

File No. 34201	11. County: FI	Basin: PAWNEE RIVER	Stream:	Formation Code: 211	Special Use:																
12. Points of Diversion <input checked="" type="checkbox"/> MOD <input type="checkbox"/> DEL PDIV <input type="checkbox"/> ENT																					
	Qualifier	S	T	R	ID	'N	'W	Comment	Rate and Quantity												
									Authorized	Additional											
									Rate gpm	Quantity mgy	Rate gpm	Quantity mgy	Overlap PD Files								
STK MOD 13303	Lot 3	31	23	31W	14	2600	4800		47 g.p.m.	17.92 m.g.y. (55AF)	47 g.p.m.	17.92 m.g.y. (55AF)	NO								
MUN DEL 13303	Lot 3	31	23	31W	14	2600	4800						NO								
13. Storage: Rate _____ NF Quantity _____ ac/ft Additional Rate _____ NF Additional Quantity _____ ac/ft																					
14. REMOVE COMMENTS Limitation: _____ COMMENT-100GPM COMBINED UNDER ANY USE af/yr at gpm (_____ cfs) when combined with file number(s) _____ Limitation: _____ 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 <input checked="" type="checkbox"/> MOD <input type="checkbox"/> DEL <input type="checkbox"/> ENT		NE¼				NW¼				SW¼				SE¼				Total	Owner	Chg?	Overlap Files
	PUSE	S	T	R	ID	NE ¼	NW ¼	SW ¼	SE ¼	NE ¼	NW ¼	SW ¼	SE ¼	NE ¼	NW ¼	SW ¼	SE ¼				
STK MOD 34581	31	23	31W	4		FEEDLOT (W2 & W2 E2)													8B	No	18046;22002;34200;34201; 34202; 20179054
MUN DEL 38919	31	23	31W	2		FEEDLOT IN S2 L-2(SW NW)L-3(NW SW)L-4(SW SW)													8B	NO	34200;34202
Comments:																					

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

TO: Files
FROM: Richelle A. Krueger

DATE: October 18, 2017
RE: Water Right
File Nos. 18,046; 22,002;
34,200; 34,201 and 34,202

Jeff George, on behalf of Finney County Feedyard L.L.C., owner of the above referenced water rights, filed applications for approval to change the place of use and use made of water for Water Right, File Nos. 18,046, 34,200; 34,201 and 34,202, and place of use for Water Right, File No. 22,002, all authorized groundwater in the Pawnee River Basin. Feedlot consultant Scott Murrison also assisted in filing the applications.

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

File No. 18,046 is authorized 237.86 acre-feet and 750 gallons per minute for irrigation use on 118.93 acres in the Northwest Quarter of Section 31, Township 23 South, Range 31 West, Finney County, Kansas. File No. 18,046 has no overlaps in the authorized place of use but overlaps the point of diversion of Term Permit File No. 20179054 (stockwatering use). The referenced change application for File No. 18,046 proposes to completely convert the use made of water from irrigation use to stockwatering use for an expanding feedlot facility pursuant to K.A.R. 5-5-9 *Criteria for the approval of an application for a change in the use made of water from irrigation to any other type of beneficial use of water*. A reduced total quantity of 67.58 million gallons per calendar year (207.4 acre-feet) will be authorized by File No. 18,046 for stockwatering use after the application of the K.A.R. 5-5-9 regulation effective September 22, 2017.

The feedlot is authorized by Water Right, File Nos. 22,002; 34,200; 34,201 and 34,202 in the South Half (S $\frac{1}{2}$) of Lot 2 (SW $\frac{1}{4}$ NW $\frac{1}{4}$) and in Lot 3 (NW $\frac{1}{4}$ SW $\frac{1}{4}$) and in Lot 4 (SW $\frac{1}{4}$ SW $\frac{1}{4}$) of the referenced Section 31 and has a total quantity of 489.48 acre-feet (159.50 m.g.y.) available for stockwatering use. Change in place of use applications were filed for those referenced rights to create a complete overlap in place of use with that proposed for File No. 18,046 and now authorized by File No. 20179054. In addition, applications to change the use made of water were filed for File Nos. 34,200; 34,201 and 34,202 since each of those file numbers is also authorized a small municipal quantity for offices and houses at the feedlot. Municipal use no longer takes place there so those quantities (5 acre-feet total) will be converted over to stockwatering use at the feedlot. No increase in consumptive use will occur. Rate limitations on those files will be removed.

The proposed stockwatering place of use for the referenced file numbers will be in the West Half (W $\frac{1}{2}$) and the West Half of the East Half (W $\frac{1}{2}$ E $\frac{1}{2}$) of Section 31. The total quantity to be authorized for stockwatering use, 228.71 m.g.y. (701.88 acre-feet), can potentially supply the 42,000 head with 14.9 gallons per day per head, which appears reasonable.

Nearby water right owners with a well identified on the map or in WRIS within one half-mile of the authorized points of diversion were notified of the proposed changes by letters dated October 5, 2017 in order to comply with Senate Bill 337 enacted by the Kansas State Legislature on July 1, 2016.

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

In a letter received October 11, 2017 Jason Norquest, Assistant Manager of Southwest Kansas Groundwater Management District No. 3, indicated that the Board of Directors of GMD No. 3 recommended approval of the applications.

In an e-mail dated October 12, 2017 Michael Meyer, Water Commissioner of the Garden City Field Office, recommended approval of the applications.

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

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

November 2, 2017

FINNEY COUNTY FEEDYARD LLC
ATTN JEFF GEORGE
PO BOX 479
GARDEN CITY KS 67846

FILE COPY

RE: Water Right, File Nos. 18,046; 22,002; 34,200; 34,201 and 34,202

Dear Mr. George:

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

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

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

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

Sincerely,

A handwritten signature in black ink, appearing to read "Brent A. Turney".

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 PLACE OF USE AND
USE MADE OF WATER
WATER RIGHT
FILE NO. 34,201**

The Chief Engineer, Division of Water Resources, Kansas Department of Agriculture, after due consideration of the written application of Jeff George, on behalf of Finney County Feedyard, L.L.C., P.O. Box 479, Garden City, Kansas, 67846, received in this office on September 22, 2017, for approval of a change in the location of the place of use and the use made of water 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 effective date of the change shall be the date this order is executed by the Chief Engineer, after which the authorized use made of water shall be:

Stockwatering use at a diversion rate not in excess of 47 gallons per minute (0.10 c.f.s.) and a quantity of water not to exceed 17.92 million gallons (55 acre-feet) per calendar year,

and the authorized location of the place of use shall be:

a feedlot located in the West Half (W $\frac{1}{2}$) and the West Half of the East Half (W $\frac{1}{2}$ E $\frac{1}{2}$) of Section 31, in Township 23 South, Range 31 West, Finney County, Kansas,

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. 34,201, for permit to appropriate water for beneficial use, is as stated and set forth in the Certificate of Appropriation dated February 12, 1990.

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 the Kansas Department of Agriculture, Attn: Legal Section, 1320 Research Park Drive, Manhattan, Kansas 66502, or by 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 review 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 the Secretary of Agriculture, Attn: Legal Division, Kansas Department of Agriculture, 1320 Research Park Drive, Manhattan, Kansas 66502, or by 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 30th day of October, 2017, in Topeka, Shawnee County, Kansas.

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

State of Kansas)
) SS
 County of Riley)

The foregoing instrument was acknowledged before me this 30th day of October, 2017, by Lane P. Letourneau, P.G., Program Manager, Water Appropriation Program, Division of Water Resources, Kansas Department of Agriculture.



Danielle Wilson
 Notary Public


CERTIFICATE OF SERVICE

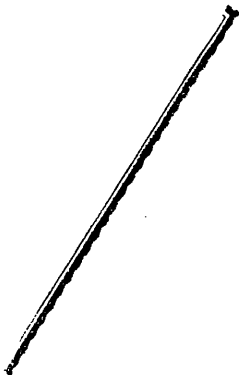
On this ^{2nd} day of *November*, 2017, I hereby certify that the foregoing Approval of Application for Change in Place of Use and Use Made of Water, File No. 34,201, dated *October 30, 2017* was mailed postage prepaid, first class, US mail to the following:

FINNEY COUNTY FEEDYARD LLC
JEFF GEORGE
PO BOX 479
GARDEN CITY KS 67846

With photocopies to:

Garden City Field Office
Groundwater Management No. 3


Division of Water Resources



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
(Check one or more) Point of Diversion
 Use Made of Water

WATER RESOURCES
RECEIVED
SEP 22 2017
8:21
KS DEPT OF AGRICULTURE

File No. 34201

2. Name of applicant: FINNEY COUNTY FEEDYARD LLC

Address: PO BOX 479

City, State and Zip: GARDEN CITY KS 67846

Phone Number: (620)275-7163

E-mail address: _____

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

Name of water use correspondent: FINNEY COUNTY FEEDYARD LLC

Address: PO BOX 479

City, State and Zip: GARDEN CITY KS 67846

Phone Number: () _____

E-mail address: _____

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

expanding feedlot to add 12000 more head.

convert municipal use to stock use

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

(Date)

For Office Use Only:

F.O. 4 GMD 3 Meets K.A.R. 5-5-1 (YES / NO) Use MUN/STK Source Q/S County FI By AM Date 9-22-17
Code 6-2 Fee \$ 500 TR # _____ Receipt Date 9-22-17 Check # 15824

4. The presently authorized place of use is:

Owner of Land — NAME: FINNEY COUNTY FEEDYARD LLC

ADDRESS: PO BOX 479 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	
* 31	23	31w	feed	lot	s/2 of L2	(SWSW) and	L3	L4	(SWSW)										

List any other water rights that cover this place of use. 22002, 34200, 34201, 34202.

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: FINNEY COUNTY FEEDYARD LLC

ADDRESS: PO BOX 479 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	
* 31	23	31w	feed	lot	sw1/4 &	w/2 of se &	nw1/4	in West Half (W½) + West Half of East Half (W½ E½) of 31-23-31W Finney Co KS as shown on map											

List any other water rights that cover this place of use. 18046, 22002, 34200, 34201, 34202. * 20179054

Owner of Land — NAME: _____

ADDRESS: _____

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

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

WATER RESOURCES RECEIVED

* per WR75 * RAK/DWR 10/4/17

Ⓢ RAK/DWR 10/17/17

SEP 22 2017

* * Modified per description on File No 20179054
 ** RAK/DWR 10/4/17

KS DEPT OF AGRICULTURE **SEAL**

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

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

List all presently authorized point(s) of diversion:

8. **Presently authorized point of diversion:**
 One in the lot 3 Quarter of the nw Quarter of the sw Quarter of Section 31, Township 23 South, Range 31 W, in Finney County, Kansas, 2600 feet North 4800 feet West of Southeast corner of section.
 *Authorized Rate 47 gpm Authorized Quantity 54 stk + 1 mun
 (DWR use only: Computer ID No. 14 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 lot 3 Quarter of the nw Quarter of the sw Quarter of Section 31, Township 23 South, Range 31 W, in Finney County, Kansas, 2600 feet North 4800 feet West of Southeast corner of section.
 *Proposed Rate 47 gpm Proposed Quantity 55 stock
 This point is: Additional Well Geo Center List other water rights that will use this point NA

9. **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 _____
 (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 _____
 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 _____ (E/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 _____ (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

* RAIL/owner 10/4/17

12. The presently authorized use of water is for stock + Municipal 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.

file 18046 will convert from irrigation use to stock use to coaver the expansion of an additional 12000 head.

(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). 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 location requested at this time,

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.

na

WATER RESOURCES
RECEIVED

SEP 22 2017

KS DEPT OF AGRICULTURE

SCANNED

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

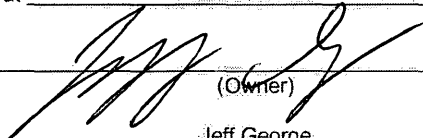
The application must be signed by all owners of the place of use authorized under the water right and his or her spouse, if married. Please indicate if there is no spouse. If land is being purchased under contract, the seller must sign as landowner until such time as the contract is completed.

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

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

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

Dated at _____, Kansas, this _____ day of _____, 20____

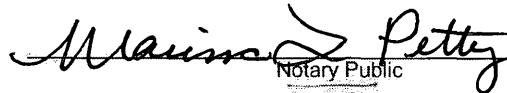
<p>x </p> <p>_____ (Owner) Jeff George (Please Print)</p> <p>_____ (Owner)</p> <p>_____ (Please Print)</p> <p>_____ (Owner)</p> <p>_____ (Please Print)</p>	<p>_____ (Spouse)</p> <p>_____ (Please Print)</p> <p>_____ (Spouse)</p> <p>_____ (Please Print)</p> <p>_____ (Spouse)</p> <p>_____ (Please Print)</p>
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State of Kansas }
County of Finney } SS



I hereby certify that the foregoing application was signed in my presence and sworn to before me this 18th day of September, 2017.

My Commission Expires 12-9-18


Notary Public

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, October 12, 2017 11:55 AM
To: Krueger, Richelle
Cc: Turney, Brent
Subject: RE: Request for Recommendation Changes in PU UMW Finney Co. Feedyard LLC File Nos. 18046;22002;34200;34201 and 34202

Good enough

Mike

From: Krueger, Richelle
Sent: Thursday, October 12, 2017 11:38 AM
To: Meyer, Mike <Mike.Meyer@ks.gov>
Cc: Turney, Brent <Brent.Turney@ks.gov>
Subject: RE: Request for Recommendation Changes in PU UMW Finney Co. Feedyard LLC File Nos. 18046;22002;34200;34201 and 34202

The term is jr in priority and authorized zero additional quantity when combined with the senior priority File No. 18046, isn't that correct?

From: Meyer, Mike
Sent: Thursday, October 12, 2017 11:31 AM
To: Krueger, Richelle <Richelle.Krueger@ks.gov>
Cc: Turney, Brent <Brent.Turney@ks.gov>
Subject: RE: Request for Recommendation Changes in PU UMW Finney Co. Feedyard LLC File Nos. 18046;22002;34200;34201 and 34202

I would agree, but administratively, how can we have both authorities on the same well?

Mike

From: Krueger, Richelle
Sent: Thursday, October 12, 2017 11:16 AM
To: Meyer, Mike <Mike.Meyer@ks.gov>
Cc: Turney, Brent <Brent.Turney@ks.gov>
Subject: RE: Request for Recommendation Changes in PU UMW Finney Co. Feedyard LLC File Nos. 18046;22002;34200;34201 and 34202

Hi Mike, I think we do not need to dismiss the term permit because it is limited to:

“That the quantity of water and rate of diversion approved under this permit is further limited to the quantity and rate which combined with Water Right, File No. 18,046, will provide a total not to exceed 77.51 million gallons (237.86 acre-feet) of water per calendar year to be diverted at a maximum diversion rate in excess of 750 gallons per minute (1.67 c.f.s.) from the well at the location described herein.”

So I think we are go to go?

Richelle

From: Meyer, Mike

Sent: Thursday, October 12, 2017 11:12 AM

To: Krueger, Richelle <Richelle.Krueger@ks.gov>

Subject: RE: Request for Recommendation Changes in PU UMW Finney Co. Feedyard LLC File Nos. 18046;22002;34200;34201 and 34202

Please approve, dismiss the term permit, and ensure that all water is accounted for under the term and the rest of the year. Can we do that or wait for the term to expire at the end of the year and limit the authorities in place for the well not to exceed 67.58 mg/y?

Mike

From: Krueger, Richelle

Sent: Thursday, October 12, 2017 11:03 AM

To: Meyer, Mike <Mike.Meyer@ks.gov>

Cc: Makens, Thom <Thom.Makens@ks.gov>; Turney, Brent <Brent.Turney@ks.gov>

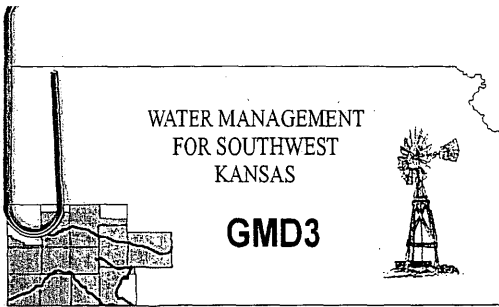
Subject: Request for Recommendation Changes in PU UMW Finney Co. Feedyard LLC File Nos. 18046;22002;34200;34201 and 34202

Hi Mike,

Attached is a draft memo for the referenced change applications, do you recommend approval?

Thanks,

Richelle



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

October 11, 2017

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

WATER RESOURCES
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OCT 16 2017

RE: Change Applications
Water Right, File Nos. 18046, 22002, 34200, 34201 & 34202

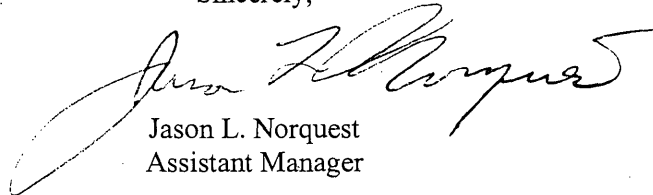
KS DEPT OF AGRICULTURE

Dear Richelle:

We have completed a review of the applications for the above referenced water rights. The proposals for change in place of use, in order to cover the expansion of the feedlot, is not conflict with the Management Program of the Southwest Kansas Groundwater Management District No. 3 (GMD3) and is in accordance with K.A.R. 5-5-11. The application to change Water Right 18046 from IRR to STK is in accordance with the new K.A.R. 5-5-9 consumptive use formula and will take the required reduction. The MUN authority under File Nos. 34200, 34201 & 34202 do not require a consumptive use and can be converted. It is therefore recommended that applications be approved at this time.

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

Sincerely,



Jason L. Norquest
Assistant Manager

Krueger, Richelle

From: Jason Norquest <norquest@gmd3.org>
Sent: Wednesday, October 11, 2017 11:58 AM
To: Krueger, Richelle
Subject: Finney County Feeders
Attachments: 18046+_ReviewMat_101117.pdf

Good morning Richelle. How are things going up there? We have dried out enough that folks are getting back into the fields to really get harvest going. Rain was nice but kind of delayed a few things. That is why we had to cancel our Board meeting today for lack of quorum while everyone was in the field.

Anyway, here is the review for Finney County Feeders and my material. Everything looked good. I will send the hard copy of the cover letter in the mail to you.

Have a good day. Maybe I will see you next month at the Gov's conference.

Jason Norquest

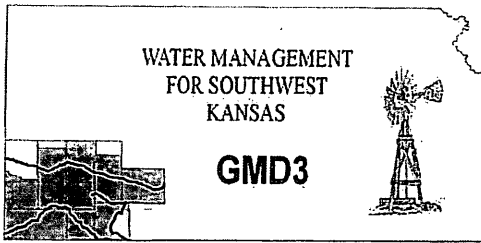
Assistant Manager, GMD3

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

norquest@gmd3.org

www.gmd3.org

WATER RESOURCES
RECEIVED
OCT 11 2017
KS DEPT OF AGRICULTURE



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

October 11, 2017

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

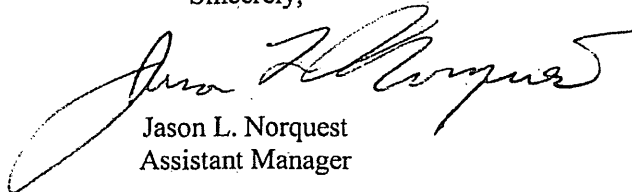
RE: Change Applications
Water Right, File Nos. 18046, 22002, 34200, 34201 & 34202

Dear Richelle:

We have completed a review of the applications for the above referenced water rights. The proposals for change in place of use, in order to cover the expansion of the feedlot, is not conflict with the Management Program of the Southwest Kansas Groundwater Management District No. 3 (GMD3) and is in accordance with K.A.R. 5-5-11. The application to change Water Right 18046 from IRR to STK is in accordance with the new K.A.R. 5-5-9 consumptive use formula and will take the required reduction. The MUN authority under File Nos. 34200, 34201 & 34202 do not require a consumptive use and can be converted. It is therefore recommended that 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
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OCT 11 2017

KS DEPT OF AGRICULTURE

GMD3 Change Review

Change Application(s); PU & UMW

File No(s). 18046, 22002, 34200, 34201 & 34202; Finney County Feeders

SEE ATTACHED MAP

Applicant is expanding the feedlot facilities by 12000 head.

The change in PU is to cover that area that will be the expansion to the current pens. For WR 18046, the expansion will take the place of the acreage that was irrigated.

The change in UMW will be as follows:

18046: 237.86AF IRR	207.4AF STK
22002: 212.5AF STK	212.5AF STK
34200: 112AF STK + 2AF MUN	114AF STK (no consumptive change)
34201: 54AF STK + 1AF MUN	55AF STK
34202: 111AF STK + 2AF MUN	113AF STK
New STK total	701.9AF

Neighboring wells: NA

Domestic wells: NA

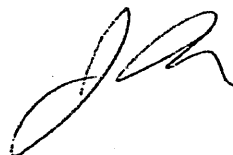
Regulation(s) Reviewed: KAR 5-5-9(UMW) & KAR 5-5-11(PU)

Board Review Date: NA

Board Recommendation: NA

Waiver Reason: NA

Final Recommendation: After review of all available information, it appears the applications comply with current area rules. The conversion of water use and land for pens will now cover the expansion for the applicant. Staff therefore recommends approval of the applications.



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OCT 11 2017

KS DEPT OF AGRICULTURE

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



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

Jackie McClaskey, Secretary

Governor Sam Brownback

October 5, 2017

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

FILE COPY

Re: Water Right, File Nos. 18,046; 22,002; 34,200; 34,201 and 34,202

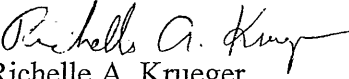
Dear Jason:

We are enclosing copies of the applications to change the place of use and use made of water for File Nos. 18,046; 34,200; 34,201 and 34,202, and the application to change the place of use for File No. 22,002.

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

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

Sincerely,


Richelle A. Krueger
Environmental Scientist
Water Appropriation Program

Enclosures

pc: Garden City Field Office

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



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

Jackie McClaskey, Secretary

Governor Sam Brownback

October 5, 2017

MERLE R AND ROBIN A BLOOD
13555 N SCOTT RD
GARDEN CITY KS 67846

FILE COPY

RE: Water Right, File Nos 18,046; 22,002; 34,200; 34,201 and 34,202

Dear Sir or Madam:

This is to advise you that Finney County Feedyard L.L.C., has filed applications for approval of the Chief Engineer, Division of Water Resources, Kansas Department of Agriculture, to change the authorized place of use and use made of water under File Nos. 18,046; 34,200; 34,201 and 34,202, and place of use under File No. 22,002.

Effective July 1, 2016, Senate Bill No. 337 enacted by the Legislature of the State of Kansas requires the Division of Water Resources to notify all water right owners with a point of diversion within half a mile of a water right pending a request to change the water right. In order to comply with the statute, you are being notified of the above referenced application for change.

If you have any questions, please contact me at (785) 564-6635. If you call, please reference the file number so we can help you more efficiently.

Sincerely,

A handwritten signature in cursive script, appearing to read "Richelle A. Krueger".

Richelle A. Krueger
Environmental Scientist
Water Appropriation Program

RAK

pc: Garden City Field Office
Groundwater Management District No. 3
Finney County Feedyard, L.L.C., Attn Jeff George

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



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

Jackie McClaskey, Secretary

Governor Sam Brownback

October 5, 2017

LARRY D AND JUDY M RICHARDSON
3605 N SIXTEEN MILE RD
GARDEN CITY KS 67846

RE: Water Right, File Nos 18,046; 22,002; 34,200; 34,201 and 34,202

Dear Sir or Madam:

This is to advise you that Finney County Feedyard L.L.C., has filed applications for approval of the Chief Engineer, Division of Water Resources, Kansas Department of Agriculture, to change the authorized place of use and use made of water under File Nos. 18,046; 34,200; 34,201 and 34,202, and place of use under File No. 22,002.

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Sincerely,

Richelle A. Krueger
Environmental Scientist
Water Appropriation Program

RAK

pc: Garden City Field Office
Groundwater Management District No. 3
Finney County Feedyard, L.L.C., Attn Jeff George

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



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

Jackie McClaskey, Secretary

Governor Sam Brownback

October 5, 2017

MCCLURE FARMS PARTNERSHIP
4120 N TOWNS RD
GARDEN CITY KS 67846

RE: Water Right, File Nos 18,046; 22,002; 34,200; 34,201 and 34,202

Dear Sir or Madam:

This is to advise you that Finney County Feedyard L.L.C., has filed applications for approval of the Chief Engineer, Division of Water Resources, Kansas Department of Agriculture, to change the authorized place of use and use made of water under File Nos. 18,046; 34,200; 34,201 and 34,202, and place of use under File No. 22,002.

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If you have any questions, please contact me at (785) 564-6635. If you call, please reference the file number so we can help you more efficiently.

Sincerely,

A handwritten signature in cursive script that reads "Richelle A. Krueger".

Richelle A. Krueger
Environmental Scientist
Water Appropriation Program

RAK

pc: Garden City Field Office
Groundwater Management District No. 3
Finney County Feedyard, L.L.C., Attn Jeff George

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



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

Jackie McClaskey, Secretary

Governor Sam Brownback

October 5, 2017

GARY & LINDA SPIKES
SPIKES LAND COMPANY
5155 E MARY ST
GARDEN CITY KS 67846

RE: Water Right, File Nos 18,046; 22,002; 34,200; 34,201 and 34,202

Dear Sir or Madam:

This is to advise you that Finney County Feedyard L.L.C., has filed applications for approval of the Chief Engineer, Division of Water Resources, Kansas Department of Agriculture, to change the authorized place of use and use made of water under File Nos. 18,046; 34,200; 34,201 and 34,202, and place of use under File No. 22,002.

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Sincerely,

A handwritten signature in cursive script that reads "Richelle A. Krueger".

Richelle A. Krueger
Environmental Scientist
Water Appropriation Program

RAK

pc: Garden City Field Office
Groundwater Management District No. 3
Finney County Feedyard, L.L.C., Attn Jeff George

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



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

Jackie McClaskey, Secretary

Governor Sam Brownback

October 5, 2017

TRUSTEES OF THE FIRST CHRISTIAN CHURCH
306 N 7TH ST
GARDEN CITY KS 67846-5521

RE: Water Right, File Nos 18,046; 22,002; 34,200; 34,201 and 34,202

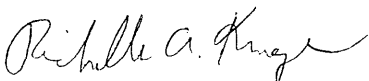
Dear Sir or Madam:

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If you have any questions, please contact me at (785) 564-6635. If you call, please reference the file number so we can help you more efficiently.

Sincerely,



Richelle A. Krueger
Environmental Scientist
Water Appropriation Program

RAK

pc: Garden City Field Office
Groundwater Management District No. 3
Finney County Feedyard, L.L.C., Attn Jeff George

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



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

Jackie McClaskey, Secretary

Governor Sam Brownback

October 5, 2017

GEORGE H & SHERRY L RAPP
3810 N IBP RD
HOLCOMB KS 67851

FILE COPY

RE: Water Right, File Nos 18,046; 22,002; 34,200; 34,201 and 34,202

Dear Sir or Madam:

This is to advise you that Finney County Feedyard L.L.C., has filed applications for approval of the Chief Engineer, Division of Water Resources, Kansas Department of Agriculture, to change the authorized place of use and use made of water under File Nos. 18,046; 34,200; 34,201 and 34,202, and place of use under File No. 22,002.

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Sincerely,

Richelle A. Krueger
Environmental Scientist
Water Appropriation Program

RAK

pc: Garden City Field Office
Groundwater Management District No. 3
Finney County Feedyard, L.L.C., Attn Jeff George



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

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

Jackie McClaskey, Secretary

Governor Sam Brownback

October 5, 2017

FILE COPY

RAPP FARMS
PO BOX 459
HOLCOMB KS 67851-0459

RE: Water Right, File Nos 18,046; 22,002; 34,200; 34,201 and 34,202

Dear Sir or Madam:

This is to advise you that Finney County Feedyard L.L.C., has filed applications for approval of the Chief Engineer, Division of Water Resources, Kansas Department of Agriculture, to change the authorized place of use and use made of water under File Nos. 18,046; 34,200; 34,201 and 34,202, and place of use under File No. 22,002.

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Sincerely,

Richelle A. Krueger
Environmental Scientist
Water Appropriation Program

RAK

pc: Garden City Field Office
Groundwater Management District No. 3
Finney County Feedyard, L.L.C., Attn Jeff George

Krueger, Richelle

From: Krueger, Richelle
Sent: Thursday, August 24, 2017 9:36 AM
To: Makens, Thom
Subject: RE: Change in PU UMW File No. 18046 Term Permit File No. 20179054 Finney County Feedyard

Thanks Thom!

From: Makens, Thom
Sent: Thursday, August 24, 2017 9:20 AM
To: Krueger, Richelle <Richelle.Krueger@ks.gov>; Meyer, Mike <Mike.Meyer@ks.gov>
Cc: Turney, Brent <Brent.Turney@ks.gov>; Baum, Kristen <Kristen.Baum@ks.gov>
Subject: RE: Change in PU UMW File No. 18046 Term Permit File No. 20179054 Finney County Feedyard

FYI and good morning, I just sent out pu changes for expansion and a topo to the consultant (Scott murrison) for the feedlot to review. Scott did not think they would have any problem signing off on them.

Thom Makens

KDA-DWR
2508 John St
Garden City KS 67846-2804

From: Krueger, Richelle
Sent: Monday, August 21, 2017 5:00 PM
To: Meyer, Mike <Mike.Meyer@ks.gov>
Cc: Makens, Thom <Thom.Makens@ks.gov>; Turney, Brent <Brent.Turney@ks.gov>; Baum, Kristen <Kristen.Baum@ks.gov>
Subject: Change in PU UMW File No. 18046 Term Permit File No. 20179054 Finney County Feedyard

Hi Mike,

I have begun reviewing the change app for File No. 18046 proposing to convert umw from irrigation to stock with the new rule. They also filed a term permit on the same well as File No. 18046.

The change application did not come with any kind of map, I was just wondering if the field office helped, maybe you would happen to have the map there?

I am also not sure if they are expanding the feedlot or have expanded the feedlot, if we would need changes in pu for File Nos. 22002,34200,34201,34202?

The term permit asks for 85 acre-feet and justifies 12,000 head however, info in the stockwatering files indicates a capacity of 30,000 head.

Anyway, any info you have out there on this one, as always, is appreciated!

Thanks,
Richelle



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

FINNEY COUNTY FEEDYARD, LLC
PO BOX 479
GARDEN CITY, KS 67846

9/22/2017

RE: File No 34201

FILE COPY

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.

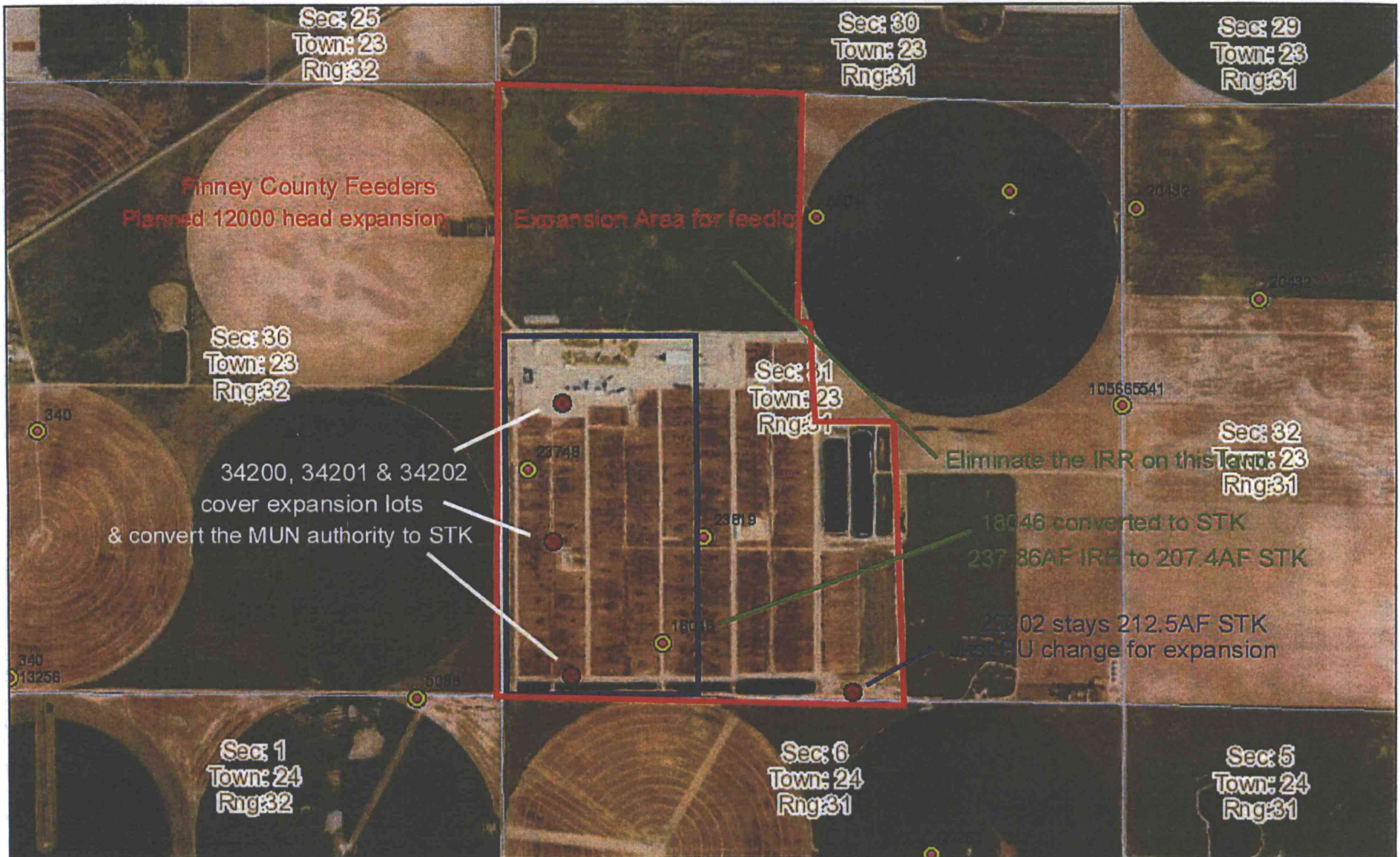
Sincerely,

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

BAT: DLW
pc: GARDEN CITY Field Office GMD3

SCANNED

Finney County Feeders LLC



October 11, 2017

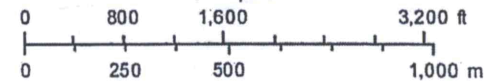
DISCLAIMER: This map is not intended for conveyances, nor is it a legal survey. The information is presented on a best-efforts basis, and should not be relied upon for making financial, survey, legal or other commitments.

1:18,056

- Meters
- Wells
- WIMAS WELLS GMD3
- Sections

WATER RESOURCES
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701.9 AF
STK
STK
Total

113

MUN

2 AF

STK

111 AF

34202

KS DEPT OF AGRICULTURE

OCT 11 2017

WATER RESOURCES
RECEIVED

100 gpm
" "

MUN

1 AF

STK

54 AF

34201

47 gpm
" "

MUN

2 AF

STK

112 AF

34200

100 gpm limit
" "

212.5

STK

69,240 mg → 212.5 AF

22002 :

640 gpm

Eliminated ERR use in 2005

907.4

18046 : ERR

238.86 AF

Term permit discussed @ Sept Meeting 20179054

750 gpm

238.86 - 12.6% = 208.76 AF @ STK

207.4