

Garden City Field Office  
2508 Johns Street  
Garden City, Kansas 67846-2804

Jackie McClaskey, Secretary  
David W. Barfield, Chief Engineer  
Michael A. Meyer, Water Commissioner

# Kansas

Department of Agriculture  
Division of Water Resources

Phone: (620) 276-2901  
Fax: (620) 276-9315  
www.agriculture.ks.gov  
Sam Brownback, Governor

May 19, 2017

DESERET CATTLE FEEDERS LLC  
ARMANDO CABALLERO GM  
521 RD 50  
SATANTA KS 67870

RE: Change in Point of Diversion Water Right, File No 16645 &  
20262.

Dear Mr. Caballero:

Enclosed you will find a *Summary Order Approving Application for Change in Point of Diversion* for the above referenced file. This order modifies the authorized well location under the referenced file. This order modifies the original document; it should be recorded at the County Register of Deeds.

Your attention is directed to the enclosures and to the terms, conditions, and limitations specified in this order. The diversion works should be completed and reported to the Division of Water Resources **by December 31, 2017**. Enclosed is a form for this purpose, along with other information for reference.

A condition of this order is that an acceptable flow meter must be properly installed on the diversion works authorized under the referenced file number in accordance with the Kansas Administrative Regulations 5-1-4 through 5-1-12. This water flow meter shall be used to provide information required on the annual water use report.

This order shall become final if a request for a hearing is not filed with the Chief Engineer within 15 days of the date of service of this order. The date of service is the date listed on the enclosed *Certificate of Service*.

Should you have any questions, please feel free to call this office. If you would prefer, you could arrange an appointment for additional assistance.

Sincerely,



Thomas P. Makens  
Assistant Water Commissioner

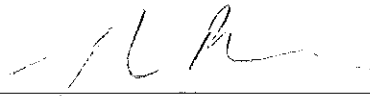
TPM:tpm  
Enclosures  
GMD#3

**CERTIFICATE OF SERVICE**

On this 22<sup>nd</sup> day of May 2017, I hereby certify that the attached original Approval of Application to Change the Point of Diversion under Water Right, File No. 16645 & 20262 dated May 19, 2017 was mailed postage prepaid, first class, US mail to the following:

DESERET CATTLE FEEDERS LLC  
ARMANDO CABALLERO GM  
521 RD 50  
SATANTA KS 67870

Copy provided to GMD#3

A handwritten signature in black ink, appearing to be 'JLR', is written above a horizontal line.

Division of Water Resources

Submit completed application to:  
 Kansas Department of Agriculture  
 Division of Water Resources  
 Field Office for your area.  
 Call for address:  
 Topeka -- (785) 296-5733  
 Stafford -- (620) 234-5311  
 Stockton -- (785) 425-6787  
 Garden City -- (620) 276-2901  
<http://agriculture.ks.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. 16645

RECEIVED  
 9:06 AM  
 APR 25 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

Garden City Field Office  
 Division of Water Resources

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: DESERET CATTLE FEEDERS LLC ARMANDO CABALLERO GM

521 RD 50 SATANTA KS 67870

Phone Number: (     )    Email address: \_\_\_\_\_

Name and address of Water Use Correspondent: DESERET CATTLE FEEDERS LLC

521 RD 50 SATANTA KS 67870

Phone Number: (     )    Email address: \_\_\_\_\_

3. The presently authorized place of use is:

Owner of Land ---- NAME: DESERET CATTLE FEEDERS LLC

ADDRESS: 521 RD 50 SATANTA KS 67870

(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: no change to place of use.

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 \$ <u>100</u> TR # _____ Receipt Date <u>4/25/17</u> Check # <u>5309</u>
--

5. **Presently authorized point of diversion:** IRR + Stock Use

One in the cs Quarter of the se Quarter of the nw Quarter of Section 23, Township 27 South, Range 34 W, in Haskell County, Kansas, 2840 feet North 200<sup>325</sup> feet West of Southeast corner of section. Authorized Rate \_\_\_\_\_ Authorized Quantity \_\_\_\_\_ Depth of well \_\_\_\_\_ (feet) (DWR use only: Computer ID No. 3 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 sw Quarter of the se Quarter of the nw Quarter of Section 23, Township 27 South, Range 34 (W), in Haskell County, Kansas, 2720 feet North 3438 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 IRR + STOCK USE.

6. **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 \_\_\_\_\_ Depth of well \_\_\_\_\_ (feet) (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 \_\_\_\_\_ 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? \_\_\_\_\_  
old well needs to be replaced

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

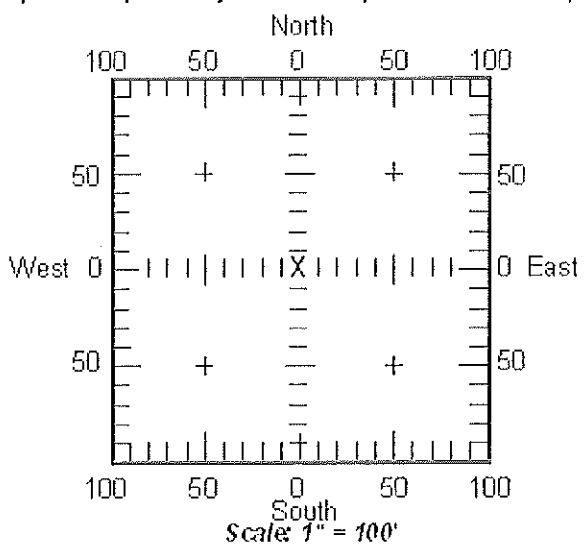
9. When do you propose to complete the new point of diversion?  
May 15, 2017

10. If the point of diversion is a well:  
 (a) What are you going to do with the old well?  
Plug  
 (b) When will this be done? 2017

11. Groundwater Management District recommendation attached?  Yes  No

12. Assisted by tpm

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.

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.)

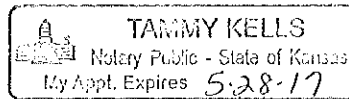
If the application proposes a surface water change in point of diversion, a groundwater change in point of diversion greater than 300 feet, or a change in place of use, the application must be signed by all owners of the currently authorized place of use, or their duly authorized agent (attach notarized 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 \_\_\_\_\_, Kansas, this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_\_.

<p><i>[Signature]</i> _____ (Owner)</p> <p>_____ (Please Print)</p> <p>_____ (Owner)</p> <p>_____ (Please Print)</p> <p>_____ (Owner)</p> <p>_____ (Please Print)</p>	<p>_____ (Spouse)</p> <p>_____ (Please Print)</p> <p>_____ (Spouse)</p> <p>_____ (Please Print)</p> <p>_____ (Spouse)</p> <p>_____ (Please Print)</p>
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State of Kansas }  
County of Finney } SS



I hereby certify that the foregoing application was signed in my presence and sworn to before me this 25 day of April, 2017.

My Commission Expires 5-28-17

*[Signature]*  
\_\_\_\_\_  
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.

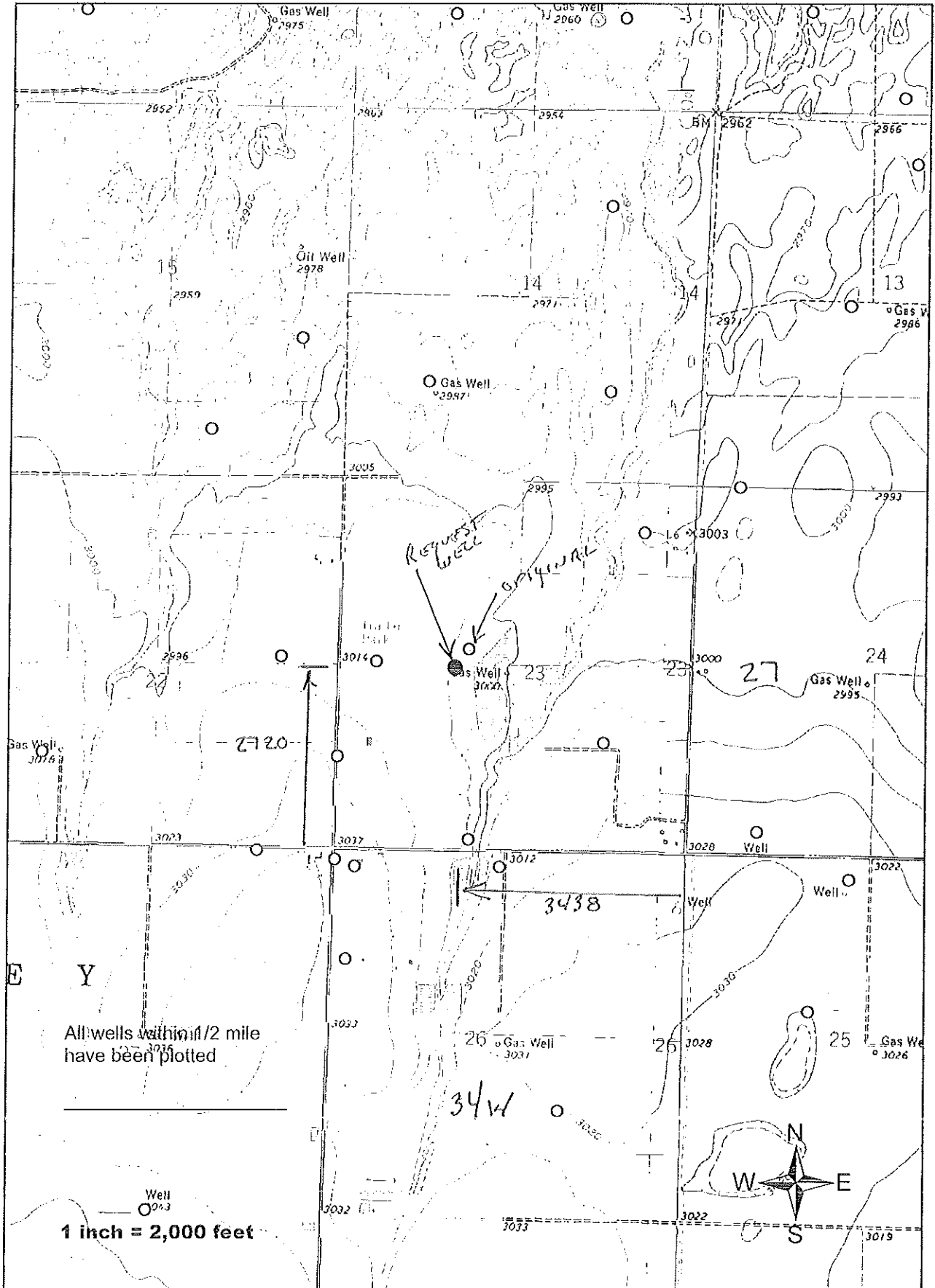
**FEE SCHEDULE**

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**



# 16645, 20262







3795 W. Jones Ave.  
Garden City, KS 67846  
PH: 620-277-2389



PO Box 639  
Garden City, KS 67846  
Fax: 620-277-0224

ARMANDO CABALLERO, MD

620-521-6209 166459 20262

Customer Name: Deseret Cattle Feeders, LLC  
Street Address: 521 50<sup>th</sup> Road  
City, State: SARANTA KS 67860  
County: Haskell Quarter: NW Section: 23  
Location: 188' West & 120' South of Existing well  
Rig #: 10002

WO#: 11858 Date: 4-13-17  
Test #: 3 E LOG:  
Driller: Dale Coninn  
Township: 27 Range: 34  
GPS: N37.68555 W101.01092  
Static WL: 345' well Estimated?  
Proposed Well Depth 775'

Well location 20' SW 1/4

%	Footage			Description of Strata
	From	Pay	To	
	0		2	Top Soil
	2		29	Brown sandy clay
	29		44	Fine sand
	44		70	Brown sandy clay
	70		83	Brown sandy clay w/ few sand beds
	83		98	Sand fine to med course
	98		126	Sand fine to med course small med gravel
	126		130	Brown sandy clay
	130		181	Sand fine to med course small med large gravel
	181		246	Sand fine to med course small med gravel
	246		280	Sand fine to med course w/ few clay ledges
	280		312	Sand fine to med w/ few clay ledges
	312		320	Brown sandy clay
	320		344	Sand fine some med w/ some clay stringers & couple clay ledges
15	344	19	364	Sand fine to med w/ few clay stringers
	364		379	Brown sandy clay w/ couple fine sand ledges
10	379	21	400	Fine sand w/ few lime rock & clay stringers - Loose in places -
	400		412	Brown Clay - sticky -
10	412	36	448	Fine sand w/ few clay stringers & couple clay ledges
	448		459	Brown sandy clay - sticky in places -
10	459	12	471	Fine sand - Little Tight in places -
	471		477	Iron Pyrite
10	477	36	515	Sandstone
5	515	9	524	Sandstone - Drilled Tight -
10	524	39	563	Sandstone
5	563	30	593	Shale & Sandstone
	593		671	Shale
10	671	54	725	Sandstone w/ few shale ledges
15	725	18	743	Sandstone
5	743	12	755	Sandstone & Shale
	755		770	Red Bed
				Super Gal X -4
				Grant -5
				Brnt. Plug 3/4 -7
				Perma Plug -1
				1/2" Drag Blade -2
				Button Bit -1/2 13.4

