

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

Water Resources Received
DEC 10 2018
11:05
KS Dept Of Agriculture

KANSAS DEPARTMENT OF AGRICULTURE
Jackie McClaskey, Secretary of Agriculture

DIVISION OF WATER RESOURCES
David W. Barfield, Chief Engineer

File Number 50181
This item to be completed by 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)

NOV 29 2018
UNACCEPTABLE FOR PRIORITY
KS Dept Of Agriculture

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:
Ms. Jennifer Gerety
J-Six Enterprises, LLC — EB North Finish Site
604 Nemaha Street, P.O. Box 170
Seneca, Kansas 66538
785-336-2148

2. The source of water is: surface water in _____ (stream)
OR groundwater in the Missouri 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 14.7 acre feet OR 4,800,000 gallons per calendar year, to be diverted at a maximum rate of 99 gallons per minute OR _____ cubic feet per second.

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

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

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

For Office Use Only:
F.O. 1 Meets K.A.R. 5-3-1 (Yes/No) 0 Use STK Source OS County BR By KJN Date 12/10/18
Code REG Fee \$ 200 TR# _____ Receipt Date 12/10/18 Check # 180248

[. The location of the existing well, 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 NW quarter of the SE quarter of the SE quarter of Section 36, more particularly described as being near a point 1018 feet North and 857 feet West of the Southeast corner of said section, in Township 1 South, Range 18 (East/West) of Brown County, Kansas.

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

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

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

Bryan Farms, Inc.
2039 290th Street
Hiawatha, Kansas 66434

You must provide evidence of legal access to, or control of, the point of diversion from the landowner or the landowner's authorized representative. Provide a copy of a recorded deed, lease, easement or other document with this application. In lieu, thereof, you may sign the following sworn statement:

I have legal access to, or control of, the point of diversion as described in this application from the landowner or the landowner's authorized representative. I declare under penalty of perjury that the foregoing is true and correct.

Executed on November 21, 2018


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 One (1) Well (number of wells, pumps or dams, etc.)

8. The first actual application of water for the proposed beneficial use will be on October 1, 2018

9. Will pesticide, fertilizer or other foreign substance be injected into the water pumped from the diversion works:

Yes No

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

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

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

Yes No N/A (Not building an impoundment)

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

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

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

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

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

NONE

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

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

Well location as shown in paragraph #	(A)	(B)	(C)	(D)
Date Drilled	08/05/1977			
Total Depth of Well	80 Feet			
Depth to Water Bearing Formation	34 Feet			
Depth to Static Water Level	30 Feet			
Depth to Bottom of Pump Intake Pipe	80 Feet			

14. The relationship of the applicant to the proposed place where the water well will be used is that of:
 Owner Tenant Agent Other _____
Water Resources

15. The owner of the property where the water is used, if other than the applicant, is _____
Applicant is the Owner.


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

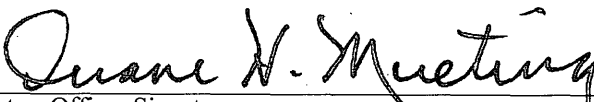
Dated at Seneca, Kansas, this 21st day of November, 2018



Applicant Signature

Applicant's Social Security Identification Number or Applicant's Taxpayer ID Number

46-4333649

By 

Agent or Officer Signature

Duane H. Muetling, P.E., P.L.S., Agent

Agent or Officer (Please Print)

Assisted By:

Duane H. Muetling, P.E., P.L.S.
Muetling Engineering
612 Community Drive
Seneca, Kansas 66538
785-334-6044
mueting-eng@rainbowtel.net

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50181

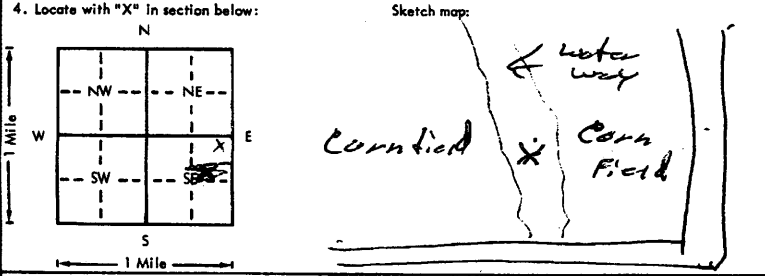
EB NORTH FINISH SITE WATER WELL LOG

USE TYPEWRITER OR BALL
POINT PEN-PRESS FIRMLY,
PRINT CLEARLY.

WATER WELL RECORD
KSA 820-1201-1215

Kansas Department of Health and
Environment-Division of Environment
(Water well Contractors)
Topeka, Kansas 66620

ADD
SE SE NE DAA

1. Location of well: County <u>Brown</u> Fraction <u>SW 1/4 NE 1/4 SE 1/4</u> Section number <u>36</u> Township number <u>T 1 S</u> Range number <u>R 18 E W</u>	
2. Distance and direction from nearest town or city: <u>10 E 4 M</u> Street address of well location if in city: <u>Hinwatha</u>	
3. Owner of well: <u>Edwin Parker</u> R.R. or street: <u>RR #2</u> City, state, zip code: <u>Robinson, KS, 66532</u>	
4. Locate with "X" in section below: Sketch map: 	
5. Type and color of material	
	From To
<u>Brown Silt</u>	<u>0 6</u>
<u>Brown Silty Clay</u>	<u>6 29</u>
<u>Brown Clay</u>	<u>29 34</u>
<u>Brown Sugar Sand</u>	<u>34 58</u>
<u>Gray Clay</u>	<u>58 71</u>
<u>Brown Shale</u>	<u>71 78</u>
<u>Gray Limestone</u>	<u>78 80</u>
6. Bore hole dia. <u>1 1/2</u> in. Completion date <u>8-5-77</u> Well depth <u>80</u> ft.	
7. Cable tool <input checked="" type="checkbox"/> Rotary <input type="checkbox"/> Driven <input type="checkbox"/> Dug <input type="checkbox"/> Hollow rod <input type="checkbox"/> Jetted <input type="checkbox"/> Bored <input type="checkbox"/> Reverse rotary	
8. Use: <input checked="" type="checkbox"/> Domestic <input type="checkbox"/> Public supply <input type="checkbox"/> Industry <input type="checkbox"/> Irrigation <input type="checkbox"/> Air conditioning <input type="checkbox"/> Stack <input type="checkbox"/> Lawn <input type="checkbox"/> Oil field water <input type="checkbox"/> Other	
9. Casing: Material <u>PVC</u> Height <u>Above</u> or below Threaded <input type="checkbox"/> Welded <input type="checkbox"/> Surface <u>24</u> in. RMP <u>PVC Blue</u> Weight <u>2.74</u> lbs./ft. Dia. <u>5</u> in. to <u>80</u> ft. depth Wall Thickness: inches or Dia. <u>5</u> in. to <u>80</u> ft. depth gage No. <u>1258</u>	
10. Screens: Manufacturer's name <u>Pumped</u> Type <u>PVC</u> Dia. <u>5</u> Slot/gauze <u>0.020</u> Length <u>10</u> Set between <u>50</u> ft. and <u>60</u> ft. Gravel pack? <u>YES</u> Size range of material <u>350-600</u>	
11. Static water level: <u>30</u> ft. below land surface Date <u>8-5-77</u> mo./day/yr.	
12. Pumping level below land surfaces: <u>11</u> ft. after <u>1</u> hrs. pumping <u>11</u> g.p.m. <u>7</u> ft. after <u>1</u> hrs. pumping <u>7</u> g.p.m. Estimated maximum yield <u>60</u> g.p.m.	
13. Water sample submitted: <u>NO</u> Yes <input checked="" type="checkbox"/> No Date <u>8-5-77</u> mo./day/yr.	
14. Well head completion: <u>Top Caped</u> <input type="checkbox"/> Pitless adapter <u>2 1/2</u> Inches above grade	
15. Well grouted? <u>YES</u> With: <input checked="" type="checkbox"/> Neat cement <input type="checkbox"/> Bentonite <input type="checkbox"/> Concrete Depth: From <u>5</u> ft. to <u>15</u> ft.	
16. Nearest source of possible contamination: <u>119</u> ft. Direction <u>SE</u> Type <u>SE</u> Well disinfected upon completion? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	
17. Pump: <input checked="" type="checkbox"/> Not installed Manufacturer's name _____ HP _____ Volts _____ Length of drop pipe _____ ft. capacity _____ g.p.m. Type: <input type="checkbox"/> Submersible <input type="checkbox"/> Turbine <input type="checkbox"/> Jet <input type="checkbox"/> Reciprocating <input type="checkbox"/> Centrifugal <input type="checkbox"/> Other	
(Use a second sheet if needed)	
18. Elevation: <u>980</u> Topography: <input checked="" type="checkbox"/> Hill <input checked="" type="checkbox"/> Slope <input type="checkbox"/> Upland <input type="checkbox"/> Valley	19. Remarks: <u>Owner will construct cement slab around well</u> <u>16.- Conn with drainage to water way</u>
20. Water well contractor's certification: This well was drilled under my jurisdiction and this report is true to the best of my knowledge and belief. <u>Stader Dalg Co Inc 182</u> Business name License No. _____ Address <u>Holtan, KS</u> Signed <u>Dale Anderson</u> Date <u>8-7-77</u> Authorized representative	

Forward the white, blue and pink copies to the Department of Health and Environment

Form WWC-5

RR-909 ∇ = 950

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**STOCK WATER USE
SUPPLEMENTAL SHEET**

File # 50181

Name of Applicant (please print):

Ms. Jennifer Gerety
J-Six Enterprises, LLC — EB North Finish Site
604 Nemaha Street, P.O. Box 170
Seneca, Kansas 66538

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

- Please complete the following table showing estimated future water requirements.

ESTIMATED FUTURE NUMBER OF HEAD AND WATER DIVERTED

NEXT 5 YEARS	NUMBER OF HEAD	WATER DIVERTED (Gallons)	GALLONS PER HEAD PER DAY
Year 1	2000	4,800,000	5.0 Gallons Drinking & Cooling
Year 2	2000	4,800,000	5.0 Gallons Drinking & Cooling
Year 3	2000	4,800,000	5.0 Gallons Drinking & Cooling
Year 4	2000	4,800,000	5.0 Gallons Drinking & Cooling
Year 5	2000	4,800,000	5.0 Gallons Drinking & Cooling

Please attach any additional information, tables or curves showing past, present and estimated future water requirements to substantiate the amount of water requested.

- 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	1	18E	Swine Facility Stockwatering - Near the Center of the East One-Half of Section 36																
			Water Resources																
			Water Resources																

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

Drinking Water

2,000 Head of Finish Hogs x 5 gallons /head (avg) x 365 days/year = 3,650,000 Gallons

Cooling Water

20 GPM x 60 Min/Hr x 8 Hrs/Day x 120 Days = 1,1,50,000 Gallons

Sanitation Water

N/A

Other Use

0 Gallons

TOTAL

4,800,000 Gallons - 14.7 Acre-Feet

6. Show location of present and future location of confinement pens on your attached maps or photographs.
7. Total feed bunk space for cattle or livestock is N/A linear feet.
8. Total size of stock pens for confinement area of cattle, hogs, etc is two (2) confinement buildings — each with dimension of 41' x 212'.

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

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50181

Tract 2
(5.12 ac)

KANSAS BUSINESS ORGANIZATION WARRANTY DEED

(Corporation, General, Limited or Limited Liability Partnership, or Limited Liability Company)

On this 31st day of August, 2018, Bryan Farms, Inc., a corporation duly organized and existing under the laws of the State of Kansas and having its principal place of business at 2039 290th St., Hiawatha, County of Brown, State of Kansas ("Grantor") CONVEYS AND WARRANTS to J-Six Enterprises, LLC— J-Six Livestock Building Series("Grantee") all of the following –described real estate in Brown County Kansas:

A parcel of land located in Section 36, Township 1 South, Range 18 East of the 6th P.M., Brown County, Kansas, described by Andrew P. Tanking, PS 1314, on May 1, 2018, as follows: Commencing at the East Quarter Corner of said Section 36, Thence South 89°35'26" West along the North line of the Southeast Quarter of said Section 36, a distance of 804.46 feet to the True POINT OF BEGINNING; Thence South 15°24'29" East 157.98 feet, Thence South 82°14'23" West 409.27 feet, Thence North 1°47'37" West 133.74 feet, Thence North 15°09'42" East 73.98 feet to the North line of said Southeast Quarter, Thence continuing North 15°09'42" East 120.03 feet, Thence North 5°39'45" West 288.60 feet, Thence North 30°43'30" East 69.97 feet, Thence North 84°59'07" East 300.03 feet, Thence South 38°13'53" East 120.53 feet, Thence South 34°52'36" West 215.38 feet, Thence South 15°24'29" East 223.59 feet to the POINT OF BEGINNING, containing 5.12 acres.

SUBJECT TO: All road right-of-ways, easements of record including but not limited to:

- a. the Water Use Easement dated March 12, 2018 filed March 15, 2018 at 2:30 P.M. in Book 488 Pages 176-180,
- b. the Water Use Easement dated 8-31, 2018 filed 9-4, 2018 at 8:00 A.M. in Book 490 Pages 816, and
- c. an easement for ingress and egress legally described as:

A 30.00 feet wide easement, for the purpose of Ingress/Egress, located in the Northeast Quarter of Section 36, Township 1 South, Range 18 East of the 6th P.M., Brown County, Kansas, whose centerline is described by Andrew P. Tanking, PS 1314, on May 1, 2018, as follows: Commencing at the Southeast corner of said Northeast Quarter, Thence North 0°05'38" West along the East line of said Northeast Quarter, 492.00 feet to the True POINT OF BEGINNING; Thence North 89°02'27" West 434.91 feet, Thence South 81°53'26" West 225.31 feet, Thence South 59°29'51" West 117.61 feet to the POINT OF TERMINATION.

and/or prescription, restrictions, reservations and conditions of record, if any.

Water Resources
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NOV 29 2018

Entered in Transfer Record
In my office this 4 day
of September 2018
of Melissa Gormley
County Clerk
KS Dept Of Agriculture
Resources
BOOK 490
PAGE 892

DEC 1 0 2018

KS Dept Of Agriculture

ALSO SUBJECT TO: In the event that Grantee transfers the above described real estate to any transferor other than a transferor affiliated with Grantee, or in the event that Grantee ceases raising swine on the real estate for a period of two consecutive years or more, Grantee shall remove and properly land apply all swine manure from all buildings and manure storage structures on the real estate and shall demolish and properly dispose of all buildings, other structures, and manure storage structures, above and below the soil surface, on the real estate, all in compliance with all applicable governmental requirements, and perform all soil grading to put the real estate in farmable condition. Upon completion of these conditions, Grantee shall transfer the real estate to Grantor for no monetary consideration from Grantor.

ATTEST: [Signature]
Printed Name: Rick Bryan, Secretary

Bryan Farms, Inc.
BY: [Signature]
Printed Name: Jerry K. Bryan, President

STATE OF KANSAS)
) SS.
COUNTY OF BROWN) Reserved for Register of Deeds

This instrument was acknowledged before me on the 31st day of August, 2018, by Jerry K. Bryan as President of Bryan Farms, Inc.

[Signature]
Printed Name: Del D. Elffner

Notary Public in and for the State of Kansas
My appointment Expires: 7-14-2021



State of Kansas, Brown County SS.
Filed for record 09/04/2018 at 09:25 AM
Book 490 Page 892-893 Fee: \$38.00
[Signature]
REGISTRAR OF DEEDS
By _____ Deputy
Index 01407 Comp Org Water Resources
SVC#: 180193 LOC#: Received

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STATE OF KANSAS

DEPARTMENT OF AGRICULTURE
1320 RESEARCH PARK DRIVE
MANHATTAN, KS 66502
PHONE: (785) 564-6700
FAX: (785) 564-6777

900 SW JACKSON, ROOM 456
TOPEKA, KS 66612
PHONE: (785) 296-3556
www.agriculture.ks.gov



GOVERNOR JEFF COLYER, M.D.
JACKIE McCLASKEY, SECRETARY OF AGRICULTURE

J-SIX ENTERPRISES, LLC EB NORTH FINISH SITE

January 4, 2019

JENNIFER GERETY
PO BOX 170
SENECA, KS 66538

RE: Application, File No. **50181**

Dear Sir or Madam:

The Division of Water Resources (Division) has received your application for a permit to appropriate water for beneficial use. Your application has been assigned the file number referenced above. Please be aware that the Division may have a large number of pending applications on hand at times and makes every attempt to process them in the order in which they are received. You will be contacted if additional information is required.

Please note, this letter only acknowledges receipt of your application and does not guarantee approval. In accordance with the provisions of the Kansas Water Appropriation Act, the use of water as proposed prior to approval of the application is unlawful.

Additional information about the process may be found on our website at agriculture.ks.gov/divisions-programs/dwr. If you have any other questions, please contact our office at 785-564-6640 or your local Topeka Field Office at 785-296-5733. If you call, please reference the file number so we can help you more efficiently.

Sincerely,

Brent Tournay, L.G.
Change Applications Unit Supervisor
Water Appropriation Program

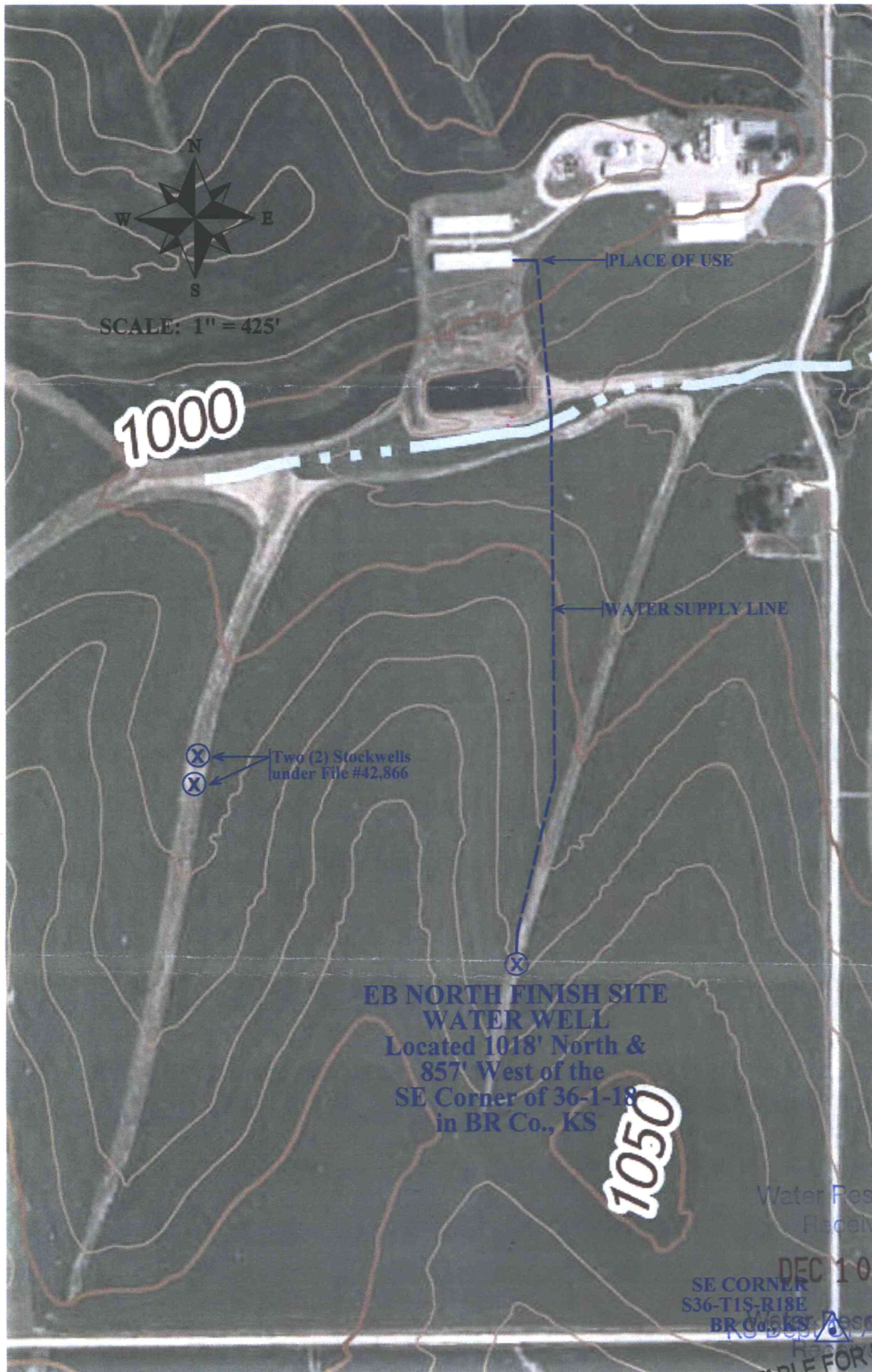
J-SIX ENTERPRISES, LLC

EB North Finish Site

Section 36, Township 1 South, Range 18 East
Brown County, Kansas

50181

USGS Topographic Map — White Cloud Quadrangle



NOTE: No other non-owned wells exist within one-half (1/2) mile of this well. The applicant must show two (2) stockwells under File #42866 that are 950 feet WNW.