

Kansas Department of Agriculture
 Division of Water Resources
CHANGE: PU UMW WORKSHEET

Document Signature DWB _____

1. File Number: 31,499	2. Status Change Date: 8/9/2017	3. Change Num: 1	4. Field Office: 4	5. GMD: 3
----------------------------------	---	----------------------------	------------------------------	---------------------

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: 5/1/2017
--	--

8a. Applicant(s) New to system <input type="checkbox"/> REEVE CATTLE CO INC PO BOX 1036 GARDEN CITY KS 67846	8c. Landowner(s) New to system <input type="checkbox"/> Person ID 14456 Add Seq# _____
--	--

8b. Landowner(s) New to system <input type="checkbox"/> Person ID _____ Add Seq# _____	8d. WUC New to system <input type="checkbox"/> SAME AS 8A Person ID _____ Add Seq# _____
---	---

9. Documents and Enclosure(s): DWR Meter(s) Date to Comply: 12/31/2015 N & P Date to Comply: _____

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 **IRRIGATION** _____ To: **STOCKWATERING** _____

Date Entered : 8/10/2017 uM

KANSAS DEPARTMENT OF AGRICULTURE
Division of Water Resources

M E M O R A N D U M

TO: Files

DATE: August 8, 2017

FROM: Brent A. Turney

RE: Water Right
File Nos. 10,601.08 and 31,499

Lee M. Reeve on behalf of Reeve Cattle Company, Inc., owner of the referenced water rights, have filed application for approval to change the place of use and use made of water for Water Right, File No. 31,499, and a change in place of use for Water Right, File No. 10,601.08, filed on May 17, 2017. File No. 31,499 is currently authorized for irrigation use. The referenced water right has a total of 290 acre-feet of groundwater for irrigation use and does not appear to be abandoned as per K.S.A. 82a-718.

File No. 19,521 D1 is authorized one well (authorized 290 acre-feet) for the irrigation of a 152 acre place of use there are no overlaps in the place of use or point of diversion. The application requests that the entire water right be converted to stockwatering use. The application proposes using the new calculation based on the return flow map in KAR 5-5-9. Based upon a 12.6% return flow, the applicant has agreed to reduce the water right to 253 acre-feet. The historic consumptive use will not be increase as per KAR 5-5-9(b).

Both 10,601.08 and 31,499 will be authorized stockwatering use in a feedlot described as being in the East Half (E½) and the Northwest Quarter (NW¼) of Section 13, Township 25 South, Range 33 West, Finney County, Kansas. This is an expansion of the existing feedlot.

The applicant has submitted justification that the requested quantity (253 AF) in addition to the existing stockwatering water rights is reasonable to water 15,000 head of cattle.

The applicant has identified all wells within one half mile and has stated that he owns all of them, therefore no nearby notices have been sent.

In a letter dated June 15, 2017, Jason Norquest, Assistant Manager of Southwest Kansas Groundwater Management District No. 3, indicated that application complies with the current management program and he further recommends approval of the application.

In an e-mail dated today's date, Mike Meyer, Water Commissioner, Garden City Field Office, indicated that he is not opposed to approval of the application.

Water flow meters are required. Check valves are required if any chemical or foreign substance is injected into the water through the diversion works

Based on the above discussion, that impairment to existing water rights is unlikely, and that no change in the local source of supply will occur, the change may be approved.


Brent A. Turney
Change Application Unit Supervisor

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



Department of Agriculture
agriculture.kg.gov August 11, 2017

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

Jackie McClaskey, Secretary

Governor Sam Brownback

FILE COPY

REEVE CATTLE CO INC
C/O LEE M REEVE
PO BOX 1036
GARDEN CITY KS 67846

RE: Water Right
File Nos. 10,601.08 & 31,499

Dear Mr. Reeve:

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 the approvals for change. A condition of the approvals is that an acceptable water flow meter 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 installation of the required meters as soon as these actions are completed.

Since these orders 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 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
GMD 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
AND USE MADE OF WATER
WATER RIGHT
FILE NO. 31,499**

The Chief Engineer, Division of Water Resources, Kansas Department of Agriculture, after due consideration of the written application of Lee M. Reeve on behalf of reeve Cattle Co. Inc., PO Box 1036, Garden City, Kansas 67846, received in this office on May 1, 2017, 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, finds that the change is reasonable and will not impair existing rights and that the application should be and is hereby approved.

The application, therefore, is approved subject to the condition that the water right shall be reduced to a total quantity not to exceed 82.44 million gallons (253 acre-feet) for any calendar year.

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

a feedlot located in the East Half (E½) and the Northwest Quarter (NW¼) of Section 13, Township 25 South, Range 33 West, Finney County, Kansas, and

the authorized use made of water shall be:

stockwatering use,

located substantially as shown on the topographic map accompanying the application to change the place of use and use made of water.

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. 31,499, for permit to appropriate water for beneficial use, is as stated and set forth in the Certificate of Appropriation April 30, 1985.

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 9th day of August, 2017, in Topeka, Shawnee County, Kansas.

Lane P. Letourneau

Lane P. Letourneau, P.G.
Water Appropriation Program Manager
Division of Water Resources
Kansas Department of Agriculture

State of Kansas)
) SS
County of Riley)

August The foregoing instrument was acknowledged before me this 9th day of August, 2017, by Lane P. Letourneau, P.G., Water Appropriation Program Manager, Division of Water Resources, Kansas Department of Agriculture.

Danielle Wilson
Notary Public



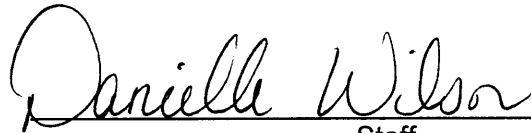
CERTIFICATE OF SERVICE

On this 1st day of August, 2017, I hereby certify that the attached original Approval of Change in Use Made of Water, File No. 31,499, dated August 9, 2017, was mailed postage prepaid, first class, US mail to the following:

REEVE CATTLE CO INC
C/O LEE M REEVE
PO BOX 1036
GARDEN CITY KS 67846

With photocopies to:

Garden City Field Office
GMD No. 3



Staff

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 01 2017

1:14

KS DEPT OF AGRICULTURE

File No. 31499

2. Name of applicant: REEVE CATTLE CO. INC.

Address: PO BOX 1036

City, State and Zip: GARDEN CITY, KS 67846

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: SAME

Address: _____

City, State and Zip: _____

Phone Number: () _____ E-mail address: _____

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

CONVERT USE OF WATER FROM IRRIGATION TO LIVESTOCK TO COVER THE EXPANSION OF THE FEEDYARD
AND TO COMPLETE OVERLAP IN PLACE OF USE WITH WR 10601.08.

The change(s) was completed by 2017

(Date)

For Office Use Only:	
F.O. Code <u>4</u> <u>GMD</u> <u>3</u>	Meets K.A.R. 5-5-1 <u>(YES)</u> / NO) Use <u>RR</u> Source <u>G/S</u> County <u>FF</u> By <u>AW</u> Date <u>5/1/17</u>
Fee \$ <u>500</u> TR # _____	Receipt Date <u>5/1/17</u> Check # <u>38714</u>

RECEIVED

APR 25 2017

APPLICATION COMPLETE

8/5/17
Reviewed By: [Signature]
Assisted By: _____

SCANNED

4. The presently authorized place of use is:

Owner of Land — NAME: REEVE CATTLE CO. INC.

ADDRESS: PO BOX 1036, GARDEN CITY, KS 67846

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	
13	25	33W		4	4		38	34	34	38									152

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	

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: REEVE CATTLE CO. INC.

ADDRESS: PO BOX 1036, GARDEN CITY, KS 67846

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	
13	25	33W		FEED	LOT	LOC	ATED	IN	THE	EAST	HALF	AND	NW	1/4					

List any other water rights that cover this place of use. 10601.08

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. _____

RECEIVED

APR 25 2017

WATER RESOURCES
RECEIVED
MAY 01 2017
KS DEPT OF AGRICULTURE

6. The presently authorized point(s) of diversion is _____
(Provide description and number of points)

7. The proposed point(s) of diversion is _____
(Provide description and number of points)

List all presently authorized point(s) of diversion:

8. **Presently authorized point of diversion:**
 One in the _____ Quarter of the _____ Quarter of the _____ Quarter
 of Section _____, Township _____ South, Range _____ 33 _____ W,
 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 _____ 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 _____

9. **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 _____

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. _____

WATER RESOURCES RECEIVED

RECEIVED
APR 25 2017

MAY 01 2017

Garden City Field Office
Division of Water Resources

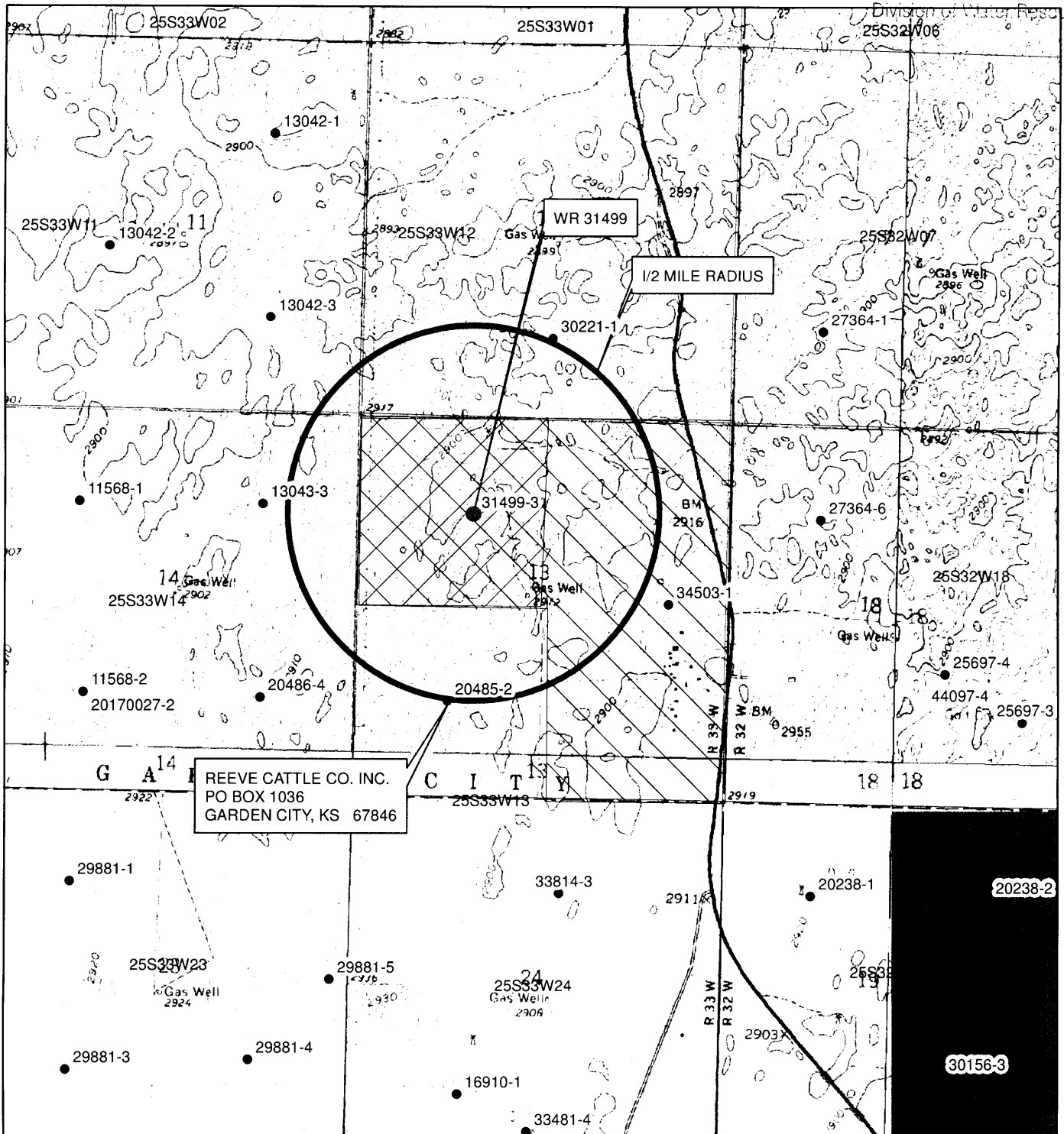
SCANNED

CHANGE IN PLACE OF USE & USE MADE OF WATER WR 31499 TOWNSHIP 25, RANGE 33 W, FINNEY CO.



RECEIVED

APR 25 2017

Garden City Field Office
Division of Water Resources



REEVE CATTLE CO. INC.
PO BOX 1036
GARDEN CITY, KS 67846

-  EXISTING PLACE OF USE
-  PROPOSED PLACE OF USE

NO OTHER WELLS WITHIN 1/2 MILE.

APPLICANT SIGNATURE: _____

Lu M Reeve



MAY 01 2017

KS DEPT OF AGRICULTURE

SCANNED

12. The presently authorized use of water is for IRRIGATION purposes.

It is proposed that the use be changed to STOCKWATER purposes.

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

Based on processes under KAR 5-5-9 and 5-5-10

(Please show any calculations here.)

14. It is requested that the maximum annual quantity of water be reduced to 253 acre-feet .

15. It is requested that the maximum rate of diversion of water be reduced to ----- 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). 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 LOCAL SOURCE OF SUPPLY

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.

REQUEST WAIVER OF KAR 5-5-9 AND 5-5-10 IF NECESSARY FOR APPROVAL

WATER RESOURCES
RECEIVED

RECEIVED

MAY 01 2017

SCANNED APR 25 2017

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 Garden City Kansas, this 25 day of April, 2017.

<u>Reeve Cattle Co inc phedra Reeve</u> (Owner)	_____	(Spouse)
<u>Lee M Reeve</u> (Please Print)	_____	(Please Print)
_____	_____	(Spouse)
_____	_____	(Please Print)
_____	_____	(Spouse)
_____	_____	(Please Print)

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 25th day of April, 2017.



Janet E. Stimatz
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.**

WATER RESOURCES RECEIVED

RECEIVED

MAY 01 2017

APR 25 2017

KS DEPT OF AGRICULTURE

Garden City Field Office
Division of Water Resources

SCANNED

REEVE CATTLE CO., INC.

Phone 620-275-0234 • P.O. Box 1036 • GARDEN CITY, KANSAS 67846

April 25, 2017

Mike Meyer, Water Commissioner
Kansas Department of Agriculture
Division of Water Resources - Garden City Field Office
2508 Johns Street
Garden City, KS 67846-2804

Subject: Change Applications Pertaining to Water Right File Nos. 10,601.08 and 31,499
Reeve Cattle Company, Inc., Finney County

Dear Mr. Meyer:

Several applications pertaining to the subject water rights are enclosed with this letter. The purpose of these applications is to provide a sufficient water supply for the planned expansion of our cattle feeding facility. The details of each application are summarized herein.

Change in Use Made of Water and Place of Use Relating to File No. 31,499

We plan to expand our existing cattle feeding facility to a total capacity of 56,000 head. The facility is currently located in the E ½ Section 13 T25S R33W. The expansion will convert the NW ¼ Section 13 T25S R33W from irrigated cropland to pens and related facilities. This area is currently irrigated with the well associated with File No. 31,499. This change application proposes to change the use made of water from irrigation to stockwatering since this well will be used as part of the interconnected facility water supply system. The change in place of use proposes to cover the complete extent of the facility after the expansion is completed.

The consumptive use calculations relating to this change application are based on a reduction factor of 12.6% for Finney County. This factor was obtained from the draft version of the map entitled "Default Consumptive Use Factor by County in Kansas." This map was issued by KDA-DWR in 2016. We believe that the consumptive use calculations based on the aforementioned map issued by KDA-DWR and the supporting documentation satisfy the requirements of K.A.R. 5-5-9 (b). If the Chief Engineer does not concur, then we request a waiver of K.A.R. 5-5-9 to enable this change application to be approved.

WATER RESOURCES
RECEIVED

MAY 01 2017

KS DEPT OF AGRICULTURE

RECEIVED

APR 25 2017

SCANNED

Garden City Field Office
Division of Water Resources

Change in Place of Use Relating to File No. 10,601.08

The well associated with File No. 10,601.08 is currently authorized to supply stockwater to the existing facility in the E ½ Section 13 T25S R33W. This change in place of use proposes to cover the complete extent of the facility after the expansion is completed.

Justification for Stockwatering Quantity

The capacity of the facility after the expansion project is completed will be 56,000 head of beef cattle. K.A.R. 5-3-22 indicates that consumption of 15 gallons per head per day is a reasonable quantity of use. Therefore, the maximum reasonable quantity for the facility will be:

$$(56,000 \text{ head}) \times (15 \text{ gallons/head/day}) \times (365 \text{ days/year}) = 306.6 \text{ mgy} = 940.9 \text{ AF/yr}$$

The total stockwatering quantity associated with our facility is:

File No. 10,601.08 (current) =	210 AF
File No. 31,499 (proposed) =	<u>253 AF</u>
	463 AF

The total requested stockwatering quantity is less than the maximum reasonable quantity.

Please contact me if you have any questions concerning these applications and the associated documentation. Thank you for your consideration of this matter.

Sincerely,



Lee M. Reeve

WATER RESOURCES
RECEIVED

MAY 01 2017

KS DEPT OF AGRICULTURE

RECEIVED

APR 25 2017

Gardner City Field Office
Division of Water Resources

SCANNED

Jackie McClaskey, Secretary

Governor Sam Brownback

FILE COPY

May 1, 2017

REEVE CATTLE CO. INC
PO BOX 1036
GARDEN CITY, KS 67846

RE: File No. 31499

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/UMW
- 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 GMD3 3

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

May 16, 2017

FILE COPY

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

Re: Water Right
File Nos. 10,601.08 and 31,499

Dear Sir or Madam:

We are enclosing copies of the applications referred to above, received in the office of the Chief Engineer May 1, 2017, which appear 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 recommendations concerning these applications.

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,

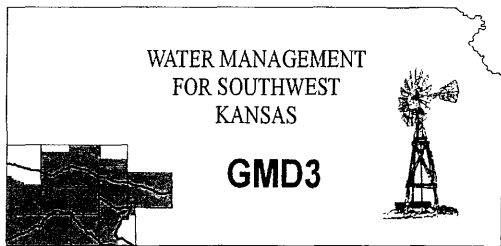
Brent A. Turney, P.G.

Change Application Unit Supervisor
Water Appropriation Program

BAT
Enclosures

pc: Garden City Field Office

SCANNED



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 15, 2017

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

RE: Change Applications
Water Right, File Nos. 10601.08 & 31499

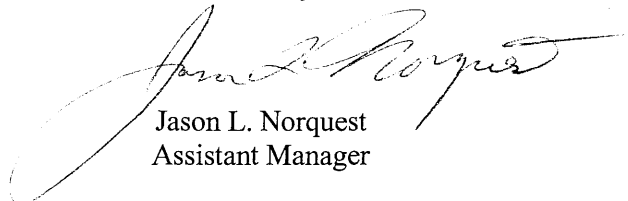
Dear Brent:

We have completed a review for the above referenced applications. The proposal to change the place of use under both water rights and make a complete overlap in place of use is not in conflict with the Management Program of the Southwest Kansas Groundwater Management District No. 3 (GMD3). The change in place of use is in accordance with K.A.R. 5-5-11.

The Board discussed the portion of the application for water right 21499 at our June 14, 2017 meeting. Keith Bryant and Frank Mercurio were on hand representing the applicant. The applicant used the "Consumptive Use Map" that the State is proposing to use after rule hearings are held later this year instead of the current consumptive use calculation in K.A.R. 5-5-9. Past pumping history of the well shows that the average usage has been less than the proposed consumptive use calculation. Also, all wells in the area are part of the Reeve's operation and should not have an adverse effect. It is worth to note their use of the effluent instead of pumping the freshwater will also have a conservative effect. It is therefore recommended that the a waiver to K.A.R. 5-5-9 be granted, if needed, and the 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

JUN 19 2017

KS DEPT OF AGRICULTURE