

Sandy Road Farm 1,2,8  
Kansas, AC +/-







United States  
Department of  
Agriculture

## Seward County, Kansas



**Common Land Unit** Tract Boundary  
 Non-Cropland  
 Cropland

Unless noted on field:

**Wetland Determination Identifiers**

- Restricted Use
- Limited Restrictions
- Exempt from Conservation Compliance Provisions

- |                           |                          |
|---------------------------|--------------------------|
| 1/ All Wheat HRW, NI, GR  | 6/ Sorghum, GRS, NI, GR  |
| 2/ All Wheat HRW, IRR, GR | 7/ Sorghum, GRS, IRR, GR |
| 3/ All Corn YEL, IRR, GR  | 8/ Sorghum, CAN, IR, FG  |
| 4/ All Corn YEL, NI, GR   | 9/ Grass, NAG, NI, GZ    |
| 5/ Soybeans, COM, IRR, GR | 10/ Alfalfa, IR, FG      |

Tract Cropland Total: 148.19 acres

**2022 Program Year**

Map Created November 01, 2021

**Farm 1639**

**Tract 901**

**12-33-31**

Displayed over 2019 NAIP

United States Department of Agriculture (USDA) Farm Service Agency (FSA) maps are for FSA Program administration only. This map does not represent a legal survey or reflect actual ownership; rather it depicts the information provided directly from the producer and/or National Agricultural Imagery Program (NAIP) imagery. The producer accepts the data 'as is' and assumes all risks associated with its use. USDA-FSA assumes no responsibility for actual or consequential damage incurred as a result of any user's reliance on this data outside FSA Programs. Wetland identifiers do not represent the size, shape, or specific determination of the area. Refer to your original determination (CPA-026 and attached maps) for exact boundaries and determinations or contact USDA Natural Resources Conservation Service (NRCS).



KANSAS  
SEWARD

Form: FSA-156EZ

See Page 2 for non-discriminatory Statements.



United States Department of Agriculture  
Farm Service Agency

Abbreviated 156 Farm Record

FARM : 1639

Prepared : 8/8/22 9:17 AM

Crop Year : 2022

Operator Name : J & L HEADRICK JV  
Farms Associated with Operator : 20-175-386, 20-175-1285, 20-175-1639, 20-175-1856, 20-175-2567, 20-175-2568, 20-175-3022, 20-175-3255, 20-175-3316, 20-119-4354  
CRP Contract Number(s) : None  
Recon ID : None  
Transferred From : None  
ARCPLC G//F Eligibility : Eligible

Farm Land Data

Farmland	Cropland	DCP Cropland	WBP	WRP	CRP	GRP	Sugarcane	Farm Status	Number Of Tracts
630.67	359.00	359.00	0.00	0.00	0.00	0.00	0.00	Active	2
State Conservation	Other Conservation	Effective DCP Cropland	Double Cropped		MPL	Acre Election	EWP	DCP Ag.Rel. Activity	Broken From Native Sod
0.00	0.00	359.00	0.00		0.00		0.00	0.00	0.00

Crop Election Choice

ARC Individual	ARC County	Price Loss Coverage
None	WHEAT, SORGH, BARLY	None

DCP Crop Data

Crop Name	Base Acres	CCC-505 CRP Reduction Acres	PLC Yield	HIP
Wheat	230.80	0.00	32	0
Grain Sorghum	54.30	0.00	31	0
Barley	6.10	0.00	31	
<b>TOTAL</b>	<b>291.20</b>	<b>0.00</b>		

NOTES

Tract Number : 901

Description : S2,12-33-31 L/7  
FSA Physical Location : KANSAS/SEWARD  
ANSI Physical Location : KANSAS/SEWARD  
BIA Unit Range Number :  
HEL Status : HEL field on tract.Conservation system being actively applied  
Wetland Status : Tract does not contain a wetland  
WL Violations : None  
Owners : SANDY ROAD FARMS LLC  
Other Producers : ELIZABETH A HEADRICK, JEFF HEADRICK, KANSAS-SMITH FARMS LLC  
Recon ID : None

Tract Land Data

Farm Land	Cropland	DCP Cropland	WBP	WRP	CRP	GRP	Sugarcane
317.04	148.19	148.19	0.00	0.00	0.00	0.00	0.00
State Conservation	Other Conservation	Effective DCP Cropland	Double Cropped	MPL	EWP	DCP Ag. Rel Activity	Broken From Native Sod
0.00	0.00	148.19	0.00	0.00	0.00	0.00	0.00

KANSAS  
SEWARD  
Form: FSA-156EZ



Abbreviated 156 Farm Record

FARM : 1639  
Prepared : 8/8/22 9:17 AM  
Crop Year : 2022

DCP Crop Data

Tract 901 Continued ...

Crop Name	Base Acres	CCC-505 CRP Reduction Acres	PLC Yield
Wheat	131.00	0.00	32
<b>TOTAL</b>	<b>131.00</b>	<b>0.00</b>	

NOTES

Tract Number : 971

Description : No21-33-31 K/9  
FSA Physical Location : KANSAS/SEWARD  
ANSI Physical Location : KANSAS/SEWARD  
BIA Unit Range Number :  
HEL Status : HEL field on tract.Conservation system being actively applied  
Wetland Status : Tract does not contain a wetland  
WL Violations : None  
Owners : SANDY ROAD FARMS LLC  
Other Producers : ELIZABETH A HEADRICK, JEFF HEADRICK, KANSAS-SMITH FARMS LLC  
Recon ID : None

Tract Land Data

Farm Land	Cropland	DCP Cropland	WBP	WRP	CRP	GRP	Sugarcane
313.63	210.81	210.81	0.00	0.00	0.00	0.00	0.00
State Conservation	Other Conservation	Effective DCP Cropland	Double Cropped	MPL	EWP	DCP Ag. Rel Activity	Broken From Native Sod
0.00	0.00	210.81	0.00	0.00	0.00	0.00	0.00

DCP Crop Data

Crop Name	Base Acres	CCC-505 CRP Reduction Acres	PLC Yield
Wheat	99.80	0.00	32
Grain Sorghum	54.30	0.00	31
Barley	6.10	0.00	31
<b>TOTAL</b>	<b>160.20</b>	<b>0.00</b>	

NOTES

In accordance with Federal civil rights law and U.S. Department of Agriculture (USDA) civil rights regulations and policies, the USDA, its Agencies, offices, and employees, and institutions participating in or administering USDA programs are prohibited from discriminating based on race, color, national origin, religion, sex, gender identity (including gender expression), sexual orientation, disability, age, marital status, family/parental status, income derived from a public assistance program, political beliefs, or reprisal or retaliation for prior civil rights activity, in any program or activity conducted or funded by USDA (not all bases apply to all programs). Remedies and complaint filing deadlines vary by program or incident.

Persons with disabilities who require alternative means of communication for program information (e.g., Braille, large print, audiotape, American Sign Language, etc.) should contact the responsible Agency or USDA's TARGET Center at (202) 720-2600 (voice and TTY) or contact USDA through the Federal Relay Service at (800) 877-8339. Additionally, program information may be made available in languages other than English.

To file a program discrimination complaint, complete the USDA Program Discrimination Complaint Form, AD-3027, found online at [http://www.ascr.usda.gov/complaint\\_filing\\_cust.html](http://www.ascr.usda.gov/complaint_filing_cust.html) and at any USDA office or write a letter addressed to USDA and provide in the letter all of the information requested in the form. To request a copy of the complaint form, call (866) 632-9992. Submit your completed form or letter to USDA by: (1) mail: U.S. Department of Agriculture Office of the Assistant Secretary for Civil Rights 1400 Independence Avenue, SW Washington, D.C. 20250-9410; (2) fax: (202) 690-7442; or (3) e-mail: [program.intake@usda.gov](mailto:program.intake@usda.gov). USDA is an equal opportunity provider, employer, and lender.



# Feedlot/Confinement Facility License

*Kansas Department of Agriculture, Division of Animal Health hereby Certifies that*

**Sandy Road Farms: Farm 1**

**Sandy Road Farms**

**Langhofer, Melissa**



License #: FL00006B

Expires: 09/23/2022

*is licensed to maintain and operate a Feedlot/Confinement Facility License at*

*Sandy Road Farms: Farm 1, 14327 RD X, KISMET KS 67859*

*according to K.S.A. 47-1501 through 47-1511 as amended and supplemented.*

Operation Type: Farrowing

Species: Porcine

Animal Health Commissioner  
Dated at Manhattan, KS: 09/16/2021  
Print Date: 09/21/2021

Sandy Road Farms: Farm 1  
Sandy Road Farms  
Langhofer, Melissa  
23179 No 5 Rd  
Plains KS 67869



# Feedlot/Confinement Facility License

*Kansas Department of Agriculture, Division of Animal Health hereby Certifies that*

**Sandy Road Farms: Farm 2**

**Sandy Road Farms**

**Langhofer, Melissa**



License #: **FL00006E**

Expires: **09/30/2022**

*is licensed to maintain and operate a Feedlot/Confinement Facility License at*

**Sandy Road Farms: Farm 2, 14402 RD Y, KISMET KS 67859**

*according to K.S.A. 47-1501 through 47-1511 as amended and supplemented.*

Operation Type: Finisher, Nursery, Farrowing

Species: Porcine

Animal Health Commissioner

Dated at Manhattan, KS: 09/16/2021

Print Date: 09/21/2021

Sandy Road Farms: Farm 2  
Sandy Road Farms  
Langhofer, Melissa  
23179 No 5 Rd  
Plains KS 67869





# Feedlot/Confinement Facility License

*Kansas Department of Agriculture, Division of Animal Health hereby Certifies that*

**Sandy Road Farms: Farm 8**

**Sandy Road Farms**

**Langhofer, Melissa**



License #: **FL00006I**

Expires: **09/30/2022**

***is licensed to maintain and operate a Feedlot/Confinement Facility License at***

***Sandy Road Farms: Farm 8, 14325 RD X, KISMET KS 67859***

***according to K.S.A. 47-1501 through 47-1511 as amended and supplemented.***

Operation Type: Farrowing

Species: Porcine

Animal Health Commissioner

Dated at Manhattan, KS: 09/16/2021

Print Date: 09/21/2021

Sandy Road Farms: Farm 8  
Sandy Road Farms  
Langhofer, Melissa  
23179 No 5 Rd  
Plains KS 67869

THE STATE



OF KANSAS

DUPLICATE COPY

KANSAS DEPARTMENT OF AGRICULTURE

Alice A. Devine, Secretary of Agriculture

DIVISION OF WATER RESOURCES

David L. Pope, Chief Engineer

## CERTIFICATE OF APPROPRIATION FOR BENEFICIAL USE OF WATER

WATER RIGHT, File No. 40,861

PRIORITY DATE November 9, 1992

WHEREAS, It has been determined by the undersigned that construction of the appropriation diversion works has been completed, that water has been used for beneficial purposes and that the appropriation right has been perfected, all in conformity with the conditions of approval of the application pursuant to the water right referred to above and in conformity with the laws of the State of Kansas.

NOW, THEREFORE, Be It Known that DAVID L. POPE, the duly appointed, qualified and acting Chief Engineer of the Division of Water Resources of the Kansas Department of Agriculture, by authority of the laws of the State of Kansas, and particularly K.S.A. 82a-714, does hereby certify that, subject to vested rights and prior appropriation rights, the appropriator is entitled to make use of groundwater in the drainage basin of the Cimarron River to be withdrawn by means of a well located in the Northeast Quarter of the Northeast Quarter of the Southwest Quarter (NE $\frac{1}{4}$  NE $\frac{1}{4}$  SW $\frac{1}{4}$ ) of Section 12, more particularly described as being near a point 2,279 feet North and 2,778 feet West of the Southeast corner of said section, in Township 33 South, Range 31 West, Seward County, Kansas, at a diversion rate not in excess of 330 gallons per minute (0.74 c.f.s.) and a quantity not to exceed 37.28 million gallons (114.4 acre-feet) of water per calendar year for stockwatering use on the following described property:

South Half (S $\frac{1}{2}$ ) of Section 12, Township 33 South, Range 31 West, Seward County, Kansas.

This appropriation right is further limited to a diversion rate which when combined with the water right set forth in the Certificate of Appropriation issued pursuant to File No. 30,777, will provide a maximum diversion rate not in excess of 330 gallons per minute (0.74 c.f.s.) for stockwatering use from the diversion point described herein.

RECEIVED  
KS Dept. of Agriculture

MAR 10 1999

Garden City Field Office  
Division of Water Resources

MICROFILM



The appropriator shall maintain in an operating condition, satisfactory to the Chief Engineer, all check valves installed for preventing chemical or other foreign substance likely to cause pollution of the water supply.

The appropriator shall maintain records from which the quantity of water actually diverted during each calendar year may be readily determined. Such records shall be furnished to the Chief Engineer by March 1 following the end of the previous calendar year.

The appropriation right shall be deemed abandoned and shall terminate when without due and sufficient cause no lawful beneficial use is made of water under this appropriation for three (3) successive years.

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 stream flow at the appropriator's point of diversion.

All terms, conditions and limitations applicable to the Appropriation of Water not expressly changed or removed by the issuance of this Certificate of Appropriation remain in full force and effect. Failure to comply with those terms, conditions and limitations, and those added or amended by this Certificate, will result in the suspension of this appropriation right or revocation of this permit and dismissal of this appropriation right.

IN WITNESS WHEREOF, I have hereunto set my hand at my office at Topeka, Kansas, this

1<sup>st</sup> day of

march

, 19<sup>99</sup>



David L. Pope, P.E.  
Chief Engineer  
Division of Water Resources  
Kansas Department of Agriculture

STATE OF KANSAS, Shawnee COUNTY, ss.

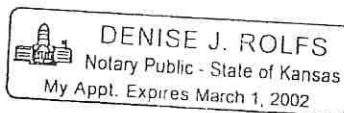
The foregoing instrument was acknowledged before me this

1<sup>st</sup> day of

march

, 19<sup>99</sup>

, by David L. Pope, P.E., Chief Engineer,



Signature:

Denise J. Rolfs  
Notary Public

(Record in the Office of Register of Deeds in the county or counties wherein the point of diversion is located)

**CERTIFICATE OF APPROPRIATION**  
FOR BENEFICIAL USE OF WATER

STATE OF KANSAS

Right, File No. 40,861

STATE OF KANSAS,

COUNTY, ss.

Filed for record this \_\_\_\_\_ day of \_\_\_\_\_

at \_\_\_\_\_, 19\_\_\_\_

at \_\_\_\_\_ o'clock \_\_\_\_\_ m. and \_\_\_\_\_

ded in Book \_\_\_\_\_ Page \_\_\_\_\_

Fee \$ \_\_\_\_\_

Register of Deeds.

THE STATE



OF KANSAS

KANSAS DEPARTMENT OF AGRICULTURE  
Alice A. Devine, Secretary of Agriculture

DIVISION OF WATER RESOURCES  
David L. Pope, Chief Engineer

**CERTIFICATE OF APPROPRIATION  
FOR BENEFICIAL USE OF WATER**

DUPLICATE COPY

WATER RIGHT, File No. 30,777

PRIORITY DATE December 8, 1977

WHEREAS, It has been determined by the undersigned that construction of the appropriation diversion works has been completed, that water has been used for beneficial purposes and that the appropriation right has been perfected, all in conformity with the conditions of approval of the application pursuant to the water right referred to above and in conformity with the laws of the State of Kansas.

NOW, THEREFORE, Be It Known that DAVID L. POPE, the duly appointed, qualified and acting Chief Engineer of the Division of Water Resources of the Kansas Department of Agriculture, by authority of the laws of the State of Kansas, and particularly K.S.A. 82a-714, does hereby certify that, subject to vested rights and prior appropriation rights, the appropriator is entitled to make use of groundwater in the drainage basin of the Cimarron River to be withdrawn by means of a well located in the Northeast Quarter of the Northeast Quarter of the Southwest Quarter (NE $\frac{1}{4}$  NE $\frac{1}{4}$  SW $\frac{1}{4}$ ) of Section 12, more particularly described as being near a point 2,279 feet North and 2,778 feet West of the Southeast corner of said section, in Township 33 South, Range 31 West, Seward County, Kansas, at a diversion rate not in excess of 330 gallons per minute (0.74 c.f.s.) and a quantity not to exceed 72.1225 million gallons (221.3 acre-feet) of water per calendar year for stockwatering use on the following described property:

South Half (S $\frac{1}{2}$ ) of Section 12, Township 33 South, Range 31 West, Seward County, Kansas.

**RECEIVED**  
KS Dept. of Agriculture

MAR 10 1999

Garden City Field Office  
Division of Water Resources

MICROFILMED



(Record in the Office of Register of Deeds in the county or counties wherein the point of diversion is located)

**CERTIFICATE OF APPROPRIATION**  
FOR BENEFICIAL USE OF WATER

STATE OF KANSAS

v. Right, File No 30, 777

STATE OF KANSAS,

COUNTY, ss.

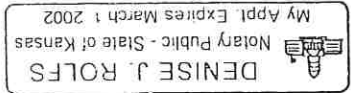
Filed for record this \_\_\_\_\_ day of \_\_\_\_\_, 19\_\_\_\_

at \_\_\_\_\_ o'clock \_\_\_\_\_ m. and

Recorded in Book \_\_\_\_\_ Page \_\_\_\_\_

Fee \$ \_\_\_\_\_

Register of Deeds.



Signature: \_\_\_\_\_

Notary Public

*Denise J. Rolfs*

STATE OF KANSAS, Shawnee COUNTY, ss.

The foregoing instrument was acknowledged before me this \_\_\_\_\_ day of \_\_\_\_\_, 19\_\_\_\_

by David L. Pope, P.E., Chief Engineer,

David L. Pope, P.E.  
Chief Engineer  
Division of Water Resources  
Kansas Department of Agriculture



IN WITNESS WHEREOF, I have hereunto set my hand at my office at Topeka, Kansas, this \_\_\_\_\_ day of \_\_\_\_\_, 19\_\_\_\_

All terms, conditions and limitations applicable to the Appropriation of Water not expressly changed or removed by the issuance of this Certificate of Appropriation remain in full force and effect. Failure to comply with those terms, conditions and limitations, and those added or amended by this Certificate, will result in the suspension of this appropriation right or revocation of this permit and dismissal of this appropriation right.

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 stream flow at the appropriator's point of diversion.

The appropriation right shall be deemed abandoned and shall terminate when without due and sufficient cause no lawful beneficial use is made of water under this appropriation for three (3) successive years.

The appropriator shall maintain records from which the quantity of water actually diverted during each calendar year may be readily determined. Such records shall be furnished to the Chief Engineer by March 1 following the end of the previous calendar year.

The appropriator shall maintain in an operating condition, satisfactory to the Chief Engineer, all check valves installed for preventing chemical or other foreign substance likely to cause pollution of the water supply.

THE STATE



OF KANSAS

DUPLICATE COPY

KANSAS DEPARTMENT OF AGRICULTURE  
Alice A. Devine, Secretary of Agriculture

DIVISION OF WATER RESOURCES  
David L. Pope, Chief Engineer

## CERTIFICATE OF APPROPRIATION FOR BENEFICIAL USE OF WATER

WATER RIGHT, File No. 28,132

PRIORITY DATE December 20, 1976

WHEREAS, It has been determined by the undersigned that construction of the appropriation diversion works has been completed, that water has been used for beneficial purposes and that the appropriation right has been perfected, all in conformity with the conditions of approval of the application pursuant to the water right referred to above and in conformity with the laws of the State of Kansas.

NOW, THEREFORE, Be It Known that DAVID L. POPE, the duly appointed, qualified and acting Chief Engineer of the Division of Water Resources of the Kansas Department of Agriculture, by authority of the laws of the State of Kansas, and particularly K.S.A. 82a-714, does hereby certify that, subject to vested rights and prior appropriation rights, the appropriator is entitled to make use of groundwater in the drainage basin of the Cimarron River to be withdrawn by means of two (2) wells;

one (1) well located in the Southwest Quarter of the Southwest Quarter of the Northwest Quarter (SW $\frac{1}{4}$  SW $\frac{1}{4}$  NW $\frac{1}{4}$ ) of Section 21, more particularly described as being near a point 3,129 feet North and 4,644 feet West of the Southeast corner of said section,

one (1) well located in the Southwest Quarter of the Southeast Quarter of the Northeast Quarter (SW $\frac{1}{4}$  SE $\frac{1}{4}$  NE $\frac{1}{4}$ ) of Section 21, more particularly described as being near a point 3,165 feet North and 768 feet West of the Southeast corner of said section,

both in Township 33 South, Range 31 West, Seward County, Kansas,

at a diversion rate not in excess of 300 gallons per minute (0.66 c.f.s.) and a quantity not to exceed 12.775 million gallons (39.1 acre-feet) of water per calendar year for stockwatering use in the North Half (N $\frac{1}{2}$ ) of Section 21, Township 33 South, Range 31 West, Seward County, Kansas.

RECEIVED  
KS Dept. of Agriculture

MAR 10 1999

Garden City Field Office  
Division of Water Resources

MICROFILMED



(Record in the Office of Register of Deeds in the county or counties wherein the point of diversion is located)

**CERTIFICATE OF APPROPRIATION  
FOR BENEFICIAL USE OF WATER**

STATE OF KANSAS

Right, File No. 28, 132

STATE OF KANSAS,

COUNTY, ss.

Filed for record this \_\_\_\_\_ day of \_\_\_\_\_,

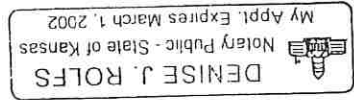
19\_\_

at \_\_\_\_\_ o'clock \_\_\_\_\_ m. and \_\_\_\_\_

ded in Book \_\_\_\_\_ Page \_\_\_\_\_

Fee \$ \_\_\_\_\_

Register of Deeds.



Signature: \_\_\_\_\_

Notary Public

*Denise J. Rolfs*

The foregoing instrument was acknowledged before me this \_\_\_\_\_ day of \_\_\_\_\_, 19\_\_

STATE OF KANSAS, Shawnee County, ss.

David L. Pope, P.E.,  
Chief Engineer  
Division of Water Resources  
Kansas Department of Agriculture

*David L. Pope*



IN WITNESS WHEREOF, I have hereunto set my hand and seal at Topeka, Kansas, this \_\_\_\_\_ day of \_\_\_\_\_, 19\_\_

All terms, conditions and limitations applicable to the Appropriation of Water not expressly changed or removed by the issuance of this Certificate of Appropriation remain in full force and effect. Failure to comply with those terms, conditions and limitations, and those added or amended by this Certificate, will result in the suspension of this appropriation right or revocation of this appropriation right.

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 stream flow at the appropriator's point of diversion.

The appropriation right shall be deemed abandoned and shall terminate when without due and sufficient cause no lawful beneficial use is made of water under this appropriation for three (3) successive years.

The appropriator shall maintain records from which the quantity of water actually diverted during each calendar year may be readily determined. Such records shall be furnished to the Chief Engineer by March 1 following the end of the previous calendar year.

The appropriator shall maintain in an operating condition, satisfactory to the Chief Engineer, all check valves installed for preventing chemical or other foreign substance likely to cause pollution of the water supply.

Submit completed application to:  
Kansas Department of Agriculture  
Division of Water Resources  
Field Office for your area.  
Call for address:

Topeka -- (785) 862-6300  
Stafford -- (620) 234-5311  
Stockton -- (785) 425-6787  
Garden City -- (620) 276-2901  
[www.ksda.gov/dwr](http://www.ksda.gov/dwr)

**DWR FIELD OFFICE  
APPLICATION FOR APPROVAL  
TO CHANGE THE PLACE OF  
USE AND/OR THE  
POINT OF DIVERSION**



**STATE OF KANSAS**

Filing Fee Must Accompany the Application, K.S.A. 82a-708b(b), as amended.  
Fee Schedule is on the third page of this application form.

Paragraph Nos. 1, 2, 3 & 5 must be completed. Complete all other applicable portions. If change in point of diversion is greater than 100 feet, or if place of use will be changed, include a topographic map or detailed plat showing the authorized and proposed point(s) of diversion and/or place of use.

File No. 28132

RECEIVED

4:00 PM

SEP 5 2017

1. Application is hereby made for approval of the Chief Engineer to change the (check one or both):

☐ Place of Use

☒ Point of Diversion

under the water right which is the subject of this application in accordance with the conditions described below.

The source of supply is:

☒ Groundwater

☐ Surface water

2. Name and address of Applicant:

KS 67869

Phone Number: (620) 563-7246

Email address: melissa@ksforigs.com

Name and address of Water Use Correspondent: Same as above

Phone Number: ( )

Email address:

3. The presently authorized place of use is:

Owner of Land -- NAME: Kansas Smith Farms

ADDRESS: 23179 #5 Road, Plains, KS 67869

(If there is more than one landowner, attach supplemental sheets as necessary.)

Sec.	Twp.	Range	NE¼				NW¼				SW¼				SE¼				TOTAL ACRES
			NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	

4. If this application is for a change in place of use, it is proposed that the place of use be changed to:

Owner of Land -- NAME:

ADDRESS:

(If there is more than one landowner, attach supplemental sheets as necessary.)

Sec.	Twp.	Range	NE¼				NW¼				SW¼				SE¼				TOTAL ACRES
			NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	

For Office Use Only: Code \_\_\_\_\_ Fee \$ 100.00 TR # \_\_\_\_\_ Receipt Date 9-5-17 Check # 5915



5. **Presently authorized point of diversion:**  
 One in the Southwest Quarter of the Southeast Quarter of the North Quarter of Section 21, Township 33 South, Range 31 W, in Seward County, Kansas, 3,165 feet North 768 feet West of Southeast corner of section. Authorized Rate 300 gpm Authorized Quantity 12,775 mil gal Depth of well \_\_\_\_\_ (feet)  
 (DWR use only: Computer ID No. 3 GPS mjy feet North \_\_\_\_\_ feet West)  
☐ This point will not be changed ☒ This point will be changed as follows:  
**Proposed point of diversion: (Complete only if change is requested)**  
 One in the SW Quarter of the SE Quarter of the NE Quarter of Section 21, Township 33 South, Range 31 W, in SEWARD County, Kansas, 3180 feet North 870 feet West of Southeast corner of section.  
 Proposed Rate Same Proposed Quantity Same Proposed well depth (feet) 400'  
 This point is: ☐ Additional Well ☐ Geo Center List other water rights that will use this point \_\_\_\_\_

6. **Presently authorized point of diversion:**  
 One in the SW Quarter of the SW Quarter of the NW Quarter of Section 21, Township 33 South, Range 31 W, in SEWARD County, Kansas, 3129 feet North 4644 feet West of Southeast corner of section. Authorized Rate \_\_\_\_\_ Authorized Quantity \_\_\_\_\_ Depth of well \_\_\_\_\_ (feet)  
 (DWR use only: Computer ID No. 2 GPS \_\_\_\_\_ feet North \_\_\_\_\_ feet West)  
☒ This point will not be changed ☐ This point will be changed as follows:  
**Proposed point of diversion: (Complete only if change is requested)**  
 One in the \_\_\_\_\_ Quarter of the \_\_\_\_\_ Quarter of the \_\_\_\_\_ Quarter of Section \_\_\_\_\_, Township \_\_\_\_\_ South, Range \_\_\_\_\_ (E/W), in \_\_\_\_\_ County, Kansas, \_\_\_\_\_ feet North \_\_\_\_\_ feet West of Southeast corner of section.  
 Proposed Rate \_\_\_\_\_ Proposed Quantity \_\_\_\_\_ Proposed well depth (feet) \_\_\_\_\_  
 This point is: ☐ Additional Well ☐ Geo Center List other water rights that will use this point \_\_\_\_\_

7. Why do you need a new point of diversion? casing on current well fell; therefore well is not able to be used.

8. If a well, is the test hole log attached? ☐ Yes ☒ No

9. When do you propose to complete the new point of diversion?  
As soon as approved

10. If the point of diversion is a well:

(a) What are you going to do with the old well?

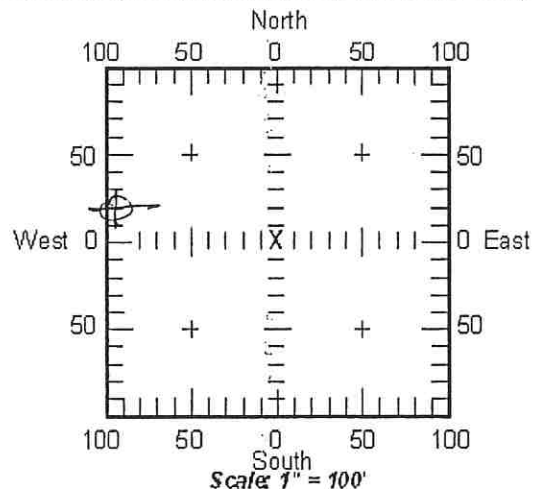
Plug upon completion

(b) When will this be done? Upon completion

11. Groundwater Management District recommendation attached? ☐ Yes ☐ No

12. Assisted by \_\_\_\_\_

13a. If the proposed point of diversion will be relocated within 100 feet of the existing point of diversion, indicate its location on the diagram below in relation to the existing point of diversion. (PLEASE NOTE: The "X" in center of diagram below represents presently authorized point of diversion.)



13b. If the proposed point of diversion will be relocated more than 100 feet but within 1320 feet from the existing point of diversion, attach a topographic map or aerial photograph. For groundwater sources, show all wells (including domestic) within one-half mile of the proposed point of diversion and the names and mailing addresses of the owners. For surface water sources, show the names and addresses of the landowner(s) one-half mile downstream and one-half mile upstream from your property lines.

8" Drill

\* Please Not W/W  
WELL DRILL

GR

COMPANY		
Company: Howard Drilling Company	Company PO Box 806	Doc #: 9-41711,004
Phone: (580) 625-3098	Address: Beaver OK 73932	Date: 08/28/2017
Fax: (580) 625-4477	USA	Approved: N

CUSTOMER		
Cust Code: C00782	Bill To: Bill To	Ship To: KSF/FARM 3-15
Cust Name: KANSAS-SMITH FARMS LLC	Bill To: 23179 #5 RD	Ship To: SECTION 21-33S-31WIM
Contact: CRAIG	Address: PLAINS KS 67869	Address: SEWARD COUNTY, KS
Phone: 620-482-3791	USA	KS
		USA
Ref 1: ---	Ref 2: ---	Ref 3: ---

LABOR							
Emp ID	Employee Name	Project	Ref	Whs	Work Type	Bill Sub Type	Time/Qty
156	SKELTON, KENNY	1035		04	D8W	Y st	12.00

Details		
Project 1035	Directions	KISMET, KS: INTERSECTION OF HWY 54 & CO RD V, SOUTH ON CO RD V FOR 2.75 MILES TO MEADE LAKE RD, CONT SOUTH ON CO RD V FOR .4 MILE, WEST ON ROAD .15 TO KANSAS SMITH FARM 3, SOUTH 50' TO STAKE EAST OF WHITE PALMER TANK
Project 1035	Watersource direction	

Other details	
Description:	DRILL 8" WATERWELL N 37.1639 W 100.6925 300' RADIUS
Remarks:	
WELL NAME:	SURFACE OWNER:
ADDRESS:	COUNTY: FOOTAGES:
STATIC WATER LEVEL: 300	PERFORATIONS: FROM 480 FT. TO 380 FT. Who Dug Pit: Howards
GRAVEL USED: 4	GRAVEL PACKED: FROM 480 FT. TO 100 FT. HOLE PLUG: 3
YARD CEMENT: 4	CASING SIZE: 5 INCH 6 INCH 8 INCH 10 INCH (CIRCLE ONE)
WATER SOURCE: TRIPS	Drilling Rig left at
Polymer used 1 buckets Gel used sacks	COST OF WATER

ft. to ft.	Soil sample	ft. to ft.	Soil sample
0-6	surface	207-220	sand & clay streaks coarse
6-15	sandy clay	220-393	sand coarse
15-50	clay	393-430	sand & clay streaks medium
30-65	clay & sandy clay	430-478	sand medium
65-80	clay	478-485	clay blue
80-167	sand coarse		
167-166	clay		
166-207	sand coarse		

Driller: <u>Kenny</u>	Drive Time To Location: <u>8:30</u> TO <u>11:30</u>
Helpers: <u>Alex Maton</u>	DRILL Time TO
UNIT# <u>D11 W13 214</u>	Drive Time Back to Shop: <u>8:45</u> TO <u>10:40</u>

RECEIVED

SEP 8 2017

Garden City Field Office  
Division of Natural Resources

SCANNED

14. If the proposed groundwater point of diversion is 300 or fewer feet from existing point of diversion, complete the following:

- (a) Does the undersigned represent all owners of the currently authorized place(s) of use identified in this application?  
☒ Yes ☐ No (If no, all owners must sign this application.)
- (b) Will the ownership interest of any owner of the currently authorized place(s) of use identified in this application be adversely affected if this application is approved as requested?  
☒ Yes ☐ No (If yes, all owners must sign this application.)
- (c) If this application is not approved expeditiously, will there be substantial damage to property, public health or safety?  
☒ Yes ☐ No (If no, all owners must sign this application.)

If the application proposes a surface water change in point of diversion, a groundwater change in point of diversion greater than 300 feet, or a change in place of use, the application must be signed by all owners of the currently authorized place of use, or their duly authorized agent (attach notarized statement authorizing representation).

I hereby verify, being first duly sworn upon my oath or affirmation and under penalty of perjury, that I am of lawful age and the owner, the spouse of the owner, or a duly authorized agent of the owner(s) to make this application on their behalf, in regard to the water right(s) to which this application pertains. I further verify that the statements contained in this application are true, correct and complete.

Dated at Plains, Kansas, this 30 day of August, 20 17.

Nathan Smith  
(Owner)

Nathan Smith  
(Please Print)

\_\_\_\_\_  
(Owner)

\_\_\_\_\_  
(Please Print)

\_\_\_\_\_  
(Owner)

\_\_\_\_\_  
(Please Print)

\_\_\_\_\_  
(Spouse)

\_\_\_\_\_  
(Please Print)

\_\_\_\_\_  
(Spouse)

\_\_\_\_\_  
(Please Print)

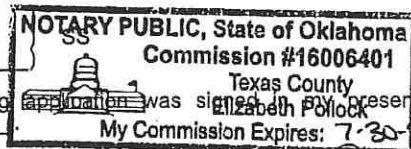
\_\_\_\_\_  
(Spouse)

\_\_\_\_\_  
(Please Print)

State of Oklahoma

County of Texas

I hereby certify that the foregoing application was signed in my presence and sworn to before me this 30 day of August, 20 17.



My Commission Expires June 30, 2020

Elizabeth Pollock  
Notary Public

**ONLY COMPLETE APPLICATIONS WILL BE PROCESSED.** To be complete, all of the applicable portions of the application form must be completed with accurate information; maps, if necessary, must be included; signatures of all the appropriate owners' must be affixed to the application and notarized; and the appropriate fee must be paid.

#### FEE SCHEDULE

Each application to change the place of use or the point of diversion under this section shall be accompanied by the application fee set forth in the schedule below: Make checks payable to: **Kansas Department of Agriculture**

- |   |       |
|---|-------|
| (1) Application to change a point of diversion 300 feet or less   | \$100 |
| (2) Application to change a point of diversion more than 300 feet | \$200 |
| (3) Application to change the place of use                        | \$200 |



**SUMMARY ORDER APPROVING APPLICATION FOR CHANGE AND IMPOSING CONDITIONS**

This Summary Order is issued under authority of K.S.A. 82a-708b, as amended, and K.A.R. 5-14-3 and other applicable provisions of the *Kansas Water Appropriation Law*, K.S.A. 82a-701 et. seq., and rules and regulations promulgated thereunder, K.A.R. 5-1-1 et. seq. With the exception of those conditions expressly contained herein, this Summary Order does not change the terms, conditions and limitations of File No. 28132.

1. A change application was received on September 5, 2017 requesting that the place of use and / or point of diversion authorized under the above-referenced file number be changed as described in the application.
2. On and after the effective date of this summary order, the authorized place(s) of use shall be located substantially as shown on the topographic map accompanying the application to change the place of use. ☐ Applicable ☒ Not Applicable
3. The change in point of diversion shall not impair existing rights and shall be limited to the same source or sources of water as previously authorized. The point of diversion authorized by this summary order shall be located within a 50 foot radius of the authorized point(s) of diversion. ☒ Applicable ☐ Not Applicable
4. The point(s) of diversion authorized herein shall not actually be located more than \_\_\_\_\_ feet from the previously authorized point(s) of diversion. ☐ Applicable ☒ Not Applicable
5. As required by K.A.R. 5-3-5d, if the works for diversion is a well with a diversion rate of 100 gallons per minute or more, a tube or other device suitable for making water level measurements shall be installed, operated and maintained in accordance with K.A.R. 5-6-13. ☒ Applicable ☐ Not Applicable
6. **The owner of the authorized place(s) of use shall properly install an acceptable water flow meter on or before December 31, 2017**, or before the first use of water, whichever occurs first. The water flow meter shall be installed, operated and maintained in accordance with K.A.R. 5-1-4 through 5-1-12. As required by K.S.A. 82a-732, as amended, and K.A.R. 5-3-5e, the owner shall maintain records and report the reading of the water flow meter and the total quantity of water diverted annually to the Chief Engineer by March 1 following the end of each calendar year.  
☒ Applicable ☐ Not Applicable
7. **Installation of the works for diversion of water shall be completed on or before December 31, 2017**, or within any authorized extension of time. By March 1, 2018 the applicant shall notify the Chief Engineer that construction of the works for diversion has been completed, on the form provided by the Chief Engineer, as required by K.A.R. 5-8-4e.  
☒ Applicable ☐ Not Applicable
8. **The completed well log shall be submitted with the required notice.** ☒ Applicable ☐ Not Applicable
9. All diversion works into which any type of chemical or other foreign substance will be injected into the water shall be equipped with an in-line, automatic, quick-closing check valve capable of preventing pollution of the source of the water supply. The check valve(s) shall be installed, operated and maintained in accordance with K.A.R. 5-3-5c. ☒ Applicable ☐ Not Applicable
10. Additional Conditions are attached. ☐ Yes ☒ No
11. In accordance with K.S.A. 82a-708a, as amended, and K.A.R. 5-5-14, all of the owners of the authorized place(s) of use of water appropriated under the above-referenced file number are responsible for compliance with its terms, conditions and limitations, as amended and/or supplemented by this Summary Order, and with applicable provisions of the *Kansas Water Appropriation Law* and the *Rules and Regulations* promulgated thereunder. Failure to comply with these provisions may result in civil penalties pursuant to K.S.A. 82a-737, as amended, and/or the suspension or revocation and dismissal of the water or appropriation right or any other enforcement actions authorized by law.

**Administrative Appeal and Effective Date of Order**

You have the right to a hearing in accordance with K.A.R. 5-14-3 before this Summary Order becomes final action of the Kansas Department of Agriculture. Any request for a hearing must be filed with the **Chief Engineer, Division of Water Resources, Kansas Department of Agriculture, 1320 Research Park Drive, Topeka, Kansas 66502**, within 15 days after the date shown on the Certificate of Service attached hereto. If a hearing is not requested in accordance with K.A.R. 5-14-3, this Summary Order will become effective on the 15<sup>th</sup> day after the date shown on the Certificate of Service.

*For Use by Register of Deeds*

FOR OFFICE USE ONLY

**APPLICATION APPROVED AND  
SUMMARY ORDER ISSUED**

By: \_\_\_\_\_

Duly Authorized Designee of the Chief Engineer

(Print Name): Thomas P Makens

Division of Water Resources - Kansas Department of Agriculture

Date of Issuance: SEPTEMBER 15, 2017

State of Kansas )

County of Finney )

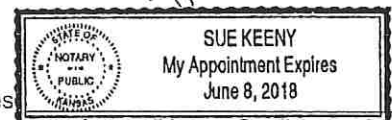
) SS

Acknowledged before me on September 15, 2017

by Thomas P Makens

Signature: Sue Keeny  
Notary Public

My commission expires \_\_\_\_\_



(Notary Seal)

THE STATE



OF KANSAS

**KANSAS DEPARTMENT OF AGRICULTURE**

Adrian J. Polansky, Secretary of Agriculture

**DIVISION OF WATER RESOURCES**

David L. Pope, Chief Engineer

**CERTIFICATE OF APPROPRIATION  
FOR BENEFICIAL USE OF WATER**

WATER RIGHT, File No. 40,860

PRIORITY DATE November 9, 1992

WHEREAS, It has been determined by the undersigned that construction of the appropriation diversion works has been completed, that water has been used for beneficial purposes and that the appropriation right has been perfected, all in conformity with the conditions of approval of the application pursuant to the water right referred to above and in conformity with the laws of the State of Kansas.

NOW, THEREFORE, Be It Known that DAVID L. POPE, the duly appointed, qualified and acting Chief Engineer of the Division of Water Resources of the Kansas Department of Agriculture, by authority of the laws of the State of Kansas, and particularly K.S.A. 82a-714, does hereby certify that, subject to vested rights and prior appropriation rights, the appropriator is entitled to make use of groundwater to be withdrawn by means of a well located in the Northwest Quarter of the Northwest Quarter of the Northeast Quarter (NW¼ NW¼ NE¼) of Section 21, more particularly described as being near a point 5,200 feet North and 2,563 feet West of the Southeast corner of said section, in Township 33 South, Range 31 West, Seward County, Kansas, at a diversion rate not in excess of **330 gallons per minute (0.73 c.f.s.)** and a quantity not to exceed **4.618 million gallons (14.1 acre-feet)** of water per calendar year for stockwatering use in the **North Half (N½) of Section 21, Township 33 South, Range 31 West, Seward County, Kansas.**

This appropriation right is further limited to a diversion rate which when combined with the water right set forth in the Certificate of Appropriation issued pursuant to File No. 30,778, will provide a maximum diversion rate not in excess of **330 gallons per minute (0.73 c.f.s.)** for stockwatering use from the diversion point described herein.

This appropriation right is further limited to a quantity of water which when combined with the water right set forth in the Certificate of Appropriation issued pursuant to File Nos. 28,132 & 30,778, will provide a total quantity not to exceed **102.125 million gallons (313.4 acre-feet)** of water per calendar year for stockwatering use at the location described herein.

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FEB 12 2007

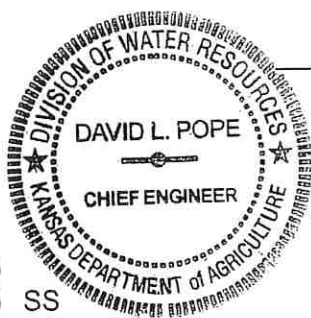
Garden City Field Office  
Division of Water Resources

MICROFILMED

All terms, conditions and limitation applicable to the Appropriation of Water not expressly changed or removed by the issuance of the Certificate of Appropriation remain in full force and effect. Failure to comply with those terms, conditions and limitations, and those added or amended by this Certificate, will result in the suspension of this appropriation right or revocation and dismissal of this appropriation right.

This is a final agency action. If you choose to appeal this decision or any finding or part thereof, you must do so by filing a petition for review in the manner prescribed by the Kansas Act for Judicial Review and Civil Enforcement of Agency Actions (KJRA K.S.A. 77-601 et seq.) within 30 days of service of this order. Your appeal must be made with the appropriate district court for the district of Kansas. The Chief Legal Counsel for the Kansas Department of Agriculture, 109 SW 9th Street, 4th Floor, Topeka, Kansas 66612, is the agency officer who will receive service of a petition for judicial review on behalf of the Kansas Department of Agriculture, Division of Water Resources. If you have questions or would like clarification concerning this order, you may contact the Chief Engineer.

IN WITNESS WHEREOF, I have hereunto set my hand at my office at Topeka, Kansas, this  
31<sup>st</sup> day of January, 2007

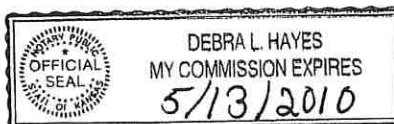


David L. Pope, P.E.  
Chief Engineer  
Division of Water Resources  
Kansas Department of Agriculture

State of Kansas     )  
                              ) SS  
County of Shawnee    )

The foregoing instrument was acknowledged before me this 31<sup>st</sup> day of January, 2007, by David L. Pope, P.E., Chief Engineer, Division of Water Resources, Kansas Department of Agriculture.

Notary Public



RECEIVED

FEB 12 2007

Garden City Field Office  
Division of Water Resources

MICROFILMED



THE STATE



OF KANSAS

DUPLICATE COPY

KANSAS DEPARTMENT OF AGRICULTURE  
Alice A. Devine, Secretary of Agriculture

DIVISION OF WATER RESOURCES  
David L. Pope, Chief Engineer

## CERTIFICATE OF APPROPRIATION FOR BENEFICIAL USE OF WATER

WATER RIGHT, File No. 21,974

PRIORITY DATE February 19, 1974

WHEREAS, It has been determined by the undersigned that construction of the appropriation diversion works has been completed, that water has been used for beneficial purposes and that the appropriation right has been perfected, all in conformity with the conditions of approval of the application pursuant to the water right referred to above and in conformity with the laws of the State of Kansas.

NOW, THEREFORE, Be It Known that DAVID L. POPE, the duly appointed, qualified and acting Chief Engineer of the Division of Water Resources of the Kansas Department of Agriculture, by authority of the laws of the State of Kansas, and particularly K.S.A. 82a-714, does hereby certify that, subject to vested rights and prior appropriation rights, the appropriator is entitled to make use of groundwater in the drainage basin of the Cimarron River to be withdrawn by means of two (2) wells;

one (1) well located in the Southwest Quarter of the Northeast Quarter of the Southwest Quarter (SW $\frac{1}{4}$  NE $\frac{1}{4}$  SW $\frac{1}{4}$ ) of Section 12, more particularly described as being near a point 1,640 feet North and 3,914 feet West of the Southeast corner of said section, and

one (1) well located in the Northwest Quarter of the Northeast Quarter of the Southeast Quarter (NW $\frac{1}{4}$  NE $\frac{1}{4}$  SE $\frac{1}{4}$ ) of Section 12, more particularly described as being near a point 2,372 feet North and 1,290 feet West of the Southeast corner of said section,

both in Township 33 South, Range 31 West, Seward County, Kansas, at a diversion rate not in excess of 340 gallons per minute (0.75 c.f.s.) and a quantity not to exceed 30.1125 million gallons (93 acre-feet of water) per calendar year for stockwatering use on the following described property:

South Half (S $\frac{1}{2}$ ) of Section 12, Township 33 South, Range 31 West, Seward County, Kansas.

RECEIVED  
KS Dept. of Agriculture

MAR 10 1999

Garden City Field Office  
(OVER) Division of Water Resources

MICROFILMED

The appropriator shall maintain in an operating condition, satisfactory to the Chief Engineer, all check valves installed for preventing chemical or other foreign substance likely to cause pollution of the water supply.

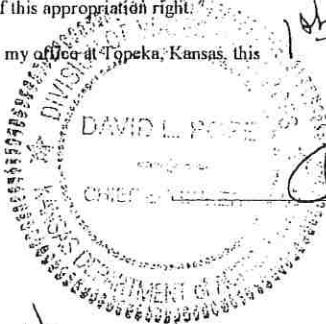
The appropriator shall maintain records from which the quantity of water actually diverted during each calendar year may be readily determined. Such records shall be furnished to the Chief Engineer by March 1 following the end of the previous calendar year.

The appropriation right shall be deemed abandoned and shall terminate when without due and sufficient cause no lawful beneficial use is made of water under this appropriation for three (3) successive years.

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 stream flow at the appropriator's point of diversion.

All terms, conditions and limitations applicable to the Appropriation of Water not expressly changed or removed by the issuance of this Certificate of Appropriation remain in full force and effect. Failure to comply with those terms, conditions and limitations, and those added or amended by this Certificate, will result in the suspension of this appropriation right or revocation of this permit and dismissal of this appropriation right.

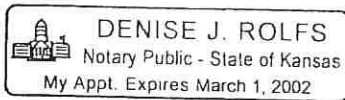
IN WITNESS WHEREOF, I have hereunto set my hand at my office at Topeka, Kansas, this 1st day of March, 1999.



David L. Pope, P.E.  
Chief Engineer  
Division of Water Resources  
Kansas Department of Agriculture

STATE OF KANSAS, Shawnee COUNTY, ss.

The foregoing instrument was acknowledged before me this 1st day of March, 1999, by David L. Pope, P.E., Chief Engineer, Division of Water Resources, Kansas Department of Agriculture.



Signature:

*Denise J Rolfs*  
Notary Public

(Record in the Office of Register of Deeds in the county or counties wherein the point of diversion is located)

**CERTIFICATE OF APPROPRIATION**  
FOR BENEFICIAL USE OF WATER

STATE OF KANSAS

Right, File No. 21,974

STATE OF KANSAS,

COUNTY, ss.

Filed for record this \_\_\_\_\_ day of \_\_\_\_\_

\_\_\_\_\_, 19\_\_\_\_

at \_\_\_\_\_ o'clock \_\_\_\_\_ m. and \_\_\_\_\_

Recorded in Book \_\_\_\_\_ Page \_\_\_\_\_

Fee \$ \_\_\_\_\_

Register of Deeds.

# Kansas Department of Health & Environment



Division of Environment  
Bureau of Water

Topeka, Kansas 66612-1367  
Telephone: (785) 296-6432

Kansas Permit No.: **A-CISW-H001**  
Federal Permit No.: **KS0043567**

## KANSAS WATER POLLUTION CONTROL PERMIT FOR AGRICULTURAL AND RELATED WASTES AND AUTHORIZATION TO DISCHARGE UNDER THE NATIONAL POLLUTANT DISCHARGE ELIMINATION SYSTEM

Pursuant to the Provisions of Kansas Statutes Annotated 65-164 and 65-165, the Federal Water Pollution Control Act as amended, (33 U.S.C. 1251 et seq. the "Act"),

Permittee: **Sandy Roads Farms, LLC**  
Permittee's Address: **23179 #5 Road  
Plains, Kansas 67869**  
Facility Name: **Sandy Road Farms 1-2-8**  
Facility Location: **S½, Section 12, Township 33S, Range 31W  
Seward County, Kansas**  
River Basin: **Cimarron River Basin**

is authorized to operate, as a pollutant discharge elimination system, water pollution control facilities to collect, retain, and dispose of precipitation induced runoff and/or dry weather wastewater accumulations containing livestock or related agricultural wastes in accordance with requirements as set forth herein.

This permit is effective November 23, 2020, supersedes the previously issued water pollution control permit A-CISW-H001, and expires December 18, 2021.

### Facility Summary

The facility has a maximum capacity for 22,980 head (9,192 animal units) of swine weighing more than 55 pounds, 19,700 head (1,970 animal units) of swine weighing 55 pounds or less, and 600 head (60 animal units) of goats, for a total of 11,222 animal units of swine and goats. The facility consists of three separate farms with separate retention control systems. The farms consist of two farrow to finish farms, and one farrow to feeder pig – grower farm.

A handwritten signature in cursive script, reading "Lee A. Norman".

Secretary, Kansas Department of Health and Environment

November 23, 2020  
Date



## A. FACILITY DESCRIPTION

### Existing Facility

The enclosed swine facility consists of three separate farms with separate waste control systems. The farms consist of two farrow to finish farms and one farrow to feeder pig – grower farm. Each farm consists of enclosed buildings with slotted floors where waste accumulations drop to concrete pull plug pits prior to being flushed to the earthen retention structures. *(See Facility Attachment)*

**Farm 1** is in the north part of the facility and has a capacity of 8,358 head of swine weighing greater than 55 pounds, 14,900 head of swine weighing 55 pounds or less and 200 head of goats. The waste control system consists of four cells: a sediment basin, primary retention structure (RS), secondary RS and a drying bed. The sediment basin measures approximately 300 ft. x 140 ft. x 8 ft. deep. The primary RS measures approximately 570 ft. x 467 ft. x 11 ft. deep with 44.5 acre-feet of useable storage capacity. The secondary RS measures approximately 436 ft. by 301 ft. by 10 ft. deep with 18.1 acre-feet of useable storage capacity. The drying bed is located south of the sediment basin and measures 327 ft. x 327 ft. x 4 ft. deep.

**Farm 2** is in the east part of the facility and has a capacity of 9,614 head of swine weighing greater than 55 pounds, 7,400 head of swine weighing 55 pounds or less and 200 head of goats. The waste control system consists of three cells: a primary RS, a recycle structure and a drying bed. The primary RS measures approximately 798 ft. x 398 ft. x 20 ft. deep with 91.7 acre-feet of useable storage capacity. The recycle structure measures approximately 250 ft. x 160 ft. by 10 ft. deep with 4.2 acre-feet of useable storage capacity. The drying bed is located south of the recycling structure and measures 411 ft. x 260 ft. x 3 ft. deep.

**Farm 8** is in the south part of the facility and has a capacity of 3,058 head of swine weighing greater than 55 pounds, 5,200 head of swine weighing 55 pounds or less and 200 head of goats. The waste control system consists of three cells: a primary RS, secondary RS and a recycle structure. The primary RS is a six sided structure that measures 504 ft. on the north, 667 ft. on the east, 336 ft. on the south, 187 ft. on the west, 124 ft. on the south and 480 ft. on the west side with a depth of 9 ft. and 38.05 acre-feet of useable storage capacity. The secondary retention structure measures approximately 600 ft. x 500 ft. x 10 ft. deep with 45.9 acre-feet of useable storage capacity. The recycle structure is located on the southwest corner of the primary RS and measures 186 ft. x 114 ft. x 9 ft. deep with 1.6 acre-feet of useable storage capacity.

All useable storage capacities are at the 2 ft. freeboard level.

The goats will be confined within the farm fence perimeter for the purpose of grounds maintenance. Vegetation shall be maintained within the fenced area at all times.

## B. OPERATION AND MAINTENANCE REQUIREMENTS

**Table 1 – Operating Level Requirements**

Controlled Drainage Area / Wastewater Retention Structure	Minimum Routine Operating Level*	Minimum Dec. 1 <sup>st</sup> Operating Level*	Minimum Biological Volume as Shown from Bottom** (also from top of berm)
Farm 1 / Sediment Basin***	2.0 feet	2.0 feet	N/A
Farm 1 / Primary RS	3.0 feet	4.0 feet	6.0 feet (5.0 feet)
Farm 1 /Secondary RS	3.0 feet	4.0 feet	5.0 feet (5.0 feet)

Farm 2 /Primary RS	3.0 feet	4.0 feet	10.0 feet (10.0 feet)
Farm 2 /Recycle Structure***	2.0 feet	2.0 feet	N/A
Farm 8 /Primary RS	3.0 feet	4.0 feet	2.0 feet (7.0 feet)
Farm 8 /Secondary RS***	3.0 feet	3.0 feet	2.5 feet (7.5 feet)
Farm 8 / Recycle Structure	2.0 feet	2.0 feet	N/A

\*Operating level is shown in vertical feet below the top of berm.

\*\*Minimum Biological Volume is the required minimum depth of wastewater (also shown in parenthesis is the corresponding number of vertical feet below top of berm).

\*\*\*Inactive structures should only be receiving direct precipitation

The top one (1) foot of the pits shall be kept empty. The water level in the retention structure(s) shall be maintained at least the number of feet below the top of the berm as shown in Table 1, above, (Operating Level) to insure structural stability and provide storage capacity for a two-week period plus precipitation induced flow from a 25-year, 24-hour storm event. Furthermore, on December 1st of each year, the retention structure(s) shall be at or below the levels required in Table 1, above, (Dec. 1st Operating Level) to provide additional storage for accumulations through the winter.

The retention structure shall be properly managed to establish and maintain biological activity. A minimum volume of water must be maintained in the retention structure. Additional water shall be added as needed to maintain the required minimum biological volume. With the confined feeding facilities at full capacity, the minimum biological volume in the retention structure shall be maintained as shown in Table 1. At less than full capacity, the required minimum biological volume can be reduced in proportion the waste loading.

Whenever the available storage capacity is less than the required amount(s) specified in Table 1, dewatering shall be initiated and conducted on all days suitable for land application of waste until the required storage capacity is again available. Unless approved in advance by the Department, liquid livestock wastes shall not be land applied during a precipitation event, or when the ground is frozen, snow covered, or saturated.

Runoff and wastewater containing livestock or related wastes not collected or retained by the water pollution control facilities shall be controlled in a manner capable of preventing water pollution.

#### Solid Wastes

Sediment basin(s) shall be cleaned whenever solids accumulations exceed one half of the depth of the basin(s).

Retention structure(s) shall be cleaned whenever the solids accumulations infringe on the required operating level specified in Table 1. Removed solids shall be applied to agricultural land on days suitable for land application of waste.

Solids such as manure may be stockpiled temporarily (not to exceed six months). Stockpiles shall not create nuisance conditions and shall not be located in areas subject to uncontrolled runoff or leaching.

### Land Application

The permittee shall have equipment available which has pumping capacity to dewater the wastewater retention structure(s) to the required operating level in ten days. The permittee shall also have the land application sites as specified in the fields worksheet of most recent KDHE approved Nutrient Utilization Plan.

Solid livestock wastes may be applied to frozen ground provided that the waste is retained at the application site.

Unless the Concentrated Animal Feeding Operation (CAFO) exercises a KDHE approved compliance alternative, manure, litter, and process wastewater may not be applied closer than 100 feet to any downgradient surface waters; open tile line intake structures; sinkholes; agricultural, public or private well heads; or other conduits to groundwater or surface waters of the State. As a compliance alternative, the CAFO may substitute a 100-foot setback with a permanent 35-foot wide vegetated buffer on which applications of manure, litter, or process wastewater are prohibited.

Manure or wastewater shall not be applied upon bare ground within 1,000 feet of a habitable structure, wildlife refuge or government owned park, unless the waste can be incorporated into the soil within the same day, or has been treated for odor reduction, or is applied using approved innovative technology, or the habitable structure owner agrees, in writing, to surface application without incorporation.

Livestock wastes shall be applied to land using rates and methods that prevent surface runoff of pollutants and/or leaching of pollutants into groundwater. Waste application rates shall be calculated using the methodology in the NUP version 3.5 workbook. Additionally, the application rates shall not exceed the application rate limitations listed on the fields tab of the NUP version 3.5 workbook. Wastes shall be applied to the crops with the expected yield goals and nutrient requirements as listed in the Removal tab of the NUP version 3.5 workbook or the narrative Nutrient Management Plan.

Prior to the transferring of manure or process wastewater to another person, the permittee must provide the recipient the most current nutrient analysis of the waste. The analysis provided must be consistent with the requirements of 40 CFR part 412 and the approved manure management plan. The permittee must retain for five years records of the date, recipient name and address, and the approximate amount of waste transferred.

### Mortality Management

Routine mortalities shall be handled by burial for both swine and goats. The permittee shall not dispose of dead animals in any liquid manure, storm water, or process wastewater storage or treatment system that is not specifically designed to treat animal mortalities. For catastrophic events, the permittee shall contact the Department for instructions.

## **C. STANDARD CONDITIONS**

In addition to the specified conditions stated herein, the permittee shall comply with the attached Standard Conditions for Swine Facilities with NPDES Permits dated May 18, 2010.

## **D. REPORTING AND RECORD KEEPING**

1. Any significant operational changes, modifications, or capacity increases shall be reported and approved by the Department prior to implementation.



2. All overflows or discharges from the water pollution control structures, the land application sites, any water pollution incident, or any permit violation shall be reported to the Department by telephone at (785) 296-1679, immediately upon discovery [within two hours]. A written report shall be submitted to the Department within three days of the incident.
3. A written Operations Report shall be maintained on forms available from the Department. The wastewater level shall be recorded for all retention structures once per week. Whenever the water level infringes on the required operating level or the required storage capacity is not available in any retention structure, the available storage depth shall be recorded daily until the required storage capacity is again available.
4. The Operations Report shall be retained on-site or at a central records location and made available upon request by the KDHE or EPA inspector to verify proper management of pollution controls. The Report shall be kept on file at the facility or at a central records location for a period of five calendar years plus the current calendar year. The Report need not be submitted to KDHE unless so requested.
5. Soil sampling and analysis shall be conducted on soils from fields as indicated in the KDHE approved Nutrient Management Plan or approved Nutrient Utilization Plan.

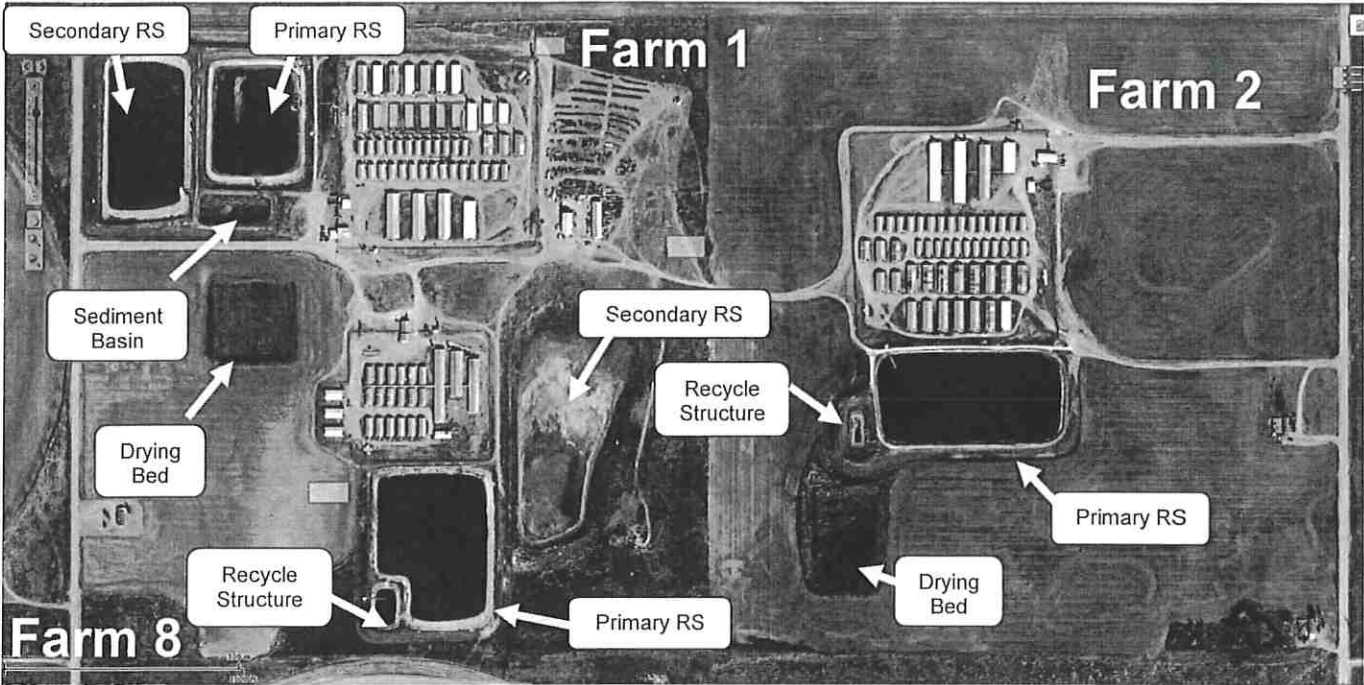
#### **E. SCHEDULE OF COMPLIANCE**


##### Wastewater Retention Structures Seepage Tests

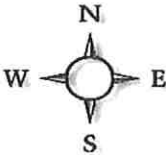
The Department is to be notified and permeability tests conducted at least 120 days prior to placing the Sediment Basin at Farm 1, the Recycle Structure at Farm 2, and the Secondary Retention Structure at Farm 8 back into service. Results of the permeability tests shall be submitted to the Department within 30 days of completing the tests. The equipment and method to be used shall be approved by the Department prior to testing. Should the structure not meet the permeability requirements, additional sealing will be required.

Permeability tests shall be conducted on the Drying Beds at Farms 1 and 2 prior to utilizing the structures. The tests shall be submitted to the Livestock Waste Management Program at 1000 SW Jackson Ste. 420, Topeka, Kansas 66612, and approved prior to utilizing the drying beds.

FACILITY ATTACHMENT



\*Burial Locations are indicated by 



**STANDARD CONDITIONS FOR  
KANSAS WATER POLLUTION CONTROL PERMITS FOR AGRICULTURAL AND RELATED WASTES AND  
AUTHORIZATIONS TO DISCHARGE UNDER THE NATIONAL POLLUTANT DISCHARGE ELIMINATION SYSTEM  
for Swine Facilities with NPDES Permits**

1. Definitions:

- A. A "grab sample" is an individual sample collected at one time.
- B. A "composite sample" is a combination of individual samples collected over time.
- C. The terms "Director", "Division", and "Department or KDHE" refer to the Director of the Division of Environment in the Kansas Department of Health and Environment, respectively.
- D. "Severe property damage" means substantial physical damage to the animal waste management system reasonably expected to cause it to become inoperable in the absence of a bypass. Severe property damage does not mean economic loss caused by delays in production.
- E. "Bypass" means the diversion of any process waste streams from any portion of the animal waste management system.
- F. "Process wastes" means any of the following:
  - i. Excrement from animals, wastewater, and animal carcasses;
  - ii. precipitation that comes into contact with any manure, litter, bedding, or other raw, intermediate, or final material or product used in or resulting from the production of animals or direct products, including meat, milk, and eggs;
  - iii. spillage or overflow from animal or poultry watering systems;
  - iv. wastes from washing, cleaning, or flushing pens, barns, manure pits, equipment, trucks, trailers, milking parlors, milking equipment, and other associated animal facilities;
  - v. wastes from washing animals or spraying of animals for cooling;
  - vi. wastes from dust control;
  - vii. boiler blowdown and water softener regenerate wastes;
  - viii. precipitation runoff from confinement, loading, and unloading areas;
  - ix. spillage of feed, molasses, animal wastes, and any other process wastes described herein;
  - x. discharges from land application fields that occur during application;
  - xi. precipitation runoff from land application fields, if liquid or concentrated liquid wastes are applied during frozen, snow-covered, or saturated soil conditions without approval by the department;
  - xii. raw, intermediate, or finished materials associated with wastes or contaminated stormwater runoff from animal waste or dead animal composting operations;
  - xiii. silo liquors; or
  - xiv. flows or runoff from waste storage areas.

Process wastes do not include animal wastes spilled by trucks transporting livestock on city, township, county, state, or federal streets, roads, or highways.

- G. "Nutrient management plan" means a written document that identifies the practices and procedures that the operator of a confined feeding facility uses to operate and maintain the animal waste management system and to manage the handling, storage, utilization and disposal of wastes generated by the facility that is approved by the Department or any approved amendments thereto.
  - H. "Nutrient utilization plan" means a written document, on forms prescribed by the Secretary of the Kansas Department of Health and Environment, addressing site-specific conditions for the land application of manure, wastewater, and other nutrient sources from swine facilities that is approved by the Department or any approved amendments thereto.
2. Animal waste management systems shall be designed, constructed, maintained and operated to prevent the pollution of waters of the state and to protect public health and the environment.
3. Neither the approval of construction plans, specifications, Nutrient Management Plan, or any other plan, nor the issuance of a permit or certification by the Department shall prohibit the Department from taking any enforcement action if the animal waste management system fails to protect the waters of the State, meet any specified effluent criteria, or comply with State Surface Water Quality Standards. In addition, this approval, permit issuance, or certification shall not constitute a defense by the permittee regarding violation



of any statute, regulation, permit condition, or requirement.

4. Representative Sampling and Reporting:

- A. Samples and measurements taken as required in this permit shall be representative of the physical and chemical nature of the monitored material. All samples and measurements shall be taken at the locations designated in the permit, and unless specified otherwise, at locations before the material being sampled joins, mixes with or is diluted by any other material.
- B. Monitoring, testing and reporting requirements shall be recorded and reported on forms acceptable to the Department. Signed copies of the reports, prepared in accordance with K.A.R. 28-16-59, shall be submitted unless otherwise specified in the permit to:

Kansas Department of Health & Environment  
Bureau of Water-Livestock Waste Management Section  
1000 SW Jackson Street, Suite 420  
Topeka, KS 66612-1367

5. Soil Sampling Protocol: For each land application site (field) to be sampled, soil samples shall be collected from areas representative of the soil types and nutrient application activities according to Kansas Administrative Regulations (K.A.R. 4-21-3 and 4-21-4), the most recently approved Nutrient Management Plan or Nutrient Utilization Plan. A representative number of cores shall be collected from each field via either of the following methods:

(A) Two composite samples shall be collected from each field by separating the top six inches of each core collected from the bottom of the core sample. If multiple cores are taken, all samples from the top six inches of soil shall be mixed together. The bottom segment of each soil core sample from six through 24 inches shall then be mixed together.

(B) Two composite samples shall be collected by obtaining individual core samples. A composite sample shall be collected from the top six inches of the soil and mixed if multiple cores are collected. The second composite sample shall be collected by taking a core sample from the soil surface to a soil depth of 24 inches. If multiple cores are taken, the samples shall be mixed before testing.

- The composite sample from the top 6 inches shall be tested for phosphorus (Bray-1, Mehlich III or Olsen P test), copper, nitrate (as N), chloride, zinc, pH, electrical conductivity, and other parameters as specified in the permit.
- The composite sample from 0 to 24 or 6 to 24 inches shall be tested for nitrate (as N), chloride, and other parameters as specified in the permit.
- Soil test results shall be sent to the address shown in paragraph 4B above and submitted pursuant to the requirements of the permit.

6. Test Procedures: All analysis required by this permit shall conform to the requirements of 40 CFR Part 136 and the North Central Regional Research Publication No. 221, "Recommended Chemical Soil Test Procedures for the North Central Region" unless otherwise designated. Testing shall be conducted in a laboratory certified or otherwise accepted by the Department. For each measurement or sample, the permittee shall record the exact place, date, and time of sampling/measurement as appropriate. The laboratory report shall include the date of the analysis, the analytical techniques or methods used, the name of the individual(s) who performed the analysis, and the results. If the permittee monitors any material or takes any measurement at the location(s) designated in this permit more frequently than required by this permit, using approved procedures; the results shall be included in the report form required in paragraph 4B above. Such increased frequencies shall also be indicated.

7. Records Retention: A copy of all records and information resulting from the monitoring activities required by this permit, including all records of analyses and calibration and maintenance of instrumentation shall be retained on-site or at a central records location for a minimum of five calendar years or longer if requested by the Director of the Division of Environment.

8. Availability of Permit and Permit Records/Falsification of Data: The permittee shall retain a copy of the

current permit issued by the Department and approved plans at the facility's site office or such other site as approved by KDHE. Construction plans, specifications, sample test results and other plans are not confidential material unless specifically so designated by KDHE pursuant to Federal and State law. Knowingly making any false statement on any report or tampering with equipment to falsify data may result in the imposition of criminal penalties as provided for in 33 USC Section 1319 and K.S.A. 65-170c.

9. Change in Operations: Any significant anticipated change in operations shall be reported to the Division at least one hundred eighty (180) days before such change occurs. A significant Change in Operations means any of the following: (1) Expansion or enlargement of a facility beyond the scope or boundaries established by registration, permit, certification, or approved plans and specifications; (2) any increase in the animal unit capacity beyond that authorized by a permit or certification; or (3) a change in construction or operation of a confined feeding facility that may affect the collecting, storage, handling, treatment, utilization, or disposal of animal or other process wastes. Minor changes shall be submitted to the Department for review and approval prior to construction, implementation or use.

Notification to and approval by the Director is required prior to a significant change in disposal method, a change in the method of treatment which would significantly alter the characteristics of the process waste, discharging to a disposal area different from the existing approved area, or other circumstances which result in a change in character, amount or location of process waste disposal or re-use.

For any change which will result in an expanded capacity of the facility or operation, permittee shall provide the Department a new application and supporting documentation.

10. Facilities Operation: The permittee shall, at all times, properly operate and maintain the animal waste management system and any related appurtenances that are installed or utilized by the permittee to achieve compliance with Kansas law and the conditions of the permit. The permittee shall operate the facility in a manner to prevent any discharge that is in violation of the permit or that has a potential to adversely affect human health or the environment. When necessary to maintain compliance with the permit conditions, the permittee shall stop or reduce those activities under its control, which generate process wastes routed to the animal waste management system.

#### 11. Immediate Reporting Required:

- A. Any emergency or accidental discharge, overflow, or unplanned release of animal or other process wastes, any water pollution incident, or any permit violation shall be reported to the Department by telephone at (785) 296-1679 within two hours of discovery. A written report explaining the cause of the incident and what actions the permittee has taken, or will take to prevent recurrence shall be submitted to the Department at the address provided in paragraph 4B within three days of the incident.
- B. Any discharge from, or bypass of any part of the animal waste management system not in compliance with this permit is prohibited except: where no feasible alternatives to the bypass exists and 1) where necessary to prevent loss of human life, personal injury or severe property damage; or 2) where excessive storm water inflow or infiltration would damage any part of the animal waste management system necessary to comply with this permit or 3) where the permittee notifies the Director seven days in advance of an anticipated bypass or discharge. The Director or Director's designee may approve a bypass or discharge, after considering its adverse effects, if any of the three conditions listed above are met. The permittee shall report such discharges or bypasses pursuant to paragraph A above.

12. Right of Entry and Bio-Security: The permittee shall allow authorized representatives of the Division of Environment and the Environmental Protection Agency (EPA) to enter upon the permitted premises to inspect the animal waste management system, and at reasonable times, to have access to and copy any records required by this permit, to review any practices required by this permit, and to sample any influents to, discharges from or materials in the animal waste management system. Any permittee that develops or modifies bio-security protocols and requests KDHE conformance with the protocols shall submit a copy of the protocols to the Department. Upon request of the permittee, KDHE or EPA officials shall present their credentials to the permittee. However, the presentation of credentials shall not be a basis to deny entry to the permitted facility.

The permittee shall provide all necessary specialized equipment, clothing, etc. to enable the Department and EPA inspectors to enter the facility for inspection. Bio-security protocols shall not inhibit reasonable access by any Department or EPA inspector.

13. **Property Rights:** The issuance of this permit does not convey any property rights in either real or personal property, or any exclusive privileges, nor does it authorize any injury to private property or any invasion of personal rights nor any infringement of or violation of federal, state or local laws or regulations.
14. **Permit Modifications and Terminations:** As provided by K.A.R. 28-16-62, after notice and opportunity for a hearing, this permit may be modified, suspended, revoked or terminated in whole or in part during its term for cause as provided, but not limited to those set forth in K.A.R. 28-16-62 and K.A.R. 28-16-28b through f. The permittee shall furnish to the Director, within a reasonable amount of time, any information which the Director may request to determine whether cause exists for modifying, revoking and reissuing, or terminating this permit or to determine compliance with this permit. The permittee shall also furnish upon request, copies of all records this permit requires to be kept.
15. **Void of Plan Approval:** Failure to initiate the approved construction or expansion within two years and to complete the approved construction or expansion within three years after the effective date of the permit shall void the secretary's approval of the construction plans, specifications, and other associated plans. If phased construction is proposed, the initiation and completion of construction shall conform to the schedule stipulated by the secretary.

If the approval becomes void, the permit shall remain in effect for the term of the permit, but the operator shall resubmit the construction plans, specifications, and other associated plans to the secretary for review and consideration for approval before initiating the construction or expansion of the facility.

16. **Severability:** The provisions of this permit are severable. If any provision of this permit or any circumstance is held invalid, the remainder of the permit shall not be affected thereby.
17. **Transfer of Ownership:** The permittee shall notify the succeeding owner or controlling person of the existence of this permit and shall provide the Department a copy of an agreement indicating the date when the transfer of permit responsibility, coverage and liability will take place. The permit is not transferable to any person except after notice to and approval by the Director. The existing permit remains in effect until the Department authorizes the transfer by letter or reissues the permit. The Director may require modification or revocation and reissuance of the permit to update the permit to comply with current Federal and State requirements.
18. **Change in Permittee Address/Telephone No.:** The permittee shall notify the Department within 60 days of any changes in mailing address or telephone number regarding the facility or the designated facility contact.
19. **Retention Structure Wastewater, Liquid Process Waste Level Monitoring:** A permanent water level measurement device (such as a staff gauge) shall be installed and maintained in each retention structure used as the basis for determining appropriate storage capacity. The device shall be marked in increments of feet and shall be readable to the nearest  $\frac{1}{2}$  foot.
20. **Irrigation Practices:** Irrigation practices shall be managed to minimize pooling of animal or other process wastes at the land application site. Irrigation practices shall be managed to ensure that animal or other process wastes are not discharged from the waste application sites.
21. **Removed Substances:** Solids, sludge, or other process wastes removed from the animal waste management system shall be disposed of or re-used in a manner acceptable to the Division.
22. **Transport of Animal or Process Wastes:** The permittee shall haul or transport animal or process wastes to land application sites in a manner that prevents loss or spillage during transport.
23. **Cease Operations/Removal from Service:** Each permittee shall notify the Department of plans to cease operations of, close, or abandon the facility, and shall maintain and comply with the permit until the



Department approves the closure of the facility. The permittee shall inform the Division prior to removing from service any part of the animal waste management system that would affect compliance with the permit. The permittee shall make arrangements acceptable to the Division to decommission any portion of the animal waste management system being permanently removed from service such that the public health and waters of the state are protected.

24. **Retention Structure Liners:** The permittee shall install and maintain the liner to comply with K.A.R. 28-18-1 *et seq.* When soil liners are utilized, no trees or other deep-rooted vegetation shall be allowed to grow within 100 feet of the liner. Any mechanical or structural damage to the liner shall be reported to the Department within two workdays of identification and shall be repaired in a time frame approved by the Department.
25. **Permeability Tests:** The permittee shall conduct permeability tests using methods acceptable to the Department. For a description of the acceptable methods, the permittee may contact KDHE at the address in paragraph 4B. Permeability tests shall be conducted anytime the retention structure is altered by cleanout and/or reconstruction or anytime there is damage to the liner. Results of the permeability test shall be submitted to the Department within 30 days of completing the test. Should any structure not meet the permeability requirements, additional sealing will be required.
26. **Annual Permit Fee:** Each permittee shall submit the appropriate annual permit fee according to the schedule of fees provided in K.A.R. 28-16-56d. The Department will bill the permittee annually. Failure to pay the annual permit fee shall result in revocation of the permit.
27. **Duty to Reapply:** A permittee wishing to continue any activity regulated by this permit after the expiration date of this permit must apply for a new permit at least 180 days prior to expiration of the permit.
28. **Stocking of New/Expanded Facility:** The permittee shall not stock a new facility or the expanded portion of an existing facility nor place in use any animal waste management system until after the construction or expansion of the facility, including the animal waste management system, is completed, the Department has reviewed and approved any requested construction certifications, and the new or modified permit is issued or re-issued by the Department.
29. **Swine Facility Plans:** The permittee shall comply with the approved manure management plan, emergency response plan, odor control plan and dead animal handling plan as approved by the Department pursuant to Kansas and Federal law. The permittee shall amend these plans whenever warranted by changes in the management and operation of the facility and pollution controls.
30. **Updates to Nutrient Management or Utilization Plans:** Updates to the Nutrient Management Plan or Nutrient Utilization Plan shall be provided to the Department prior to any significant change to the facility or plan. All updates shall be developed in accordance with the Kansas Technical Standards for Nutrient Management – Revised 2010. The permittee shall notify the Department prior to implementing any changes to the approved plan.
31. **Whenever the permittee does not own all the swine at the facility,** the permittee shall provide the Department a copy of the executed contract with the owner of the swine that specifies responsibility for management of the swine or other process wastes.
32. **Operator Certification:** The permittee shall ensure the swine pollution control system is under the supervision of an operator certified by the Department. If the permittee does not have a certified operator or loses its certified operator, the permittee shall immediately contact the Department at the address provided in paragraph 4B above and begin the process of obtaining the services of a certified operator as required by Kansas law.
33. **Additional Information and Contacts:** Additional information and KDHE contacts can be found on the KDHE-Livestock Waste Management Section's web page at [www.kdheks.gov/feedlots](http://www.kdheks.gov/feedlots).

**For swine facilities with animal unit capacities greater than or equal to 3725**

34. Facility Closure Plan: Each permittee with an animal unit capacity greater than or equal to 3725 shall develop and implement a swine facility closure plan as approved by the Department and shall amend the plan whenever warranted by changes in the swine facility or in other conditions affecting the facility.
35. Financial Assurance - Swine Facility: Annually before January 1 of each year, each permittee with an animal unit capacity greater than or equal to 3725 shall provide evidence to the Department that the permittee has the financial ability to cover the cost of closure of the swine facility.
36. Financial Assurance - Waste Retention Lagoons: Annually before January 1 of each year, each permittee with an animal unit capacity greater than or equal to 3725 shall provide evidence to the Department that the permittee has the financial ability to cover the cost of closure of the swine wastewater retention lagoons or ponds.