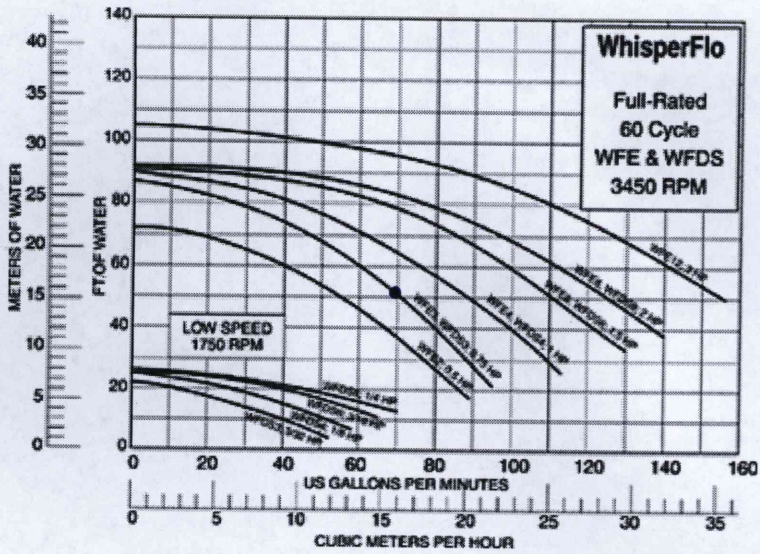
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SEP 28 2016

KS DEPT OF AGRICULTURE

270 gpm

49,711



WATER RESOURCES
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SEP 28 2016

KS DEPT OF AGRICULTURE

49,711



Topeka Field Office
6531 SE Forbes Ave., Suite B
Topeka, Kansas 66619

Phone: (785) 296-5733
Fax: (785) 862-2460
www.agriculture.ks.gov
Sam Brownback, Governor

Jackie McClaskey, Secretary
David W. Barfield, Chief Engineer
Katherine A. Tietsort, Water Commissioner

September 15, 2016

DANIEL UNRUH
147 A ROAD
BURNS KS 66840

RE: New Application for Groundwater – Stockwatering Use

Dear Mr. Unruh:

I appreciate your time recently to meet regarding your proposed stockwatering facility. As we discussed, enclosed are application forms related to completing a new application for permit to appropriate water for beneficial use. I have plotted your two existing wells (Green dots labeled A and D) and two proposed stockwatering wells (Pink dots labeled B and C) on the enclosed site map, as well as the nearby domestic well (windmill). The site map will give you some guidance on where the two proposed wells may be located and stay within a quarter (1/4) mile radius circle. These well locations will be revised once you have selected the actual well sites.

Please note that the application is requesting a pumping rate of 320 gallons per minute. This overall rate for the application was based on the attached pumping curves, which indicate a potential pumping rate of approximately 70 gallons per minute. Using a value of 80 gallons per minute for each of the wells provides the 320 gallons per minute requested on the application. You had indicated that the existing wells could likely exceed the allowed maximum of 20 gallons per minute, and we certainly want to provide you that flexibility. However, because the requested rate exceeds the maximum diversion rate of 20 gallons per minute per well, this will require a waiver of K.A.R. 5-3-4(d)(1). I have attached a waiver request for your signature.

The enclosed application must be accompanied by the required filing fee, based on the quantity of water requested (\$200 for this application). The quantity listed is based on watering 4,000 head of cattle and additional water for cooling and sanitation. Note that you **must sign the application form at both Paragraph Nos. 6 and 16**. In addition, the enclosed Minimum Desirable Streamflow form must also be signed and notarized. Finally, please **sign the map where indicated**.

You may contact me at (785) 296-3495, for any additional assistance in completing these application forms.

Sincerely,

Douglas Schemm
Environmental Scientist
Topeka Field Office

Enclosures

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SEP 28 2016

KS DEPT OF AGRICULTURE

1320 Research Park Drive
Manhattan, Kansas 66502

Jackie McClaskey, Secretary



Phone: (785) 564-6700
Fax: (785) 564-6777
Email: ksag@kda.ks.gov
www.agriculture.ks.gov
Sam Brownback, Governor

September 28, 2016

DANIEL UNRUH
147 A ROAD
BURNS KS 66840

FILE COPY

RE: Application
File No. 49711

Dear Sir or Madam:

Your application for permit to appropriate water in 36-22S-5E in Chase County, was received and has been assigned the file number noted above.

As a matter of record, the Division of Water Resources has on hand a large number of applications awaiting processing. Therefore to be fair to all concerned, and so that we can process those applications on hand in the order they were received, we intend to concentrate on the backlog of applications until the issue is resolved. Once review of your application has begun, we will contact you, if additional information is required.

In accordance with the provisions of the Kansas Water Appropriation Act, a portion of which is included below, the use of water as proposed prior to approval of the application is unlawful. Once approved, compliance with the terms, conditions and limitations of the permit is necessary. Conservation of the water resources of Kansas is required.

Section 82a-728 of the Kansas Water Appropriation Act, provides (a) except for the appropriation of water for the purpose of domestic use, . . . it shall be unlawful for any person to appropriate or threaten to appropriate water from any source without first applying for and obtaining a permit to appropriate water in accordance with the provisions of the Water Appropriation Act or for any person to violate any condition of a vested right, appropriation right or an approved application for a permit to appropriate water for beneficial use.

(b) (1) The violation of any provision of this section by any person is a class C misdemeanor . . .

A class C misdemeanor is punishable by a fine not to exceed \$500 and/or a term of confinement not to exceed one month in the county jail. Each day that the violation occurs constitutes a separate offense.

If you have any questions, please contact me at (785) 564-6645. If you wish to discuss a specific file, please have the file number ready so that we may help you more efficiently.

Sincerely,

Brent A Turney, P.G.
Change Application Unit Supervisor
Water Appropriation Program

BAT: dlw
pc: TOPEKA Field Office
GMD