

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

1. File Number: 16710	2. Status Change Date: <i>3/1/2018</i>	3. Change Num: C1	4. Field Office: 04	5. GMD: 01
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: 11/6/17
8a. Applicant(s) New to system <input type="checkbox"/> ROYAL BEEF DIV IRSIK & DOLL FEED SERVICE 11060 N FALCON RD SCOTT CITY KS 67871		Person ID 53903 Add Seq# 1		
8b. Landowner(s) New to system <input type="checkbox"/> ROYAL BEEF DIV IRSIK & DOLL FEED SERVICE 11060 N FALCON RD SCOTT CITY KS 67871		Person ID 53903 Add Seq# 1		
8c. Landowner(s) New to system <input type="checkbox"/>		Person ID _____ Add Seq# _____		
8d. WUC New to system <input type="checkbox"/>		Person ID 53903 Add Seq# 1		
9. Documents and Enclosure(s): <input checked="" type="checkbox"/> DWR Meter(s) Date to Comply: 12/31/18 <input type="checkbox"/> N & P Date to Comply: _____				
<input type="checkbox"/> Anti-Reverse Meter <input type="checkbox"/> Meter Seal <input checked="" type="checkbox"/> Check Valve <input type="checkbox"/> N & P Form <input type="checkbox"/> Water Tube <input type="checkbox"/> Driller Copy <input type="checkbox"/> H & E Letter <input type="checkbox"/> Conservation Plan Date Required: _____ Date Approved: _____ Date to Comply: _____				
10. Use Made of Water From: IRR To: STK				
Date Prepared: 2/6/18 By: RAK Date Entered: <i>3/7/2018</i> By: <i>UM</i>				

File No. **16710** 11. County: **SC** Basin: **LADDER CREEK** Stream: Formation Code: **211** Special Use:

12. Points of Diversion										Rate and Quantity							
CHK	MOD	DEL	ENT	PDIV	Qualifier	S	T	R	ID	'N	'W	Comment (AKA Line)	Rate gpm/cfs	Quantity af/mgy	Rate gpm/cfs	Quantity af/mgy	Overlap PD Files
	MOD		ENT		NCS2S2SE4	29	16	33w	1	59	1516		510 g.p.m.	85.29 m.g.y.(261.76AF)	510 g.p.m.	85.29 m.g.y.(261.76AF)	NO

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 CHK MOD DEL ENT	PUSE	S	T	R	ID	NE¼				NW¼				SW¼				SE¼				Total	Owner	Chg?	Overlap Files
						NE ¼	NW ¼	SW ¼	SE ¼	NE ¼	NW ¼	SW ¼	SE ¼	NE ¼	NW ¼	SW ¼	SE ¼	NE ¼	NW ¼	SW ¼	SE ¼				
STK ENT	18481	19	16	33W	5																				8B No see below
STK ENT	19599	30	16	33W	3																				8B see below
IRR DEL	1888	29	16	33W	2													40	40	40	40	160	NO	NO	NO
																									STK pu olaps 7629;37225;37226;37227;37228;
																									37753;39535 & 42489

Base Acres: Year: Minimum Reasonable Quantity:

Comments: **PUSE ID 18481 COMMENT "FEEDLOT IN THE S2 OF THE S2" / PUSE ID 19599 COMMENT "FEEDLOT IN ALL SECTION 30"**

KANSAS DEPARTMENT OF AGRICULTURE
Division of Water Resources
MEMORANDUM

TO: Files

DATE: February 6, 2018

FROM: Richelle A. Krueger

RE: Water Right
File No. 16,710

John M. Petz, President/CEO, on behalf of Royal Beef Division of Irsik and Doll Feed Services, Inc., owner of the above referenced water right, filed an application for approval to change the place of use and use made of water for Water Right, File No. 16,710, authorized groundwater in the Ladder Creek subbasin.

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

File No. 16,710 is authorized 320 acre-feet and 510 gallons per minute for irrigation use on 160 acres in the Southeast Quarter of Section 29, Township 16 South, Range 33 West, Scott County, Kansas. File No. 16,710 has no overlaps in the authorized place of use but previously overlapped the point of diversion of Term Permit File No. 20179044 (stockwatering use) which expired December 31, 2017. The referenced change application for File No. 16,710 proposes to completely convert the use made of water from irrigation use to stockwatering use for a 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 85.29 million gallons per calendar year (261.76 acre-feet) will be authorized by File No. 16,710 for stockwatering use after the application of the K.A.R. 5-5-9 regulation effective September 22, 2017. The applicants request a waiver in Paragraph No. 18 of the application of Western Kansas Groundwater Management District K.A.R. 5-21-7 *Change in the use made of water from irrigation use to any other type of beneficial use* which pertains to use made of water changes in the District.

The proposed feedlot is authorized by Water Right, File Nos. 7,629; 37,225; 37,226; 37,227; 37,228; 37,753; 39,535 and 42,489 (and expired File No. 20179044). The proposed place of use is in the South Half of the South Half (S½ S½) of Section 19 and in Section 30, all in Township 16 South, Range 33 West, Scott County. The feedlot has a current total limited quantity of 107.71 million gallons (330.54 acre-feet) available for stockwatering use. The additional quantity request under File No. 16,710 appears to comply with K.A.R. 5-23-22 and the maximum head count of 37,359 head of cattle reported in 2016.

Nearby water right owners with a well identified on the map or in WRIS within one half-mile of the authorized point of diversion were notified of the proposed changes by letters dated December 13, 2017 in order to comply with K.S.A. 82a 1906.

The same local source of supply will not change, which appears to be Ogallala Formation (211).

In a letter received January 19, 2018 Kyle Spencer, Manager of Western Kansas Groundwater Management District No. 1, indicated that the Board of Directors of GMD No. 1 recommended approval of the application with a waiver of K.A.R. 5-21-7.

In an e-mail dated February 1, 2018 Michael Meyer, Water Commissioner of the Garden City Field Office, recommended approval of the application.

A water flow meter is required. A check valve is required if chemigating.

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

File Number: 16710

FO: 4

GMD: 1

WAIVER REQUEST:

UMW	Date Requested	Rule ID	Applies	Rule Type	Rule Subtype
STK	11/06/17	158	GMD1	Change Approval	Change Use Made of Water from Irrigation to Other
Rule Number	Date Granted	Date Denied	Justification:	GMD No. 1 recommends a waiver of K.A.R. 5-21-7 and approval of the application.	
K.A.R. 5-21-7	3/1/2018				

WAIVER RULE:

Rule ID	Applicability	Type	Subtype	Rule Number	Date Active	Date Inactive
158	GMD1	Change Approval	Change use Made of Water From Irrigation to other	KAR. 5-21-7	3/1/2018	

Date Prepared 02/06/18 By RAK

Date Entered 3/1/2018 By UM

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



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

Secretary Jackie McClaskey

Governor Jeff Colyer, M.D.

March 8, 2018

ROYAL BEEF DIV
IRSIK & DOLL FEED SERVICES INC
ATTN JOHN M PETZ PRESIDENT/CEO
11060 N FALCON RD
SCOTT CITY KS 67871

FILE COPY

RE: Water Right, File No. 16,710

Dear Mr. Petz:

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/or 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. 1



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 AND ORDER REDUCING
THE AUTHORIZED QUANTITY
AND BETTER DESCRIBING THE AUTHORIZED POINT OF DIVERSION
WATER RIGHT
FILE NO. 16,710**

The Chief Engineer, Division of Water Resources, Kansas Department of Agriculture, after due consideration of the written application of John M. Petz, President/CEO on behalf of Royal Beef Division of Irsik and Doll Feed Services, Incorporated, 11060 North Falcon Road, Scott City, Kansas, 67871, received in this office on November 6, 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 application, therefore, is approved subject to the condition that the water right is reduced to a quantity not to exceed 85.29 million gallons per calendar year (261.76 acre-feet) in accordance with the Application to Change the Place of Use and Use Made of Water, File No. 16,710 received on November 6, 2017, from the following point of diversion better described as follows:

one (1) well located near the center of the South Half of the South Half of the Southeast Quarter (S $\frac{1}{2}$ S $\frac{1}{2}$ SE $\frac{1}{4}$) of Section 29, more particularly described as being near a point 59 feet North and 1,516 feet West of the Southeast corner of said section, in Township 16 South, Range 33 West, Scott County, Kansas, at a diversion rate not in excess of 510 gallons per minute (1.14 c.f.s.) and a quantity of water not to exceed 85.29 million gallons (261.76 acre-feet) per calendar year.

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,

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

a feedlot located in the South Half of the South Half (S $\frac{1}{2}$ S $\frac{1}{2}$) of Section 19 and in Section 30, all in Township 16 South, Range 33 West, Scott County, Kansas,

located substantially as shown on the 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. 16,710, for permit to appropriate water for beneficial use, is as stated and set forth in the Certificate of Appropriation dated November 18, 1981.

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.

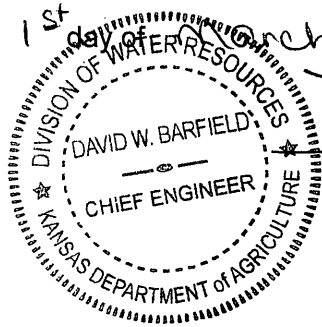
To obtain an evidentiary hearing before the Chief Engineer, a written request for hearing must be filed within 15 days after service of this Order as provided in K.S.A. 77-531 (i.e., within a total of 18 days after this Order was mailed to you), with the Kansas Department of Agriculture, Attn: Legal 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 1st day of March, 2018, 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)
) SS
County of Riley)

The foregoing instrument was acknowledged before me this 1st day of March, 2018, 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 1st day of March, 2018, I hereby certify that the foregoing Approval of Application for Change in Place of Use and Use Made of Water, File No. 16,710, dated March 1st 2018 was mailed postage prepaid, first class, US mail to the following:

ROYAL BEEF DIV
IRSIK & DOLL FEED SERVICES INC
ATTN JOHN M PETZ PRESIDENT/CEO
11060 N FALCON RD
SCOTT CITY KS 67871.

With photocopies to:

Garden City Field Office
Groundwater Management No. 1

Danielle Wilson
Division of Water Resources



KANSAS DEPARTMENT OF AGRICULTURE
Jackie McClaskey, Secretary of Agriculture

DIVISION OF WATER RESOURCES
David W. Barfield, Chief Engineer

WAIVER OF REGULATION
K.A.R. 5-21-7
Change in the use made of water
from irrigation use to any other type of use

Date: 3/1/2018

Re: Water Right, File No. 16,710

1. That K.A.R. 5-21-7 states in part: "A change in the use made of water from irrigation use to any type of beneficial use shall not be approved if any of the following conditions is met: (a) The application for change does not meet the requirements of K.A.R. 5-5-9. (b) The rate of diversion applied for exceeds the rate of diversion as determined by a test of the normal operating rate of diversion conducted within 1,095 days before the date the application for change was filed. (c) The maximum annual quantity of water applied for is in excess of any of the following: (1) The maximum annual quantity of water determined for a vested right; (2) the maximum annual quantity of water certified; or (3) the average annual quantity of water actually used in the preceding 10 calendar years, excluding those years in which the water right was enrolled in the water right conservation program, the conservation reserve program, or any other multiyear water conservation program approved by the chief engineer."
2. That in the application for approval to change the place of use and use made of water, Water Right, File No. 16,710, received in the office of the Chief Engineer on November 6, 2017, the water right owner requests a waiver of K.A.R. 5-21-7 and the application of K.A.R. 5-5-9 because Western Kansas Groundwater Management District No. 1 will be revoking the referenced regulation in the near future in favor of K.A.R. 5-5-9.
3. That in a letter dated January 17, 2018, Western Kansas Groundwater Management District No. 1 Board of Directors recommended a waiver of K.A.R. 5-21-7 and application of K.A.R. 5-5-9 to the application.
4. That the application to change the place of use and use made of water pursuant to Water Right, File No. 16,710 should be approved with a waiver of K.A.R. 5-21-7.
5. That a waiver of K.A.R. 5-21-7 will neither prejudicially nor unreasonably affect the public interest and will not impair an existing water right.

Comments:

A handwritten signature in black ink that reads "David W. Barfield".

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

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

WATER RESOURCES
RECEIVED

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4:41 pm
NOV 2 2017

NOV 06 2017
1:40

Garden City Field Office
Division of Water Resources

KS DEPT OF AGRICULTURE

File No. 16710

2. Name of applicant: ROYAL BEEF DIV of IRSIK & DOLL FEED SERVICES

Address: 11060 N FALCON RD

City, State and Zip: SCOTT CITY KS 67871

Phone Number: (620)855-3111

E-mail address: jheiman@irsikanddoll.com

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

Name of water use correspondent: ROYAL BEEF DIV of IRSIK & DOLL FEED SERVICES

Address: 11060 N FALCON RD

City, State and Zip: SCOTT CITY KS 67871

Phone Number: (620-872-5371)

E-mail address: _____

3. The change(s) proposed herein are desired for the following reasons (please be specific):
to convert irrigation over to stock use

The change(s) (was) (will be) completed by January 1, 2018

(Date)

For Office Use Only:	
F.O. <u>4</u> GMD <u>1</u> Meets K.A.R. 5-5-1 <u>(YES)</u> / (NO) Use <u>IRR</u> Source <u>(C)</u> / S County <u>Sc</u> By <u>AJW</u> Date <u>11/6/17</u>	
Code <u>(C-2)</u> Fee \$ <u>500</u> TR # _____ Receipt Date <u>11/6/17</u> Check # <u>38606</u>	

APPLICATION COMPLETE

11/9/18

Receiver RAK

4. The presently authorized place of use is:

Owner of Land — NAME: ROYAL BEEF DIV of IRSIK & DOLL FEED SERVICES

ADDRESS: 11060 N FALCON RD SCOTT CITY KS 67871

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	
29	16	33w													40	40	40	40	160

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

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: ROYAL BEEF DIV of IRSIK & DOLL FEED SERVICES

ADDRESS: 11060 N FALCON RD SCOTT CITY KS 67871

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		
19	16	33w	feed	lot	s2	of	s1/2													
30	16	33w	feed	lot	all															

List any other water rights that cover this place of use. 7629 37225 37226 37227 37228 37753 39535 42489

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	

WATER RESOURCES RECEIVED

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

NOV 06 2017

6. The presently authorized point(s) of diversion is 1 well irrigation

(Provide description and number of points)

7. The proposed point(s) of diversion is 1 well stock

(Provide description and number of points)

List all presently authorized point(s) of diversion:

8. Presently authorized point of diversion:

One in the nc s2 Quarter of the s2 Quarter of the se Quarter of Section 29, Township 16 South, Range 33 W, in Scott County, Kansas, feet North feet West of Southeast corner of section.

Authorized Rate Authorized Quantity

(DWR use only: Computer ID No. 1 GPS 59 feet North 1516 feet West)

[X] 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

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

WATER RESOURCES RECEIVED

NOV 06 2017

SCANNED

12. The presently authorized use of water is for irrigation 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.

320 af X 81.8%scott co. = 261.76 af = 85.29 mgy

(Please show any calculations here.)

* 85.29 MG (261.76 AF)

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.

well location not to change the source is the oqlala

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.

GMD1 Kyle Spencer indicates they are OK with using the dwr consumptive use calculation 5-5-9

rather than the curent gmd1 reg 5-21-7 as they will drop the gmd1 reg in the near future in favor of 5-5-9. Application contingent on GMD1 approval of acre feet as calculated in #13

WATER RESOURCES RECEIVED

* per Par B
* ROK/own 2/6/18

NOV 06 2017

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 Gimaron, Kansas, this 2nd day of November, 2017.

[Signature]

(Owner)

(Spouse)

John M. Petz President/CEO
(Please Print)

(Please Print)

(Owner)

(Spouse)

(Please Print)

(Please Print)

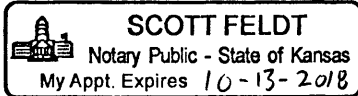
(Owner)

(Spouse)

(Please Print)

(Please Print)

State of Kansas }
County of GRAY } SS



I hereby certify that the foregoing application was signed in my presence and sworn to before me this 2 day of NOVEMBER, 2017.

[Signature]
NOTARY PUBLIC
Notary Public

My Commission Expires 10-13-2018

FEE SCHEDULE

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

- (1) Application to change a point of diversion 300 feet or less \$100
- (2) Application to change a point of diversion more than 300 feet \$200
- (3) Application to change the place of use \$200
- (4) Application to change the use made of the water \$300

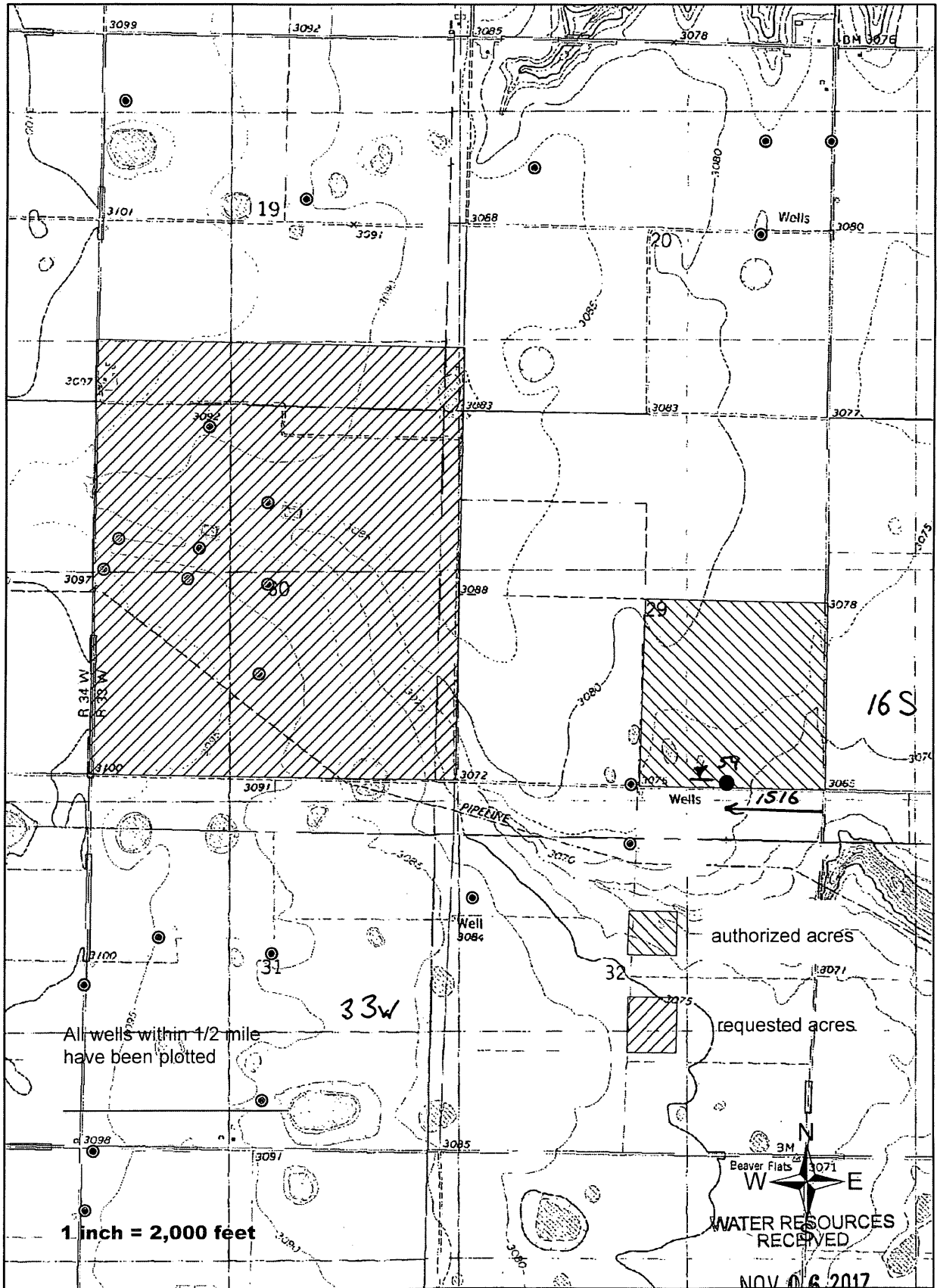
Make check payable to **Kansas Department of Agriculture.**

WATER RESOURCES
RECEIVED

NOV 06 2017

KS DEPT OF AGRICULTURE **SCANNED**

16710



Krueger, Richelle [KDA]

From: Meyer, Mike [KDA]
Sent: Thursday, February 1, 2018 3:49 PM
To: Krueger, Richelle [KDA]
Cc: Makens, Thom [KDA]; Turney, Brent [KDA]
Subject: RE: Request for Recommendation Change in PU UMW File No. 16710 Royal Beef/Irsik

Hi Richelle!

I recommend approval

Please correct the memo in reference to the SB 337. It should be ksa 82a 1906

thanks

Mike

From: Krueger, Richelle [KDA]
Sent: Thursday, February 1, 2018 2:23 PM
To: Meyer, Mike [KDA] <Mike.Meyer@ks.gov>
Cc: Makens, Thom [KDA] <Thom.Makens@ks.gov>; Turney, Brent [KDA] <Brent.Turney@ks.gov>
Subject: Request for Recommendation Change in PU UMW File No. 16710 Royal Beef/Irsik

Hi Mike,

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

Thanks,

Richelle



Water Resources
Received

JAN 19 2018

WESTERN KANSAS GROUNDWATER MANAGEMENT DISTRICT NO. 1
KS Dept Of Agriculture

January 17th, 2018

Richelle A. Krueger
Environmental Scientist
Water Appropriation Program
1320 Research Park Drive
Manhattan, Kansas 66502

Re: Water Right File No. 16710 – Royal Beef

Dear Ms. Krueger:

After reviewing the referenced application, the Western Kansas Groundwater Management District No. 1 Board of Directors voted unanimously to waive K.A.R. 5-21-7, & recommends approval of the application.

As usual, if you have any questions or need further information, don't hesitate to contact us.

Sincerely,

Kyle Spencer
District Manager

ks/vr

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

December 22, 2017

WESTERN KANSAS GROUNDWATER
MANAGEMENT DISTRICT NO 1
ATTN KYLE SPENCER
PO BOX 604
SCOTT CITY KS 67871

FILE COPY


Re: Water Right, File No. 16,710

Dear Mr. Spencer:

In accordance with your request received in this office on December 21, 2017, the Chief Engineer has extended until January 23, 2018 the time in which to submit your recommendations concerning the application to change the place of use and use made of water for File No. 16,710.

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

Sincerely,


Richelle A. Krueger
Environmental Scientist
Water Appropriation Program

Enclosures

pc: Garden City Field Office

SCANNED



WESTERN KANSAS GROUNDWATER MANAGEMENT DISTRICT NO.1

December 18, 2017

Richelle A. Krueger
Environmental Scientist
Water Appropriation Program
1320 Research Park Drive
Manhattan, Kansas 66502

Re: Water Right, File No. 16,710

Dear Ms. Kreuger:

We are requesting an extension for an application on the above water right due to our Board not meeting again until January 16, 2018. As usual, we will send a letter stating the Board's recommendations within a few days of their decision.

Sincerely,

Mr. Kyle Spencer
District Manager

ks/vr

SCANNED

WATER RESOURCES
RECEIVED

DEC 21 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

December 13, 2017

WESTERN KANSAS GROUNDWATER
MANAGEMENT DISTRICT NO 1
ATTN KYLE SPENCER
PO BOX 604
SCOTT CITY KS 67871

FILE COPY

Re: Water Right, File No. 16,710

Dear Mr. Spencer:

We are enclosing a copy of the application to change the place of use and use made of water for File No. 16,710.

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

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

Sincerely,

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

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

December 13, 2017

TERRY BERNING
3171 W HWY 96
SCOTT CITY KS 67871-6089

FILE COPY

RE: Water Right, File No. 16,710

Dear Sir or Madam:

This is to advise you that John M. Petz on behalf Royal Beef Division of Irsik and Doll Feed Services has filed an application 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 the above referenced file number.

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,

Richelle A. Krueger
Environmental Scientist
Water Appropriation Program

RAK

pc: Garden City Field Office
Groundwater Management District No. 1
Royal Beef Division of Irsik and Doll Feed Services, Attn John M. Petz

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

December 13, 2017

VIRGIL M & LORRAINE STOLL
803 CRESCENT AVE
SCOTT CITY KS 67871-1322

RE: Water Right, File No. 16,710

Dear Sir or Madam:

This is to advise you that John M. Petz on behalf Royal Beef Division of Irsik and Doll Feed Services has filed an application 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 the above referenced file number.

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 that reads "Richelle A. Krueger".

Richelle A. Krueger
Environmental Scientist
Water Appropriation Program

RAK

pc: Garden City Field Office
Groundwater Management District No. 1
Royal Beef Division of Irsik and Doll Feed Services, Attn John M. Petz

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

ROYAL BEEF DIV OF IRSIK & DOLL FEED SERVICES 11/9/17
11060 N FALCON RD
SCOTT CITY, KS 67871

FILE COPY

RE: File No 16710

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 GMD1