

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

JUL 20 2021 11:25

KANSAS DEPARTMENT OF AGRICULTURE Mike Beam, Secretary of Agriculture

DIVISION OF WATER RESOURCES Earl D. Lewis Jr., Chief Engineer

File Number 50610 This item to be completed by the Division of Water Resources.

APPLICATION FOR PERMIT TO APPROPRIATE WATER FOR BENEFICIAL USE

Filing Fee Must Accompany the Application (Please refer to Fee Schedule attached to this application form.)

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

1. Name of Applicant (Please Print): Schwartz Wilke Farms, LLP Address: 32296 190th Street, SE City: Sleepy Eye State MN Zip Code 56085 Telephone Number: (507) 794-5779

2. The source of water is: [] surface water in (stream) OR [x] groundwater in Kansas 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 445 acre-feet OR 145 million gallons per calendar year, to be diverted at a maximum rate of 800 gallons per minute OR 1.8 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) [x] Stockwatering (h) [] Sediment Control (i) [] Domestic (j) [] Dewatering (k) [] Hydraulic Dredging (l) [] Fire Protection (m) [] Thermal Exchange (n) [] Contamination Remediation

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

For Office Use Only: F.O. 1 GMD Meets K.A.R. 5-3-1 (YES / NO) Use STK Source G / S County MR By BMM Date 7/20/2021 Code RE3 Fee \$ 340 TR # Receipt Date 7/20/21 Check # 108749

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.

Battery Geocenter

- (A) One in the SW quarter of the SW quarter of the SE quarter of Section 3, more particularly described as being near a point 251 feet North and 2475 feet West of the Southeast corner of said section, in Township 16 South, Range 5 East West (circle one), Morris County, Kansas.
- (B) One in the SW quarter of the SW quarter of the SE quarter of Section 3, more particularly described as being near a point 384 feet North and 2573 feet West of the Southeast corner of said section, in Township 16 South, Range 5 East West (circle one), Morris County, Kansas.
- (C) One in the SW quarter of the SW quarter of the SE quarter of Section 3, more particularly described as being near a point 117 feet North and 2376 feet West of the Southeast corner of said section, in Township 16 South, Range 5 East West (circle one), Morris 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 July 16, 2021. X John Schwartz
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 three _____
(number of wells, pumps or dams, etc.)

and (was)(will be) completed (by) 10-1-2021
(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 10-1-2021
(Mo/Day/Year)

File No. _____

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 _____

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

- (a) The location of the proposed point(s) of diversion (wells, stream-bank installations, dams, or other diversion works) should be plotted as described in Paragraph No. 5 of the application, showing the North-South distance and the East-West distance from a section line or southeast corner of section.
- (b) If the application is for groundwater, please show the location of any existing water wells of any kind within ½ mile of the proposed well or wells. Identify each existing well as to its use and furnish the name and mailing address of the property owner or owners. If there are no wells within ½ mile, please advise us.
- (c) If the application is for surface water, the names and addresses of the landowner(s) ½ mile downstream and ½ mile upstream from your property lines must be shown.
- (d) The location of the proposed place of use should be shown by crosshatching on the topographic map, aerial photograph or plat.
- (e) Show the location of the pipelines, canals, reservoirs or other facilities for conveying water from the point of diversion to the place of use.

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

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

43819, 46351A

File No. _____

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 _____, _____
(month) (year)

X John Schwartz
(Applicant Signature)

By _____
(Agent or Officer Signature)

(Agent or Officer - Please Print)

Assisted by _____ Date: _____
(office/title)

FEE SCHEDULE

1. The fee for an application for a permit to appropriate water for beneficial use, except for domestic use, shall be (see paragraph No. 2 below if requesting storage):

ACRE-FEET	FEE
0-100	\$200.00
101-320	\$300.00
More than 320	\$300.00 plus \$20.00 for each additional 100 acre-feet or any part thereof.

2. The fee for an application in which storage is requested, except for domestic use, shall be:

ACRE-FEET	FEE
0-250	\$200.00
More than 250	\$200.00 plus \$20.00 for each additional 250 acre-feet of storage or any part thereof.

Note: If an application requests both direct use *and* storage, the fee charged shall be as determined under No. 1 or No. 2 above, whichever is greater, but not both fees.

3. The fee for an application for a permit to appropriate water for water power or dewatering purposes shall be \$100.00 plus \$200.00 for each 100 cubic feet per second, or part thereof, of the diversion rate requested.

Note: The applicant shall notify the Chief Engineer and pay the statutorily required field inspection fee of \$400.00 when construction of the works for diversion has been completed, except that for applications filed on or after July 1, 2009, for works constructed for sediment control use and for evaporation from a groundwater pit for industrial use shall be accompanied by a field inspection fee of \$200.00.

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

**STOCKWATER USE
SUPPLEMENTAL SHEET**

File No. _____

Name of Applicant (Please Print): Schwartz Wilke Farms, LLP

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

2. Please complete the following table showing past and present water requirements:

PAST NUMBER OF HEAD AND WATER DIVERTED, IF APPLICABLE

LAST 5 YEARS	NUMBER OF HEAD	WATER DIVERTED (GALLONS)	GALLONS PER HEAD PER DAY
5 years ago			
Last year	7,680	9.832 mgy	3.5
Present Year	16,904	155 mgy	25 proposed

3. Please complete the following table showing estimated future water requirements:

ESTIMATED FUTURE NUMBER OF HEAD AND WATER DIVERTED

NEXT 5 YEARS	NUMBER OF HEAD	WATER TO BE DIVERTED (GALLONS)	GALLONS PER HEAD PER DAY
Year 1	16,904	155 mgy	25
Year 2	16,904	155 mgy	25
Year 3	16,904	155 mgy	25
Year 4	16,904	155 mgy	25
Year 5	16,904	155 mgy	25

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

4. Please designate the legal description of the location where the water is to be used. Show in the space provided below the Section (S), Township (T), and Range (R), and the number of acres in each forty acre tract or fractional portion thereof.

S	T	R	NE¼				NW¼				SW¼				SE¼				TOTAL
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
3	16S	5E															20	20	40 +/-

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

DRINKING

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

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

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

COOLING

_____ gallons/hour x _____ hour/day x _____ days = _____ gallons

SANITATION

_____ g.p.m. x 60 min/hr x _____ hr/wk x _____ wks/yr = _____ gallons

OTHER USE (Explain) _____ = _____ gallons

TOTAL ----- _____ gallons

6. Show location of present and future location of confinement pens on your attached maps or photographs.
7. Total feed bunk space for cattle or livestock is _____ linear feet.
8. Total size of stock pens for confinement area of cattle, hogs, etc. is _____ square feet.

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

SHEET NO. 5644
 1 of 1
 DATE: 07-08-2021
 DRAWN BY: JAG
 CHECKED BY: JAG
 PROJECT NO.: 20082.2972
 PROJECT NAME: PLANT HILLS FORK
 PROJECT TYPE: GROUNDWATER MONITORING PLAN

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 DRAWN BY: JAG
 CHECKED BY: JAG
 DATE: 07-08-2021

NO.	REVISION	DATE

PROJECT NO.: 20082.2972
 PROJECT NAME: PLANT HILLS FORK
 PROJECT TYPE: GROUNDWATER MONITORING PLAN
 DRAWN BY: JAG
 CHECKED BY: JAG
 DATE: 07-08-2021

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 CHECKED BY: JAG
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SCALE: 1" = 200' FEET
 0 100 200
 N

SE COR. SECTION 1, T-16-S, R-5-E
 ACCEPTED BY WILLIAM C. DELKEN, LSJ201
 1. REBAR, DRIVEN UNMANNED
 PER LSWR DATED SEPTEMBER 21, 1999
 N 18233.4847
 E 20082.2972

SOUTH 1 COR.
 SECTION 1, T-16-S, R-5-E
 1. REBAR, DRIVEN UNMANNED
 PER LSWR DATED SEPTEMBER 21, 1999
 N 18233.4847
 E 14001.8926

EAST 4 COR. SE 1
 SECTION 1, T-16-S, R-5-E
 1. REBAR W/ LAMINAR
 ORANGE PLASTIC CAP STAMPED 75-1201

WEST 4 COR. SE 1
 SECTION 1, T-16-S, R-5-E
 1. REBAR W/ LAMINAR
 ORANGE PLASTIC CAP STAMPED 75-1201

map



Schwartz Farms

"Producing quality pork and creating opportunities for rural communities"

Schwartz Wilke Farms
(DBA Schwartz Farms Inc.)
32296 190th St
Sleepy Eye, MN 56085

WATER RESOURCES
RECEIVED

JUL 20 2021

KS DEPT OF AGRICULTURE

July 16th, 2021

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

Dear Division of Water Resources Team:

Enclosed you will find an application for permit to appropriate water for beneficial use for a swine production facility in the Herington, KS area. Schwartz Farms has been working on this with Lloyd Hemphill through our engineer, John George.

We are very excited to grow our family farm operation and begin doing business in Kansas. In fact, this expansion could not fit better with our mission statement... *"Producing quality pork and creating opportunities in rural communities."* We look forward to becoming a part of the local business community and adding value to the communities in the greater Morris County area.

As questions arise feel free to reach out to me at tschwartz@schwartzfarms.net or 507-276-3679 or Mr. George at johng@agengineering.com (620) 704-9122.

Sincerely,

Tim Schwartz
Director of Farrowing Operations

*In Nebraska, DBA Minnesota Schwartz Family Farms, Inc.
Integrity * Respect * Innovation * Adaptability * Excellence*

32296 190th Street | Sleepy Eye, MN 56085
Phone: 507.794.5779 | Fax: 507.794.5572

PO Box 306 | 168 N Main | Leigh, NE 68643
Phone: 402.487.2517 | Fax: 402.487.2212