

File No. **50,443** 15. Formation Code: **500** Drainage Basin: **SMOKY HILL RIVER** County: **CY** Special Use: Stream:

16. Points of Diversion											17. Rate and Quantity MOD ADDL QTY				
MOD DEL ENT	PDIV	Qualifier	S	T	R	ID	'N	'W			Rate gpm	Quantity mgy	Rate gpm	Quantity mgy	Overlap PD Files
√		88402 NW NW NE	4	10	2E	7	5104	2440	(Geo-Ctr)		99	19.805	99	0	NONE
√		88403 NW NW NE	4	10	2E	8	5066	2143	(Batt 1 of 2)						
√		88404 NE NE NW	4	10	2E	9	5143	2737	(Batt 1 of 2)						

18. Storage: Rate _____ NF Quantity _____ ac/ft Additional Rate _____ NF Additional Quantity _____ ac/ft

19. Limitation: **19.805 Million gallons** at _____ gpm (_____ cfs) when combined with file number(s) **50,442 (on Place of Use)**
 Limitation: _____ af/yr at _____ gpm (_____ cfs) when combined with file number(s) _____

20. Meter Required? Yes No To be installed by **12/31/2022** Date Acceptable Meter Installed _____

21. Place of Use T MOD DEL ENT	PUSE	S	T	R	ID	NE¼				NW¼				SW¼				SE¼				Total	Owner	Chg? NO	Overlap Files
						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				
√	70117	4	10S	2E	2	SWINE FACILITY (NW NE)																	7a.	No	50,442

Comments:

KANSAS DEPARTMENT OF AGRICULTURE
Division of Water Resources

M E M O R A N D U M

TO: Files

DATE: November 16, 2020

FROM: Doug Schemm

RE: Applications, File Nos. 50,442 & 50,443

Marc Henry has filed the referenced applications to appropriate groundwater from existing wells for stockwatering use at a hog facility located in the Northeast Quarter of Section 4, Township 10 South, Range 2 East, in Clay County. The two applications will overlap in place of use. The facility is located within the Smoky Hill River basin. The proposed place of use is wholly owned by the applicant, and the application forms have been signed by the applicant, stating he has access to the points of diversion.

Application, File No. 50,442 is requesting 19.805 million gallons (60.78 acre-feet) of groundwater, at a rate of diversion of 99 gallons per minute, from an existing battery of three wells. Application, File No. 50,443 is requesting 19.805 million gallons (60.78 acre-feet) of groundwater, at a rate of diversion of 99 gallons per minute from an existing battery of two wells. As noted, these are existing wells and their specific locations have been located using GPS data.

The applicant has provided information with the new application, to justify the requested quantity of water, as follows: Drinking Water for 6,196 head of hogs (sows, finishing, and nursery) = 12.645 million gallons. Servicing, cooling, and sanitation = 7.158 million gallons, for a total of 19.803 million gallons (60.78 acre-feet). The junior application will be limited to 19.805 million gallons when combined with the senior file, providing no additional water, but will provided flexibility in pumping the wells.

The applicant has provided well logs that depict alternating shales and limestones, which are likely sourcing the Permian system (most likely the Sumner or Chase Group). The primary aquifer appears to be a weathered limestone layer extending from roughly 50 feet to 60 feet below ground surface. In general, total depths of the wells range from 90 to 110 feet, with depths to groundwater ranging from 48 feet to 56 feet or more below ground surface. Well production rates are typically low (30 to 50 gpm).

In keeping with area senior files, safe yield was evaluated using the extent of the bedrock aquifer, which is also consistent with other applications completed in this area of the state. Using the extent of the bedrock aquifer as the area of consideration provides a total of 8,042 acres for both files. For File No. 50,442 potential recharge is 2.6 inches, with 100% available for appropriation, safe yield was determined to be 1,742.54 acre-feet. With only 216.4 acre-feet previously appropriated in this area, there is sufficient quantity of water available for appropriation, and this application meets safe yield criteria. For File No. 50,443 potential recharge is 2.6 inches, with 100% available for appropriation, safe yield was determined to be 1,742.54 acre-feet. With only 277.17 acre-feet previously appropriated in this area, there is sufficient quantity of water available for appropriation, and this application meets safe yield criteria.

A review of the well logs show that water was encountered at the same depth as static water levels or slightly below the static level. This indicates that the bedrock aquifer is under semi-confined conditions. This is typical for wells in this area where the limestone strata are believed to be the water source for the wells. Since the aquifer is likely confined, K.A.R. 5-3-14 describes the methodology to determine safe yield, as follows:

- (a) Each application to appropriate water from a confined aquifer shall be processed on a case by case basis so that the safe yield of the source of water supply is not exceeded.
- (b) Until a specific regulation is adopted by the chief engineer for the confined source of water supply, the analysis shall be made using the best information reasonably available to the chief engineer.

No specific regulation has been adopted by the chief engineer for the Permian bedrock aquifer; therefore the best information available should be utilized. The potential annual recharge established for this area for unconfined aquifers (2.6 inches) would provide a maximum quantity of recharge possible. Although it is likely that the confined bedrock aquifer system would receive somewhat less recharge than a near-surface, unconfined aquifer, this safe yield value for unconfined aquifers per K.A.R. 5-3-11 provides a maximum quantity of water available in the area of consideration. If there is a significant quantity of water still remaining, then even with significant reduced recharge to the confined aquifer (in this case it would require only 19% of the maximum recharge value or 0.5 inches of recharge) there would still be sufficient water available. Therefore, based on the above discussion, it appears that these applications can be approved per K.A.R. 5-3-14, using the best information reasonably available to the chief engineer.

The applicant did not identify any other wells within one-half ($\frac{1}{2}$) mile of the proposed points of diversion. A review of aerial photographs supports that there are no nearby structures or facilities that would indicate domestic wells. Therefore, no notification letters were required. Both of the applications comply with minimum well spacing criteria of 1,320 feet to all other existing non-domestic wells. However, the geographic centers of the two well batteries requested under these applications do not meet spacing to each other, being located 1,150 feet apart. There are several unique circumstances that should be considered in this specific instance regarding minimum well spacing.

- These wells for stockwatering use are operated as a system supplying water to the same hog facility, and are not likely to be separated or divided in any way in the future.
- The wells are not typically pumped at the same time, and they are pumped based on water supply demands at the hog facility, not on a continuous basis. This operational flexibility in pumping sources will provide for more efficient management of the source of supply.
- The applicant has stated that these are all low yield wells and will not affect each other. Pumping at these low rates will minimize any potential drawdown.
- All nearby wells are owned by the applicant.

Therefore, per K.A.R. 5-4-4, the required minimum well spacing criteria is not necessary to prevent direct impairment in this specific instance, and the proposed well spacing is sufficient to prevent direct impairment and to protect the public interest. Both new appropriations will be limited to a maximum pumping rate of only 99 gpm.

In accordance with K.S.A. 82a-706c, the Chief Engineer retains full authority to require any water user to install meters, gages, or other measuring devices, which devices he or she or his or her agents may read at any time. Water flowmeter requirements are further described in K.A.R. 5-1-4 through K.A.R. 5-1-12. If any chemical or foreign substance is injected into the water pumped under these permits, check valves will also need to be installed.

In a November 9, 2020 e-mail, Katie Tietsort, Water Commissioner, Topeka Field Office, recommended approval of the referenced applications. Based on the above discussion, reduced well spacing and safe yield criteria are met, and approval of the applications will not impair senior water rights nor prejudicially or unreasonably affect the public interest, it is recommended that the referenced new applications be approved.

Douglas W. Schemm
Environmental Scientist
Topeka Field Office

Schemm, Doug [KDA]

From: Tietsort, Katie [KDA]
Sent: Monday, November 9, 2020 3:37 PM
To: Schemm, Doug [KDA]
Subject: RE: Marc Henry 50442 & 50443

Thank you. You may proceed.

Katie Tietsort
Water Commissioner

Katie.Tietsort@ks.gov

785-296-5733

PLEASE NOTE OUR NEW ADDRESS:
Kansas Department of Agriculture
Topeka Field Office
1131 SW Winding Rd, Suite 400
Topeka, KS 66615

From: Schemm, Doug [KDA] <Doug.Schemm@ks.gov>
Sent: Monday, November 9, 2020 9:44 AM
To: Tietsort, Katie [KDA] <Katie.Tietsort@ks.gov>
Subject: RE: Marc Henry 50442 & 50443

From: Tietsort, Katie [KDA]
Sent: Friday, November 6, 2020 5:33 PM
To: Schemm, Doug [KDA] <Doug.Schemm@ks.gov>
Subject: RE: Marc Henry 50442 & 50443

Hi Doug,

So please correct me if I am wrong, but I am not seeing any map that clearly depicts the wells being proposed by each individual file and the exact place of use that is requested. I am seeing the same map in both files that shows a total of, I think, five wells. I do not understand what is being proposed.

Katie Tietsort
Water Commissioner

Katie.Tietsort@ks.gov

785-296-5733

PLEASE NOTE OUR NEW ADDRESS:
Kansas Department of Agriculture
Topeka Field Office
1131 SW Winding Rd, Suite 400
Topeka, KS 66615

From: Schemm, Doug [KDA] <Doug.Schemm@ks.gov>
Sent: Thursday, November 5, 2020 12:07 PM

To: Tietsort, Katie [KDA] <Katie.Tietsort@ks.gov>

Subject: Marc Henry 50442 & 50443

New Hog facility for Marc. These are all existing wells and Duane has located all the wells.

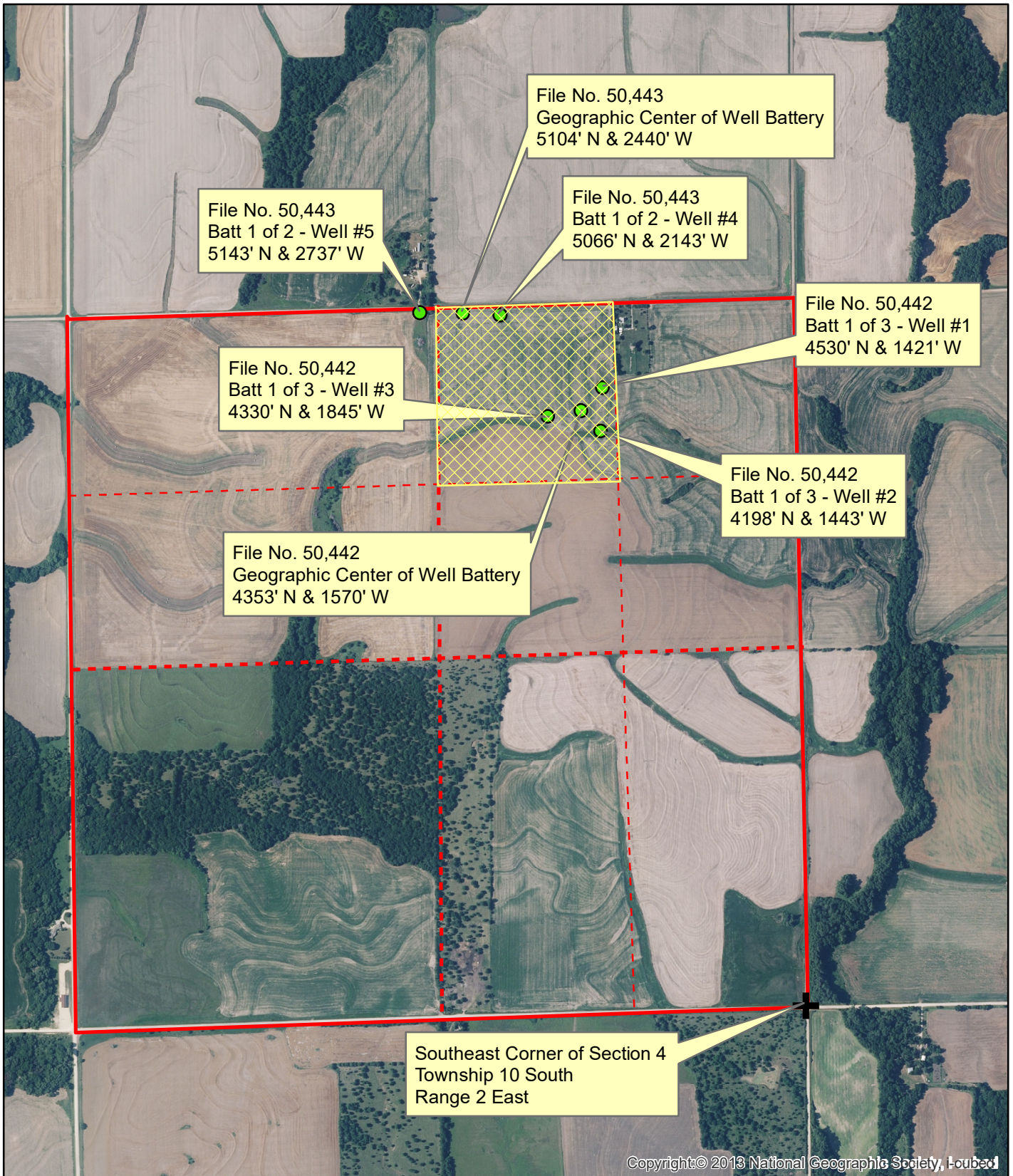
The geo-centers are 1,150 feet apart, so just shy of the 1,320 feet. However, these are low yield bedrock wells, and there is nothing else out there but the Henrys, so no problem.

Please review,

Doug

MARC HENRY
FILE NOS. 50,442 & 50,443 - SITE MAP

1:12,000



 Proposed Place of Use (STK)

 Proposed Point of Diversion



Safe Yield Report Sheet
Water Right- A5044300
Point of Diversion in 04-10S-02E
Footages from SE corner- 5,104 feet North 2,440 feet West



Analysis Results

The selected PD is in an area OPEN to new appropriations.

The safe yield based on the variables listed below is 1,742.54 AF.

Total prior appropriations in the circle is 337.94 AF. - 60.77 AF = 277.17 AF

Total quantity of water available for appropriation is ~~1,404.60 AF.~~
1,465.42 AF

Application File No. 50,443 - Requesting 60.77 AF
Meets Safe Yield dws/dwr 11/5/20

Safe Yield Variables

The area used for the analysis is set at 8,042 acres.

The potential annual recharge at the circle center is estimated to be 2.6 inches.

The percent of recharge available for appropriation is 100%.

Authorized Quantity values are as of 05-NOV-2020 and are based on Appropriated and Vested ground water right and possible stream nodes for GMD #2. Domestic, Term and Temporary water rights have been excluded.

There are 11 water rights and 20 points of diversion within the circle.

File Number	Use	ST	SR	Q4	Q3	Q2	Q1	FeetN	FeetW	Sec	Twp	Rng	ID	Qind	Auth Quant	Add Quant	Tot Acres	Net Acres
A 40732 00	STK	NK	G		NE	NW	NW	4972	4014	08	10	02E	1	WR	39.90	39.90		
Same	STK	NK	G		NE	NW	NW	4880	4138	08	10	02E	5	WR				
Same	STK	NK	G		NE	NW	NW	4852	4142	08	10	02E	2	WR				
Same	STK	NK	G		NE	NW	NW	4815	4258	08	10	02E	3	WR				
A 40733 00	STK	NK	G		SW	NE	SE	1770	776	05	10	02E	1	WR	8.59	8.59		
A 41101 00	STK	NK	G		SE	NW	NW	4353	4116	08	10	02E	4	WR	29.91	4.75		
Same	STK	NK	G		SE	NW	NW	4399	4210	08	10	02E	6	WR				
Same	STK	NK	G		SE	NW	NW	4444	4303	08	10	02E	7	WR				
A 41102 00	STK	NK	G		NW	SE	SE	688	999	05	10	02E	3	WR	3.76	0.49		
A 45857 00	STK	NK	G		SE	SW	NW	3121	4116	08	10	02E	8	WR	10.54	0.00		
Same	STK	NK	G		SE	SW	NW	3048	4250	08	10	02E	9	WR				
Same	STK	NK	G		SE	SW	NW	3085	4183	08	10	02E	10	WR				
A 47553 00	STK	LR	G		SW	NW	SE	1550	2100	05	10	02E	6	WR	67.21	67.21		
A 49930 00	STK	KE	G		SE	SW	NW	3121	4116	08	10	02E	8	WR	123.00	78.42		
Same	STK	KE	G		SE	SW	NW	3048	4250	08	10	02E	9	WR				
Same	STK	KE	G		SE	SW	NW	3085	4183	08	10	02E	10	WR				
A 50140 00	STK	GY	G		SW	NE	SE	1770	776	05	10	02E	1	WR	46.03	17.04		
A 50141 00	STK	GY	G		NW	SE	SE	688	999	05	10	02E	3	WR	46.03	0.00		
A 50442 00	STK	AY	G				NE	4353	1570	04	10	02E	3	WR	60.77	60.77		
Same	STK	AY	G		SE	NW	NE	4530	1421	04	10	02E	4	WR				
Same	STK	AY	G		SE	NW	NE	4198	1443	04	10	02E	5	WR				
Same	STK	AY	G		SE	NW	NE	4330	1845	04	10	02E	6	WR				
A 50443 00	STK	AY	G		NW	NW	NE	5104	2440	04	10	02E	7	WR	60.77	60.77		
Same	STK	AY	G		NW	NW	NE	5066	2143	04	10	02E	8	WR				
Same	STK	AY	G		NE	NE	NW	5143	2737	04	10	02E	9	WR				

Limitations

File Number	Seq Num	Limitations
A 41101 00	1	14.547MGY COM/W #40732
A 41102 00	2	2.958MGY COM/W #40733
A 45857 00	2	14.547 MGY COM/W #40732 & #41101
A 49930 00	1	40.08 MGY COM/W #40732, #41101 & #45857 (ON P/U)
A 50140 00	1	30.41 MGY COM/W #40733, #41102 & #47553 (ON P/U)
Same	2	99 GPM COM/W #40733
A 50141 00	1	30.41 MGY COM/W #40733, #41102, #47553 & #50140 (ON P/U)
Same	2	99 GPM COM/W #41102

Report Date: Thursday, November 5 2020

AMOUNT STATISTICS REPORT FOR POINTS OF DIVERSION UNDER A 50443 00

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AMOUNT STATISTICS REPORT FOR POINTS OF DIVERSION UNDER A 50443 00 STK

Water Right and Points of Diversion Within 2.00 of a point defined as:

5104 Feet North and 2440 Feet West of the Southeast Corner of Section 4 Twp 10S Rng 2E

GROUNDWATER ONLY

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File Number	Use	ST	SR	Dist	(ft)	Q4	Q3	Q2	Q1	FeetN	FeetW	Sec	Twp	Rng	ID	Batt	Auth_Quan	Add_Quan	
A__ AF	40732	00	STK	NK	G	8819	--	NE	NW	NW	4972	4014	8	10	2E	1	B3	39.90	39.90
Same						8973	--	NE	NW	NW	4880	4138	8	10	2E	5	G3		
Same						8994	--	NE	NW	NW	4852	4142	8	10	2E	2	B3		
Same						9107	--	NE	NW	NW	4815	4258	8	10	2E	3	B3		
A__ AF	40733	00	STK	NK	G	5029	--	SW	NE	SE	1770	776	5	10	2E	1		8.59	8.59
A__ AF	41101	00	STK	NK	G	9292	--	SE	NW	NW	4353	4116	8	10	2E	4	B2	29.91	4.75
Same						9332	--	SE	NW	NW	4399	4210	8	10	2E	6	G2		
Same						9376	--	SE	NW	NW	4444	4303	8	10	2E	7	B2		
A__ AF	41102	00	STK	NK	G	5957	--	NW	SE	SE	688	999	5	10	2E	3		3.76	.48
A__ AF	45857	00	STK	NK	G	10140	--	SE	SW	NW	3121	4116	8	10	2E	8	B2	10.54	.00
Same						10214	--	SE	SW	NW	3085	4183	8	10	2E	10	G2		
Same						10285	--	SE	SW	NW	3048	4250	8	10	2E	9	B2		
A__ AF	47553	00	STK	LR	G	6200	--	SW	NW	SE	1550	2100	5	10	2E	6		67.21	67.21
A__ AF	49930	00	STK	KE	G	10140	--	SE	SW	NW	3121	4116	8	10	2E	8	B2	123.00	78.42
Same						10214	--	SE	SW	NW	3085	4183	8	10	2E	10	G2		
Same						10285	--	SE	SW	NW	3048	4250	8	10	2E	9	B2		
A__ AF	50140	00	STK	GY	G	5029	--	SW	NE	SE	1770	776	5	10	2E	1		46.03	17.04
A__ AF	50141	00	STK	GY	G	5957	--	NW	SE	SE	688	999	5	10	2E	3		46.03	.00
A__ AF	50442	00	STK	AY	G	976	--	SE	NW	NE	4330	1845	4	10	2E	6	B3	60.77	60.77
Same						1149	--	--	--	NE	4353	1570	4	10	2E	3	G3		
Same						1169	--	SE	NW	NE	4530	1421	4	10	2E	4	B3		
Same						1347	--	SE	NW	NE	4198	1443	4	10	2E	5	B3		
A__ AF	50443	00	STK	AY	G	0	--	NW	NW	NE	5104	2440	4	10	2E	7	G2	60.77	60.77
Same						299	--	NW	NW	NE	5066	2143	4	10	2E	8	B2		
Same						300	--	NE	NE	NW	5143	2737	4	10	2E	9	B2		

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Total Net Quantities Authorized:	Direct	Storage
Total Requested Amount (AF) =	121.55	.00
Total Permitted Amount (AF) =	95.46	.00
Total Inspected Amount (AF) =	67.21	.00
Total Pro_Cert Amount (AF) =	.00	.00
Total Certified Amount (AF) =	53.72	.00
Total Vested Amount (AF) =	.00	.00
TOTAL AMOUNT (AF) =	337.94	.00

An * after the source of supply indicates a pending application for change under the file number.
 An * after the ID indicates a 15 AF exemption was granted under the file number.
 A "G" in the Batt column indicates the GEO CTR of a battery. A "B" indicates a well in the battery.
 The number in the Batt column is the number of wells in the battery.

Water Right and Points of Diversion Within 2.00 of a point defined as:

5104 Feet North and 2440 Feet West of the Southeast Corner of Section 4 Twp 10S Rng 2E

GROUNDWATER ONLY

WATER USE CORRESPONDENTS:

File Number Use ST SR

> HENRYS LIMITED
>
> 615 INDIAN RD
> LONGFORD KS 67458

> HENRY 5 LLC
>
> 875 6TH RD
> LONGFORD KS 67458

> HENRYS LIMITED
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> 615 INDIAN RD
> LONGFORD KS 67458

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> LONGFORD KS 67458

> HENRY 5 LLC
>
> 875 6TH RD
> LONGFORD KS 67458

> HENRY 5 LLC
>
> 875 6TH RD
> LONGFORD KS 67458

> MARC HENRY
>
> 875 6TH ROAD
> LONGFORD KS 67458

> MARC HENRY
>
> 875 6TH ROAD
> LONGFORD KS 67458

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AMOUNT STATISTICS REPORT FOR POINTS OF DIVERSION UNDER A 50443 00 STK
Water Right and Points of Diversion Within 2.00 of a point defined as:
5066 Feet North and 2143 Feet West of the Southeast Corner of Section 4 Twp 10S Rng 2E
GROUNDWATER ONLY

File Number Use ST SR Dist (ft) Q4 Q3 Q2 Q1 FeetN FeetW Sec Twp Rng ID Batt Auth_Quan Add_Quan
Unit

A__	40732	00	STK	NK	G	9031	--	NE	NW	NW	4972	4014	8	10	2E	1	B3	39.90	39.90
AF																			
Same						9186	--	NE	NW	NW	4880	4138	8	10	2E	5	G3		
Same						9205	--	NE	NW	NW	4852	4142	8	10	2E	2	B3		
Same						9320	--	NE	NW	NW	4815	4258	8	10	2E	3	B3		
A__	40733	00	STK	NK	G	5228	--	SW	NE	SE	1770	776	5	10	2E	1		8.59	8.59
AF																			
A__	41101	00	STK	NK	G	9494	--	SE	NW	NW	4353	4116	8	10	2E	4	B2	29.91	4.75
AF																			
Same						9537	--	SE	NW	NW	4399	4210	8	10	2E	6	G2		
Same						9583	--	SE	NW	NW	4444	4303	8	10	2E	7	B2		
A__	41102	00	STK	NK	G	6130	--	NW	SE	SE	688	999	5	10	2E	3		3.76	.48
AF																			
A__	45857	00	STK	NK	G	10321	--	SE	SW	NW	3121	4116	8	10	2E	8	B2	10.54	.00
AF																			
Same						10395	--	SE	SW	NW	3085	4183	8	10	2E	10	G2		
Same						10467	--	SE	SW	NW	3048	4250	8	10	2E	9	B2		
A__	47553	00	STK	LR	G	6423	--	SW	NW	SE	1550	2100	5	10	2E	6		67.21	67.21
AF																			
A__	49930	00	STK	KE	G	10321	--	SE	SW	NW	3121	4116	8	10	2E	8	B2	123.00	78.42
AF																			
Same						10395	--	SE	SW	NW	3085	4183	8	10	2E	10	G2		
Same						10467	--	SE	SW	NW	3048	4250	8	10	2E	9	B2		
A__	50140	00	STK	GY	G	5228	--	SW	NE	SE	1770	776	5	10	2E	1		46.03	17.04
AF																			
A__	50141	00	STK	GY	G	6130	--	NW	SE	SE	688	999	5	10	2E	3		46.03	.00
AF																			
A__	50442	00	STK	AY	G	794	--	SE	NW	NE	4330	1845	4	10	2E	6	B3	60.77	60.77
AF																			
Same						899	--	SE	NW	NE	4530	1421	4	10	2E	4	B3		
Same						915	--	--	--	NE	4353	1570	4	10	2E	3	G3		
Same						1115	--	SE	NW	NE	4198	1443	4	10	2E	5	B3		
A__	50443	00	STK	AY	G	0	--	NW	NW	NE	5066	2143	4	10	2E	8	B2	60.77	60.77
AF																			
Same						299	--	NW	NW	NE	5104	2440	4	10	2E	7	G2		
Same						599	--	NE	NE	NW	5143	2737	4	10	2E	9	B2		

Total Net Quantities Authorized:	Direct	Storage
Total Requested Amount (AF) =	243.10	.00
Total Permitted Amount (AF) =	190.92	.00
Total Inspected Amount (AF) =	134.42	.00
Total Pro_Cert Amount (AF) =	.00	.00
Total Certified Amount (AF) =	107.44	.00
Total Vested Amount (AF) =	.00	.00
TOTAL AMOUNT (AF) =	675.87	.00

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Water Right and Points of Diversion Within 2.00 of a point defined as:

5066 Feet North and 2143 Feet West of the Southeast Corner of Section 4 Twp 10S Rng 2E

GROUNDWATER ONLY

WATER USE CORRESPONDENTS:

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=====
File Number      Use ST SR
> HENRYS LIMITED
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> 615 INDIAN RD
> LONGFORD KS 67458
>-----
> HENRY 5 LLC
>
> 875 6TH RD
> LONGFORD KS 67458
>-----
    
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> HENRYS LIMITED
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> 615 INDIAN RD
> LONGFORD KS 67458
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> HENRY 5 LLC
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> 875 6TH RD
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> HENRYS LIMITED
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> LONGFORD KS 67458
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> MARC HENRY
>
> 875 6TH ROAD
> LONGFORD KS 67458
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> MARC HENRY
>
> 875 6TH ROAD
> LONGFORD KS 67458
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AMOUNT STATISTICS REPORT FOR POINTS OF DIVERSION UNDER A 50443 00 STK
Water Right and Points of Diversion Within 2.00 of a point defined as:
5143 Feet North and 2737 Feet West of the Southeast Corner of Section 4 Twp 10S Rng 2E
GROUNDWATER ONLY
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File Number	Use	ST	SR	Dist (ft)	Q4	Q3	Q2	Q1	FeetN	FeetW	Sec	Twp	Rng	ID	Batt	Auth_Quan	Add_Quan					
A__ 40732	00	STK	NK	G					8612	--	NE	NW	NW	4972	4014	8	10	2E	1	B3	39.90	39.90
AF																						
Same									8767	--	NE	NW	NW	4880	4138	8	10	2E	5	G3		
Same									8787	--	NE	NW	NW	4852	4142	8	10	2E	2	B3		
Same									8900	--	NE	NW	NW	4815	4258	8	10	2E	3	B3		
A__ 40733	00	STK	NK	G					4841	--	SW	NE	SE	1770	776	5	10	2E	1		8.59	8.59
AF																						
A__ 41101	00	STK	NK	G					9096	--	SE	NW	NW	4353	4116	8	10	2E	4	B2	29.91	4.75
AF																						
Same									9133	--	SE	NW	NW	4399	4210	8	10	2E	6	G2		
Same									9175	--	SE	NW	NW	4444	4303	8	10	2E	7	B2		
A__ 41102	00	STK	NK	G					5795	--	NW	SE	SE	688	999	5	10	2E	3		3.76	.48
AF																						

A__	45857	00	STK	NK	G	9965	--	SE	SW	NW	3121	4116	8	10	2E	8	B2	10.54	.00
AF																			
Same						10038	--	SE	SW	NW	3085	4183	8	10	2E	10	G2		
Same						10109	--	SE	SW	NW	3048	4250	8	10	2E	9	B2		
A__	47553	00	STK	LR	G	5985	--	SW	NW	SE	1550	2100	5	10	2E	6		67.21	67.21
AF																			
A__	49930	00	STK	KE	G	9965	--	SE	SW	NW	3121	4116	8	10	2E	8	B2	123.00	78.42
AF																			
Same						10038	--	SE	SW	NW	3085	4183	8	10	2E	10	G2		
Same						10109	--	SE	SW	NW	3048	4250	8	10	2E	9	B2		
A__	50140	00	STK	GY	G	4841	--	SW	NE	SE	1770	776	5	10	2E	1		46.03	17.04
AF																			
A__	50141	00	STK	GY	G	5795	--	NW	SE	SE	688	999	5	10	2E	3		46.03	.00
AF																			
A__	50442	00	STK	AY	G	1207	--	SE	NW	NE	4330	1845	4	10	2E	6	B3	60.77	60.77
AF																			
Same						1409	--	--	--	NE	4353	1570	4	10	2E	3	G3		
Same						1452	--	SE	NW	NE	4530	1421	4	10	2E	4	B3		
Same						1602	--	SE	NW	NE	4198	1443	4	10	2E	5	B3		
A__	50443	00	STK	AY	G	0	--	NE	NE	NW	5143	2737	4	10	2E	9	B2	60.77	60.77
AF																			
Same						300	--	NW	NW	NE	5104	2440	4	10	2E	7	G2		
Same						599	--	NW	NW	NE	5066	2143	4	10	2E	8	B2		

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Total Net Quantities Authorized:   Direct           Storage
Total Requested Amount (AF) =     364.65           .00
Total Permitted Amount (AF) =     286.37           .00
Total Inspected Amount (AF) =     201.63           .00
Total Pro_Cert Amount (AF) =         .00           .00
Total Certified Amount (AF) =     161.16           .00
Total Vested Amount (AF) =         .00           .00
TOTAL AMOUNT (AF) =     1013.81           .00
    
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An * after the source of supply indicates a pending application for change under the file number.
 An * after the ID indicates a 15 AF exemption was granted under the file number.
 A "G" in the Batt column indicates the GEO CTR of a battery. A "B" indicates a well in the battery.
 The number in the Batt column is the number of wells in the battery.

Water Right and Points of Diversion Within 2.00 of a point defined as:

5143 Feet North and 2737 Feet West of the Southeast Corner of Section 4 Twp 10S Rng 2E

GROUNDWATER ONLY
 WATER USE CORRESPONDENTS:

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File Number      Use ST SR
> HENRYS LIMITED
>
> 615 INDIAN RD
> LONGFORD KS 67458
>-----
> HENRY 5 LLC
>
> 875 6TH RD
> LONGFORD KS 67458
>-----
> HENRYS LIMITED
>
> 615 INDIAN RD
> LONGFORD KS 67458
>-----
> HENRY 5 LLC
>
> 875 6TH RD
> LONGFORD KS 67458
>-----
> HENRYS LIMITED
>
> 615 INDIAN RD
    
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> LONGFORD KS 67458
>-----
> HENRY 5 LLC
>
> 875 6TH RD
> LONGFORD KS 67458
>-----
> HENRYS LIMITED
>
> 615 INDIAN RD
> LONGFORD KS 67458
>-----
> HENRY 5 LLC
>
> 875 6TH RD
> LONGFORD KS 67458
>-----
> HENRY 5 LLC
>
> 875 6TH RD
> LONGFORD KS 67458
>-----
> MARC HENRY
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> 875 6TH ROAD
> LONGFORD KS 67458
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> MARC HENRY
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> 875 6TH ROAD
> LONGFORD KS 67458
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THE STATE OF KANSAS



KANSAS DEPARTMENT OF AGRICULTURE
Mike Beam, Secretary of Agriculture

DIVISION OF WATER RESOURCES
Earl D. Lewis Jr., 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. 50,443** of the applicant

**MARC HENRY
875 6TH ROAD
LONGFORD KS 67458**

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 **September 9, 2020**.
2. That the water sought to be appropriated shall be used for stockwatering use in the Northwest Quarter of the Northeast Quarter (NW $\frac{1}{4}$ NE $\frac{1}{4}$) of Section 4, Township 10 South, Range 2 East, Clay County, Kansas.
3. That the authorized source from which the appropriation shall be made is groundwater, to be withdrawn by means of a battery of two (2) wells with a geographic center located in the Northwest Quarter of the Northwest Quarter of the Northeast Quarter (NW $\frac{1}{4}$ NW $\frac{1}{4}$ NE $\frac{1}{4}$) of Section 4, more particularly described as being near a point 5,104 feet North and 2,440 feet West of the Southeast corner of said section, in Township 10 South, Range 2 East, Clay County, Kansas, located substantially as shown on the map accompanying the application.
4. That the appropriation sought shall be limited to a maximum diversion rate not in excess of **99 gallons per minute** (0.22 c.f.s.) and to a quantity not to exceed **19.805 million gallons** (60.78 acre-feet) of water for any calendar year.
5. That installation of works for diversion of water shall be completed on or before **December 31, 2022**, 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 accompanied by the required statutory fee, which is currently \$100.00.
6. That the proposed appropriation shall be perfected by the actual application of water to the proposed beneficial use on or before **December 31, 2026**, 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.

7. 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.

8. 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.

9. 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.

10. 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.

11. That all 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 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.

12. That all wells with a diversion rate of 100 gallons per minute or more drilled under the authority of this permit shall have a tube or other device installed in a manner acceptable to, and in accordance with specifications adopted by, the Chief Engineer. This tube or device shall be suitable for making water level measurements and shall be maintained in a condition satisfactory to the Chief Engineer.

13. That an acceptable water flow meter shall be installed and maintained on the diversion works authorized by this permit in accordance 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).

14. 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.

15. That no water user shall engage in nor allow the waste of any water diverted under the authority of this permit.

16. 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.

17. 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.

18. That this permit is limited such that all wells shall be located within a three hundred (300) foot radius circle, in the same local source of supply, and shall supply water to a common distribution system.

19. That the quantity of water approved under this permit is further limited to the quantity which combined with Appropriation of Water, File No. 50,442, will provide a **total not to exceed 19.805 million gallons** of water per calendar year for stockwatering use as described herein.

Ordered this 8 day of March, 2021, in Manhattan, Riley 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 8 day of March, 2021, by Lane P. Letourneau, P.G., Program Manager, Division of Water Resources, Kansas Department of Agriculture.



Ashlee Freeman

Notary Public

1320 Research Park Drive
Manhattan, KS 66502
785-564-6700
www. agriculture.ks.gov



900 SW Jackson, Room 456
Topeka, KS 66612
785-296-3556

Mike Beam, Secretary

Laura Kelly, Governor

March 11, 2021

MARC HENRY
875 6TH ROAD
LONGFORD KS 67458

RE: Appropriation of Water, File Nos. 50,442 and 50,443

Dear Mr. Henry:

Enclosed are permits authorizing you to proceed with construction of the proposed diversion works and to appropriate water for beneficial use as set forth in these permits. Your attention is directed to the enclosures and to the terms, conditions, limitations, and requirements specified in these permits.

Notices must be filed on the enclosed forms once the diversion works have been completed. Failure to complete the diversion works within the time allowed, or within any authorized extension of time thereof, will result in dismissal of these permits. If you need an extension of time, you must request it before the deadline for completion set forth in the permits. Any request for an extension of time must be accompanied by the statutorily required fee, which is currently \$100.00 per file number.

Acceptable water flowmeters must be installed on the diversion works authorized by these permits prior to using water. Annual water use reports must be filed with the Chief Engineer by March 1, following the end of each calendar year. If complete annual water use reports are not received by the deadline, then a fine may be assessed and all water use under such permit or right may be suspended. Reports submitted in paper form will be assessed a \$20 per file number paper filing fee. In order to avoid this filing fee, you may submit your reports online at www.kswaterusereport.org.

The approvals of your applications constitute permits to appropriate water. It does not give authority to construct any dam or other stream obstruction regulated by K.S.A. 82a-301 through 305a. It does not give authority to access any right-of-way or authorize trespassing upon or injury to public or private property. It may also be necessary for you to comply with other local, state or federal requirements.

Enclosed is an informational sheet that sets forth the procedure to obtain Certificates of Appropriation which will establish the extent of your perfected water rights. Additional information and applicable forms may be found on our website at agriculture.ks.gov/divisions-programs/dwr. If you have any questions or need assistance with any of these requirements, 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,

Kristen A. Baum
New Applications and Changes Supervisor
Division of Water Resources

KAB:dws
Enclosure(s)

pc: Topeka Field Office

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.

If neither a request for an evidentiary hearing nor a petition for administrative review is filed as set forth above, then this Order shall be effective and become a final agency action as defined in K.S.A. 77-607(b). Failure to timely request either an evidentiary hearing or administrative review may preclude further judicial review under the Kansas Judicial Review Act.

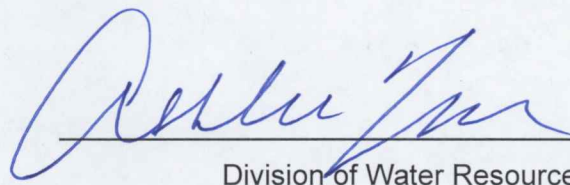
CERTIFICATE OF SERVICE

On this 11 day of march, 2021, I hereby certify that the foregoing Approval of Application, File No. 50,443, dated 8 march, 2021, was mailed postage prepaid, first class, US mail to the following:

MARC HENRY
875 6TH ROAD
LONGFORD KS 67458

With photocopies to:

Topeka Field Office



Division of Water Resources