

# NOTICE

This scan only represents the application as filed. The information contained herein meets the requirements of K.A.R. 5-3-1 or K.A.R. 5-5-1, and has been found acceptable for filing in the office of the Chief Engineer. The application should not be considered to be a complete application as per K.A.R. 5-3-1b or K.A.R. 5-5-2a.

# THE STATE OF KANSAS



**KANSAS DEPARTMENT OF AGRICULTURE**  
Mike Beam, Secretary of Agriculture

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

50792

File Number \_\_\_\_\_  
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.)

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MAY 20 2022

1:17

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*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: 3329 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                                     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 476 acre-feet OR 155,148,360 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) <input type="checkbox"/> Artificial Recharge	(b) <input type="checkbox"/> Irrigation	(c) <input type="checkbox"/> Recreational	(d) <input type="checkbox"/> Water Power
(e) <input type="checkbox"/> Industrial	(f) <input type="checkbox"/> Municipal	(g) <input checked="" type="checkbox"/> Stockwatering	(h) <input type="checkbox"/> Sediment Control
(i) <input type="checkbox"/> Domestic	(j) <input type="checkbox"/> Dewatering	(k) <input type="checkbox"/> Hydraulic Dredging	(l) <input type="checkbox"/> Fire Protection
(m) <input type="checkbox"/> Thermal Exchange	(n) <input type="checkbox"/> Contamination Remediation		

5/24/2022  
L Moody

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.

<b>For Office Use Only:</b>							
F.O. <u>1</u>	GMD	Meets K.A.R. 5-3-1 (YES/NO) <u>YES</u>	Use <u>STK</u>	Source <u>G/S</u>	County <u>MR</u>	By <u>BMM</u>	Date <u>5/23/22</u>
Code _____	<u>RE2</u>	Fee \$ <u>340</u>	TR # _____	Receipt Date <u>5-20-22</u>	Check # <u>109940</u>		

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.

**This location (A) represents both an individual well location and the geographic center of the battery of three wells.**

**5/23/2023  
LHH**

- (A) One in the SE quarter of the SE quarter of the SE quarter of Section 3, more particularly described as being near a point 500 feet North and 109 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 SE quarter of the SE quarter of the SE quarter of Section 3, more particularly described as being near a point 386 feet North and 116 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 SE quarter of the SE quarter of the SE quarter of Section 3, more particularly described as being near a point 614 feet North and 101 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):

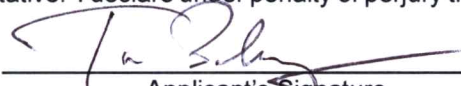
\_\_\_\_\_  
(name, address and telephone number)

\_\_\_\_\_  
(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 May 18, 2022.

  
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 wells  
(number of wells, pumps or dams, etc.)

and (was) (will be) completed (by) 4/25/2022  
(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 7/1/2022  
(Mo/Day/Year)

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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 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.

This application overlaps the place of use authorized by File Nos. 43819, 46351A, 50610 and

overlaps the points of diversion authorized by File Nos. 43819 and 46351A. This application will increase the authorized quantity for the eastern battery of wells to allow the full quantity of water justified for the facility to be withdrawn from either battery of wells, or any combination.

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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 Sleepy Eye, <sup>Minnesota</sup> Kansas, this 18<sup>th</sup> day of May, 2022.  
(month) (year)

  
\_\_\_\_\_  
(Applicant Signature)

By \_\_\_\_\_  
(Agent or Officer Signature)

\_\_\_\_\_  
(Agent or Officer - Please Print)

Assisted by \_\_\_\_\_ Date: \_\_\_\_\_  
(office/title)

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## FEE SCHEDULE

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

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

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

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

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

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

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

### MAKE CHECKS PAYABLE TO THE KANSAS DEPARTMENT OF AGRICULTURE

### ATTENTION

A Water Conservation Plan may be required per K.S.A. 82a-733. A statement that your application for permit to appropriate water may be subject to the minimum desirable streamflow requirements per K.S.A. 82a-703a, b, and c may also be required from you. After the Division of Water Resources has had the opportunity to review your application, you will be notified whether or not you will need to submit a Water Conservation Plan. You also may be required to install a water flow meter or water stage measuring device on your diversion works prior to diverting water. There may be other special conditions or Groundwater Management District regulations that you will need to comply with if this application is approved.

### CONVERSION FACTORS

1 acre-foot equals 325,851 gallons

1 million gallons equal 3.07 acre-feet

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WATER WELL RECORD (WWC-5)

Constructed

KOLAR DOC ID 1641541 WELL ID

Original Record Correction Change in Well Use

LOCATION OF WATER WELL

Table with location details: Latitude, Longitude, Section, Township, Range, Fraction, Datum, Elevation, County.

WATER WELL OWNER

Owner information: Name, Business, Address, Well location.

WELL WATER USE

Domestic Livestock/Pasture

COMPLETION

Completion details: Depth of completed well, Static water level, Measured below/above land surface, Estimated yield, Water level was, Pump installed, Water well disinfected, Date disinfected, Aquifer.

NEAREST SOURCE OF POTENTIAL CONTAMINATION

Contamination source details: Source, Distance from well, Direction from well, Source description.

CONSTRUCTION

Construction details: Borehole interval, Borehole diameter, Casing height above land surface, Casing type, Blank casing interval, Casing joints, Weight, Wall thickness, Grout interval, Grout material, Screen/perforation material, Screen/perforation openings, Screen/perforation intervals, Gravel pack intervals.

PERMIT & ID NUMBERS (AS REQUIRED)

Permit and ID numbers: DWR Application No., KDHE / EPA Project Code, Site Name, KDHE UIC Class V Form Completed, County Permit, Lease Name & Well #, # of boreholes, # of dewatering wells.

LITHOLOGIC LOG

Lithologic log table with columns: FROM, TO, LITHOLOGY INTERVALS.

COMMENTS

Comments section.

CONTRACTOR'S OR LANDOWNERS CERTIFICATION

Certification text: This water well was constructed/reconstructed pursuant to the stated water well contractor's license and was completed on 04/25/2022. I certify that this record is true to the best of my knowledge and belief. This water well record was completed on under the business name of Associated Drilling, Inc., Kansas Water Well Contractor's License No. 760 under the authority of the designated person as defined in K.A.R. 28-30-2(j) and signed and certified by the electronic signature of the designated person at its submittal: Darin Duncan.

Send one copy to WATER WELL OWNER and retain one for your records. Fee of \$5.00 for each constructed well.

KANSAS DEPARTMENT OF HEALTH AND ENVIRONMENT Bureau of Water, Geology Section, 1000 SW Jackson St., Suite 420, Topeka KS 66612-1367 (785) 296-3565 | K.S.A. 82a-1212 | v2022c

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Form	WWC5.2 - Water Well Record
Doc ID	1641541
Well Owner	Flint Hills Pork
Contractor	Associated Drilling, Inc.

Lithology

From	To	Lithology Intervals
0	5	clay,brown
5	14	shale,slightly weathered,tannish
14	24	limestone,slightly weathered
24	35	shale,slightly weathered,tannish
35	39	limestone,slightly weathered
39	52	shale,slightly weathered,tannish
52	62	shale,slightly weathered,reddish
62	65	shale,slightly weathered,tannish
65	76	shale,slightly weathered,reddish
76	81	limestone,slightly weathered
81	92	limestone,slightly weathered,soft
92	99	shale,slightly weathered,grayish
99	118	limestone,slightly weathered

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**DATA ENTRY SYSTEM ID NUMBER SHEET**

**FILE NUMBER** 50792

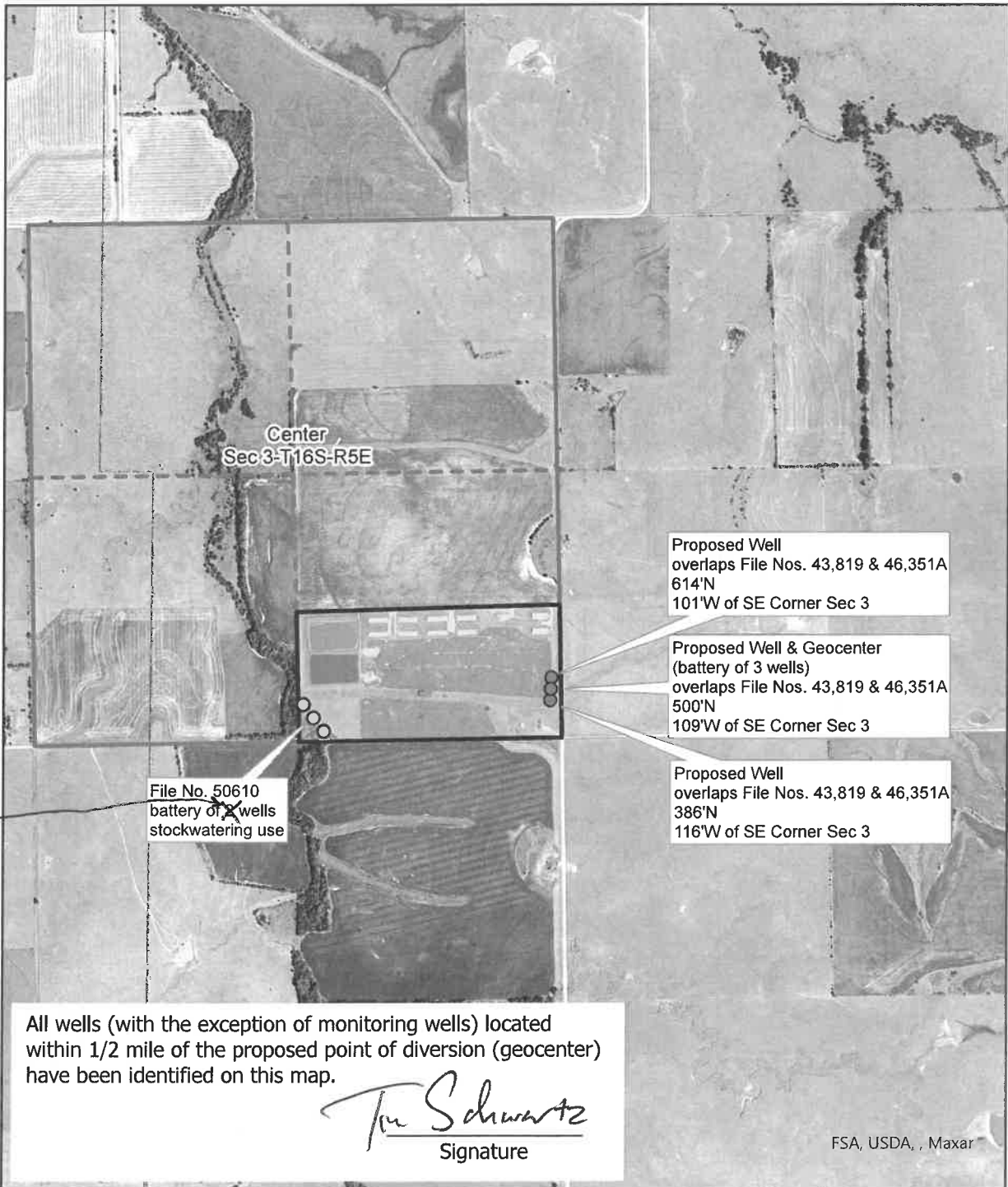
<b>APPLICANT PERSON ID &amp; SEQ #</b>	<b>PDIV ID</b>	<b>BATTERY ID</b>
<u>67877</u>	<u>63702 - GEO</u>	<u>2280</u>
<u>        </u>	<u>63704</u>	<u>        </u>
<u>        </u>	<u>63705</u>	<u>        </u>
<u>        </u>	<u>89291</u>	<u>        </u>
<u>        </u>	<u>        </u>	<u>        </u>

<b>LANDOWNER PERSON ID &amp; SEQ #</b>	<b>PUSE ID</b>
<u>67877</u>	<u>5288</u>
<u>        </u>	<u>        </u>
<u>        </u>	<u>        </u>
<u>        </u>	<u>        </u>
<u>        </u>	<u>        </u>

**WATER USE CORRESPONDENT  
PERSON ID & SEQ #**

67877

# NEW APPLICATION, FILE NO. 50,792



Map prepared by: LHH/TFO 5/24/2022



Scale: 1:18,000  
0 500 1,000 2,000 Feet

## STOCKWATER USE SUPPLEMENTAL SHEET

File No. 50792

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	The facility was only owned by current owner for a partial year in 2021 and previous use will not be relevant.		
Present Year	about 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	HOG FACILITY (S2 SE)																

**SEE ATTACHED PAGE FOR ADDITIONAL INFORMATION**

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.

BUILDING	NUMBER ANIMALS	KDA Water Allowance					Annual KDWR Allocation (gal)	Annual Water Allocation (ac-ft)
		Drinking Water per Pig	Daily Drinking Water (gal)	Annual Drinking Water (gal)	KDWR Additional Water Allowance	Daily KDWR Allocation (gal)		
WEAN PIG TRANSFER	2,000	1	2000	730000	4	10,000	3,650,000	11.20
GDU NURSERY INVENTORY	1,140	1	1140	416100	4	5,700	2,080,500	6.38
GDU GROWER INVENTORY	3,320	5	16600	6059000	15	66,400	24,236,000	74.38
GESTATION INVENTORY	8,344	6	50064	18273360	25	258,664	94,412,360	289.74
CULL HOLDING	500	6	3000	1095000	25	15,500	5,657,500	17.36
FARROWING INVENTORY	1,600	8	12800	4672000	35	68,800	25,112,000	77.07
TOTAL	16,904		85,604	31,245,460		425,064	155,148,360	476.13

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

June 3, 2022

SCHWARTZ WILKE FARMS, LLP  
3329 190TH STREET, SE  
SLEEP EYE MN 56085

RE: Application, File No(s). **50792**

Dear Sir or Madam:

The Division of Water Resources (Division) has received your application(s) for a permit to appropriate water for beneficial use. Your application(s) has been assigned the file number(s) 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(s) 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(s) is unlawful.

Additional information about the process may be found on our website at [agriculture.ks.gov/divisions-programs/dwr](http://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. *Topeka Field Office at 785-296-5733*. If you call, please reference the file number so we can help you more efficiently.

Sincerely,

A handwritten signature in black ink that reads "Kris Neuhauser". The signature is written in a cursive, flowing style.

Kris Neuhauser  
New Applications Lead  
Water Appropriation Program