

Kansas Department of Agriculture
Division of Water Resources
PERMIT OF NEW APPLICATION WORKSHEET

1. File Number: <p style="text-align: center;">49,853</p>	2. Status Change Date: <p style="text-align: center;"><i>9/20/2017</i></p>	3. Field Office: <p style="text-align: center;">01</p>	4. GMD: <p style="text-align: center;">0</p>
5. Status: <input checked="" type="checkbox"/> Approved <input type="checkbox"/> Denied by DWR/GMD <input type="checkbox"/> Dismiss by Request/Failure to Return			
6. Enclosures: <input checked="" type="checkbox"/> Check Valve <input checked="" type="checkbox"/> N of C Form <input type="checkbox"/> Water Tube <input type="checkbox"/> Driller Copy <input checked="" type="checkbox"/> Meter			
7a. Applicant(s) New to system <input type="checkbox"/> HENRY LAND & CATTLE LLC 822 6TH RD LONGFORD KS 67458-9371 7b. Landowner(s) 7a. & 7c. CECIL & EVELYNE M KEEN TRUSTS % JODY COTT 970 18TH RD CLAY CENTER KS 67432	Person ID 65544 Add Seq# _____ Person ID _____ Notarized WUC Form <input type="checkbox"/>	Landowner(s) Person ID 20966 7d. RICHARD H & JODY D COTT 1047 20TH RD CLAY CENTER KS 67432-8118 Person ID 36853 7e. HENRYS LIMITED 615 INDIAN RD LONGFORD KS 67458-9374 Person ID 65545 7f. HENRY FARMS INC % ROY HENRY 615 INDIAN RD LONGFORD KS 67458	
8. WUR Correspondent New to system <input type="checkbox"/> Overlap File (s) WUC Agree <input type="checkbox"/> Yes <input type="checkbox"/> No 7a.	Person ID _____ Add Seq# _____ Notarized WUC Form <input type="checkbox"/>	9. Use of Water: Changing? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> Groundwater <input checked="" type="checkbox"/> Surface Water <input checked="" type="checkbox"/> IRR <input type="checkbox"/> REC <input type="checkbox"/> DEW <input type="checkbox"/> MUN <input type="checkbox"/> STK <input type="checkbox"/> SED <input type="checkbox"/> DOM <input type="checkbox"/> CON <input type="checkbox"/> HYD DRG <input type="checkbox"/> WTR PWR <input type="checkbox"/> ART RECHRG <input type="checkbox"/> IND SIC: _____ <input type="checkbox"/> OTHER: _____	
10. Completion Date: <u>12/31/2018</u> 11. Perfection Date: <u>12/31/2022</u> 12. Exp Date: _____			
13. Conservation Plan Required? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No Date Required: _____ Date Approved: _____ Date to Comply: _____			
14. Water Level Measuring Device? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No Date to Comply: _____ Date WLMD Installed: _____			
Date Prepared: 8/31/2017 By: DWS Date Entered: <i>9/20/2017</i> By: <i>UM</i>			

File No. 49,853	15. Formation Code:	Drainage Basin: Smoky Hill	County: CY	Special Use:	Stream: Chapman Creek Trib 2B (Smoky Hill)																				
16. Points of Diversion						17. Rate and Quantity																			
T MOD DEL PDIV ENT						Authorized Additional Rate gpm Quantity af Rate gpm Quantity af Overlap PD Files																			
Qualifier S T R ID 'N 'W																									
✓ 86176 SW SE NW 4 10 2E 2 2793 3590						1200 72 1200 72 NONE																			
18. Storage: Rate _____ NF						Quantity 72 ac/ft						Additional Rate _____ NF						Additional Quantity 72 ac/ft							
19. Limitation: _____ af/yr at _____ gpm (_____ cfs) when combined with file number(s) _____						Limitation: _____ af/yr at _____ gpm (_____ cfs) when combined with file number(s) _____																			
20. Meter Required? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No						To be installed by 12/31/2018						Date Acceptable Meter Installed _____													
21. Place of Use						NE¼				NW¼				SW¼				SE¼				Total	Owner	Chg? NO	Overlap Files
T MOD DEL ENT						NE ¼	NW ¼	SW ¼	SE ¼	NE ¼	NW ¼	SW ¼	SE ¼	NE ¼	NW ¼	SW ¼	SE ¼	NE ¼	NW ¼	SW ¼	SE ¼				
PUSE S T R ID																									
✓ 68409 29 9 2E 1														40	40	40	40			40	40	240	7d	No	49,851 & 49,852
✓ 68410 30 9 2E 1																		40			40	80	7d	No	49,851 & 49,852
✓ 68411 32 9 2E 2										40	40	40	40									160	7d	No	49,851 & 49,852
✓ 68412 32 9 2E 3						40	40	40	40					40	40	40	40	40	40	40	40	480	7c	No	49,851 & 49,852
✓ 68405 4 10 2E 1										40	40	40	40									160	7a	No	49,851 & 49,852
✓ 68406 5 10 2E 2																		32	40	40	28	140	7e	No	49,851 & 49,852
✓ 68407 5 10 2E 3						40	40	40	40													160	7f	No	49,851 & 49,852
✓ 68408 8 10 2E 2										24	31	40	40	40	40	40	40					295	7f	No	49,851 & 49,852
Comments:																									

KANSAS DEPARTMENT OF AGRICULTURE
Division of Water Resources

M E M O R A N D U M

TO: Files

DATE: August 31, 2017

FROM: Doug Schemm

RE: Applications, File Nos. 49,851; 49,852;
and 49,853

Henry Land & Cattle has filed new applications proposing to appropriate surface water by both the direct diversion of surface water at three (3) pump sites (File No. 49,851), and the collection and storage of natural flows in two proposed reservoirs (File Nos. 49,852 and 49,853). All of the applications will be used for the same irrigation project (i.e. overlap in place of use), which comprises 1,715 acres. The applicant is using the water in large part to dilute his wastewater lagoons (from cattle feedlot) and then irrigating from the lagoons, as well as the storage ponds. The applicant stated that he needs a large place of use to adequately handle the lagoon wastewater. The place of use is owned by the applicant, Henry Farms, Richard and Jody Cott Trusts, and Cecil and Evelyne M. Keen Trusts. In each case, the applicant has signed the application forms stating that he has legal access to the points of diversion.

Application, File No. 49,851 is proposing to appropriate 320 acre-feet of surface water at a diversion rate of 2,000 gallons per minute. The source of water is a tributary (Trib 2) to Chapman Creek in the Smoky Hill River Basin, located in the Northeast Quarter of Section 5, Township 10 South, Range 2 East, Clay County, Kansas. Application, File No. 49,851 is designed to allow water to be pumped directly from Chapman Creek Trib 2 (when flows are available "off-season") into the two off-stream reservoirs to be stored for subsequent re-diversion for irrigation use, or dilute the wastewater lagoons. Generally, the off-season irrigation months are from October 1 through June 30 of each calendar year. The requested rate of diversion of 2,000 gallons per minute appears to be reasonable to provide a large quantity of water in a short time period to fill the reservoirs and take advantage of high flow conditions on the stream, which may be of short duration. This direct diversion file will be conditioned such that during the period October 1 through June 30, the verbal or written permission of the Chief Engineer, or an authorized representative of the Chief Engineer, shall be obtained in order to divert water each time the applicant desires to divert water; and during the period July 1 through September 30 each calendar year, no direct diversions of surface water shall be permitted unless written permission is obtained from the Chief Engineer, or the Chief Engineer's authorized representative.

Application, File No. 49,852 is requesting to appropriate 109.2 acre-feet of surface water at the rate of natural flows to be stored in a proposed reservoir (West Dam) and redivert 109.2 acre-feet for irrigation use. The reservoir is located in the Southeast Quarter of Section 5. The dam is located on Chapman Creek Trib 2A (Smoky Hill). Runoff computations determined that the 131.1 acres of drainage area, will generate 109.2 acre-feet of runoff in 1 out of every five (5) years (a 20% chance). Therefore, per K.A.R. 5-6-5, this quantity **IS** the limiting factor, and the application was processed with this quantity.

Application, File No. 49,853 is requesting to appropriate 72 acre-feet of surface water at the rate of natural flows to be stored in a proposed reservoir (East Dam) and redivert 72 acre-feet for irrigation use. The reservoir is located in the Northwest Quarter of Section 4. The dam is located on Chapman Creek Trib 2B (Smoky Hill). Runoff computations determined that the 86 acres of drainage area, will generate 72 acre-feet of runoff in 1 out of every five (5) years (a 20% chance). Therefore, per K.A.R. 5-6-5, this quantity **IS** the limiting factor, and the application was processed with this quantity.

The total combined quantity of water for direct use (pump site and rediversion) is 501.2 acre-feet for irrigation use on 1,715 acres, obviously much less than the 1.2 acre-feet per acre, which is the maximum allowable in Clay County, Kansas, per K.A.R. 5-3-24. However, additional water will be provided by wastewater from the feedlot, and the quantity is reasonable for supplemental irrigation use.

The structures have been reviewed under structures program File Nos. DCY-0184 (East Dam) and DCY-0185 (West Dam). One of the dams was determined to be non-jurisdictional and the second dam qualifies for the hazard class A permit exemption specified in K.S.A. 82a-301(d)(1).

The applicant provided a list of landowners of the adjacent properties within one-half (½) mile upstream and downstream of his property. Notification letters were sent out on July 21, 2017. A telephone call was received from Mr. Van Scoyoc who wanted to know if this approval would impact his irrigation project located over 2 miles downstream in Section 17. Mr. Van Scoyoc is pumping directly from Chapman Creek, which drains a large area, and diverting from a couple of tributaries should not have a significant impact on Chapman Creek stream flow. There are no other surface water rights within a two-mile radius according to the WRIS database, other than the applicant's files. No senior water rights will be impaired with approval of these applications.

As allowed by K.S.A. 82a-706(c) approved water flow meters shall be installed on the secondary diversion works (pump sites) for File Nos. 49,852; and 49,953, and the direct pump sites under File No. 49,851. If any chemical or foreign substance is injected into the water pumped under these permits, check valves will also need to be installed.

In an August 23, 2017 discussion, Katie Tietsort, Water Commissioner, Topeka Field Office, stated that the referenced new applications should be approved. Based on the above discussion, that this area is open to new appropriations, the proposed appropriations of water are reasonable, the applications comply with rules and regulations, and no senior rights will be impacted, it is recommended that all of the referenced new applications be approved.

Doug Schemm
Environmental Scientist
Topeka Field Office

1320 Research Park Drive
Manhattan, Kansas 66502
(785) 564-6700



900 SW Jackson, Room 456
Topeka, Kansas 66612
(785) 296-3556

Jackie McClaskey, Secretary

Governor Sam Brownback

September 26, 2017

HENRY LAND & CATTLE LLC
822 6TH RD
LONGFORD KS 67458-9371

FILE COPY

Re: Appropriation of Water, File Nos. 49,851; 49,852; and 49,853

Dear Mr. Henry:

There are enclosed permits to appropriate water authorizing you to proceed with construction of the proposed diversion works (except those dams and stream obstructions regulated by K.S.A. 82a-301 through 305a), to divert such unappropriated water as may be available from the sources and at the locations specified in these permits, and to use it for the purpose and at the location described in these permits.

Your attention is directed to the enclosures and to the terms, conditions, and limitations specified in these permits, with specific reference to File No. 49,851 Paragraphs Nos 19 and 20, **which require you to obtain permission prior to diverting water.** In addition, **water meters are required on both the pumpsites and the re-diversion works from your reservoirs,** and you must install them prior to water being put to beneficial use in order for you to maintain accurate records of water use. The meters should be used to provide the information required on the annual water use reports. Failure to notify the Chief Engineer of the Division of Water Resources of the completion of the diversion works within the time allowed, or within any authorized extension of time thereof, will result in the dismissal of these permits. Enclosed are forms which may be used to notify the Chief Engineer that the proposed diversion works have been completed for each file.

All requests for extensions of time to complete diversion works, or to perfect appropriations, must be submitted to the Chief Engineer before the expiration of time originally set forth in these permits to complete diversion works or to perfect an appropriation. If for any reason, you require an extension of time, you must request it before the expiration of time set forth in these permits. Failure to comply with this regulation will result in the dismissal of your permits or your water rights. Any request for an extension of time shall be accompanied by the required statutory fee, which is currently \$100.00 per file number. There is also enclosed an information sheet setting forth the procedure to obtain Certificates of Appropriation which will establish the extent of your water rights.

If you have any questions, please contact our office. If you wish to discuss a specific file, please have the file number ready so that we may help you more efficiently.

Sincerely,

Kristen A. Baum
New Application Unit Supervisor
Water Appropriation Program

KAB:dws

Enclosures

pc: Topeka Field Office

Cecil & Evelyne M Keen Trusts

Richard H & Jody D Cott

Henry's Limited

Henry Farms Inc.

THE STATE OF KANSAS



KANSAS DEPARTMENT OF AGRICULTURE
Jackie McClaskey, Secretary of Agriculture

DIVISION OF WATER RESOURCES
David W. Barfield, Chief Engineer

**APPROVAL OF APPLICATION
and
PERMIT TO PROCEED**

(This is not a Certificate of Appropriation)

This is to certify that I have examined Application, File No. 49,853 of the applicant

**HENRY LAND & CATTLE LLC
822 6TH RD
LONGFORD KS 67458-9371**

for a permit to appropriate water for beneficial use, together with the maps, plans and other submitted data, and that the application is hereby approved and the applicant is hereby authorized, subject to vested rights and prior appropriations, to proceed with the construction of the proposed diversion works (except those dams and stream obstructions regulated by K.S.A. 82a-301 through 305a, as amended), and to proceed with all steps necessary for the application of the water to the approved and proposed beneficial use and otherwise perfect the proposed appropriation subject to the following terms, conditions and limitations:

1. That the priority date assigned to such application is **June 12, 2017**.
2. That the water sought to be appropriated shall be used for irrigation use on land described in the application, as follows:

Sec. Twp. Range	NE¼				NW¼				SW¼				SE¼				TOTAL	
	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼		
29 9S 2E										40	40	40	40			40	40	240
30 9S 2E														40			40	80
32 9S 2E	40	40	40	40	40	40	40	40	40	40	40	40	40	40	40	40	40	640
4 10S 2E					40	40	40	40										160
5 10S 2E	40	40	40	40										32	40	40	28	300
8 10S 2E					24	31	40	40	40	40	40	40						295

3. That the appropriation sought shall be limited to all natural flows of an unnamed tributary to Chapman Creek, designated in the office of the Chief Engineer as Chapman Creek Trib 2B (Smoky Hill), not needed to satisfy all vested rights and prior appropriation rights to be incrementally accumulated as reservoir storage space becomes available to a maximum extent of **72 acre-feet** per calendar year in one (1) reservoir created by a dam located in the Southwest Quarter of the Southeast Quarter of the Northwest Quarter (SW¼ SE¼ NW¼) of Section 4, more particularly described as being near a point 2,793 feet North and 3,590 feet West of the Southeast corner of said section, in Township 10 South, Range 2 East, Clay County, Kansas, to provide **72 acre-feet** of water as needed for direct irrigation use to be withdrawn, released or otherwise diverted from the reservoir at a re-diversion rate of approximately **1,200 gallons per minute (2.67 c.f.s.)**. A reasonable maximum re-diversion rate will be established during the perfection period and assigned at certification.

4. That installation of works for diversion of water shall be completed on or before **December 31, 2018** or within any authorized extension thereof. The applicant shall notify the Chief Engineer and pay the statutorily required field inspection fee, which is currently \$400.00, when construction of the works has been completed. Failure to timely submit the notice and the fee will result in revocation of the permit. Any request for an extension of time shall be submitted prior to the expiration of the deadline and shall be accompanied by the required statutory fee, which is currently \$100.00.
5. That the proposed appropriation shall be perfected by the actual application of water to the proposed beneficial use on or before **December 31, 2022** or any authorized extension thereof. Any request for an extension of time shall be submitted prior to the expiration of the deadline and shall be accompanied by the required statutory fee, which is currently \$100.00.
6. That the applicant shall not be deemed to have acquired a water appropriation for a quantity in excess of the amount approved herein nor in excess of the amount found by the Chief Engineer to have been actually used for the approved purpose during one calendar year subsequent to approval of the application and within the time specified for perfection or any authorized extension thereof.
7. That the use of water herein authorized shall not be made so as to impair any use under existing water rights nor prejudicially and unreasonably affect the public interest.
8. That the right of the appropriator shall relate to a specific quantity of water and such right must allow for a reasonable raising or lowering of the static water level and for the reasonable increase or decrease of the streamflow at the appropriator's point of diversion.
9. That this permit does not constitute authority under K.S.A. 82a-301 through 305a to construct any dam or other obstruction; nor does it grant any right-of-way, or authorize entry upon or injury to, public or private property.
10. That all re-diversion works constructed under the authority of this permit into which any type of chemical or other foreign substance will be injected into the water pumped from the re-diversion works shall be equipped with an in-line, automatic quick-closing, check valve capable of preventing pollution of the source of the water supply. The type of valve installed shall meet specifications adopted by the Chief Engineer and shall be maintained in an operating condition satisfactory to the Chief Engineer.
11. That an acceptable water flow meter shall be installed and maintained on the re-diversion works authorized by this permit in accordance with the Kansas Administrative Regulations 5-1-4 through 5-1-12 adopted by the Chief Engineer. This water flow meter shall be used to provide an accurate quantity of water diverted as required for the annual water use report (including the meter reading at the beginning and end of the report year).
12. That the applicant shall maintain accurate and complete records from which the quantity of water diverted during each calendar year may be readily determined and the applicant shall file an annual water use report with the Chief Engineer by March 1 following the end of each calendar year. Failure to file the annual water use report by the due date shall cause the applicant to be subject to a civil penalty.
13. That no water user shall engage in nor allow the waste of any water diverted under the authority of this permit.
14. That failure without cause to comply with provisions of the permit and its terms, conditions and limitations will result in the forfeiture of the priority date, revocation of the permit and dismissal of the application.
15. That the right to appropriate water under authority of this permit is subject to any minimum desirable streamflow requirements identified and established pursuant to K.S.A. 82a-703c for the source of supply to which this water right applies.

CERTIFICATE OF SERVICE

On this 20th day of September, 2017, I hereby certify that the foregoing Approval of Application, File No. 49,853, dated September 20, 2017 was mailed postage prepaid, first class, US mail to the following:

HENRY LAND & CATTLE LLC
822 6TH RD
LONGFORD KS 67458-9371

With photocopies to:

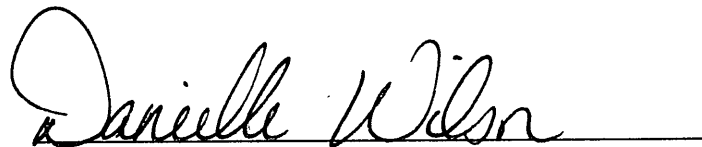
CECIL & EVELYNE M KEEN TRUSTS
JODY COTT
970 18TH RD
CLAY CENTER KS 67432

RICHARD H & JODY D COTT
1047 20TH RD
CLAY CENTER KS 67432-8118

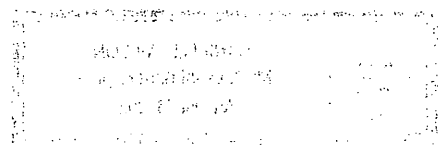
HENRYS LIMITED
615 INDIAN RD
LONGFORD KS 67458-9374

HENRY FARMS INC
ROY HENRY
615 INDIAN RD
LONGFORD KS 67458

Topeka Field Office



Division of Water Resources



RIGHT TO A HEARING AND TO ADMINISTRATIVE REVIEW

If you are aggrieved by this Order, then pursuant to K.S.A. 82a-1901, you may:

- 1) request an evidentiary hearing before the Chief Engineer, or
- 2) request administrative review by the Secretary of Agriculture.

Failure to request an evidentiary hearing before the Chief Engineer does not preclude your right to administrative review by the Secretary.

To obtain an evidentiary hearing before the Chief Engineer, a written request for hearing must be filed within 15 days after service of this Order as provided in K.S.A. 77-531 (i.e., **within a total of 18 days after this Order was mailed to you**), with: Kansas Department of Agriculture, Attn: Legal Section, 1320 Research Park Drive, Manhattan, Kansas 66502, FAX (785) 564-6777.

If you do not file a request for an evidentiary hearing before the Chief Engineer, you may petition for administrative review of the Order by the Secretary of Agriculture. A petition for review shall be in writing and state the basis for requesting administrative review. The request for hearing may be denied if the request fails to clearly establish factual or legal issues for review. See K.S.A. 77-527. The petition must be filed within 30 days after service of this Order as provided in K.S.A. 77-531 (i.e., **within a total of 33 days after this Order was mailed to you**), and be filed with: Secretary of Agriculture, Attn: Legal Division, Kansas Department of Agriculture, 1320 Research Park Drive, Manhattan, Kansas 66502, FAX (785) 564-6777.

Ordered this 20th day of September, 2017, in Topeka, Shawnee County, Kansas.

Lane P. Letourneau

Lane P. Letourneau, P.G.
Program Manager
Water Appropriation Program
Division of Water Resources
Kansas Department of Agriculture

State of Kansas)
) SS
County of Riley)

The foregoing instrument was acknowledged before me this 20th day of September, 2017, by Lane P. Letourneau, P.G., Program Manager, Division of Water Resources, Kansas Department of Agriculture.



Danielle Wilson

Notary Public

East Dam

APPLICATION COMPLETE

8/8/2017

Reviewer DWS

THE STATE



OF KANSAS

KANSAS DEPARTMENT OF AGRICULTURE
Jackie McClaskey, Secretary of Agriculture

DIVISION OF WATER RESOURCES
David W. Barfield, Chief Engineer

WATER RESOURCES
RECEIVED

File Number 49853
This item to be completed by the Division of Water Resources.

JUN 01 2017
UNACCEPTABLE FOR PRIORITY
8.37

KS DEPT OF AGRICULTURE

**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.)

WATER RESOURCES
RECEIVED

JUN 12 2017

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): HENRY LAND & CATTLE %MARC HENRY
Address: 875 6TH RD
City: LONGFORD State: KS Zip Code: 67458
Telephone Number: (785) 632-0155

2. The source of water is: surface water in Tributary to Chapman Creek (stream) # 3920-1566
OR groundwater in SMOKY HILL RIVER BASIN (drainage basin)

Trib 2B (Smoky Hill)
3920-1566

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. **72 AF to be rediverted for IRR use @ 1,200 gpm**

3. The maximum quantity of water desired is 72 acre-feet OR _____ gallons per calendar year, to be diverted at a maximum rate of NF 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. <u>1</u> GMD <u>0</u> Meets K.A.R. 5-3-1 (YES/NO)		Use <u>FER</u> Source <u>G/\$</u> County <u>CY</u>		By <u>AW</u> Date <u>6/14/17</u>	
Code <u>REG</u>		Fee \$ <u>200</u>		TR # _____		Receipt Date <u>6/12/17</u> Check # <u>2435</u>	

SCANNED
6/13/2017

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 SW quarter of the SE quarter of the NW quarter of Section 4, more particularly described as being near a point 2,793 feet North and 3,590 feet West of the Southeast corner of said section, in Township 10 South, Range 2 EAST, CLAY County, Kansas.

(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 _____ East/West (circle one), _____ County, Kansas.

(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 _____ East/West (circle one), _____ 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):

(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 _____, 2017.


Applicant's Signature

7. The proposed project for diversion of water will consist of ONE DAM & RESERVOIR
(number of wells, pumps or dams, etc.)

and (was) completed (by) Summer 2017
(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 Summer 2017
(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 _____
Non-jurisdictional for structures program permitting.

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 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.

NEW Applications for PUMP SITE and West Pond WILL OVERLAP IN PLACE OF USE

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 JUN 01 2017
 JUN 12 2017
 KS DEPT OF AGRICULTURE
 KS DEPT OF AGRICULTURE
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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	_____	_____	_____	_____
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
(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):

(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 ____ day of _____, 2017
(month) (year)

Mark R. Hing

(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)

49853

IRRIGATION USE SUPPLEMENTAL SHEET

File No. _____

Name of Applicant (Please Print): MARC HENRY

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: HENRY LAND & CATTLE, LLC

ADDRESS: 822 6TH RD, LONGFORD, KS 67458-9371

S	T	R	NE¼				NW¼				SW¼				SE¼				TOTAL
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
4	10	2E					40	40	40	40									160

Landowner of Record NAME: HENRYS LTD 5, %ROY HENRY

ADDRESS: 615 INDIAN RD, LONGFORD, KS 67458-9374

S	T	R	NE¼				NW¼				SW¼				SE¼				TOTAL	
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE		
5	10	2E														32	40	40	28	140

Landowner of Record NAME: HENRY FARMS, INC % ROY HENRY

ADDRESS: 615 INDIAN RD, LONGFORD, KS 67458

S	T	R	NE¼				NW¼				SW¼				SE¼				TOTAL	
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE		
5	10	2E	40	40	40	40														160
8	10	2E					24	31	40	40	40	40	40	40						295

Landowner of Record NAME: RICHARD H. COTT TRUST & JODY D COTT TRUST

ADDRESS: 1047 20TH RD, CLAY CENTER, KS 67432-8118

S	T	R	NE¼				NW¼				SW¼				SE¼				TOTAL	
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE		
29	9	2E										40	40	40	40			40	40	240
30	9	2E														40			40	80
32	9	2E					40	40	40	40										160

Landowner of Record NAME: CECIL & EVELYNE M. KEEN TRUSTS %JODY COTT

ADDRESS: 970 18TH RD, CLAY CENTER, KS 67432

S	T	R	NE¼				NW¼				SW¼				SE¼				TOTAL	
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE		
32	9	2E	40	40	40	40					40	40	40	40	40	40	40	40	40	480

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TOTAL = 1,715 ACRES

WATER RESOURCES RECEIVED

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

Other, please describe: _____

d. System design features:

i. Describe how you will control tailwater:

ii. For sprinkler systems:

(1) Estimate the operating pressure at the distribution system: _____ 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:

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).

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



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

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

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

July 21, 2017

MELVIN & JANET MACY
450 JAYHAWK RD
LONGFORD KS 67458-9315

Re: Pending Application, File No. 49,853

Dear Sir or Madam:

This is to advise you that Henry Land & Cattle has filed the application referred to above for permit to appropriate 72 acre-feet of surface water per calendar year to be stored in a proposed reservoir, and re-divert 72 acre-feet of the stored water for irrigation use. The proposed point of diversion (where the structure crosses the centerline of the stream) is located as follows:

in the Southwest Quarter of the Southeast Quarter of the Northwest Quarter (SW $\frac{1}{4}$ SE $\frac{1}{4}$ NW $\frac{1}{4}$) of Section 4, Township 10 South, Range 2 East, Clay County, Kansas.

Records in this office indicate that you own land along the stream in this vicinity and you are being notified of receipt of this application in order that you may be fully informed of the proposed location of the applicant's point of diversion and proposed use of water. Consideration will be given to comments or other information which you desire to submit to this office **within 15 days** from the date of this letter.

You can find the application and site map posted by the file number referenced above at:
<http://agriculture.ks.gov/divisions-programs/dwr/water-appropriation/notices>

If you have any questions or comments, you may also contact me at (785) 296-3495. If you call, please reference the file number so I can help you more efficiently.

Sincerely,

A handwritten signature in cursive script that reads "Doug Schemm".

Douglas W. Schemm
Environmental Scientist
Topeka Field Office

pc: Henry Land & Cattle

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

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



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

July 21, 2017

BRUCE BAUER TRUST
1425 15TH LANE
CLAY CENTER KS 67432-3247

Re: Pending Application, File No. 49,853

Dear Sir or Madam:

This is to advise you that Henry Land & Cattle has filed the application referred to above for permit to appropriate 72 acre-feet of surface water per calendar year to be stored in a proposed reservoir, and re-divert 72 acre-feet of the stored water for irrigation use. The proposed point of diversion (where the structure crosses the centerline of the stream) is located as follows:

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<http://agriculture.ks.gov/divisions-programs/dwr/water-appropriation/notices>

If you have any questions or comments, you may also contact me at (785) 296-3495. If you call, please reference the file number so I can help you more efficiently.

Sincerely,

A handwritten signature in cursive script that reads "Doug Schemm".

Douglas W. Schemm
Environmental Scientist
Topeka Field Office

pc: Henry Land & Cattle

(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. 49,853

Minimum Desirable Streamflow

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.

Marc R. Henry
Signature of Applicant

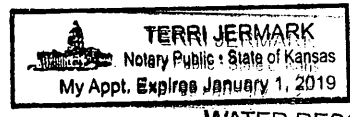
State of Kansas)
County of Clay) ss)

Marc R. Henry
(Print Applicant's Name)

I hereby certify that the foregoing instrument was signed in my presence and sworn to before me this 15th day of May, 2017.

TERRI JERMARK
Notary Public

My Commission Expires: January 1, 2019



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WATER RESOURCES RECEIVED JUN 01 2017

**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

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

WATER RESOURCES
RECEIVED

WATER RESOURCES
RECEIVED

JUN 01 2017

JUN 12 2017

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Kansas
Department of Agriculture
Division of Water Resources

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

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

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

Sam Brownback, Governor

May 2, 2017

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HENRY LAND & CATTLE
% MARC HENRY
875 6TH ROAD
LONGFORD KS 67458

WATER RESOURCES
RECEIVED

JUN 01 2017

JUN 12 2017

12:04

KS DEPT OF AGRICULTURE

KS DEPT OF AGRICULTURE

RE: New Applications for Appropriation of Water

Dear Mr. Henry:

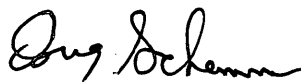
Enclosed are application forms related to completing new applications for permits to appropriate water. These applications cover reservoirs located in Sections 4 and 5; and three pump sites located in Section 5, all in Township 10 South, Range 2 East, Clay County. Please review the application forms and site maps and make any modifications that you wish. In addition, please verify the place of use (irrigated acres), which is shown cross-hatched on the site maps and associated ownership of the acreage.

Please note that I completed the applications for storage and re-diversion quantities based on potential annual run-off from the limited drainage areas to each of the reservoirs (ranging from 86 acres to 131.1 acres). This is the maximum allowable per the regulations. For the direct diversion (pump site) application, I proposed a total quantity of 320 acre-feet, based on the limited availability of water in the summer months. Each of the application forms **must be signed at both Paragraph Nos. 6 and 16**. Also, please **sign the site maps and Minimum Desirable Streamflow forms (with notary) where indicated**.

The filing fee is based on the requested quantity of water, and for the requested quantities of water, the total filing fee for all three applications is **\$800**. Once the forms have been properly signed, please submit them with the appropriate fee to the Kansas Department of Agriculture, Division of Water Resources, 1320 Research Park Drive, Manhattan, KS 66502.

You may contact the Topeka Field Office at (785) 296-5733, or myself at (785) 296-3495, for any additional assistance in completing these application forms.

Sincerely,



Douglas Schemm
Environmental Scientist
Topeka Field Office

Enclosures

SCANNED



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

June 12, 2017

HENRY LAND & CATTLE
MARC HENRY
875 6TH RD
LONGFORD KS 67458

FILE COPY

RE: Application
File No. 49853

Dear Sir or Madam:

Your application for permit to appropriate water in 4-10S-2E in Clay 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,

Kristen A. Baum
New Applications Unit Supervisor
Water Appropriation Program

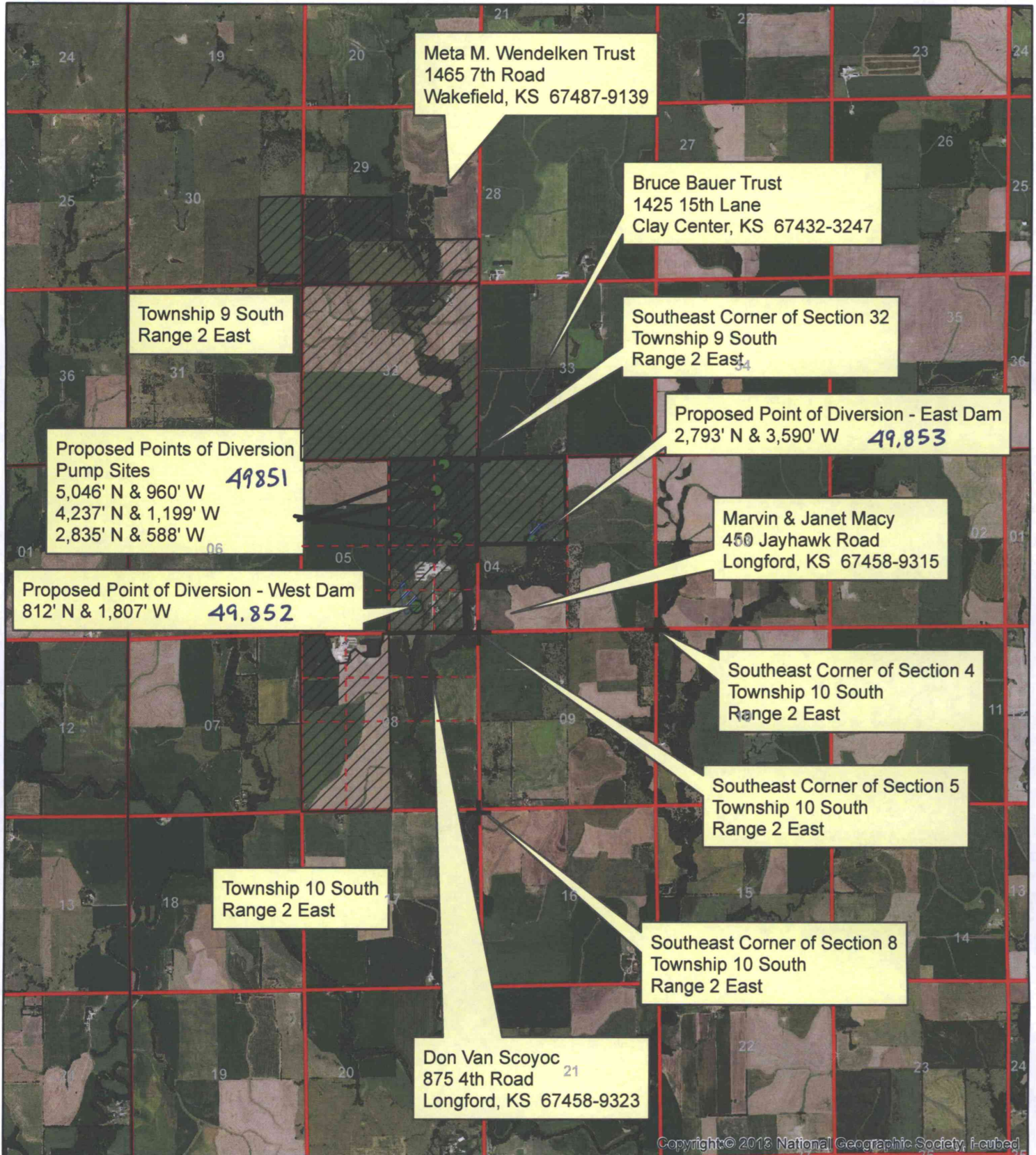
BAT: dlw
pc: TOPEKA Field Office
GMD

SCANNED

49853

HENRY FARMS NEW APPLICATION SITE MAP
SECS. 4, 5, & 8 T10S, R2E
SECS. 29, 30, & 32, T9S, R2E
CLAY COUNTY

1:48,000



Meta M. Wendelken Trust
1465 7th Road
Wakefield, KS 67487-9139

Bruce Bauer Trust
1425 15th Lane
Clay Center, KS 67432-3247

Township 9 South
Range 2 East

Southeast Corner of Section 32
Township 9 South
Range 2 East

Proposed Points of Diversion
Pump Sites
5,046' N & 960' W 49851
4,237' N & 1,199' W
2,835' N & 588' W

Proposed Point of Diversion - East Dam
2,793' N & 3,590' W 49,853

Marvin & Janet Macy
450 Jayhawk Road
Longford, KS 67458-9315

Proposed Point of Diversion - West Dam
812' N & 1,807' W 49,852

Southeast Corner of Section 4
Township 10 South
Range 2 East

Southeast Corner of Section 5
Township 10 South
Range 2 East

Township 10 South
Range 2 East

Southeast Corner of Section 8
Township 10 South
Range 2 East

Don Van Scoyoc
875 4th Road
Longford, KS 67458-9323

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● Proposed Point of Diversion

JUN 01 2017



Proposed Place of Use

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All known landowners adjacent to the stream
within one-half mile upstream and downstream
of the property lines have been shown

WATER RESOURCES
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JUN 12 2017

Man R. Henry
SCANNED

KS DEPT OF AGRICULTURE

