

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

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

1. File Number: <b>28,014</b>	2. Status Change Date: <b>8/18/2017</b>	3. Change Num: <b>C3</b>	4. Field Office: <b>04</b>	5. GMD: <b>03</b>
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6. Status: <input 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>30-MAY-2017</b>
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8a. Applicant(s) <span style="float: right;">Person ID <b>17615</b></span> New to system <input type="checkbox"/> <span style="float: right;">Add Seq# <b>1</b></span>  <b>SUPREME CATTLE FEEDERS LLC                  GREEN PLAINS CATTLE CO                  19016 ROAD I                  KISMET KS 67859-6026</b>	8c. Landowner(s) <span style="float: right;">Person ID _____</span> New to system <input type="checkbox"/> <span style="float: right;">Add Seq# _____</span>
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8b. Landowner(s) <span style="float: right;">Person ID <b>17615</b></span> New to system <input type="checkbox"/> <span style="float: right;">Add Seq# <b>1</b></span>  <b>SUPREME CATTLE FEEDERS LLC                  GREEN PLAINS CATTLE CO                  19016 ROAD I                  KISMET KS 67859-6026</b>	8d. WUC <span style="float: right;">Person ID <b>17615</b></span> New to system <input type="checkbox"/> <span style="float: right;">Add Seq# <b>1</b></span>  <b>NO CHANGE 8A</b>
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9. Documents and Enclosure(s):  DWR Meter(s) Date to Comply: **12/31/17**  N & P Date to Comply: **12/31/17**

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: **08/16/17** By: **RAK**  
 Date Entered: **8/21/2017** By: **UM**

File No. **28,014**      11. County: **SW**      Basin: **CIMARRON RIVER**      Stream:      Formation Code: **200/211 no change**      Special Use:

12. Points of Diversion											Rate and Quantity			
MOD DEL ENT	PDIV	Qualifier	S	T	R	ID	'N	'W	Comment	Authorized		Additional		Overlap PD Files
										Rate gpm	Quantity mgy	Rate gpm	Quantity mgy	
MOD	72301	NENENE	16	32	33W	11	<u>4850</u>	<u>123</u>	STANDBY WELL					NO
MOD	17134	NESENE	16	32	33W	3	<u>3551</u>	<u>111</u>	PRIMARY WELL	710 g.p.m.	157.043 m.g.y.	710 g.p.m.	<u>111.43</u> m.g.y.	20179042
MOD	4848	NWNWNW	16	32	33W	6	5150	5271	PRIMARY WELL ADDITIONAL WELL	80 g.p.m.	32.585 m.g.y.	80 g.p.m.	0 m.g.y.	39722
MOD	53725	SWSENW	16	32	33W	5	3226	3394	PRIMARY WELL	460 g.p.m.	90.668 m.g.y.	460 g.p.m.	0 m.g.y.	NO

No changes to limitations

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	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE									
						¼	¼	¼	¼	¼	¼	¼	¼	¼	¼	¼	¼	¼	¼	¼	¼	¼	¼	¼	¼					
<b>NO CHANGES TO PU</b>																														

Comments: **PLEASE MODIFY SPECIAL CONDITIONS TO Y ADDITIONAL WELL (REVIEW AFTER 5-10YRS) PER 10-12-2016 CHG PD APPROVAL OF ADDITIONAL WELL**

**KANSAS DEPARTMENT OF AGRICULTURE**  
**Division of Water Resources**  
**M E M O R A N D U M**

**TO:** Files

**DATE:** August 17, 2017

**FROM:** Richelle A. Krueger

**RE:** Water Right  
File No. 28,014

Benjamin Fuentes, on behalf of Supreme Cattle Feeders L.L.C./Green Plains Cattle Company L.L.C., owner of the referenced file number, filed an application for approval to change the authorized point of diversion, authorized for stockwatering use in the Cimarron River drainage basin.

The referenced water right does not appear abandoned as per K.S.A. 82a-718.

The referenced file number is authorized one standby well and three primary wells with assigned limited quantities and diversion rates for stockwatering use in Section 16, Township 32 South, Range 33 West, Seward County, Kansas. The authorized well in the northwest corner of the section is also authorized by Water Right, File No. 39,772 but there are no other current overlaps in the authorized points of diversion. The authorized place of use is overlapped by Water Right, File Nos. 17,833; 39,722; and 39,734. The water right owner proposes to transfer 90.587 million gallons per calendar year (278 acre-feet) and no additional rate from the well located 3,226 feet North and 3,394 feet West of the Southeast corner of Section 16 to the existing well also authorized by File No. 28,014 located 3,592 feet North and 100 feet West of the Southeast corner of Section 16, a distance move of 3,299 feet. The proposed well will be authorized a total of 157.043 m.g.y. (481.95 AF) and 710 g.p.m., and better described with g.p.s. feet distances of 3,551 feet North and 111 West of the Southeast corner of Section 16. Term Permit Application, File No. 20179042 was filed on June 28, 2017 for 27.8 acre-feet and 710 g.p.m. for the proposed well for the same feedlot to cover any overpumping during processing of the referenced change application.

WRIS and the application map indicate the wells within one-half mile of the proposed existing well are stockwatering wells under common ownership.

The same local source of supply does not appear to change previously determined to be Ogallala Formation (211).

In a letter dated July 13, 2017, Jason Norquest, Assistant Manager of Southwest Kansas Groundwater Management District No. 3 indicated that the referenced application should be approved with a waiver of K.A.R. 5-23-3 since the proposed move is over 2,640 feet and since the proposed existing well does not meet well spacing requirements to two of the stockwatering wells authorized by File Nos. 17,833 and 28,014 under common ownership.

In an e-mail dated August 3, 2017, Michael Meyer, Water Commissioner of the Garden City Field Office, indicated he recommends approval of the referenced change application.

A water flow meter is required. A check valve is required if any chemical or foreign substance is injected into the water through the diversion works.

Based on the above discussion, that the change is 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 waives K.A.R. 5-23-3, it has been recommended that the referenced application 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

August 22, 2017

SUPREME CATTLE FEEDERS LLC  
GREEN PLAINS CATTLE CO  
ATTN BENJAMIN FUENTES  
19016 ROAD I  
KISMET KS 67859-6026

**FILE COPY**

RE: Water Right, File No. 28,014

Dear Mr. Fuentes:

Enclosed is the order executed by the Chief Engineer, Division of Water Resources, Kansas Department of Agriculture, approving the application for change under the above referenced file number.

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

Since the order for the referenced file number modifies the original document referred to above it 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. Turney, 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  
POINT OF DIVERSION  
WATER RIGHT  
FILE NO. 28,014**

The Chief Engineer, Division of Water Resources, Kansas Department of Agriculture, after due consideration of the written application of Benjamin Fuentes, on behalf of Green Plains Cattle Company, L.L.C. dba Supreme Cattle Feeders L.L.C. 19016 Road I, Kismet, Kansas, 67859-6026, received in this office on May 30, 2017, for approval of a change in the location of the point of diversion under the certificate of appropriation issued pursuant to the application for permit to appropriate water for beneficial use, as modified and amended by the Order of the Chief Engineer dated February 17, 2000, approving the application to change the place of use, and by the Orders of the Chief Engineer dated January 17, 2006 and October 12, 2016, approving applications to change the point of diversion, 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 point of diversion shall be:

one (1) well located in the Northeast Quarter of the Northeast Quarter of the Northeast Quarter (NE $\frac{1}{4}$  NE $\frac{1}{4}$  NE $\frac{1}{4}$ ) of Section 16, more particularly described as being near a point 4,850 feet North and 123 feet West of the Southeast corner of said section (standby well),

one (1) well located in the Northeast Quarter of the Southeast Quarter of the Northeast Quarter (NE $\frac{1}{4}$  SE $\frac{1}{4}$  NE $\frac{1}{4}$ ) of Section 16, more particularly described as being near a point 3,551 feet North and 111 feet West of the Southeast corner of said section, at a diversion rate not in excess of 710 gallons per minute (1.58 c.f.s.) and in a quantity not to exceed 157.043 million gallons (481.95 acre-feet) of water per calendar year (primary well),

one (1) well located in the Northwest Quarter of the Northwest Quarter of the Northwest Quarter (NW $\frac{1}{4}$  NW $\frac{1}{4}$  NW $\frac{1}{4}$ ) of Section 16, more particularly described as being near a point 5,150 feet North and 5,271 feet West of the Southeast corner of said section, at a diversion rate not in excess of 80 gallons per minute (0.17 c.f.s.) and in a quantity not to exceed 32.585 million gallons (100 acre-feet) of water per calendar year (primary well), and

one (1) well located in the Southwest Quarter of the Southeast Quarter of the Northwest Quarter (SW $\frac{1}{4}$  SE $\frac{1}{4}$  NW $\frac{1}{4}$ ) of Section 16, more particularly described as being near a point 3,226 feet North and 3,394 feet West of the Southeast corner of said section, at a diversion rate not in excess of 460 gallons per minute (1.02 c.f.s.) and in a quantity not to exceed 90.668 million gallons (278.25 acre-feet) of water per calendar year (primary well),

all in Township 32 South, Range 33 West, Seward County, Kansas,

located substantially as shown on the map accompanying the application to change the point of diversion.

Installation of the works for diversion of water shall be completed on or before December 31, 2017, or within any authorized extension of time. The water right owner shall notify the Chief Engineer of the Division of Water Resources, Kansas Department of Agriculture, when construction of the works for diversion has been completed.

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. 28,014, for permit to appropriate water for beneficial use, is as stated and set forth in the Certificate of Appropriation dated February 16, 2000, as modified and amended by the aforementioned orders.

#### **RIGHT TO A HEARING AND TO ADMINISTRATIVE REVIEW**

If you are aggrieved by this Order, then pursuant to K.S.A. 82a-1901, you may:

- 1) request an evidentiary hearing before the Chief Engineer, or
- 2) request administrative review by the Secretary of Agriculture.

Failure to request an evidentiary hearing before the Chief Engineer does not preclude your right to administrative review by the Secretary.

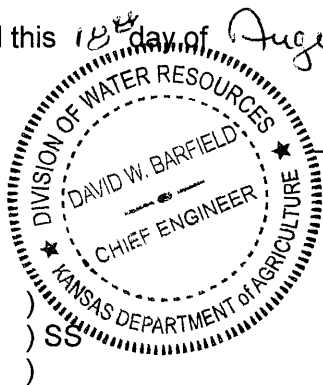
To obtain an evidentiary hearing before the Chief Engineer, a written request for hearing must be filed within 15 days after service of this Order as provided in K.S.A. 77-531 (**i.e., within a total of 18 days after this Order was mailed to you**), with: Kansas Department of Agriculture, Attn: Legal Section, 1320 Research Park Drive, Manhattan, KS 66502, FAX (785) 564-6777.

If you do not file a request for an evidentiary hearing before the Chief Engineer, you may petition for administrative review of the Order by the Secretary of Agriculture. A petition for review shall be in writing and state the basis for requesting administrative review. The request for hearing may be denied if the request fails to clearly establish factual or legal issues for review. See K.S.A. 77-527. The petition must be filed within 30 days after service of this Order as provided in K.S.A. 77-531 (**i.e., within a total of 33 days after this Order was mailed to you**), and be filed with: Secretary of Agriculture, Attn: Legal Division, Kansas Department of Agriculture, 1320 Research Park Drive, Manhattan, KS 66502, FAX (785) 564-6777.

If neither a request for an evidentiary hearing nor a petition for administrative review is filed as set forth above, then this Order shall be effective and become a final agency action as defined in K.S.A. 77-607(b). Failure to timely request either an evidentiary hearing or administrative review may preclude further judicial review under the Kansas Judicial Review Act.

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 18<sup>th</sup> day of August, 2017, 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 18<sup>th</sup> day of August, 2017, 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 2<sup>nd</sup> day of August, I hereby certify that the foregoing Approval of Application for Change in Point of Diversion, File No. 28,014, dated August 18, 2017 was mailed postage prepaid, first class, US mail to the following:

SUPREME CATTLE FEEDERS LLC  
GREEN PLAINS CATTLE CO  
19016 ROAD I  
KISMET KS 67859-6026

With photocopies to:

Garden City Field Office  
Groundwater Management District No. 3

Danielle Wilson  
Division of Water Resources

Kansas Department of Agriculture  
 Division of Water Resources  
**WAIVER REQUEST & WAIVER RULE WORKSHEET**

File Number: **28,014**

FO: **4**

GMD: **3**

**WAIVER REQUEST:**

UMW	Date Requested	Rule ID	Applies	Rule Type	Rule Subtype
STK	05/30/17	28		Well Spacing	Exceeds Move Distance
Rule Number	Date Granted	Date Denied	Justification:	GMD No. 3 recommends a waiver of well spacing regulations. No new well will be drilled. The proposed move is between two existing wells authorized by the same file number. The same local source of supply will not change.	
K.A.R. 5-23-3(b)	8/18/17				

**WAIVER RULE:**

Rule ID	Applicability	Type	Subtype	Rule Number	Date Active	Date Inactive

Date Prepared **08/16/17** By **RAK**

Date Entered **8/21/2017** By **UM**



Kansas Department of Agriculture  
 Division of Water Resources  
**WAIVER REQUEST & WAIVER RULE WORKSHEET**

File Number: **28,014**

FO: **4**

GMD: **3**

**WAIVER REQUEST:**

UMW	Date Requested	Rule ID	Applies	Rule Type	Rule Subtype
STK	05/30/17	27		Well Spacing	Well to Well Spacing
Rule Number	Date Granted	Date Denied	Justification:	GMD No. 3 recommends a waiver of well spacing regulations. The wells in question are under common ownership and serve the same place of use.	
K.A.R. 5-23-3(a)(1)	8/18/17				

**WAIVER RULE:**

Rule ID	Applicability	Type	Subtype	Rule Number	Date Active	Date Inactive

Date Prepared **08/16/17** By **RAK**

Date Entered **8/21/2017** By **LLM**



KANSAS DEPARTMENT OF AGRICULTURE  
Jackie McClaskey, Secretary of Agriculture

DIVISION OF WATER RESOURCES  
David W. Barfield, Chief Engineer

**WAIVER OF REGULATION  
K.A.R. 5-23-3(a)(1) and K.A.R. 5-23-3(b)  
Well Spacing Requirements**

Date: 8/18/17

Re: Water Right, File No. 28,014

1. That K.A.R. 5-23-3(a)(1) states in part that the minimum well spacing shall be based on the maximum annual quantity of water in acre-feet either authorized and requested for the proposed well, or authorized and requested by a senior application, permit, or water right for the nontemporary, nondomestic well to which the spacing is being measured, whichever is greater.
2. That K.A.R. 5-23-3(b) states in part that the location of a well or wells on an application for approval to change the point of diversion under an existing water right shall be no more than 2,640 feet from the currently authorized and completed point of diversion.
3. The referenced file number is authorized stockwatering use from one standby and three primary wells with assigned limited diversion rates and quantities all located in Section 16, Township 32 South, Range 33 West, Seward County, Kansas. The application to change the point of diversion for Water Right, File No. 28,014 received in the office of the Chief Engineer on May 30, 2017 proposes to transfer 90.587 million gallons per calendar year (278 acre-feet) and no additional rate from the well located 3,226 feet North and 3,394 feet West of the Southeast corner of Section 16 to the existing well also authorized by File No. 28,014 located 3,592 feet North and 100 feet West (g.p.s. 3,551 feet North and 111 feet West) of the Southeast corner of the aforementioned Section 16, a distance of approximately 3,299 feet. The proposed existing well will have a total of 157.043 million gallons (481.95 acre-feet) and 710 gallons per minute authorized on the well under File No. 28,014.
4. The proposed existing well does not meet well spacing requirements of K.A.R. 5-23-3(a)(1) to two stockwatering wells under common ownership or the requirements of K.A.R. 5-23-3(b) since the proposed transfer involves a move of approximately 3,299 feet. All wells in question are existing wells.
5. That in a letter dated July 13, 2017, Jason L. Norquest, Assistant Manager of Southwest Kansas Groundwater Management District No. 3, indicated that the Board of Directors of Southwest Kansas Groundwater Management District No. 3 reviewed the application, and has recommended a waiver of K.A.R. 5-23-3(a)(1) since the wells are under common ownership and serve the same stock facility as File No. 28,014. The Board also recommended a waiver of K.A.R. 5-23-3(b) since the proposal will reduce water overflow in the stock watering system and move quantity to a less pumped area. The wells involved in the transfer are authorized under the same file number so the same local source of supply will not change.
6. That the referenced application for File No. 28,014 should be approved with waivers of K.A.R. 5-23-3(a)(1) and K.A.R. 5-23-3(b).
7. That waivers of K.A.R. 5-23-3(a)(1) and K.A.R. 5-23-3(b) will neither prejudicially nor unreasonably affect the public interest and it will not impair an existing water right.

Comments:

A handwritten signature in black ink, appearing to read "David W. Barfield", written over a horizontal line.

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

Submit To: CHIEF ENGINEER  
Division of Water Resources  
Kansas Department of Agriculture  
1320 Research Park Drive  
Manhattan, Kansas 66502  
http://agriculture.ks.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  
MAY 30 2017  
1:00  
KS DEPT OF AGRICULTURE

File No. 28014

2. Name of applicant: GREEN PLAINS CATTLE CO LLC

Address: 19016 ROAD I

City, State and Zip: KISMET KS 67859-6026

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

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

Name of water use correspondent: GREEN PLAINS CATTLE CO LLC

Address: 19016 ROAD I

City, State and Zip: KISMET KS 67859-6026

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

3. The change(s) proposed herein are desired for the following reasons (please be specific): move 90.587 mgy (278 acft) from from well id#5 to well id #3.

RECEIVED

The change(s) (was) (will be) completed by when approved (Date)

MAY 24 2017

Garden City Field Office  
DIVISION OF WATER RESOURCES

For Office Use Only:							
F.O. Code	<u>4</u>	GMD	<u>3</u>	Meets K.A.R. 5-5-1 (YES/NO)	Use	Source	By
	<u>200</u>			<u>(YES)</u>	<u>SK</u>	<u>G/S</u>	<u>AW</u>
				Fee \$	TR #	Receipt Date	Date
				<u>CGT</u>		<u>5/30/17</u>	<u>5/30/17</u>
						Check #	
						<u>15503</u>	

8 17 17  
RAK

Assisted by: \_\_\_\_\_

04/20/17 UNSEARCHED

6. The presently authorized point(s) of diversion are 4 wells  
(Provide description and number of points)
7. The proposed point(s) of diversion are 4 wells  
(Provide description and number of points)

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

8. **Presently authorized point of diversion:** \* Primary Well

One in the sw Quarter of the se Quarter of the nw Quarter of Section 16, Township 32 South, Range 33 W, in Seward County, Kansas, 3226 feet North 3394 feet West of Southeast corner of section. Authorized Rate 460 gpm Authorized Quantity 181.255 mgy  
**(DWR use only: Computer ID No. 5 GPS 3226 feet North 3394 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 16, Township 32 South, Range 33 W, in Seward County, Kansas, 3226 feet North 3394 feet West of Southeast corner of section. Proposed Rate 460 gpm Proposed Quantity 90.668 mgy  
 This point is:  Additional Well  Geo Center List other water rights that will use this point \_\_\_\_\_

9. **Presently authorized point of diversion:** \* Primary Well

One in the ne Quarter of the se Quarter of the ne Quarter of Section 16, Township 32 South, Range 33 W, in Seward County, Kansas, 3592 feet North 100 feet West of Southeast corner of section. Authorized Rate 710 gpm Authorized Quantity 66.456 mgy  
**(DWR use only: Computer ID No. 3 GPS 3551 feet North 111 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 ne Quarter of the se Quarter of the ne Quarter of Section 16, Township 32 South, Range 33 (E/W), in Seward County, Kansas, \* 3592 3551 feet North \* 100 111 feet West of Southeast corner of section. Proposed Rate 710 gpm Proposed Quantity 157.043 mgy \* Modified per gpm feet distances in well  
 This point is:  Additional Well  Geo Center List other water rights that will use this point 20179042

10. **Presently authorized point of diversion:** \* Primary Well

One in the nw Quarter of the nw Quarter of the nw Quarter of Section 16, Township 32 South, Range 33 W, in Seward County, Kansas, 5150 feet North 5271 feet West of Southeast corner of section. Authorized Rate 80 Authorized Quantity 32,585  
**(DWR use only: Computer ID No. 6 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 \_\_\_\_\_  
 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

\* RAK/Ann 8/17/17

4. The presently authorized place of use is:

Owner of Land — NAME: GREEN PLAINS CATTLE CO LLC

ADDRESS: 19016 ROAD I

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	
16	32	33w	feed	lot															

List any other water rights that cover this place of use. 17833, 28014, 39722, 39734

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.)

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

Owner of Land — NAME: no change to the place of use

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. \_\_\_\_\_

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	

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

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MAY 24 2017

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Garden City Field Office  
DIVISION OF WATER RESOURCES

APPLICATION FOR APPROVAL TO CHANGE  
THE PLACE OF USE AND/OR POINT OF DIVERSION  
SUPPLEMENTAL SHEET  
FILE NO. 28014

**Presently authorized point of diversion:** \* *Standby Well*  
One in the ne Quarter of the ne Quarter of the ne Quarter  
of Section 16, Township 32 South, Range 33 W,  
in Seward County, Kansas, 4900 feet North 100 feet West of Southeast corner of section.  
Authorized Rate \_\_\_\_\_ Authorized Quantity \_\_\_\_\_ Depth of well \_\_\_\_\_ (feet)  
(DWR use only: Computer ID No. 11 stnd by GPS 4850 feet North 123 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 \_\_\_\_\_

**Presently authorized point of diversion:**  
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.  
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 \_\_\_\_\_ (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 \_\_\_\_\_

**Presently authorized point of diversion:**  
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.  
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 \_\_\_\_\_ (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 \_\_\_\_\_

**Presently authorized point of diversion:**  
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.  
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 \_\_\_\_\_ (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 \_\_\_\_\_

\* Per WAD 8/17/17

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12. The presently authorized use of water is for stock purposes.  
It is proposed that the use be changed to stock purposes.

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

(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.

no change to well locations both wells have the same water right number.

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.

moving water over 2640 ft. (about 3,200 ft move.)

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MAY 24 2017

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Garden City Field Office DIVISION OF WATER RESOURCES

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 19016 Rd I Kismet, Kansas, this 15 day of May, 20 17.

\* Benjamin Fuentes / Supreme Cattle Feeders \_\_\_\_\_  
(Owner) (Spouse)

Benjamin Fuentes \_\_\_\_\_  
(Please Print) (Please Print)

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

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

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

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

State of Kansas }  
County of Seward } SS

I hereby certify that the foregoing application was signed in my presence and sworn to before me this 15<sup>th</sup> day of May, 20 17.



Barbara R. Herring  
Notary Public

My Commission Expires \_\_\_\_\_

**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:** Thursday, August 3, 2017 3:29 PM  
**To:** Krueger, Richelle  
**Cc:** Makens, Thom  
**Subject:** RE: Request for Recommendation Change in PD File No. 28014 Supreme Feeders/Green Plains Cattle Question overlapping Term Permit Application File No. 20179042

I recommend approval

They wanted the term permit to cover any overpump before this got approved. They did go over, so they need that authority

Please try to process these together so the sequence plays out.

Again the term was to bridge the gap until the change approval

*Mike*

---

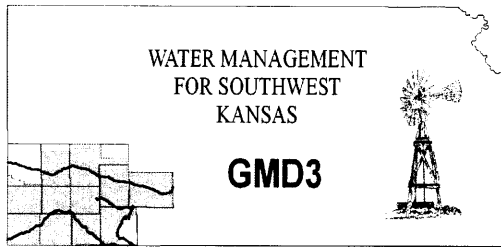
**From:** Krueger, Richelle  
**Sent:** Thursday, August 3, 2017 2:12 PM  
**To:** Meyer, Mike <Mike.Meyer@ks.gov>  
**Cc:** Makens, Thom <Thom.Makens@ks.gov>  
**Subject:** Request for Recommendation Change in PD File No. 28014 Supreme Feeders/Green Plains Cattle Question overlapping Term Permit Application File No. 20179042

Hi Mike,

Attached is a draft memo for the referenced change in pd, File No. 28014 Supreme Feeders/Green Plains Cattle, do you recommend approval?

Also, do you know why Green Plains Cattle filed a term permit Application File No. 20179042 on June 28, 2017 for 28.7 AF @710 g.p.m. on the same proposed well and feedlot as File No. 28014? I can send that out to GMD 3 for review, but wondered why they filed that one.

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

July 13, 2017

Brent A. Turney  
Kansas Department of Ag  
Division of Water Resources  
1320 Research Park Drive  
Manhattan, Kansas 66502

WATER RESOURCES  
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JUL 17 2017

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RE: Change Application  
Water Right, File No. 28014

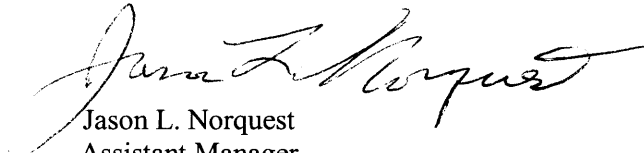
Dear Brent:

We have completed a review for the above referenced applications. The proposal to reallocate authority between two of the wells under this water right is in conflict with the Management Program of the Southwest Kansas Groundwater Management District No. 3 (GMD3). More specifically the move further than a half mile and distance to neighboring wells in accordance with K.A.R. 5-23-3.

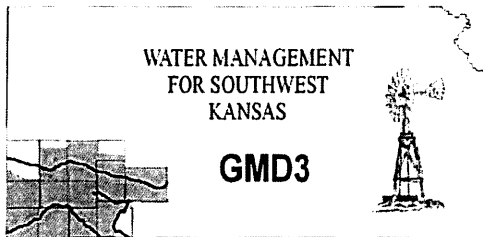
The Board discussed this application at our July 12, 2017 meeting. Benjamin Fuentes was present representing the applicant. A brief summary of the change application was presented describing what is being requested and the distances and spacing needed to neighboring wells. The information shows that the spacing is only to wells owned by the applicant and used in the same stock facility as this water right. However, the moving of authority was further than the maximum half mile allowed. Mr. Fuentes stated to the Board and in his response letter that the east well (ID3) he proposes moving the authority to is set up with an electric pump with a variable drive that can adjust to the pressures of the system and will increase or decrease rate according to system pressures. The west well (ID5) that will be reduced in authority, is on a gas motor and it is harder to adjust the rate with the pressurized system. With a constant flow from this well, they have more overflow of the stock tanks, which leads to more waste. The facility does have a reuse system in place to utilize that runoff, but the cost can be higher than just trying to reduce the amount of runoff from the overflowing of the tanks. The Board asked if the applicant was sure this was the route they wanted to pursue or if they thought about re-equipping the west well. Mr. Fuentes said that the location and cost was a limitation, but that they had considered it. Since this will help reduce some of the overflow of fresh water from the stock watering system and the additional authority to being moved to a less developed area, it is therefore recommended that a waiver to K.A.R. 5-23-3 be granted and the application 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



**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

July 13, 2017

Brent A. Turney  
Kansas Department of Ag  
Division of Water Resources  
1320 Research Park Drive  
Manhattan, Kansas 66502

RE: Change Application  
Water Right, File No. 28014

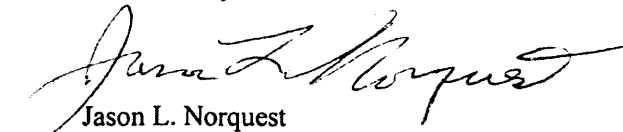
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Thank you for the opportunity to review the applications and to provide a recommendation. If you have any questions, please don't hesitate to contact us.

Sincerely,



Jason L. Norquest  
Assistant Manager

## GMD3 Change Review

---

Change Application(s); PD (Reallocation)  
File No(s). 28014; Green Plains Cattle Co. LLC

	ft. North	ft. West	
Authorized PD	3226	3394	ID5
Proposed PD	3592	100	ID3
Difference	-366	3294	
<b>a2 + b2 = c2</b>	<b>133956</b>	<b>10850436</b>	<b>3314.271 feet between wells</b>

Applicant is moving 277.95AF from ID5 to ID3, which is further than half mile.  
Total allocated amount within mile of ID5 is 1680.49AF and total allocated amount within mile of ID3 is 1059.41AF.

**Neighboring wells:** Spacing not met to another STK well owned by applicant.

**Domestic wells:** None found in area of concern

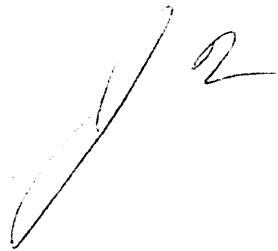
**Regulation(s) Reviewed:** KAR 5-23-3

**Board Review Date:** July 12, 2017

**Board Recommendation:** In order for applicant to utilize the variable electric drive pump to maintain pressure in the system and reduce water over flow in tanks, the only wells in area of the proposed move that might be effected are the applicant's

**Waiver Reason:** Only effect themselves and moving to a less pumped area

**Final Recommendation:** After review of all information and discussion with the applicant and Board, Staff recommends a waiver for the proposed change and the application be approved.



> § JAY HAY AGENT  
 > PO BOX 2707  
 > LIBERAL KS 67905

-----  
 A\_\_ 27288 D1 IRR NK G  
 > FRANZ LAND CO (SEWARD)  
 > J H HAY  
 > PO BOX 2707  
 > LIBERAL KS 67905

-----  
 A\_\_ 27288 D2 IRR NK G  
 > FRANZ LAND CO (SEWARD)  
 > J H HAY  
 > PO BOX 2707  
 > LIBERAL KS 67905

-----  
 A\_\_ 28014 00 STK NK G  
 > GREEN PLAINS CATTLE CO LLC  
 >  
 > 19016 ROAD I  
 > KISMET KS 67859

-----  
 A\_\_ 39722 00 STK NK G  
 > GREEN PLAINS CATTLE CO LLC  
 >  
 > 19016 ROAD I  
 > KISMET KS 67859

#####  
 AMOUNT STATISTICS REPORT FOR POINTS OF DIVERSION UNDER A 28014 00 STK

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

3592 Feet North and 100 Feet West of the Southeast Corner of Section 16 T 32S R 33W

GROUNDWATER ONLY

*From 66,456 mgd [203.95 AF] to 15,704 mgd [481.9 AF]*

File Number	Use	ST	SR	Dist (ft)	Q4	Q3	Q2	Q1	FeetN	FeetW	Sec	Twp	Rng	ID	Batt	Auth_Quan	Add_Quan	Unit
A__ 17833 00 STK NK G				1800	--	NW	NE	SE	2130	1180	16	32	33W	9		166.14	166.14	AF
Same				2541	--	SE	NW	SE	1450	1500	16	32	33W	10		298.41	298.41	AF
A__ 20847 00 IRR NK G				3243	--	--	NC	SE	1320	1310	9	32	33W	1		254.00	254.00	AF
A__ 28014 00 STK NK G*				0	--	NE	SE	NE	3592	100	16	32	33W	3	2100	<del>203.95</del> 481.9	.00	AF
Same				3312	--	SW	SE	NW	3226	3394	16	32	33W	5		<del>550.25</del> 270.25	340.86	AF
Same				1330	--	NE	NE	NE	4900	100	16	32	33W	11		.00	.00	AF
A__ 39734 00 STK NK G				3559	--	SW	SE	SE	152	1089	16	32	33W	7		248.77	.00	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) =	1059.41	.00
Total Vested Amount (AF) =	.00	.00

*Spacing w/new AF meets  
 Except to ID 11, which I don't  
 meet before change*

*\* 178335 TK  
 T-D9*

*Moving  
 277.95 AF*

*NET*

TOTAL AMOUNT (AF) = 1059.41 .00

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

An \* after the ID indicates a 15 AF exemption was granted under 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:

3592 Feet North and 100 Feet West of the Southeast Corner of Section 16 T 32S R 33W

GROUNDWATER ONLY

WATER USE CORRESPONDENTS:

```

=====
File Number    Use ST SR
A__ 17833 00 STK NK G
> GREEN PLAINS CATTLE CO LLC
>
> 19016 ROAD I
> KISMET KS 67859
>
-----
A__ 20847 00 IRR NK G
> JOANN DOWDY FRANZ
> % JAY HAY AGENT
> PO BOX 2707
> LIBERAL KS 67905
>
-----
A__ 28014 00 STK NK G
> GREEN PLAINS CATTLE CO LLC
>
> 19016 ROAD I
> KISMET KS 67859
>
-----
A__ 39734 00 STK NK G
> GREEN PLAINS CATTLE CO LLC
>
> 19016 ROAD I
> KISMET KS 67859
>
=====
    
```

*Letter*

#####

AMOUNT STATISTICS REPORT FOR POINTS OF DIVERSION UNDER A 28014 00 STK

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

3226 Feet North and 3394 Feet West of the Southeast Corner of Section 16 T 32S R 33W

GROUNDWATER ONLY

*From 181.255 mgd [556.25 AF] To 90.668 mgd [278.25 AF]*

File Number	Use	ST	SR	Dist	(ft)	Q4	Q3	Q2	Q1	FeetN	FeetW	Sec	Twp	Rng	ID	Batt	Auth_Quan	Add_Quan	Unit
A__ 17668 00	IRR	NK	G	4005	--	NC	W2	NE	3800	2100	17	32	33W	1			210.00	210.00	AF ✓
Same				4356	--	SW	NW	SE	1450	2100	17	32	33W	2			235.00	235.00	AF ✓
A__ 17833 00	STK	NK	G	2470	--	NW	NE	SE	2130	1180	16	32	33W	9			166.14	166.14	AF ✓
Same				2596	--	SE	NW	SE	1450	1500	16	32	33W	10			298.41	298.41	AF ✓
A__ 20847 00	IRR	NK	G	3924	--	--	NC	SE	1320	1310	9	32	33W	1			254.00	254.00	AF ✓
A__ 28014 00	STK	NK	G*	3312	--	NE	SE	NE	3592	100	16	32	33W	3			<del>203.95</del> 481.9	.00	AF
Same				0	--	SW	SE	NW	3226	3394	16	32	33W	5			<del>556.25</del>	340.86	AF

*ID → 103*

*278.25*

Same	2688	-- NW NW NW	5150	5271	16	32	33W	6	100.00	.00	AF /
Same	3695	-- NE NE NE	4900	100	16	32	33W	11	.00	.00	AF /
A__ 39722 00 STK NK G	2688	-- NW NW NW	5150	5271	16	32	33W	6	311.00	176.09	AF /
A__ 39734 00 STK NK G	3842	-- SW SE SE	152	1089	16	32	33W	7	248.77	.00	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) =    1680.49      .00
Total Vested Amount (AF) =      .00      .00
TOTAL AMOUNT (AF) =    1680.49      .00
    
```

An \* after the source of supply indicates a pending application for change under the file number.  
 An \* after the ID indicates a 15 AF exemption was granted under 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:  
 3226 Feet North and 3394 Feet West of the Southeast Corner of Section 16 T 32S R 33W

GROUNDWATER ONLY  
 WATER USE CORRESPONDENTS:

- ```

=====
File Number      Use ST SR
A__ 17668 00 IRR NK G
> GREEN PLAINS CATTLE CO LLC
>
> 19016 ROAD I
> KISMET KS 67859
>-----
A__ 17833 00 STK NK G
> GREEN PLAINS CATTLE CO LLC
>
> 19016 ROAD I
> KISMET KS 67859
>-----
A__ 20847 00 IRR NK G
> JOANN DOWDY FRANZ
> ‡ JAY HAY AGENT
> PO BOX 2707
> LIBERAL KS 67905
>-----
A__ 28014 00 STK NK G
> GREEN PLAINS CATTLE CO LLC
>
> 19016 ROAD I
> KISMET KS 67859
>-----
A__ 39722 00 STK NK G
> GREEN PLAINS CATTLE CO LLC
>
> 19016 ROAD I
    
```

```
> KISMET KS 67859
>-----
A__ 39734 00 STK NK G
> GREEN PLAINS CATTLE CO LLC
>
> 19016 ROAD I
> KISMET KS 67859
>-----
```

```
#####
AMOUNT STATISTICS REPORT FOR POINTS OF DIVERSION UNDER A 28014 00 STK
Water Right and Points of Diversion Within 1.00 miles of point defined as:
 4900 Feet North and 100 Feet West of the Southeast Corner of Section 16 T 32S R 33W
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__ 17833 00 STK NK G  |     |    |    | 2973      | -- | NW | NE | SE | 2130  | 1180  | 16  | 32  | 33W | 9  |      | 166.14    | 166.14   | AF   |
| Same                   |     |    |    | 3723      | -- | SE | NW | SE | 1450  | 1500  | 16  | 32  | 33W | 10 |      | 298.41    | 298.41   | AF   |
| A__ 20847 00 IRR NK G  |     |    |    | 2077      | -- | NC | SE |    | 1320  | 1310  | 9   | 32  | 33W | 1  |      | 254.00    | 254.00   | AF   |
| A__ 28014 00 STK NK G* |     |    |    | 1330      | -- | NE | SE | NE | 3592  | 100   | 16  | 32  | 33W | 3  |      | 203.95    | .00      | AF   |
| Same                   |     |    |    | 3695      | -- | SW | SE | NW | 3226  | 3394  | 16  | 32  | 33W | 5  |      | 556.25    | 340.86   | AF   |
| Same                   |     |    |    | 5177      | -- | NW | NW | NW | 5150  | 5271  | 16  | 32  | 33W | 6  |      | 100.00    | .00      | AF   |
| Same                   |     |    |    | 0         | -- | NE | NE | NE | 4900  | 100   | 16  | 32  | 33W | 11 |      | .00       | .00      | AF   |
| A__ 39722 00 STK NK G  |     |    |    | 5177      | -- | NW | NW | NW | 5150  | 5271  | 16  | 32  | 33W | 6  |      | 311.00    | 176.09   | AF   |
| A__ 39734 00 STK NK G  |     |    |    | 4850      | -- | SW | SE | SE | 152   | 1089  | 16  | 32  | 33W | 7  |      | 248.77    | .00      | 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) =    1235.49          .00
Total Vested Amount (AF) =      .00          .00
TOTAL AMOUNT (AF) =    1235.49          .00
```

An \* after the source of supply indicates a pending application for change under the file number.  
 An \* after the ID indicates a 15 AF exemption was granted under the file number.  
 A "G" in the Batt column indicates the GEO CTR of a battery. A "B" indicates a well in the battery.  
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```
Water Rights and Points of Diversion Within 1.00 miles of point defined as:
 4900 Feet North and 100 Feet West of the Southeast Corner of Section 16 T 32S R 33W
GROUNDWATER ONLY
WATER USE CORRESPONDENTS:
```

```
=====
File Number  Use ST SR
A__ 17833 00 STK NK G
> GREEN PLAINS CATTLE CO LLC
>
> 19016 ROAD I
> KISMET KS 67859
>-----
```



A\_\_ 20847 00 IRR NK G

- > JOANN DOWDY FRANZ
- > ‡ JAY HAY AGENT
- > PO BOX 2707
- > LIBERAL KS 67905

>-----

A\_\_ 28014 00 STK NK G

- > GREEN PLAINS CATTLE CO LLC
- >
- > 19016 ROAD I
- > KISMET KS 67859

>-----

A\_\_ 39722 00 STK NK G

- > GREEN PLAINS CATTLE CO LLC
- >
- > 19016 ROAD I
- > KISMET KS 67859

>-----

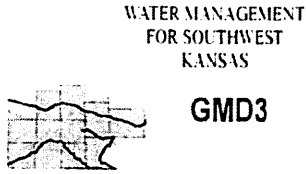
A\_\_ 39734 00 STK NK G

- > GREEN PLAINS CATTLE CO LLC
- >
- > 19016 ROAD I
- > KISMET KS 67859

>-----

=====

#####



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

---

June 28, 2017

Green Plains Cattle Co. LLC  
19016 Road I  
Kismet, KS 67859-6026

RE: Water Right, File No. 28014

Dear Green Plains Cattle Co. LLC 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 allocation between points of diversion under the above referenced application requires a waiver of a rule, specifically, K.A.R. 5-23-3 as it pertains to distance moved further than a half mile and short on minimum spacing to wells, also owned by the applicant.

The application proposes to move 277.5 acre feet of authority to a well described as being 3592 feet North and 100 feet West of the SE corner of Section 16, Township 32s, Range 33w, in Seward 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



**Supreme Cattle Feeders**

A Division of Green Plains Cattle Company, LLC

19016 Road I  
Kismet, KS 67859  
Phone: 620.624.6296  
Fax: 620.624.4411  
[greenplainscattleco.com](http://greenplainscattleco.com)

July 6, 2017

Ground Water Management District 3  
2009 E. Spruce St.  
Garden City, KS 67846

RE: Water Right File NO. 28014

Sir/Madam

We would like to request a transfer of 277.5 acre-ft from 3300N 3300W 16-32S-33W to 2592N 100W 16-32S-33W. These two water wells are in the same water right file No. 28014 and we can control the usage better with the later well.

The water well on 3300N 3300W 16-32S-33W pumps water with a natural gas engine, which will not allow us to control the water pressure in our lines.

The water well on 2592N 100W 16-32S-33W uses an electric motor with VFD. The electric motor will allow us to control the water pressure in the lines. If the water pressure goes down, it will increase the gpm; and if it goes up, the gpm decreases. Keeping the correct pressure in the lines also reduces the problems with our water tanks, while maintaining less overflow water in our drain lines.

If you have questions or concerns please do not hesitate to contact me. Thank you for your time and consideration.

Sincerely,

A handwritten signature in cursive script that reads "Benjamin Fuentes".

Benjamin Fuentes  
Operations 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

June 15, 2017

**FILE COPY**

SOUTHWEST KANSAS GROUNDWATER  
MANAGEMENT DISTRICT NO 3  
2009 E SPRUCE STREET  
GARDEN CITY KS 67846

Re: Water Right  
File No. 28,014

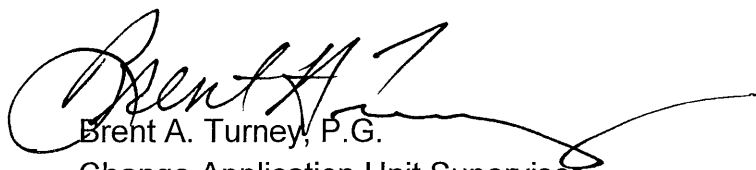
Dear Sir or Madam:

We are enclosing a copy of the application referred to above, received in the office of the Chief Engineer May 30, 2017, which appears to be in proper form.

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

Please submit your recommendation within the allotted time, or any authorized extension of time thereof. 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, P.G.  
Change Application Unit Supervisor  
Water Appropriation Program

BAT  
Enclosures

pc: Garden City Field Office

SCANNED

Jackie McClaskey, Secretary

Governor Sam Brownback

GREEN PLAINS CATTLE CO LLC  
19016 ROAD I  
KISMET , KS 67859

May 31, 2017

**FILE COPY**

RE: File No 28014

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 PD
- 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,



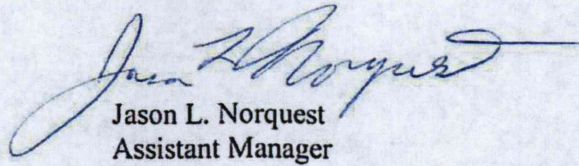
Brent Tourney, L.G.  
Change Applications Unit Supervisor  
Water Appropriation Program

BAT: DLW  
pc: GARDEN CITY Field Office GMD3

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 the neighbors responding to their copy of this letter. The Board will review this application at the July 12, 2017 meeting of the GMD.

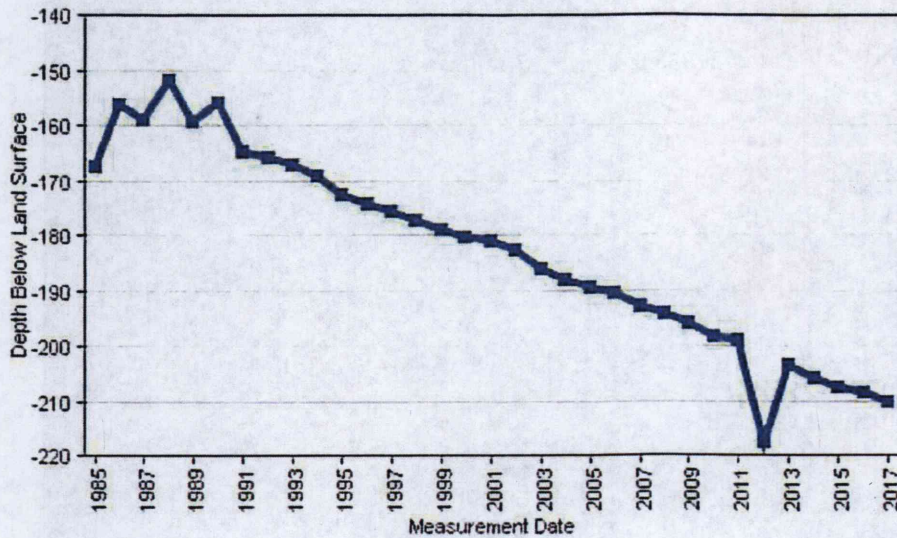
Should you have any questions, please feel free to call this office. If you would prefer, an appointment could be arranged for additional assistance. Please refer to the water right file number when you contact us.

Sincerely,

  
Jason L. Norquest  
Assistant Manager

Attachment: GMD3 General Groundwater Resource Review, File No. 28014  
Copy to: Joann Dowdy Franz %Jay Hay

Regional Average Tend, from  
[http://hercules.kgs.ku.edu/geohydro/wizard/wizardwelldetail.cfm?usgs\\_id=371306100554201](http://hercules.kgs.ku.edu/geohydro/wizard/wizardwelldetail.cfm?usgs_id=371306100554201)



# Proposed PD and 1 Mile Circle for WR No 28014 ID 5



1:24,000

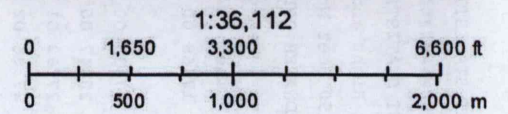
Water right numbers are in black text.  
10 year average water use is in red text.

# 28014, Green Plains Cattle



June 21, 2017

- Meters
- WIMAS WELLS GMD3
- Wells
- Sections





AMOUNT STATISTICS REPORT FOR POINTS OF DIVERSION UNDER A 28014 00

#####

AMOUNT STATISTICS REPORT FOR POINTS OF DIVERSION UNDER A 28014 00 STK

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

5150 Feet North and 5271 Feet West of the Southeast Corner of Section 16 T 32S R 33W

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__ 17668 00 IRR NK G      2513 -- NC W2 NE 3800 2100 17 32 33W 1      210.00 210.00 AF
Same          4283 -- SW NW SE 1450 2100 17 32 33W 2      235.00 235.00 AF
A__ 17833 00 STK NK G      5085 -- NW NE SE 2130 1180 16 32 33W 9      166.14 166.14 AF
A__ 20847 00 IRR NK G      4181 -- -- NC SE 1320 1310 9 32 33W 1      254.00 254.00 AF
A__ 27288 D1 IRR NK G      4235 -- -- NC SW 1300 3980 8 32 33W 3      262.00 262.00 AF
A__ 27288 D2 IRR NK G      4287 -- -- NC NE 3950 1330 8 32 33W 1      272.00 272.00 AF
A__ 28014 00 STK NK G*    2688 -- SW SE NW 3226 3394 16 32 33W 5      556.25 340.86 AF
Same          0 -- NW NW NW 5150 5271 16 32 33W 6      100.00 .00 AF
Same          5177 -- NE NE NE 4900 100 16 32 33W 11      .00 .00 AF
A__ 39722 00 STK NK G      0 -- NW NW NW 5150 5271 16 32 33W 6      311.00 176.09 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) =    1916.09        .00
Total Vested Amount (AF) =        .00          .00
TOTAL AMOUNT (AF) =    1916.09        .00
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Water Rights and Points of Diversion Within 1.00 miles of point defined as:

5150 Feet North and 5271 Feet West of the Southeast Corner of Section 16 T 32S R 33W

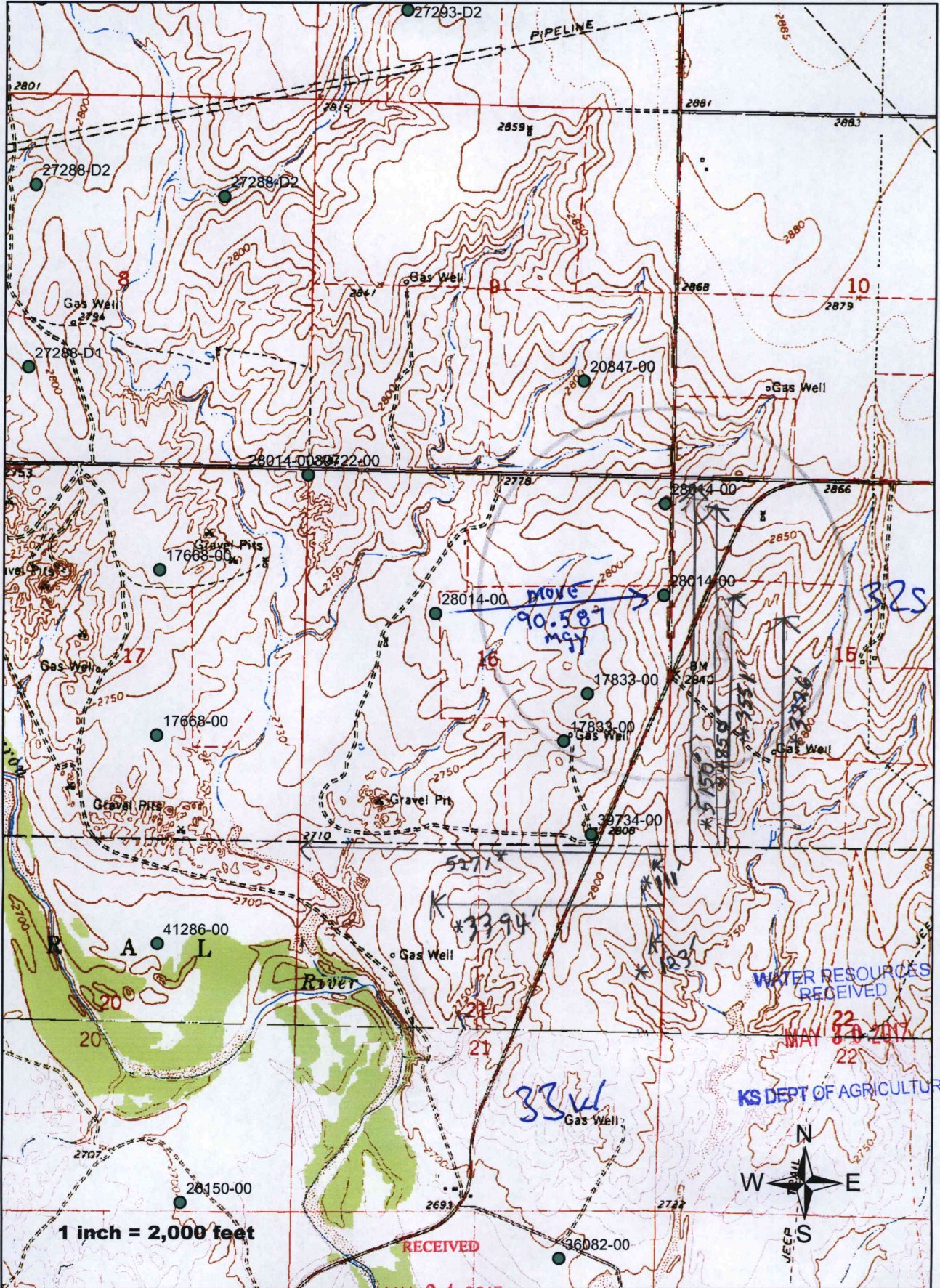
GROUNDWATER ONLY

WATER USE CORRESPONDENTS:

```

=====
File Number   Use ST SR
A__ 17668 00 IRR NK G
> GREEN PLAINS CATTLE CO LLC
>
> 19016 ROAD I
> KISMET KS 67859
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A__ 17833 00 STK NK G
> GREEN PLAINS CATTLE CO LLC
>
> 19016 ROAD I
> KISMET KS 67859
-----
A__ 20847 00 IRR NK G
> JOANN DOWDY FRANZ
    
```

28014



\* 1/2 mile circle & Feet Distances added per WRS  
 \* MXP/OWN 8/17/17

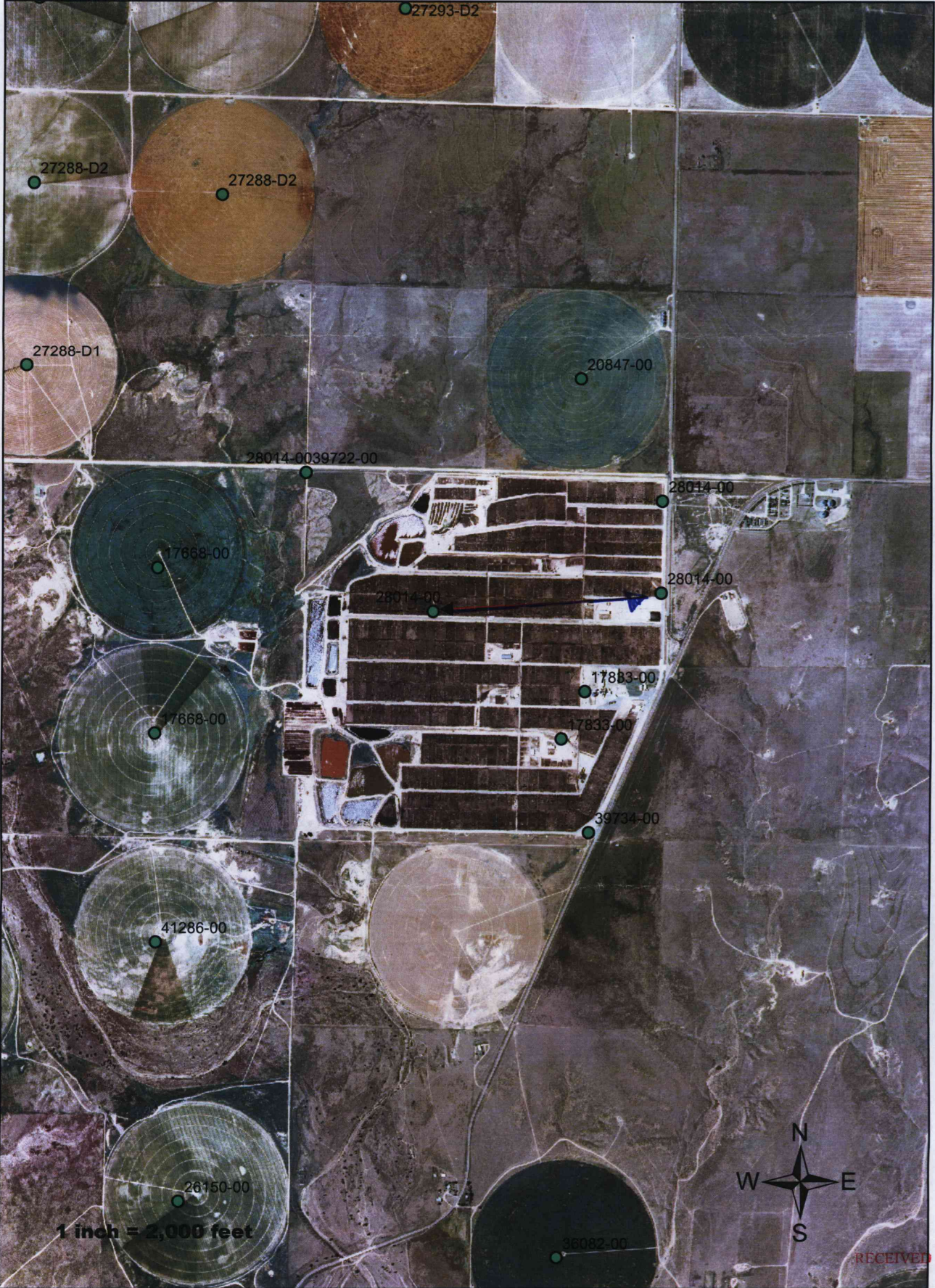
MAY 24 2017  
 Garden City Field Office  
 DIVISION OF WATER RESOURCES

SCANNED

28014

RECEIVED  
MAY 30 2017

KS DEPT OF AGRICULTURE



RECEIVED  
MAY 24 2017

SCANNED

Garden City Field Office  
DIVISION OF WATER RESOURCES