

Kansas Department of Agriculture  
 Division of Water Resources  
**CHANGE: P/U WORKSHEET**

Document Signature \_\_\_\_\_

1. File Number: <b>12819</b>	2. Status Change Date: <i>10/25/2016</i>	3. Change Num: <b>C4</b>	4. Field Office: <b>04</b>	5. GMD: <b>03</b>
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6. Status: <input checked="" type="checkbox"/> Approved <input type="checkbox"/> Denied by DWR/GMD <input type="checkbox"/> Dismiss by Request/Failure to Return	7. Filing Date of Change: <b>03-AUG-2015</b>
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8a. Applicant(s) New to system <input type="checkbox"/>  <b>FOWLER FEEDERS LLC</b> <b>5113 23RD RD</b> <b>FOWLER KS 67844</b>	Person ID <b>60386</b> Add Seq# <b>1</b>	8c. Landowner(s) New to system <input type="checkbox"/>  _____ _____	Person ID _____ Add Seq# _____
8d. Landowner(s) New to system <input type="checkbox"/>  _____ _____		Person ID _____ Add Seq# _____	

8b. Landowner(s) New to system <input type="checkbox"/>  <b>FOWLER FEEDERS LLC</b> <b>5113 23RD RD</b> <b>FOWLER KS 67844</b>	Person ID <b>60386</b> Add Seq# <b>1</b>	8e. WUC New to system <input type="checkbox"/>  <b>FOWLER FEEDERS LLC</b> <b>5113 23RD RD</b> <b>FOWLER KS 67844</b>	Person ID <b>60386</b> Add Seq# <b>1</b>
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9. Documents and Enclosure(s):  DWR Meter(s) Date to Comply: **12/31/17**     N & P Date to Comply: \_\_\_\_\_

Anti-Reverse Meter     Meter Seal     Check Valve     N & P Form     Water Tube     Driller Copy     H & E Letter

Conservation Plan    Date Required: \_\_\_\_\_    Date Approved: \_\_\_\_\_    Date to Comply: \_\_\_\_\_

10. Use Made of Water    From: \_\_\_\_\_    To: \_\_\_\_\_

Date Prepared: **10/18/16**    By: **RAK**  
 Date Entered: *10/25/2016*    By: *LLM*

File No. **12819**      11. County: **ME**      Basin: **CROOKED CREEK**      Stream:      Formation Code: **211/331**      Special Use:

12. Points of Diversion										Rate and Quantity					
MOD	DEL	PDIV	Qualifier	S	T	R	ID	'N	'W	Comment	Rate gpm	Quantity AF	Rate gpm	Quantity AF	Overlap PD Files

**No changes to pd**

13. Storage: Rate \_\_\_\_\_ NF      Quantity \_\_\_\_\_ ac/ft      Additional Rate \_\_\_\_\_ NF      Additional Quantity \_\_\_\_\_ ac/ft

14. Limitation: \_\_\_\_\_ af/yr at \_\_\_\_\_ gpm ( \_\_\_\_\_ cfs) when combined with file number(s) \_\_\_\_\_  
 Limitation: \_\_\_\_\_ af/yr at \_\_\_\_\_ gpm ( \_\_\_\_\_ cfs) when combined with file number(s) \_\_\_\_\_

15. 5YR Allocation: Allocation Type \_\_\_\_\_ Start Year \_\_\_\_\_ 5 YR Amount \_\_\_\_\_ Amount Unit \_\_\_\_\_ Base Acres \_\_\_\_\_ Comment \_\_\_\_\_

16. Place of Use							NE¼				NW¼				SW¼				SE¼				Total	Owner	Chg?	Overlap Files				
MOD	DEL	ENT	PUSE	S	T	R	ID	NE ¼	NW ¼	SW ¼	SE ¼	NE ¼	NW ¼	SW ¼	SE ¼	NE ¼	NW ¼	SW ¼	SE ¼	NE ¼	NW ¼	SW ¼	SE ¼							
MOD			2018	26	30	27W	2					40.00			40.00		40.00	35.00		155.00	8B	NO	1062; 8809-D1; 12819; 18011							
MOD			24765	27	30	27W	1	40.00	40.00	40.00	40.00	40.00	40.00	37.00	38.00		32.00	30.00		25.00	12.50	15.00	40.00	469.50	8B	NO	1062; 8809-D1; 12819; 18011			

Comments:

**KANSAS DEPARTMENT OF AGRICULTURE**  
**Division of Water Resources**  
**MEMORANDUM**

**TO:** Files  
**FROM:** Richelle A. Krueger

**DATE:** October 19, 2016  
**RE:** Water Right  
File Nos. 1,062; 8,809-D1;  
12,819; 18,011; 35,530 and  
35,531

Todd Siek, General Manager, on behalf of Fowler Feeders, L.L.C., owner of the above referenced water rights, has filed an application for approval to change the place of use, point of diversion and use made of water for Water Right, File No. 8,809-D1, and place of use for Water Right, File Nos. 1,062; 12,819; 18,011; 35,530 and 35,531, all authorized groundwater in the Crooked Creek drainage basin.

The referenced file numbers do not appear abandoned pursuant to K.S.A. 82a-718.

File No. 8,809-D1 is authorized a limited quantity and diversion rate of 950 acre-feet and 1,354 gallons per minute for irrigation use on 698.10 acres in Sections 26 and 27, Township 30 South, Range 27 West, Meade County, Kansas. File No. 8,809-D1 overlaps the point of diversion of File No. 1,062 located 4,772 feet North and 2,696 feet West of the Southeast corner of the aforementioned Section 27, and overlaps the place of use of File Nos. 1,062; 12,819 and 18,011. The water right owner proposes to convert 127 acre-feet (41.38 million gallons) of water from irrigation use to stockwatering use pursuant to K.A.R. 5-5-10 *Partial changes in the use made of water from irrigation to another type of beneficial use*. After application of the K.A.R. 5-5-10 regulation a limited total of 805 acre-feet of water will remain authorized by File No. 8,809-D1 on the presently authorized well. The applications to change the place of use of File Nos. 1,062; 8,809-D1, 12,819 and 18,011 will reduce the irrigation place of use to 624.5 acres. No new acres will be irrigated. The 1,182.6 acre-feet to be authorized by File Nos. 1,062; 8,809-D1, 12,819 and 18,011 will irrigate the proposed 624.5 acres with 1.89 acre-feet which appears reasonable.

The water right owner also proposes to unstack the 127 acre-feet (41.38 million gallons) and 100 gallons per minute to be authorized for stockwatering use under File No. 8,809-D1 pursuant to K.A.R. 5-5-16 *Additional wells*, moving the authorized quantity and rate to the well previously authorized by File Nos. 1,062 and 8,809-D1. The proposed additional well, located 3,960 feet and 3,300 feet West of the Southeast corner of the aforementioned Section 27, involves a distance move of approximately 1,012 feet. 537 gallons per minute will remain authorized for irrigation use under File Nos. 1,062 and 8,809-D1.

The only wells within one-half mile of the proposed additional stockwatering well are two stockwatering wells (File No. 35,530), two irrigation wells (File No. 18,011 and File Nos. 3,067/11,815), and two domestic wells. The nearby well owners were notified of the proposed change in point of diversion. Billy Lewis, attorney, called this office on September 9, 2016 to inquire about the proposed changes on behalf of his relatives; no verbal or written objections have been received in this office as of today's date.

The proposed stockwatering place of use for File No. 8,809-D1 will be the Southeast Quarter of the Northwest Quarter (SE $\frac{1}{4}$  NW $\frac{1}{4}$ ), and the South Half (S $\frac{1}{2}$ ) of Section 27 as shown on the map. The place of use will overlap File Nos. 35,530 and 35,531, and applications to change the place of use were filed for those two stockwatering files to create an exact overlap in the place of use. The total quantity to be authorized for stockwatering use, 96.08 m.g.y., can potentially supply the 17,674 maximum number of cattle reported on the 2015 water use report with 14.8 gallons per day per head, which appears reasonable.

The present limitation on File No. 8,809-D1 to 1,076.2 acre-feet and 1,354 g.p.m. when combined with Water Right, File No. 1,062 will be reduced to 862.6 acre-feet and 537 g.p.m. to comply with K.A.R. 5-5-10 and K.A.R. 5-5-16. In addition, the present quantity limitation on File No. 18,011 will be reduced from 1,076.2 acre-feet when combined with File Nos. 1,062 and 8,809-D1 to 862.6 acre-feet for the same reason.

The local source of supply will not change, which has been previously determined to be Ogallala Formation (211)/ Dakota Formation (331).


Approval of the application for File No. 8,809-D1 will be subject to the condition that for the sole purpose of administering wells concerning direct impairment, the additional well shall be considered to have the priority of the date the application was filed (August 3, 2015) to add the additional well.

In a letter received October 17, 2016 Jason Norquest, Assistant Manager of Southwest Kansas Groundwater Management District No. 3, indicated that the Board of Directors of GMD No. 3 recommended approval of the applications. The Board also recommended approval of the application for File No. 8,809-D1 with a waiver of K.A.R 5-23-3(a)(1) since the proposed additional stockwatering well will not meet well spacing regulations to the irrigation well authorized by File No. 1,062/8809-D1, the irrigation well authorized by File No. 18,011 or to the stockwatering wells authorized by File No. 35,530. The applicant indicated to the Board that the nearby wells not meeting spacing requirements are under common ownership and the proposed additional well will only be used to supplement the needed demand on the watering system during peak usage. K.A.R. 5-5-16 (c)(1) which also pertains to well spacing will be waived since the Board has recommended a waiver of K.A.R. 5-23-3(a)(1).

In an e-mail dated October 14, 2016 Michael Meyer, Water Commissioner of the Garden City Field Office, recommended approval of the applications.

Water flow meters are required. Check valves are required if chemigating.

Based on the above discussion, that the changes are reasonable, that impairment to existing water rights is unlikely, that no change in the local source of supply will occur, and if the Chief Engineer grants waivers of K.A.R. 5-5-16 (c)(1) and K.A.R. 5-23-3(a)(1), it has been recommended that the referenced applications be approved.

  
Richelle A. Krueger  
Environmental Scientist

1320 Research Park Drive  
Manhattan, Kansas 66502  
(785) 564-6700



900 SW Jackson, Room 456  
Topeka, Kansas 66612  
(785) 296-3556

Jackie McClaskey, Secretary

Governor Sam Brownback

October 26, 2016

FOWLER FEEDERS LLC  
ATTN TODD SIEK GENERAL MANAGER  
5113 23RD RD  
FOWLER KS 67844

**FILE COPY**

RE: Water Right, File Nos. 1,062; 8,809-D1; 12,819; 18,011; 35,530 and 35,531

Dear Mr. Siek:

Enclosed are the orders executed by the Chief Engineer, Division of Water Resources, Kansas Department of Agriculture, approving the applications for change under the above referenced file numbers.

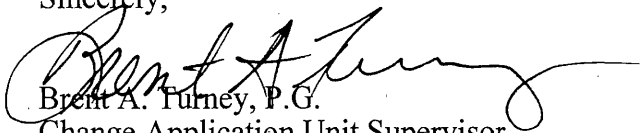
Your attention is directed to the enclosures and to the terms, conditions, and limitations specified in these approvals for change. A condition of these approvals is that acceptable water flow meters must be installed on the diversion works authorized under the referenced file numbers. Please return the required notification of completion of the diversion works and/or installation of the required meters as soon as these actions are completed.

Please note that the application to change the point of diversion for File No. 8,809-D1 is approved subject to the condition that for the sole purpose of administering wells concerning direct impairment, the additional well shall be considered to have the priority of the date the application was filed (August 3, 2015) to add the additional well. In addition, the Chief Engineer specifically retains jurisdiction in this matter with authority to review the approval of the additional well at intervals of no fewer than five years, and no more than ten years to determine if the total annual quantity of water actually being withdrawn by all wells authorized by the approval of application for change is exceeding the total annual quantity of water that could have been physically withdrawn if the additional well had not been approved, and based on the review, the Chief Engineer retains authority to make a reasonable reduction in the authorized quantity of water as may be deemed to be in the public interest.

Since the orders for the referenced file numbers modify the original documents referred to above they should be recorded with the Register of Deeds as other instruments affecting real estate.

If you have any questions, please contact this office. If you call, please reference the file number so we can help you more efficiently.

Sincerely,

  
Brent A. Furney, P.G.  
Change Application Unit Supervisor  
Water Appropriation Program

Enclosures

pc: Garden City Field Office  
Groundwater Management District No. 3



KANSAS DEPARTMENT OF AGRICULTURE  
Jackie McClaskey, Secretary of Agriculture

DIVISION OF WATER RESOURCES  
David W. Barfield, Chief Engineer

**APPROVAL OF APPLICATION  
FOR  
CHANGE IN PLACE OF USE  
WATER RIGHT  
FILE NO. 12,819**

**FILE COPY**

The Chief Engineer, Division of Water Resources, Kansas Department of Agriculture, after due consideration of the written application of Todd Siek, General Manager, on behalf of Fowler Feeders, L.L.C., 5113 23<sup>rd</sup> Road, Fowler, Kansas, 67844, received in this office on August 3, 2015, for approval of a change in the location of the place of use under the certificate of appropriation issued pursuant to the application for permit to appropriate water for beneficial use, as modified and amended by the Orders of the Chief Engineer dated June 11, 1996 and July 26, 2005, approving the applications to change the place of use, the Order of the Chief Engineer dated April 23, 2014, approving the application to change the point of diversion, and by the Order of the Chief Engineer dated August 28, 2014, approving the application to change the place of use, finds that the change is reasonable and will not impair existing rights, and that the application should be and is hereby approved.

The effective date of the change shall be the date this order is executed by the Chief Engineer, after which the authorized location of the place of use shall be:

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				
26	30S	27W												40.00			40.00		40.00	35.00		155.00
27	30S	27W	40.00	40.00	40.00	40.00	40.00	40.00	37.00	38.00		32.00	30.00		25.00	12.50	15.00	40.00				469.50

a total of 624.50 acres in Township 30 South, Range 27 West, Meade County, Kansas,

located substantially as shown on the map accompanying the application to change the place of use.

All diversion works into which any type of chemical or other foreign substance will be injected into the water pumped from the diversion works shall be equipped with an in-line, automatic, quick-closing check valve capable of preventing pollution of the source of the water supply. The type of valve installed shall meet specifications adopted by the Chief Engineer and shall be maintained in an operating condition satisfactory to the Chief Engineer.

The water right owner shall properly install an acceptable water meter on the diversion works authorized under this water right, prior to the use of water, in strict accordance with the Kansas Administrative Regulations 5-1-4 through 5-1-12 adopted by the Chief Engineer. The water right owner shall notify the Chief Engineer when installation of the water meter has been completed. The water right owner shall maintain the water meter in an operating condition satisfactory to the Chief Engineer, at all times during diversion of water and shall maintain records from which the total quantity of water diverted may be determined. The water right owner shall also report the reading of said water meter and the total quantity of water diverted annually to the Chief Engineer. Such records shall be furnished to the Chief Engineer by March 1 following the end of each calendar year.

In all other respects, the Certificate of Appropriation issued pursuant to Approval of Application, File No. 12,819, for permit to appropriate water for beneficial use, is as stated and set forth in the Certificate of Appropriation dated July 26, 1983, as modified and amended by the aforementioned orders.

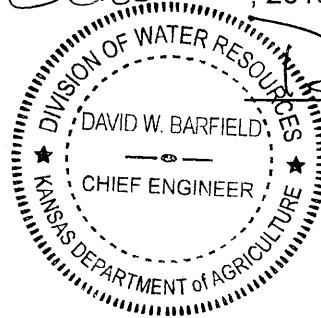
This Order shall become a final agency action, as defined by K.S.A. 77-607(b), without further notice to the parties, if a request for hearing or a petition for administrative review is not filed as set forth below.

Request for Hearing. According to K.A.R. 5-14-3(c), any party who desires a hearing must submit a request within 15 days after the date shown on the Certificate of Service attached to this Order. Filing a request for a hearing will give you the opportunity to submit additional facts for consideration, contest any findings made by the Chief Engineer or present any other information you believe should be considered in this matter. A timely-filed request for hearing will stay the deadline for requesting administrative review of this Order pending the outcome of the hearing.

Petition for Review. Any person aggrieved by this Summary Order may petition for administrative review, pursuant to K.S.A. 82a-708b(a) and K.S.A. 82a-1901(a). The petition must be filed within 30 days after the date shown on the Certificate of Service attached to this Order and must set forth the basis for the review, unless stayed by the timely filing of a request for hearing.

Any request for hearing or petition for administrative review shall be in writing and shall be submitted to the attention of: Chief Legal Counsel, Kansas Department of Agriculture, 1320 Research Park Drive, Manhattan, Kansas 66502, Fax: (785) 564 - 6777.

Ordered this 25<sup>th</sup> day of October, 2016, in Topeka, Shawnee County, Kansas.



*David W. Barfield*  
David W. Barfield, P.E.  
Chief Engineer  
Division of Water Resources  
Kansas Department of Agriculture

State of Kansas )  
County of Riley ) SS

The foregoing instrument was acknowledged before me this 25<sup>th</sup> day of October, 2016, by David W. Barfield, P.E., Chief Engineer, Division of Water Resources, Kansas Department of Agriculture.



*Karen Hunter*  
Notary Public

**CERTIFICATE OF SERVICE**

On this 26 day of October, 2016, I hereby certify that the attached Approval of Application for the Change in Place of Use, File No. 12,819, dated Oct. 25, 2016, was mailed postage prepaid, first class, US mail to the following:

FOWLER FEEDERS LLC  
5113 23RD RD  
FOWLER KS 67844

with photocopies to:

Garden City Field Office  
Groundwater Management District No. 3

*Danielle Wilson*  
Division of Water Resources

Submit To: CHIEF ENGINEER  
Division of Water Resources  
Kansas Department of Agriculture  
109 SW 9<sup>th</sup> Street, 2nd Floor  
Topeka, KS 66612-1283  
[www.ksda.gov/dwr](http://www.ksda.gov/dwr)

**APPLICATION FOR APPROVAL TO  
CHANGE THE PLACE OF USE, THE  
POINT OF DIVERSION OR THE USE  
MADE OF THE WATER UNDER AN  
EXISTING WATER RIGHT**



State of Kansas

**Filing Fee Must Accompany the Application**  
(Please refer to Fee Schedule on signature page of application form.)

Paragraph Nos. 1, 2, 3, 4 & 8 must be completed. Complete all other applicable portions. A topographic map or detailed plat showing the authorized and proposed points(s) of diversion and /or place of use must accompany this application.

1. Application is hereby made for approval of the Chief Engineer to change the

- Place of Use  
 Point of Diversion  
 Use Made of Water

(Check one or more)

**WATER RESOURCES  
RECEIVED**

**AUG 03 2015**

**12:32**

**KS DEPT OF AGRICULTURE**

File No. 12819

2. Name of applicant: FOWLER FEEDERS LLC

Address: 5113 23RD RD

City, State and Zip: FOWLER KS 67844

Phone Number: (620)646-5269 E-mail address: \_\_\_\_\_

What is your relationship to the water right;  owner  tenant  agent  other? If other, please explain. \_\_\_\_\_

FOWLER FEEDERS LLC

Name of water use correspondent: FOWLER FEEDERS LLC

Address: 5113 23RD RD

City, State and Zip: FOWLER KS 67844

Phone Number: ( ) \_\_\_\_\_ E-mail address: \_\_\_\_\_

3. The change(s) proposed herein are desired for the following reasons (please be specific): \_\_\_\_\_

to show the place of use as it currently is and to convert some water to stock use from file 8809D1.

The change(s) (will be) completed by upon approval.

(Date)

**For Office Use Only:**

F.O. 4 GMD 3 Meets K.A.R. 5-5-1 (YES / NO) Use IRR Source G/S County ME By KAB Date 8/3/15  
Code CRU Fee \$ 200 TR # 1160011710 Receipt Date 8/3/15 Check # 18285

8/4/2015 LLM



4. The presently authorized place of use is:

Owner of Land — NAME: FOWLER FEEDERS LLC

ADDRESS: 5113 23RD RD.FOWLER KS 67844

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	
26	30	27w									40			40		40	40		160
27	30	27w	40	40	40	40	40	40	37	40	21.8	40	40	21.8	25	12.5	20	40	538.1

List any other water rights that cover this place of use. 1062, 8809 D1, 12819, 18011

Owner of Land — NAME: \_\_\_\_\_

ADDRESS: \_\_\_\_\_

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	

List any other water rights that cover this place of use. \_\_\_\_\_

(If there are more than two landowners, attach additional sheets as necessary.)

WATER RESOURCES  
RECEIVED

5. It is proposed that the place of use be changed to:

JAN 15 2016

Owner of Land — NAME: FOWLER FEEDERS LLC

ADDRESS: 5113 23RD RD FOWLER KS 67844

KS DEPT OF AGRICULTURE

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	
26	30	27w									40			40		40	35		155
27	30	27w	40	40	40	40	40	40	37	40		32	30		25	12.5	15	40	471.5
27	30	27w	stock	use	se	&	e2sw	&	senw										

List any other water rights that cover this place of use. 1062, 8809D1, 12819, 18011 & ~~35530, 35531~~

Owner of Land — NAME: \_\_\_\_\_

ADDRESS: \_\_\_\_\_

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	

List any other water rights that cover this place of use. \_\_\_\_\_

**IF MORE SPACE IS NEEDED, ATTACH ADDITIONAL SHEETS AS NECESSARY** \* RSK/ow 1/20/15

\* per stockwatering description & map for File No. 35531  
\* RSK/ow 1/20/15  
SCANNED SCANNED

6. The presently authorized point(s) of diversion (is) (are) 1 well  
(Provide description and number of points)
7. The proposed point(s) of diversion (is) (are) no change to well  
(Provide description and number of points)

**List all presently authorized point(s) of diversion:**

8. **Presently authorized point of diversion:**

One in the sw Quarter of the se Quarter of the \* NW sw Quarter of Section 26, Township 30 South, Range 27 W, in Meade County, Kansas, 2652 feet North 3902 feet West of Southeast corner of section.  
 Authorized Rate \_\_\_\_\_ Authorized Quantity \_\_\_\_\_  
 (DWR use only: Computer ID No. \_\_\_\_\_ 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 \_\_\_\_\_, in \_\_\_\_\_ County, Kansas, \_\_\_\_\_ feet North \_\_\_\_\_ feet West of Southeast corner of section.  
 Proposed Rate \_\_\_\_\_ Proposed Quantity \_\_\_\_\_  
 This point is:  Additional Well     Geo Center    List other water rights that will use this point \_\_\_\_\_

9. **Presently authorized point of diversion:**

One in the \_\_\_\_\_ Quarter of the \_\_\_\_\_ Quarter of the \_\_\_\_\_ Quarter of Section \_\_\_\_\_, Township \_\_\_\_\_ South, Range \_\_\_\_\_, in \_\_\_\_\_ County, Kansas, \_\_\_\_\_ feet North \_\_\_\_\_ feet West of Southeast corner of section.  
 Authorized Rate \_\_\_\_\_ Authorized Quantity \_\_\_\_\_  
 (DWR use only: Computer ID No. \_\_\_\_\_ 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 \_\_\_\_\_ (EW), in \_\_\_\_\_ County, Kansas, \_\_\_\_\_ feet North \_\_\_\_\_ feet West of Southeast corner of section.  
 Proposed Rate \_\_\_\_\_ Proposed Quantity \_\_\_\_\_  
 This point is:  Additional Well     Geo Center    List other water rights that will use this point \_\_\_\_\_

10. **Presently authorized point of diversion:**

One in the \_\_\_\_\_ Quarter of the \_\_\_\_\_ Quarter of the \_\_\_\_\_ Quarter of Section \_\_\_\_\_, Township \_\_\_\_\_ South, Range \_\_\_\_\_ (EW), in \_\_\_\_\_ County, Kansas, \_\_\_\_\_ feet North \_\_\_\_\_ feet West of Southeast corner of section.  
 Authorized Rate \_\_\_\_\_ Authorized Quantity \_\_\_\_\_  
 (DWR use only: Computer ID No. \_\_\_\_\_ 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 \_\_\_\_\_ (EW), in \_\_\_\_\_ County, Kansas, \_\_\_\_\_ feet North \_\_\_\_\_ feet West of Southeast corner of section.  
 Proposed Rate \_\_\_\_\_ Proposed Quantity \_\_\_\_\_  
 This point is:  Additional Well     Geo Center    List other water rights that will use this point \_\_\_\_\_

11. Describe the current condition of and future plans for any point(s) of diversion which will no longer be used. na

**IF MORE SPACE IS NEEDED, ATTACH ADDITIONAL SHEETS AS NECESSARY**

\* Per W-116  
\* 5/3/16

SCANNED

4. The presently authorized place of use is:

Owner of Land — NAME: FOWLER FEEDERS LLC

ADDRESS: 5113 23RD RD FOWLER KS 67844

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					
26	30	27w									40				40					40	40		160
27	30	27w	40	40	40	40	40	40	37	40	21.8	40	40	21.8	25	12.5	20	40					538.1

List any other water rights that cover this place of use. 1062, 8809 D1, 12819, 18011

Owner of Land — NAME: \_\_\_\_\_

ADDRESS: \_\_\_\_\_

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				

List any other water rights that cover this place of use. \_\_\_\_\_

(If there are more than two landowners, attach additional sheets as necessary.) *\*Sec Revised Proposed PU Received 1/15/16*

5. It is proposed that the place of use be changed to:

Owner of Land — NAME: FOWLER FEEDERS LLC

ADDRESS: 5113 23RD RD FOWLER KS 67844

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					
26	30	27w									40				40					40	40		160
27	30	27w	40	40	40	40	40	40	37	40		30	30		25	12.5	20	40					474.5

List any other water rights that cover this place of use. 1062, 8809D1, 12819, 18011

Owner of Land — NAME: \_\_\_\_\_

ADDRESS: \_\_\_\_\_

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				

List any other water rights that cover this place of use. \_\_\_\_\_

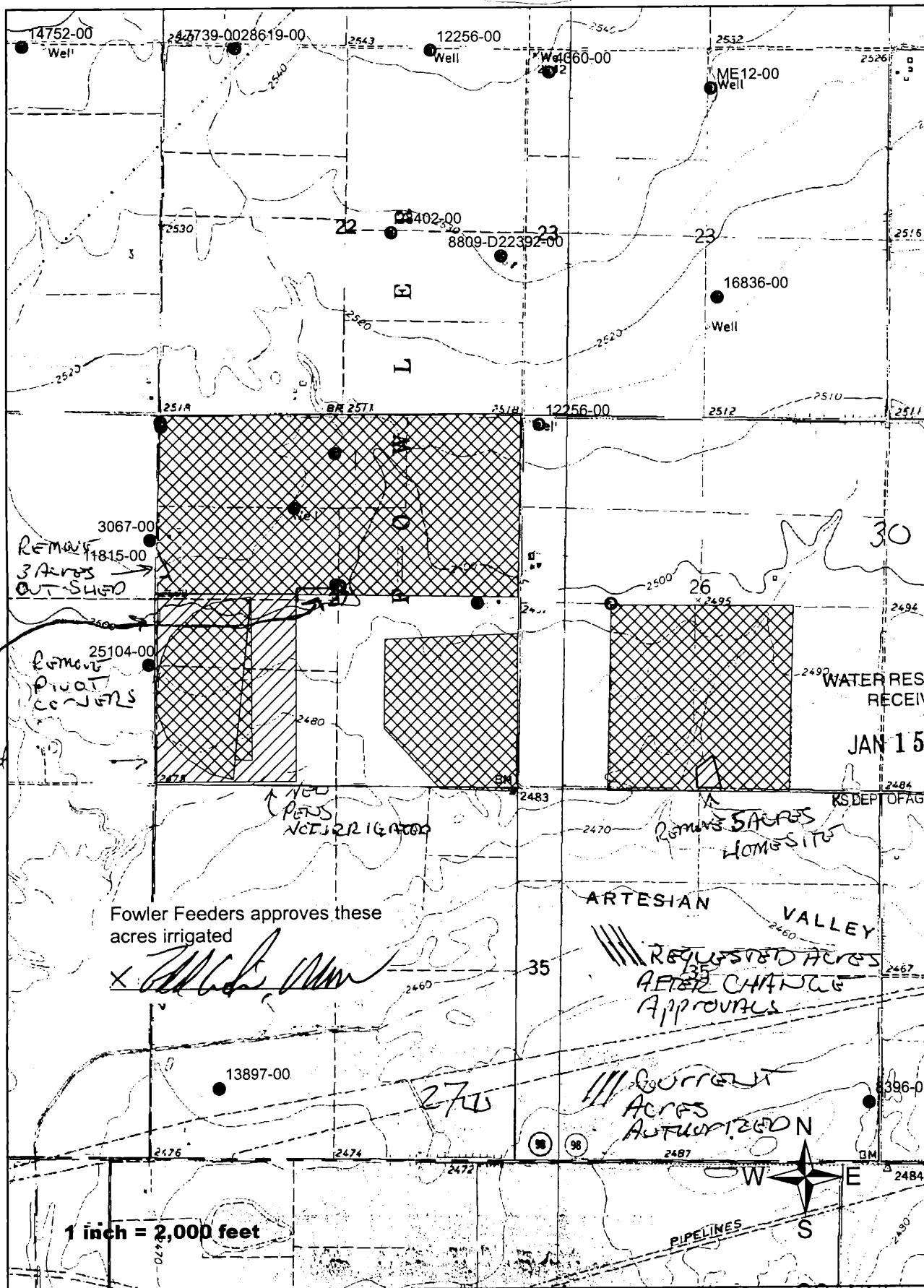
**WATER RESOURCES RECEIVED**

**IF MORE SPACE IS NEEDED, ATTACH ADDITIONAL SHEETS AS NECESSARY**

**AUG 03 2015**

*\*Rsk 1/20/16*

1062, 8809D1, 12819, 18011



WATER RESOURCES RECEIVED  
 JAN 15 2016  
 KS DEPT OF AGRICULTURE

Fowler Feeders approves these acres irrigated

*[Signature]*

\* 2 acres out feedlot  
 per proposed feedlot description & map  
 File No 35531  
 Change per received 12/11/15

REMAINING 5 ACRES HOMESITE  
 REQUESTED 8 ACRES AFTER CHANGE APPROVALS

CURRENT ACRES AUTHORIZED

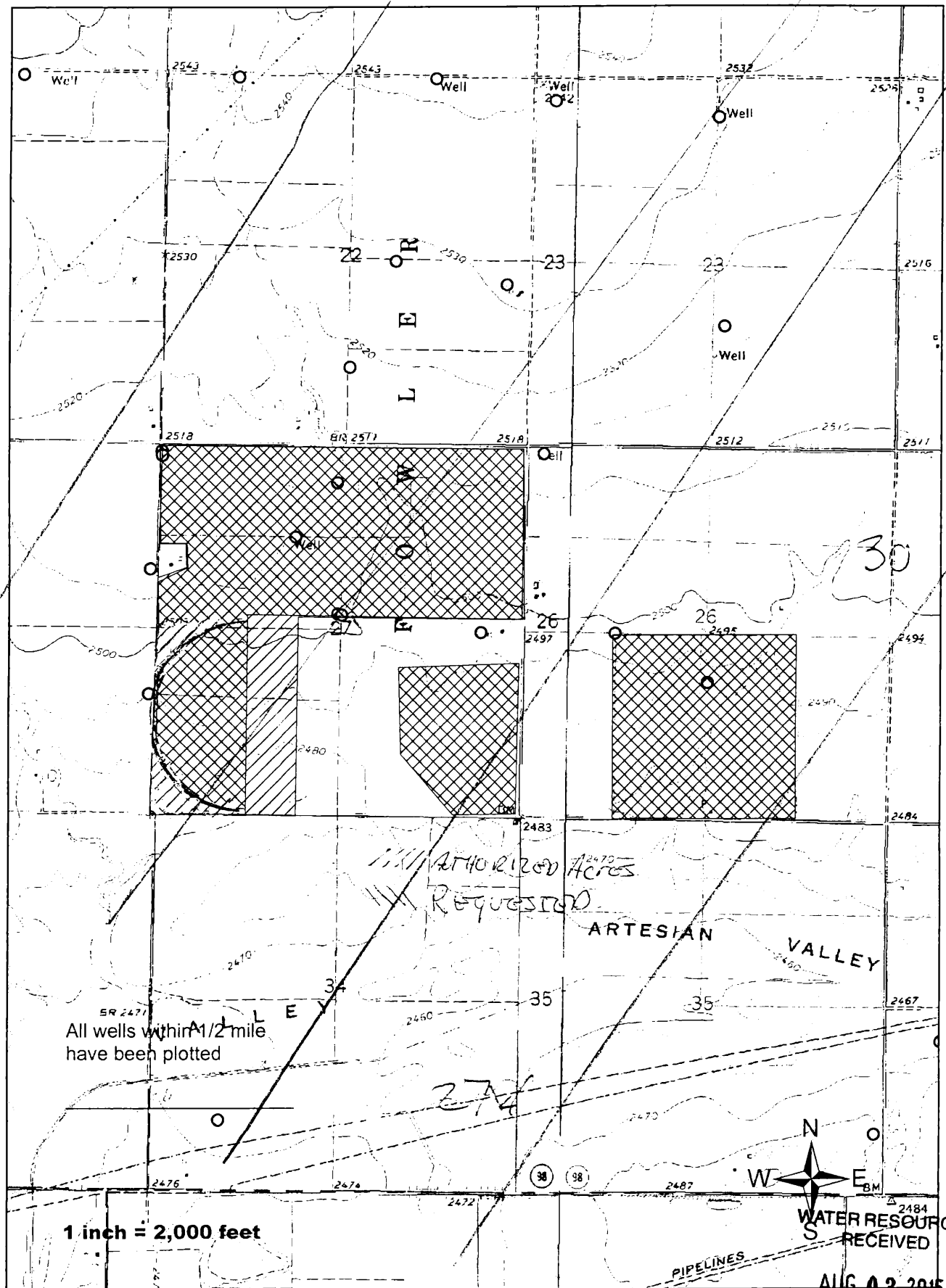
1 inch = 2,000 feet

SCANNED SCANNEL

\* RAK/Dm 1/20/15

\* See Revised Proposed PU Map  
Received 1/15/16

1062, 8809 D1, 12819, 18011



SCANNED \* 2/20/16

AUG 03 2015  
KS DEPT OF AGRICULTURE

12. The presently authorized use of water is for Irr \_\_\_\_\_ purposes.

It is proposed that the use be changed to na \_\_\_\_\_ purposes.

13. If changing the place of use and/or use made of water, describe how the consumptive use will not be increased.

The place of use will be less than in the past.  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

(Please show any calculations here.)

14. It is requested that the maximum annual quantity of water be reduced to na \_\_\_\_\_ (acre-feet or million gallons).

15. It is requested that the maximum rate of diversion of water be reduced to na \_\_\_\_\_ gallons per minute (\_\_\_\_\_ c.f.s.).

16. The application must include either a topographic map or detailed plat. A U.S. Geological Survey Topographic Map, scale 1:24,000, is available through the Kansas Geological Survey, 1930 Constant Avenue, University of Kansas, Lawrence, Kansas 66047-3726 ([www.usgs.gov](http://www.usgs.gov)). The map should show the location of the presently authorized point(s) of diversion. Distances North and West of the Southeast corner of the section must be shown. The presently authorized place of use should also be shown. Identify the center of the section, the section lines and the section corners and show the appropriate section, township, and range numbers on the map. In addition the following information must also be shown on the map.

a. If a change in the location of the point(s) of diversion is proposed, show:

- 1) The location of the proposed point(s) of diversion. Distances North and West of the Southeast corner of the section must be shown. Please be certain that the information shown on the map agrees with the information shown in Paragraph Nos. 9, 10 and 11 of the application.
- 2) If the source of supply is groundwater, please show the location of existing water wells of any kind, including domestic wells, within 1/2 mile of the proposed well or wells. Identify each well as to its use and furnish name and mailing address of the property owner or owners. If there are no wells within 1/2 mile, please indicate so on the map.
- 3) If the source of supply is surface water, the names and mailing addresses of all landowner(s) 1/2 mile downstream and 1/2 mile upstream from your property lines must be shown.

b. If a change in the place of use is desired, show the proposed place of use by crosshatching on the map. Please be certain that the information shown on the map agrees with the information shown in Paragraph No. 5 of the application.

17. Attach documentation to show the change(s) proposed herein will not impair existing water rights and relates to the same local source of supply as to which the water right relates. This information may include statements, plats, geology reports, well logs, test hole logs, and other information as necessary information to show the above. Additional comments may be made below.

The place of use will be less than in the past.  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

18. If the proposed change(s) does not meet all applicable rules and regulations of the Kansas Water Appropriation Act, please identify the rules and regulations for which you request a waiver. State the reason why a waiver is needed and why the request should be granted. Attach documentation showing that granting the request will not impair existing water rights and will not prejudicially and unreasonably affect the public interest.

**WATER RESOURCES  
RECEIVED**

**AUG 03 2015**

**IF MORE SPACE IS NEEDED, ATTACH ADDITIONAL SHEETS AS NECESSARY** DEPT. OF AGRICULTURE

SCANNED

Any use of water that is not as authorized by the water right or permit to authorize water **before** the chief engineer approves this application is a violation of the Kansas Water Appropriation Act for which criminal or civil penalties may be assessed. Such violation is a class C misdemeanor, punishable by a fine not to exceed \$500 and/or a term of confinement not to exceed one month in the county jail. K.S.A. 82a-728(b). Civil penalties shall be not less than \$100 nor more than \$1,000 per violation. In the case of a continuing violation, each day such violation continues may be deemed a separate violation. In addition to these penalties the water right may be modified or suspended. K.S.A. 82a-737, as amended.

**The application must be signed by all owners of the place of use authorized under the water right and his or her spouse, if married. Please indicate if there is no spouse.** If land is being purchased under contract, the seller must sign as landowner until such time as the contract is completed.

In the event that all applicants cannot appear before one notary public, they may as necessary sign separate copies of the application before any notary public conveniently available to them. All copies signed in this manner shall be considered to be valid parts of the application.

If the request is signed on behalf of any Owner by someone with legal authority to do so (for example, an agent, one who has power of attorney, or an executor, executrix, conservator), it will be necessary to attach proper documents showing such authority.

**I declare that I am an owner of the currently authorized place of use as identified herein, or that I represent all such owners and am authorized to make this application on their behalf, and declare further that the statements contained herein are true, correct, and complete. By filing this application I authorize the chief engineer to permanently reduce the quantity of water and/or rate of diversion as specified in sections 14 and 15 of this application.**

Dated at Fowler, Kansas, this 29<sup>th</sup> day of July, 2015.

[Signature]  
(Owner)

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

Todd Siek, General Manager  
(Please Print)

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

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

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

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

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

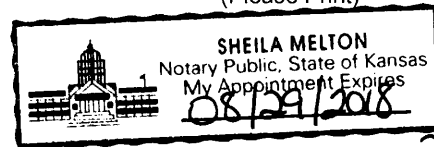
\_\_\_\_\_  
(Owner)

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

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

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

State of Kansas }  
County of Meade } SS



I hereby certify that the foregoing application was signed in my presence and sworn to before me this 29<sup>th</sup> day of July, 2015.

[Signature]  
Notary Public

My Commission Expires 08/29/2018.

**FEE SCHEDULE**

Each application to change the place of use, the point of diversion or the use made of the water under this section shall be accompanied by the application fee set forth in the schedule below:

- (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
- (4) Application to change the use made of the water . . . . . \$300

Make check payable to **Kansas Department of Agriculture.**

## Krueger, Richelle

---

**From:** Meyer, Mike  
**Sent:** Friday, October 14, 2016 7:32 AM  
**To:** Krueger, Richelle  
**Subject:** RE: Request for Recommendation Fowler Feeders Change in pu File Nos. 1062,12819,18011,35530,35531 Change pd pu mw File No. 8809 D1

Yes I recommend approval

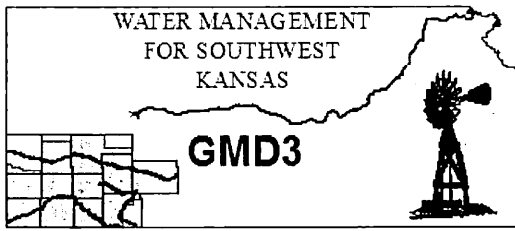
*Mike*

---

**From:** Krueger, Richelle  
**Sent:** Thursday, October 13, 2016 4:57 PM  
**To:** Meyer, Mike <Mike.Meyer@ks.gov>  
**Cc:** Makens, Thom <Thom.Makens@ks.gov>  
**Subject:** Request for Recommendation Fowler Feeders Change in pu File Nos. 1062,12819,18011,35530,35531 Change pd pu mw File No. 8809 D1

Hi Mike,  
Attached is a draft memo for the referenced changes for Fowler Feeders, do you recommend approval?  
Thanks,  
Richelle





**Southwest Kansas**  
**Groundwater Management District No. 3**  
2009 E. Spruce Street  
Garden City, Kansas 67846  
(620) 275-7147 phone (620) 275-1431 fax  
www.gmd3.org

September 13, 2016

Richelle A. Krueger  
Kansas Department of Agriculture  
Division of Water Resources  
1320 Research Park Drive  
Manhattan, Kansas 66502

WATER RESOURCES  
RECEIVED

OCT 17 2016

KS DEPT OF AGRICULTURE

RE: Change Applications,  
Water Right, File Nos. 1,062; 8,809 D1;  
12,819; 18,011; 35,530 & 35,531

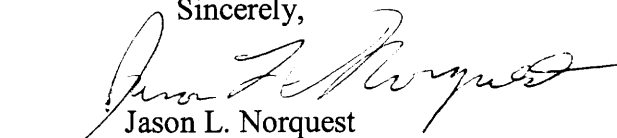
Dear Richelle:

We have completed a review of the application for the above referenced water right. The proposals to change the place of use in order to adjust the irrigation acres and the stock acres for feed yard expansion is in accordance with K.A.R. 5-5-113. The application under File No. 8,809 D1 was also asking for a partial change in use made of water and a change in point of diversion. The change in use made of water met the criteria set forth in K.A.R. 5-5-10.

Water Right, File No. 8,809 D1 also proposed to move the stock water portion back to the old well they moved from with a change application/approval in 2015. That proposed change does not meet the criteria set forth in KAR 5-23-3, more specifically the spacing to neighboring wells. A representative of the applicant, Fowler Feeder, was present as the Board discussed the waiver request at our October 12, 2016 board meeting. It was noted that the only neighboring wells that do not meet spacing are also owned and operated by the applicant. The intended use for this well is to help supplement the needed demand on the watering system during peak usage, especially in the heat of summer. The applicant also mentioned that their plan is to utilize the existing well they vacated last year and has had a casing failure which would limit their access to only the top portion of the well. The intended rate would be small to ensure the system is operating properly during peak demand. After further discussion the Board recommends a waiver to spacing due to the fact that this well will not be fully utilized and the only wells that do not meet spacing are the applicant's. It is therefore recommended a waiver to K.A.R. 5-23-3(a)(1) be granted and that the application, along with the other applications, be approved at this time.

Thank you for the opportunity to review the applications and to provide a recommendation. If you have any questions, please don't hesitate to contact us.

Sincerely,



Jason L. Norquest  
Assistant Manager

## Krueger, Richelle

---

**From:** Jason Norquest <norquest@gmd3.org>  
**Sent:** Thursday, October 13, 2016 10:47 AM  
**To:** Krueger, Richelle  
**Subject:** Fowler Feeders  
**Attachments:** 1062+\_ReviewMat\_PU\_091316.pdf

Good morning Richelle. Hope you are having a good week. Temps have been a roller coaster out here this week. Hot and windy to pretty chilly and supposed to go back to mid 80s again by weekend. Harvest is in the final stages for most farmers it sounds like.

Attached is the review material I gathered for the applications for Fowler Feeders. We took the waiver to the board yesterday and got their recommendation. I will send a hard copy of the letter in the mail.

Have a good day!!!

*Jason Norquest*

Assistant Manager, GMD3

Office: 620-275-7147 Cell: 620-271-1289

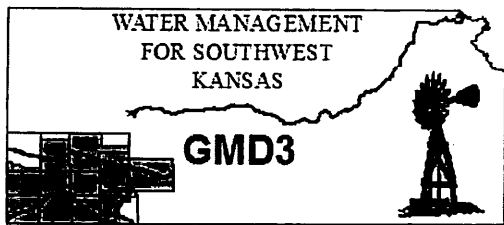
[norquest@gmd3.org](mailto:norquest@gmd3.org)

[www.gmd3.org](http://www.gmd3.org)

WATER RESOURCES  
RECEIVED

OCT 13 2016

KS DEPT OF AGRICULTURE



**Southwest Kansas**  
**Groundwater Management District No. 3**  
2009 E. Spruce Street  
Garden City, Kansas 67846  
(620) 275-7147 phone (620) 275-1431 fax  
www.gmd3.org

September 13, 2016

Richelle A. Krueger  
Kansas Department of Agriculture  
Division of Water Resources  
1320 Research Park Drive  
Manhattan, Kansas 66502

RE: Change Applications,  
Water Right, File Nos. 1,062; 8,809 D1;  
12,819; 18,011; 35,530 & 35,531

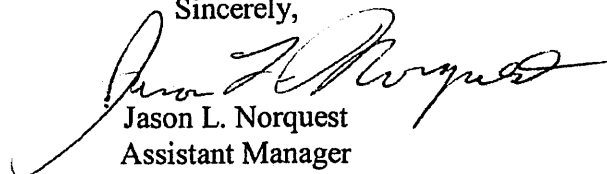
Dear Richelle:

We have completed a review of the application for the above referenced water right. The proposals to change the place of use in order to adjust the irrigation acres and the stock acres for feed yard expansion is in accordance with K.A.R. 5-5-113. The application under File No. 8,809 D1 was also asking for a partial change in use made of water and a change in point of diversion. The change in use made of water met the criteria set forth in K.A.R. 5-5-10.

Water Right, File No. 8,809 D1 also proposed to move the stock water portion back to the old well they moved from with a change application/approval in 2015. That proposed change does not meet the criteria set forth in KAR 5-23-3, more specifically the spacing to neighboring wells. A representative of the applicant, Fowler Feeder, was present as the Board discussed the waiver request at our October 12, 2016 board meeting. It was noted that the only neighboring wells that do not meet spacing are also owned and operated by the applicant. The intended use for this well is to help supplement the needed demand on the watering system during peak usage, especially in the heat of summer. The applicant also mentioned that their plan is to utilize the existing well they vacated last year and has had a casing failure which would limit their access to only the top portion of the well. The intended rate would be small to ensure the system is operating properly during peak demand. After further discussion the Board recommends a waiver to spacing due to the fact that this well will not be fully utilized and the only wells that do not meet spacing are the applicant's. It is therefore recommended a waiver to K.A.R. 5-23-3(a)(1) be granted and that the application, along with the other applications, be approved at this time.

Thank you for the opportunity to review the applications and to provide a recommendation. If you have any questions, please don't hesitate to contact us.

Sincerely,

  
Jason L. Norquest  
Assistant Manager

WATER RESOURCES  
RECEIVED

OCT 13 2016

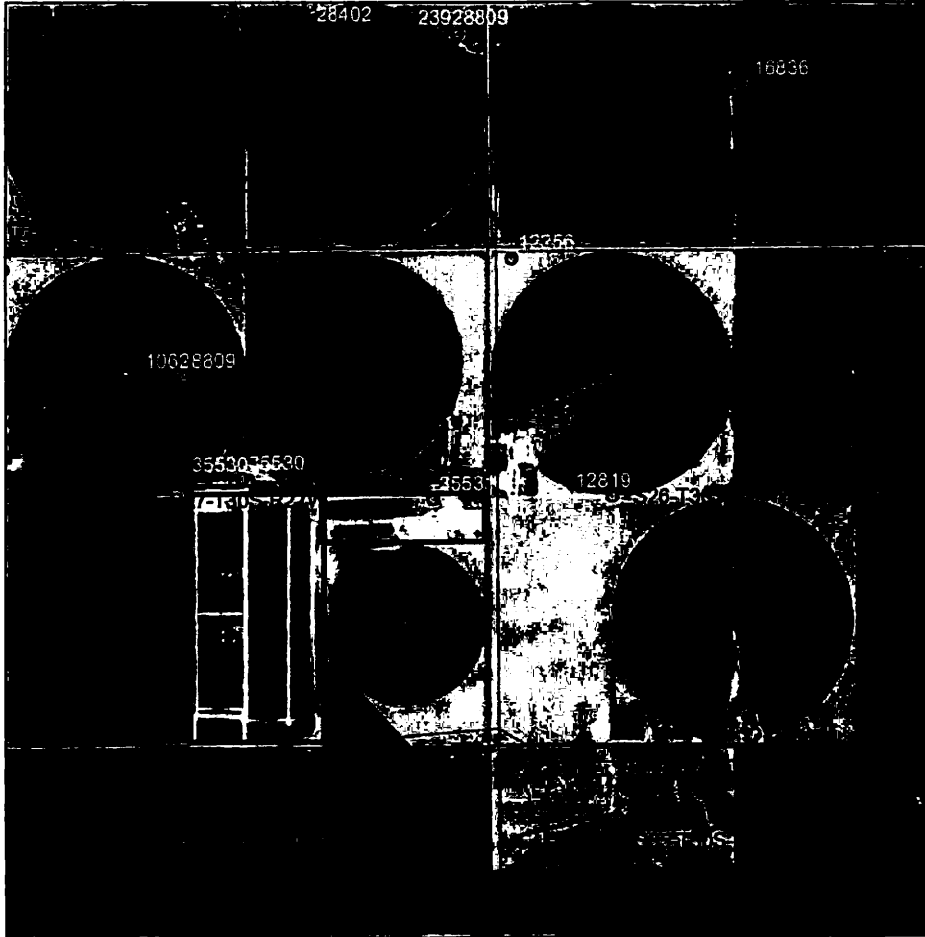
Serving Southwest Kansas Since 1976

KS DEPT OF AGRICULTURE

## GMD3 Change Review

Change Application(s); PU, PD, UMW

File No(s). 1062, 8809D1, 12819, 18011, 35530 & 35531; Fowler Feeders



The partial conversion to STK on 8809D1 is consistent with KAR 5-5-10, 127AF will convert to STK and leave 805AF for IRR.

Red outline is current PU for STK watering and the solid red is new area proposed for expansion. This is on the applications filed for WRs 8809D1 STK, 35530 & 35531. A change in place of use was made for WRs 1062, 8809D1 IRR, 12819 & 18011. The changes will still completely overlap place of use for all WRs, but had to be adjusted for the partial change in Use Made of Water, the feedlot expansion and to better show the actual place of use.

	ft. North	ft. West	8809 D1
Authorized P/D	4772	2696	Remain IRR
Proposed P/D	3960	3300	New STK
Difference	812	-604	
a2 + b2 = c2	659344	364816	1012.0 feet apart

Neighboring wells: Waiver needed on the 8809D1 STK well that is being converted. Neighboring wells with spacing issue are the applicant's.

Domestic wells:

Regulation(s) Reviewed: KAR 5-23-3, KAR 5-5-10 & KAR 5-5-11

## GMD3 Change Review

---

Board Review Date: October 12, 2016

Board Recommendation: Recommend a waiver

Waiver Reason: Shallow well due to bottom portion of well casing failure and the only wells spacing not met to are the applicant's

Final Recommendation: The applications to change place of use meet the criteria under KAR 5-5-11 and we recommend approval.

The change under 8809D1 requires a waiver to spacing to neighboring wells. This existing wells is not going to be able to utilize the full depth of the well due to casing failure and the applicant state that it is intended to only be used during peak demand like in summer in order to keep feedlot system working properly. Staff and Board therefore recommend a waiver and approval of the application.

A handwritten signature in black ink, consisting of a stylized 'J' followed by a series of loops and a long horizontal stroke extending to the right.

WATER RESOURCES  
RECEIVED

OCT 13 2016

KS DEPT OF AGRICULTURE

Water Rights and Points of Diversion Within 1.00 miles of point defined as:

3960 ft N and 3300 ft W of the SE Corner of Section 27, T 30S, R 27W

Located at: 100.263589 West Longitude and 37.412762 North Latitude

GROUNDWATER ONLY

File Number	Use	ST	SR	Dist	(ft)	Q4	Q3	Q2	Q1	FeetN	FeetW	Sec	Twp	Rng	ID	Batt	Auth_Quan	Add_Quan	Unit	
A__ 1062	00 IRR NK G*				1012	--	NE	NE	NW	4772	2696	27	30	27W	7		2300	200.00	200.00	AF* <i>Applicant</i>
A__ 2392	00 IRR NK G				4733	--	NE	NE	SE	-----	-----	22	30	27W	1		380.00	380.00	AF	
A__ 3067	00 IRR NK G				2101	--	NE	SE	NE	3500	100	28	30	27W	1		1600	272.00	272.00	AF
A__ 8809	D1 IRR NK G*				1012	--	NE	NE	NW	4772	2696	27	30	27W	7		950.00	876.20	AF*	
A__ 8809	D2 IRR NK G				4733	--	NE	NE	SE	-----	-----	22	30	27W	1		480.00	100.00	AF	
A__ 11815	00 IRR NK G				2101	--	NE	SE	NE	3500	100	28	30	27W	1		26.00	26.00	AF	
A__ 12256	00 IRR NK G				3785	--	NW	NW	NW	5207	4965	26	30	27W	4		831.00	831.00	AF	
A__ 12819	00 IRR NK G*				4810	--	SW	SE	NW	2652	3902	26	30	27W	5		320.00	320.00	AF*	
A__ 18011	00 IRR NK G*				2242	--	NW	NW	NW	5135	5210	27	30	27W	6		854.00	27.00	AF*	
A__ 25104	00 IRR NK G				3168	--	SE	NE	SE	1580	150	28	30	27W	3		180.00	180.00	AF	
A__ 28402	00 IRR NK G				4220	--	NE	NW	SE	2621	1926	22	30	27W	7		480.00	.00	AF	
A__ 35530	00 STK NK G*				1287	--	SW	SW	NE	2880	2600	27	30	27W	3		1300	.00	.00	AF*
Same					1242	--	SE	SE	NW	2895	2660	27	30	27W	5		117.85	117.85	AF	
A__ 35531	00 STK NK G*				2999	--	SE	SE	NE	2650	600	27	30	27W	4		50.02	50.02	AF	

Total Net Quantities Authorized:	Direct	Storage
Total Requested Amount (AF) =	.00	.00
Total Permitted Amount (AF) =	.00	.00
Total Inspected Amount (AF) =	.00	.00
Total Pro_Cert Amount (AF) =	.00	.00
Total Certified Amount (AF) =	3380.07	.00
Total Vested Amount (AF) =	.00	.00
TOTAL AMOUNT (AF) =	3380.07	.00

An \* after the source of supply indicates a pending application for change for the file number.

An \* after the ID indicates a 15 AF exemption was granted for the file number.

A "G" in the Batt column indicates the GEO CTR of a battery. A "B" indicates a well in the battery.

The number in the Batt column is the number of wells in the battery.

Water Rights and Points of Diversion Within 1.00 miles of point defined as:

100.263589 West Longitude and 37.412762 North Latitude

GROUNDWATER ONLY

WATER USE CORRESPONDENTS:

File Number	Use	ST	SR
A__ 1062	00 IRR NK G		
>	FOWLER FEEDERS LLC		
>			
>	5113 23RD RD		
>	FOWLER KS 67844		
-----			
A__ 2392	00 IRR NK G		
>	PRAIRIE FARMS		
>	DALE ZORTMAN PRESIDENT		
>	PO BOX 476		
>	FOWLER KS 67844		

> FOWLER FEEDERS LLC  
>  
> 5113 23RD RD  
> FOWLER KS 67844

-----  
A\_ 3067 00 IRR NK G  
> MARK COPENHAVER  
>  
> 23156 G RD  
> FOWLER KS 67844

X

-----  
A\_ 8809 D1 IRR NK G  
> FOWLER FEEDERS LLC  
>  
> 5113 23RD RD  
> FOWLER KS 67844

AP

-----  
A\_ 8809 D2 IRR NK G  
> FOWLER FEEDERS LLC  
>  
> 5113 23RD RD  
> FOWLER KS 67844

AP

-----  
A\_ 11815 00 IRR NK G  
> MARK COPENHAVER  
>  
> 23156 G RD  
> FOWLER KS 67844

X

-----  
A\_ 12256 00 IRR NK G  
> DALE O ZORTMAN  
> 310 E SEVENTH AVE  
> PO BOX 476  
> FOWLER KS 67844

X

-----  
A\_ 12819 00 IRR NK G  
> FOWLER FEEDERS LLC  
>  
> 5113 23RD RD  
> FOWLER KS 67844

AP

-----  
A\_ 18011 00 IRR NK G  
> FOWLER FEEDERS LLC  
>  
> 5113 23RD RD  
> FOWLER KS 67844

\* Spacing

-----  
A\_ 25104 00 IRR NK G  
> MARK COPENHAVER  
>  
> 23156 G RD  
> FOWLER KS 67844

X

>-----  
A\_\_ 28402 00 IRR NK G  
> PRAIRIE FARMS  
> DALE ZORTMAN PRESIDENT  
> PO BOX 476  
> FOWLER KS 67844

X

>-----  
A\_\_ 35530 00 STK NK G  
> FOWLER FEEDERS LLC  
>  
> 5113 23RD RD  
> FOWLER KS 67844

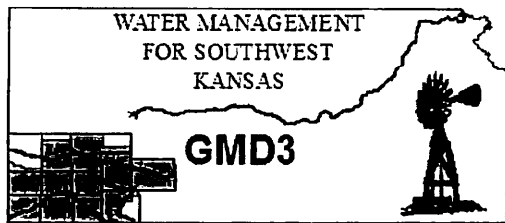
\* Spacing

>-----  
A\_\_ 35531 00 STK NK G  
> FOWLER FEEDERS LLC  
>  
> 5113 23RD RD  
> FOWLER KS 67844

APP 1

>-----  
=====





**Southwest Kansas**  
**Groundwater Management District No. 3**  
2009 E. Spruce Street  
Garden City, Kansas 67846  
(620) 275-7147 phone (620) 275-1431 fax  
www.gmd3.org

September 13, 2016

Fowler Feeders LLC  
5113 23<sup>RD</sup> RD  
Fowler, KS 67844

RE: Water Right, File No. 1,062; 8,809 D1;  
12,819; 18,011; 35,530 & 35,531

Dear Fowler Feeders and Neighbors,

This is to advise you that your application for approval of the Chief Engineer, Division of Water Resources, Kansas Department of Agriculture, to change the point of diversion under the above referenced application requires a waiver of a rule, specifically, K.A.R. 5-23-3 as it pertains to spacing to neighboring wells.

The application proposes to partially convert an irrigation right to stock and add a stock watering well at a point described as being 3960 feet North and 3300 feet West of the SE corner of Section 27, Township 30s, Range 27w, in Meade County. A plat and groundwater resource review information is enclosed for your reference.

Changing a water right in a local aquifer area can affect the water supply to the project and to other water rights and users. Kansas law (K.S.A. 82a-708b (2)) requires a demonstration that any change is reasonable and will not impair existing rights. Spacing rules provide a standard for implementing this requirement. Conversely, not meeting the spacing standard creates a presumption that impairment will occur

To meet the need for added due process beyond the ½ mile courtesy notice from the state, the GMD3 Board passed Resolution 2013-6, adopted December 17, 2013. This resolution established a process of seeking more information from you and the neighboring water right owners whose wells are located within a mile of a proposed location requiring a rule waiver.

Accordingly, local resource information is included with this letter and you are requested to provide information in response to the following questions:

- 1) Can the aquifer yield a similar water supply at both the present well location and at the proposed well location(s)? In other words, how might the well yield differ in the proposed location from the present location?
- 2) Can the addition of infrastructure, such as pipelines or purchase of neighboring wells with water rights, meet the need without a rule waiver?
- 3) How do the specifics of the proposal conserve energy and/or water over other alternatives?

The GMD3 board supports the pursuit of high value water use, through reasonable changes that don't have an unreasonable affect to other water rights. We request that any response you or your neighbors wish to provide should occur within 15 days from the date of this letter or any extension of

Serving Southwest Kansas Since 1976

WATER RESOURCES  
RECEIVED

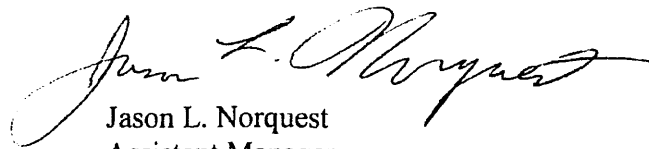
OCT 13 2016

KS DEPT OF AGRICULTURE

time granted. If no response is received from you, the applicant, and concerns of merit are received from the area water right owners, within that time, we may recommend that the rule be upheld and the application denied. We will consider information from you and the neighbors responding to their copy of this letter at our October 12, 2016 monthly meeting.

Should you have any questions, please feel free to call this office. If you would prefer, an appointment could be arranged for additional assistance. Please refer to the water right file number when you contact us.

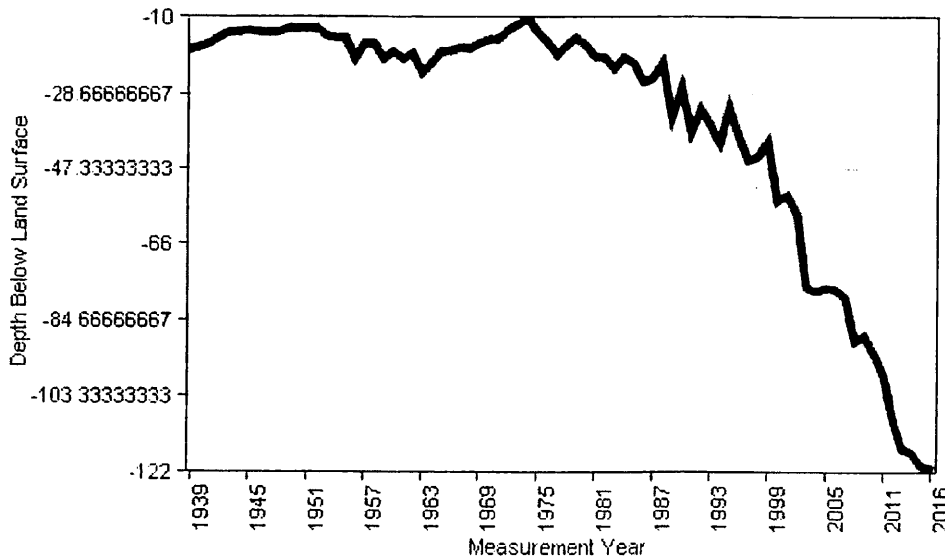
Sincerely,



Jason L. Norquest  
Assistant Manager

Attachment: GMD3 General Groundwater Resource Review, File No. 8809 D1  
Copy to: Prairie Farms %Dale Zortman  
Mark Copenhaver  
Dan Houser

Regional Average Tend, from  
<http://hercules.kgs.ku.edu/geohydro/wizard/wizardregional.cfm>



KAR 5-5-10

$$1.) \text{ NIRR } 50\% \times \text{ Max acres.} = \text{ Max } \overset{\text{AF}}{\text{could convert}}$$
$$1.19 \times 698.1 = 830.7 \approx 831$$

$$2.) \text{ Desired AF / Max AF poss. } \frac{1}{2} = \% \text{ of New Use}$$
$$\frac{127}{831} = 15.3\%$$

5TK

$$3.) \text{ Remaining } \% \times \text{ Current AF} = \text{ AF IRR remaining}$$
$$84.7\% \times 950 \text{ AF} = 804.65 \text{ AF IRR}$$

WATER RESOURCES  
RECEIVED

OCT 13 2016

KS DEPT OF AGRICULTURE



1320 Research Park Drive  
Manhattan, Kansas 66502  
(785) 564-6700

900 SW Jackson, Room 456  
Topeka, Kansas 66612  
(785) 296-3556

Jackie McClaskey, Secretary

Governor Sam Brownback

*September 6, 2016*

*August 29, 2016*

ROBERT & SANDRA BARTKOSKI ET AL  
PO BOX 241 / *908 Birch St*  
AXTELL KS 66403-0241 *Seneca KS 66538-1580*

RE: Water Right

File Nos. 1,062; 8,809 D1; 12,819; 18,011; 35,530; and  
35,531

Dear Sir or Madam:

This is to advise you that Todd Siek, General Manager, on behalf of Fowler Feeders, L.L.C., has filed applications for approval of the Chief Engineer, Division of Water Resources, Kansas Department of Agriculture, to change the place of use for Water Right, File Nos. 1,062; 12,819; 18,011, 35,530 and 35,531, and an application for approval to change the point of diversion, place of use and use made of water under Water Right, File No. 8,809 D1. The application for File No. 8,809 D1 proposes the following change in the point of diversion.

from: one (1) well located in the Northeast Quarter of the Northeast Quarter of the Northwest Quarter (NE $\frac{1}{4}$  NE $\frac{1}{4}$  NW $\frac{1}{4}$ ) of Section 27, more particularly described as being near a point 4,772 feet North and 2,696 feet West of the Southeast corner of said section, in Township 30 South, Range 27 West, Meade County, Kansas, in a quantity not to exceed 950 acre-feet of water per calendar year at a diversion rate not in excess of 1,354 gallons per minute ( 3.02 c.f.s.), for irrigation use, limited to 1,076.2 acre-feet per calendar year and 1,354 gallons per minute when combined with Water Right, File No. 1,062,

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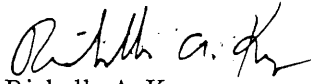
Records in this office indicate that you may have a well or wells in this vicinity and you are notified of receipt of these applications in order that you may be fully informed of the proposed location of the applicant's point of diversion and proposed use of water. Consideration will be given to comments or other information which you desire to submit to this office within 15 days from the date of this letter.

Effective July 1, 2016, Senate Bill No. 337 enacted by the Legislature of the State of Kansas requires the Division of Water Resources to notify all water right owners with a point of diversion within half a mile of a water right pending a request to change the water right. In order to comply with the statute, you are being notified of the above referenced applications for change. The applications are available for your review at: <http://agriculture.ks.gov/divisions-programs/dwr/water-appropriation/notices>

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If you have any questions, please contact me at (785) 564-6635 or Brent Turney, Change Application Unit Supervisor at (785) 564-6645. If you wish to discuss a specific file, please have the file number ready so that we may help you more efficiently.

Sincerely,



Richelle A. Krueger  
Environmental Scientist  
Water Appropriation Program

Enclosure

RAK

pc: Garden City Field Office  
Groundwater Management District No. 3  
Fowler Feeders LLC, Attn Todd Siek General Manager

1320 Research Park Drive  
Manhattan, Kansas 66502  
(785) 564-6700



900 SW Jackson, Room 456  
Topeka, Kansas 66612  
(785) 296-3556

Jackie McClaskey, Secretary

Governor Sam Brownback

August 29, 2016

**FILE COPY**

SOUTHWEST KANSAS GROUNDWATER  
MANAGEMENT DISTRICT NO 3  
ATTN JASON NORQUEST  
2009 E SPRUCE ST  
GARDEN CITY KS 67846

Re: Water Right, File Nos. 1,062; 8,809 D1; 12,819; 18,011; 35,530 and 35,531

Dear Jason:

We are enclosing copies of the application to change the point of diversion, place of use and use made of water for File No. 8,809 D1, and the applications to change the place of use for File Nos. 1,062; 8,809 D1; 12,819 and 18,011, authorized for irrigation use, and File Nos. 35,530 and 35,531, authorized for stockwatering use.

We are delaying further action for a period of 15 days from the date of this letter to allow you time to submit your recommendations concerning this application.

Please submit your recommendations within the allowed time, or any authorized extension of time thereof. If you have any questions, please contact me at (785) 564-6635. If you call, please reference the file number so we can help you more efficiently.

Sincerely,

Richelle A. Krueger  
Environmental Scientist  
Water Appropriation Program

Enclosures

pc: Garden City Field Office

SCANNED

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Governor Sam Brownback

**FILE COPY**

HERMAN O ZORTMAN  
ORVEL ZORTMAN  
%DALE ZORTMAN  
BOX 352  
FOWLER, KS 67844

August 29, 2016

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SCANNED

OVER →

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Richelle A. Krueger  
Environmental Scientist  
Water Appropriation Program

Enclosure

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Groundwater Management District No. 3  
Fowler Feeders LLC, Attn Todd Siek General Manager



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Governor Sam Brownback

DALE O ZORTMAN  
310 E SEVENTH AVE  
PO BOX 476  
FOWLER, KS 67844-0476

August 29, 2016

**FILE COPY**

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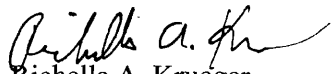
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Jackie McClaskey, Secretary

Governor Sam Brownback

JEFFRY D ZORTMAN  
5088 23 Road  
FOWLER, KS 67844

August 29, 2016

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Jackie McClaskey, Secretary

Governor Sam Brownback

**FILE COPY**

PRAIRIE SKY FARMS LLC  
PRAIRIE FARMS GP  
PO BOX 476  
FOWLER, KS 67844

August 29, 2016

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KYLE S LEWIS  
PO BOX 233  
FOWLER, KS 67844

August 29, 2016

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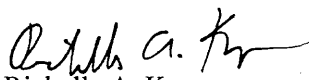
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If you have any questions, please contact me at (785) 564-6635 or Brent Turney, Change Application Unit Supervisor at (785) 564-6645. If you wish to discuss a specific file, please have the file number ready so that we may help you more efficiently.

Sincerely,



Richelle A. Krueger  
Environmental Scientist  
Water Appropriation Program

Enclosure

RAK

pc: Garden City Field Office  
Groundwater Management District No. 3  
Fowler Feeders LLC, Attn Todd Siek General Manager



1320 Research Park Drive  
Manhattan, Kansas 66502  
(785) 564-6700



900 SW Jackson, Room 456  
Topeka, Kansas 66612  
(785) 296-3556

Jackie McClaskey, Secretary

Governor Sam Brownback

SIGLEY TRUST  
9501 E LAKEPOINT DR  
WICHITA, KS 67226

August 29, 2016

**FILE COPY**

RE: Water Right  
File Nos. 1,062; 8,809 D1; 12,819; 18,011; 35,530; and  
35,531

Dear Sir or Madam:

This is to advise you that Todd Siek, General Manager, on behalf of Fowler Feeders, L.L.C., has filed applications for approval of the Chief Engineer, Division of Water Resources, Kansas Department of Agriculture, to change the place of use for Water Right, File Nos. 1,062; 12,819; 18,011, 35,530 and 35,531, and an application for approval to change the point of diversion, place of use and use made of water under Water Right, File No. 8,809 D1. The application for File No. 8,809 D1 proposes the following change in the point of diversion.

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Topeka, Kansas 66612  
(785) 296-3556

Jackie McClaskey, Secretary

Governor Sam Brownback

**FILE COPY**

SOBBA & SON LLC  
% PENNY SOBBA  
PO BOX 315  
FOWLER, KS 67844

August 29, 2016

RE: Water Right  
File Nos. 1,062; 8,809 D1; 12,819; 18,011; 35,530; and  
35,531

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Jackie McClaskey, Secretary

Governor Sam Brownback

LEWIS FAMILY REV TRUST  
2723 E WOODFORD  
SPRINGFIELD MO 65810

August 29, 2016

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Water Appropriation Program

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Topeka, Kansas 66612  
(785) 296-3556

Jackie McClaskey, Secretary

Governor Sam Brownback

**FILE COPY**

ROBERT & SANDRA BARTKOSKI ET AL  
PO BOX 241  
AXTELL KS 66403-0241

August 29, 2016

RE: Water Right

File Nos. 1,062; 8,809 D1; 12,819; 18,011; 35,530; and  
35,531

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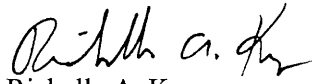
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Topeka, Kansas 66612  
(785) 296-3556

Jackie McClaskey, Secretary

Governor Sam Brownback

**FILE COPY**

MARK COPENHAVER  
23156 G RD  
FOWLER KS 67844-9119

August 29, 2016

RE: Water Right  
File Nos. 1,062; 8,809 D1; 12,819; 18,011; 35,530; and  
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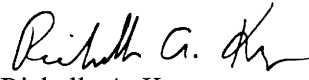
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Jackie McClaskey, Secretary

Governor Sam Brownback

**FILE COPY**

ZORTMAN TRUST  
20311 AUDRAIN RD 930  
MEXICO MO 65265

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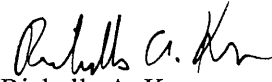
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Jackie McClaskey, Secretary

Governor Sam Brownback

**FILE COPY**

HOMESTEAD 1884 LLC  
4199 22 ROAD  
FOWLER KS 67844

August 29, 2016

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pc: Garden City Field Office  
Groundwater Management District No. 3  
Fowler Feeders LLC, Attn Todd Siek General Manager

## Turney, Brent

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**From:** Makens, Thom  
**Sent:** Tuesday, September 15, 2015 11:56 AM  
**To:** Turney, Brent  
**Subject:** RE: Maximum acres irrigated during the perfection period

Howdy,

1062, 8809D1, 18011 = 538.1 acres (based off the reduction request on these file from June 2014.)  
12819 = 160 acres  
A total of 698.1 perf acres for all in combo.

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**From:** Turney, Brent  
**Sent:** Tuesday, September 15, 2015 11:00 AM  
**To:** Makens, Thom  
**Subject:** Maximum acres irrigated during the perfection period

Thom.  
Can you give me the maximum acres irrigated during the perfection period for File Nos. 1,062; 8,809-D1; 12,819 and 18,011.

**Brent A. Turney, P.G.**  
**Kansas Department of Agriculture**  
**Division of Water Resources**  
**1320 Research Park Drive**  
**Manhattan Kansas 66502**  
**(785) 564-6645**  
**[Brent.Turney@kda.ks.gov](mailto:Brent.Turney@kda.ks.gov)**  
**[www.agriculture.ks.gov](http://www.agriculture.ks.gov)**



KANSAS DEPARTMENT OF AGRICULTURE  
Jackie McClaskey, Secretary of Agriculture

DIVISION OF WATER RESOURCES  
David W. Barfield, Chief Engineer

**REQUEST TO REDUCE A PORTION OF AN EXISTING WATER RIGHT**  
(NO FEE REQUIRED)

Identify the file which is the subject of this request:

- (CHECK ONE)  Vested Right, File No. \_\_\_\_\_
- Water Right, File No. 12819
- Appropriation of Water, File No. \_\_\_\_\_

To: CHIEF ENGINEER  
Division of Water Resources  
Kansas Department of Agriculture  
109 SW 9<sup>th</sup> Street, Second Floor  
Topeka, KS 66612-1283

From: (Names and addresses of owners of authorized place of use. Please see instructions on back.)

FOWLER FEEDERS LLC

5113 23RD RD

FOWLER KS 67844

\_\_\_\_\_

\_\_\_\_\_

REQUEST

The above listed owners request a:

[Complete only the sections that apply. Check only the boxes that apply. Fill in only the blanks that apply.]

A.  REDUCTION IN AUTHORIZED MAXIMUM ANNUAL **QUANTITY** OF WATER.

It is requested that the maximum annual quantity of water be reduced to \_\_\_\_\_  
(acre-feet or million gallons; circle one) per calendar year.

B.  REDUCTION IN AUTHORIZED MAXIMUM **RATE** OF DIVERSION OF WATER.

It is requested that the maximum rate of diversion of water be reduced to \_\_\_\_\_ gallons per minute  
(\_\_\_\_\_ c.f.s.).

WATER RESOURCES  
RECEIVED

Assisted by: tpm

AUG 13 2015  
SCANNED







I, the undersigned owner of this water right or permit declare that: (1) I am freely and voluntarily choosing to reduce the water right listed; and (2) I am waiving any rights to a hearing or an appeal that I may have had regarding the reduction of the water right listed.

I declare that I am an owner, as identified herein, or that I represent an owner, as identified herein, and am authorized to make this request on his or her behalf.

Dated at Fowler, Kansas, this 30<sup>th</sup> day of July, 2015.  
(City) (Month) (Year)

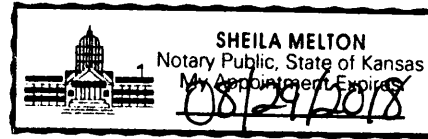
Todd Sick, Mansu (Owner) \_\_\_\_\_ (Spouse)  
(Please Print)

Todd Sick, Mansu (Please Print) \_\_\_\_\_ (Please Print)  
(Owner) (Spouse)

\_\_\_\_\_  
(Owner) (Spouse)  
(Please Print) (Please Print)

\_\_\_\_\_  
(Owner) (Spouse)  
(Please Print) (Please Print)

State of Kansas )  
County of Deade ) ss



I hereby certify that the foregoing application was signed in my presence and sworn to before me this

30<sup>th</sup> day of July, 2015.  
(Month) (Year)

Sheila Melton  
Notary Public

My Commission expires 08/29/2018

WATER RESOURCES  
RECEIVED

AUG 13 2015

KS DEPT OF AGRICULTURE

## INSTRUCTIONS:

The request must be signed by each owner of the place of use authorized by the water right or permit and his or her spouse, if married. All water right or permit owners, including spouses, must sign this request for it to be valid. Unless the water right or permit has been legally severed from the authorized place of use, the owners of the water right or permit are the owners of the authorized place of use. Please indicate if there is no spouse. If land is being purchased under contract, the seller must sign as owner until such time as the contract is completed.

In the event that all owners cannot sign together in front of one notary public, they may, as necessary, sign appropriate copies of the request in front of any notary public conveniently available to them. All copies signed in this manner shall be accepted as valid parts of the request.

If the request is signed on behalf of any owner by someone with legal authority to do so (for example, an agent, one who has power of attorney, or an executor, executrix, conservator), it will be necessary to attach proper documents showing such authority.



1320 Research Park Drive  
Manhattan, Kansas 66502

Jackie McClaskey, Secretary

Phone: (785) 564-6700

Fax: (785) 564-6777

Email: ksag@kda.ks.gov

www.agriculture.ks.gov

Sam Brownback, Governor

FOWLER FEEDERS LLC  
5113 23RD RD  
FOWLER KS 67844

August 4, 2015

RE: File No. 12819

Dear Sir or Madam:

An application for approval of the Chief Engineer to change the following condition or conditions of the file number referred to above has been received:

- place of use            PU
- point of diversion
- use made of water

As a matter of record, the Division of Water Resources has on hand a large number of applications awaiting processing. Therefore to be fair to all concerned, and so that we can process those applications on hand in the order they were received, we intend to concentrate on the backlog of applications until the issue is resolved. You will be contacted regarding this application as soon as it has been examined.

In accordance with the provisions of the Kansas Water Appropriation Act, a portion of which is included below, the use of water prior to approval of the application is unlawful. You should not proceed and divert water as indicated by your plans in your application for a change for this file until you receive approval for this change from the Chief Engineer. Once approved, compliance with the terms, conditions and limitations of the permit is necessary. Conservation of the water resources of Kansas is required.

**Section 82a-728 of the Kansas Water Appropriation Act, provides (a) except for the appropriation of water for the purpose of domestic use, . . . it shall be unlawful for any person to appropriate or threaten to appropriate water from any source without first applying for and obtaining a permit to appropriate water in accordance with the provisions of the Water Appropriation Act or for any person to violate any condition of a vested right, appropriation right or an approved application for a permit to appropriate water for beneficial use.**

**(b) (1) The violation of any provision of this section by any person is a class C misdemeanor...**

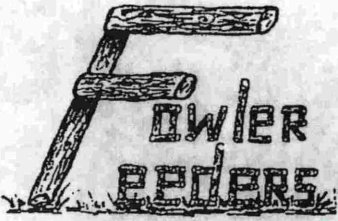
**A class C misdemeanor is punishable by a fine not to exceed \$500 and/or a term of confinement not to exceed one month in the county jail. Each day that the violation occurs constitutes a separate offense.**

If you have any questions, please contact me at (785) 564-6645. If you wish to discuss a specific file, please have the file number ready so that we may help you more efficiently.

Sincerely,

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

BAT: dlw  
pc: GARDEN CITY Field Office  
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5113 23rd Road • Fowler, KS 67844 • (620) 646-5269 • FAX: (620) 646-5313

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Southwest Kansas Groundwater Management District No 3  
2009 E Spruce St  
Garden City, KS 67846

September 23, 2016

To Whom it may concern:

The reason we have submitted this application for approval to change the point of diversion is because the casing on the original well started to cave in, so we put in a new well. Now, we would like to go back to the original well and put in a smaller casing which would allow us to use it in an emergency situation to pump water to our cattle.

In 2015 we used 20 acres of our farm ground to expanded our feed yard. Upon expansion we added two 25,000 Gallon water tanks and our intention is to plumb this well into that system. Our plans are to set this up to pump 50 gallons per minute average over a years' time, to be used in an emergency situation and summer time The original wells at the yard pump 200-220 gpm and this amount keeps us tight in the summer time, the addition of this well would allow us a little more capacity. Essentially we are taking water away from ourselves and would be willing to give up water rights on the land to convert it to stock water.

In conclusion we have been waiting on approval on this for the last year and a half, at this point the casing might have shifted so far that we don't know if we can put the other one in. I will be at the hearing to answer any further questions you may have.

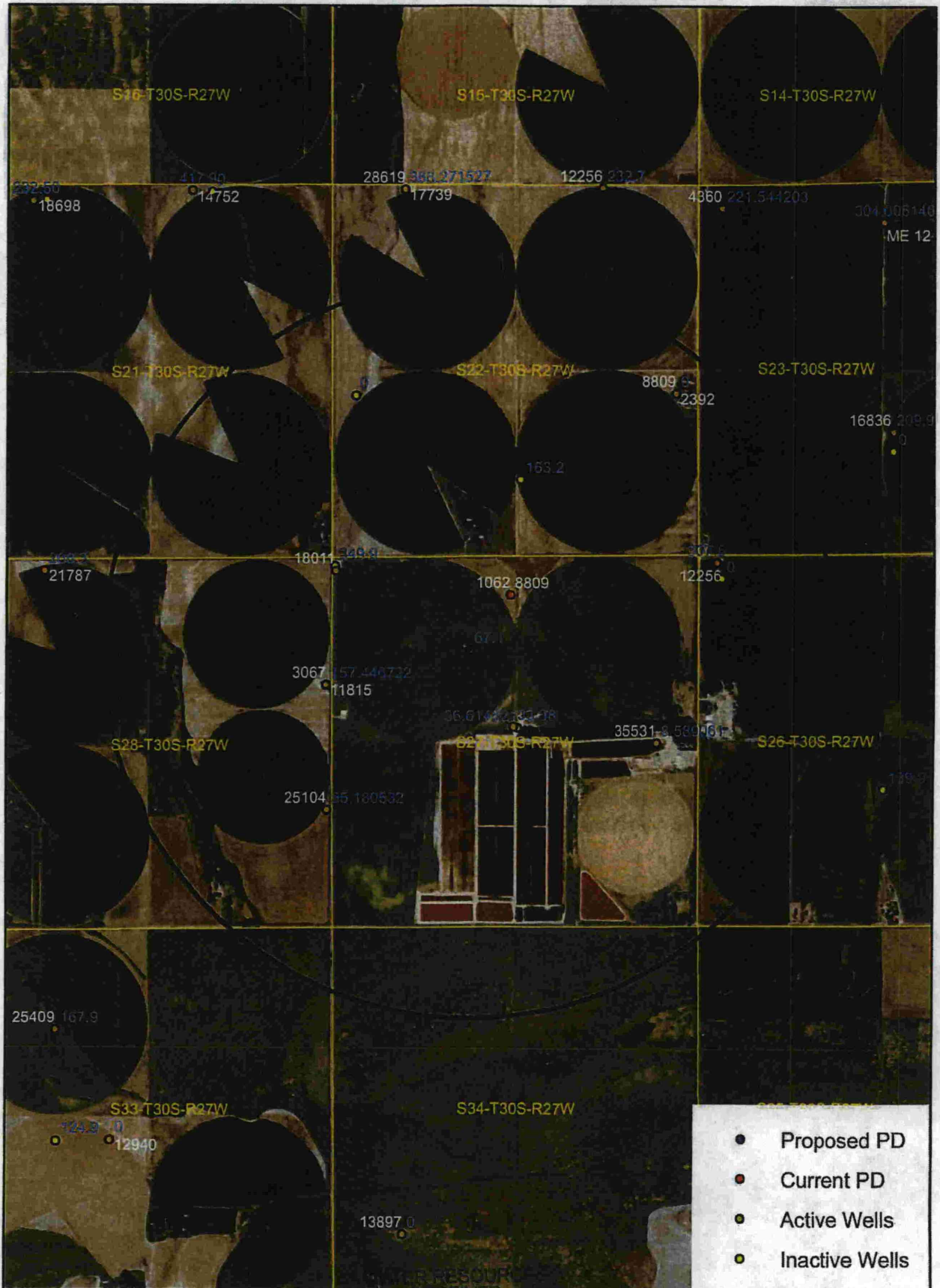
Sincerely,

Todd Siek, MGR

RECEIVED  
WATER RECORDS

KS DEPT OF AGRICULTURE

# Proposed Move and 1 Mile Circle for WR Nos 1062 & 8809 D1



1:24,000

OCT 13 2016

Water right numbers are in white text.  
10 year average use is in blue text.

KS DEPT OF AGRICULTURE