

KANSAS DEPARTMENT OF AGRICULTURE
Division of Water Resources

MEMORANDUM

TO: Files

DATE: January 29, 2019

FROM: Leslie Ireland

RE: Water Right,
File Nos. 7,695; 9,089; 11,715-D2;
31,001 24,075 & 33,018

John M. Petz, President/CEO, of Irisk & Doll Feed Services Inc., historically shown in our records as also Gray County Feedyard, filed an application for approval to change the place of use and use made of water from irrigation to stockwatering under File No. 11,715-D2, received on June 18, 2018. The expansion of the feedlot required an application to change the place of use under File No. 31,001, and reductions in place of use under File No. 7,695; 9,089; 24,075 & 33,018 for the irrigated land that will be converted to feedlot use. The additional applications were received on November 27, 2018. The application work was coordinated with Jon Heiman, Irisk & Doll Feed Services, Inc., water use correspondent for the referenced files.

The applications appear to comply with K.A.R. 5-5-2(a), *Complete change application*. The rights would not be considered to be abandoned per Part (e) of K.S.A. 82a-718, *Abandonment of water rights: notices, hearing; review of action*, and are in compliance with K.S.A. 82a -732, *Annual water use report required; penalty for violations*. The feedyard is located Northeast of Garden City.

The existing stockwatering right, File No. 31,001, is authorized 113.4 million gallons per year (mgy) or (348 acre-feet(AF)) at a maximum of 300 gallons per minute (gpm) from one well located near the center of Section 20, approximately 2,550 feet North and 2,700 feet West of said section's Southeast corner located in Township 24, Range 31 West, Finney County. The point of diversion is also authorized by File No. 9,089, authorized a limited 540 acre-feet for irrigation use. The uses and quantities will remain as authorized. The place of use change for File No. 31,001, will expand the feedyard from Section 20 into the central west side of Section 19, both in Township 24 South, Range 31 West, Finney County. The change was requested to maintain the overlap with the proposed stockwatering change in place of use File No. 11,715-D2. This file will retain some irrigation use.

The proposed change in use made of water resulting in File No. 11,715-D2, changing from irrigation use to irrigation and stockwatering use per K.A.R. 5-5-10; *Changes in the use made of water from irrigation to another type of beneficial use*. The right is authorized two (2) wells each with an assigned quantity and rate. The owners request the well authorized 260 AF at a rate of 940 gpm located near the center of the East Half of the Northeast Quarter, (NC E½ NE¼) authorized as being 3,800 feet North and 750 feet West of the Southeast corner and determined by the December 2017 compliance investigation as actually located 3,802 feet North and 325 feet West the Southeast corner of Section 19, be changed to stockwatering use. As required the owner has reduced the authorized quantity from 260 to 227.24 AF, or 74.05 mgy for stockwatering use. As just one point of diversion is being changed and the quantity and rate are assigned the change will be processed per 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 total change, and no rate test would be needed, per the August 1, 2018 mails summarizing the rate test.

When the 227.24 AF or 74.05 million gallons per year (mgy) for stockwatering use is added to the existing stockwatering right, a total of 187.45 mgy or 575.26AF under File Nos. 11,715-D2 & 31001. This should help with the peak demands under File No. 31,001.

The submitted Stockwatering Use Supplemental Sheet listed the current cattle number to be 28,994 head consuming an averaged 11.18 gallons per head per day or 116,339 million gallons or 357AF. The projected expansion is to approximately 60,000 head at 15 gallons per head per day for an annual consumption of 328.5 mgy or 1,008 AF. As indicated by an enclosed letter, referencing water pollution control, the expansion was approved by the Kansas Department of Health and Environment on June 27, 2018.

Prior to the proposed changes, 964 acres were irrigated with a combined total of 1,816 AF from File Nos. 7,695; 9,089; 11,715-D2; 24,075 & 33,018, having an irrigation ration of 1.88 acre-feet per acre. The 260 AF reduction in irrigated quantity will result in 1,556 AF authorized for the 964 acres presently authorized under File Nos. 7,695; 9,089, 24,075; 11,715-D2 & 33,018. This would result in an irrigation ratio of 1.61AF per acre. The proposed stockwatering place of use is irrigated land so the increase in the stockwatering place of use as defined by K.A.R. 5-5-1 (www)(1), a total of 129 irrigated acres will be eliminated resulting in 835 acres remaining authorized for irrigation use. The change in use made of water reduction in quantity and irrigated acres will result in an irrigation ratio of 1.86 AF per acre. Reduction requests for the irrigated acres under File Nos. 7,695; 9,089, 24,075; 11,715-D2 & 33,018 were received on November 27, 2018. The reductions comply with the definition of stockwatering and K.A.R. 5-3-23, *Maximum reasonable annual quantity approvable for irrigation use for an application for change in place of use and a request to reduce a water right.*

The reduction in the authorized quantity and place of use, should assure the change to a more consumptive use will not result in an increase in the historical consumptive use and the proposal complies with K.A.R. 5-5-3, *Consumptive use.*

The applications for change will update the locations of the points of diversion. Under File No. 11,715-D2, the new existing stockwatering well ID 1 in Section 19, will list 3082' N and 325' West per the 12/17 Compliance investigation. The well remaining for irrigation use ID 2, Section 19 will remain as authorized. The well under File No. 31,001, ID 9 in Section 20, will be updated per the 2015 Compliance Investigation to 2,427' North and 3,446' West. This update will change the qualifiers to the Northwest Quarter of the Northeast Quarter of the Southwest Quarter (NW $\frac{1}{4}$ NE $\frac{1}{4}$ SW $\frac{1}{4}$). The standby well under File No. 31,001, will remain as authorized. The well ID 2 in Section 20, under File Nos. 7,695 & 9,089 will be updated per the 2016 compliance to 2,671' North and 1,278' West. Under File No. 24,075 the Well ID 1 in Section 29 will update to 3,973 ' North and 1,301' West, per the 2010 Compliance Investigation. The point of diversion under File No. 33,018 will be updated per the December 2017 Compliance Investigation to 2,254'N and 4,177 feet West for ID 3 in Section 19. It appears all of the updates comply with part a of K.A.R. 5-5-6, *Failure to construct diversion works at authorized location.*

The application was submitted to the Southwest Kansas Groundwater Management feet North and District No. 3. In a letter received on January 17, 2019, Jason Norquest, Assistant ,Director, stated that the applications for change and reduction requests were recommended for approval.

Mike Meyer, Water Commissioner of the Garden City Field Office reviewed the proposed changes and indicated in his e-mail dated January 28, 2019, he has no objection to the approvals and accompanying findings and orders.

Water meters will be required and a check valves if any chemical or foreign substance is injected into the water through the diversion works. A water level measurement tube is not applicable to these change approvals, as the construction of a new well has not been authorized.

Based on the above discussion, that the changes in conjunction with the reduction of the irrigated place of use are reasonable, that impairment to existing water rights is unlikely, and that no change in the local source of supply will occur, it is recommended that the referenced applications for change be approved with the reduction requests.


Leslie Ireland
Environmental Scientist
Water Appropriation Program

1320 Research Park Drive
Manhattan, KS 66502
785-564-6700
www.agriculture.ks.gov



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

Mike Beam, Acting Secretary

Laura Kelly, Governor

IRSIK & DOLL FEEDYARD
JON HEIMAN
8220 E US HIGHWAY 50
GARDEN CITY KS 67846-9071

February 19, 2019

FILE COPY

RE: Water Right, File Nos. 7,695; 9,089; 11,715-D2; 24,075; 31,001 and 33,018.

Dear Mr. Heiman:

Enclosed are the orders executed by the Chief Engineer, Division of Water Resources, Kansas Department of Agriculture, approving the applications for change under File Nos. 11,715-D2 and 31,001, along with the Findings and Orders under File Nos. 7,695; 9,089; 24,075 and 33,018.


Your attention is directed to the enclosures and to the terms, conditions, and limitations specified in the approval for change. A condition of the approvals is that a water flowmeter meeting 5-1-4 through 5-1-12 must be installed on the diversion works authorized under the referenced files. Records in this office indicate meters meeting the specifications of the Chief Engineer are installed. If a meter installation has changed, please contact the Garden City Field Office.

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

Please be reminded that reports of water usage must be submitted to this office annually. Records indicating the amount of water used should be furnished to the Chief Engineer by March 1 following the end of the previous calendar year so that the continued use of water becomes a matter of record in this office. The owner, or his or her legally designated agent, is held responsible for submitting annual water use reports. Failure to file an accurate water use report is a violation of law which makes you subject to civil penalties.

If you have any questions, regarding the enclosed approval documents please contact Leslie Ireland, Environmental Scientist, at 785-564-6633. Should you have questions regarding the meter requirement please contact Michael Meyer, Water Commissioner, at the Garden City Field Office at 620-276-2901. If you wish to discuss a specific file, please have the file number ready so that we may help you more efficiently.

Sincerely,


Brent A. Turney, P.G.
Change Applications Unit Supervisor

BAT:LI:li
Enclosures

pc: Garden City Field Office
Groundwater Management District No. 3

THE STATE  OF KANSAS

KANSAS DEPARTMENT OF AGRICULTURE
Mike Beam, Acting Secretary of Agriculture

DIVISION OF WATER RESOURCES
David W. Barfield, Chief Engineer

**APPROVAL OF APPLICATION
FOR
CHANGE IN USE MADE OF WATER,
PLACE OF USE,
AND
ORDER IN THE MATTER OF THE
LOCATION OF THE AUTHORIZED POINTS OF DIVERSION
WATER RIGHT, FILE NO. 11,715-D2**

The Chief Engineer, Division of Water Resources, Kansas Department of Agriculture, after due consideration of the written applications of John M. Petz, on behalf of Irsik and Doll Feed Services Incorporated, and Irsik & Doll Feedyard, P.O. Box 847, Cimarron, Kansas 67835, received in the office of the Chief Engineer on June 18, 2018, for approval of a change in the location of the place of use and use made of water, and on November 27, 2018, a request to reduce the authorized place of use, under the certificate of appropriation issued pursuant to the permit to appropriate water for beneficial use, as modified by the Orders of the Chief Engineer dated January 14, 2003 and May 16, 2013, approving the applications to change the place of 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 489.4 acre-feet (159.42 million gallons) per calendar year.

The effective date of the changes shall be the date this order is executed by the Chief Engineer, after which the portion changed to stockwatering use shall be authorized a maximum quantity not to exceed 74.05 million gallons (227.24 acre-feet) of groundwater per calendar year at a diversion rate not in excess of 940 gallons per minute (2.09 c.f.s.) from:

one(1) well in the Northeast Quarter of the Southeast Quarter of the Northeast Quarter (NE $\frac{1}{4}$ SE $\frac{1}{4}$ NE $\frac{1}{4}$) of Section 19, more particularly described as being near a point 3,802 feet North and 325 feet West of the Southeast corner of said section, in Township 24 South, Range 31 West, Finney County, Kansas, and

the authorized place of use for stockwatering use shall be:

located in portions of the Northeast Quarter (NE $\frac{1}{4}$), the Northwest Quarter (NW $\frac{1}{4}$), the Southeast Quarter (SE $\frac{1}{4}$), and the Southwest Quarter (SW $\frac{1}{4}$) of Section 20, and in the Northeast Quarter (NE $\frac{1}{4}$), and the North Half of the Southeast Quarter (N $\frac{1}{2}$ SE $\frac{1}{4}$), of Section 19, all in Township 24 South, Range 31 West, Finney County, Kansas,

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

The portion retained for irrigation use shall be authorized a maximum quantity not to exceed 262 acre-feet of groundwater per calendar year at a diversion rate not in excess of 950 gallons per minute (2.12 c.f.s.) from:

one(1) well near the center of the North Half of the South Half of the Northwest Quarter (N $\frac{1}{2}$ S $\frac{1}{2}$ NW $\frac{1}{4}$) of Section 19, more particularly described as being near a point 3,380 feet North and 3,960 feet West of the Southeast corner of said section, in Township 24 South, Range 31 West, Finney County, Kansas,

for irrigation use on the following described property:

Sec. Twp. Range	NE $\frac{1}{4}$				NW $\frac{1}{4}$				SW $\frac{1}{4}$				SE $\frac{1}{4}$				TOTAL
	NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$	NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$	NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$	NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$	
19 24S 31W	36.0	10.0	2.0		26.0	Lot 1 26.0	Lot 2 35.0	38.0	35.0	Lot 3 3.0		25.0		20.0	36.0	6.0	298
20 24S 31W	32.0	12.0	8.0	40.0	21.0	20.0							40.0	28.0	40.0	40.0	281
28 24S 31W					32.0	32.0	32.0	32.0									128
29 24S 31W	32.0	32.0	32.0	32.0													128

a total of 835 acres in Sections 19, 20, 28 & 29, Township 24 South, Range 31 West, Finney County, Kansas,

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

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 each of 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. 11,715, for permit to appropriate water for beneficial use, is as stated and set forth in the Certificate of Appropriation issued for File No. 11,715-D2 dated November 21, 1984, as modified and amended by the aforementioned orders.

Ordered this 14th day of February, 2019, in Manhattan, Riley County, Kansas.

Lane P. Letourneau

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

State of Kansas)
) SS
County of Riley)

The foregoing instrument was acknowledged before me this 14th day of February, 2019 by Lane P. Letourneau, P.G., Program Manager, Division of Water Resources, Kansas Department of Agriculture.



Danielle Wilson
Notary Public

RIGHT TO A HEARING AND TO ADMINISTRATIVE REVIEW

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

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

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

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

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

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

CERTIFICATE OF SERVICE

On this 19th day of February, 2019, I hereby certify that the attached Approval of Application Change in Use Made of Water, Place of Use, and Order in the Matter of the Location of the Authorized Points of Diversion, Water Right, File No. 11,715-D2, dated, February 14th, 2019 was mailed postage prepaid, first class, US mail to the following:

IRSIK & DOLL FEED SERVICES INC
IRSIK & DOLL FEEDYARD
JOHN M PETZ
PO BOX 847
CIMARRON KS 67835

With photocopies sent to:

Garden City Field Office
Groundwater Management District 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

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12:32
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JUN 11 2018

Garden City Field Office
Division of Water Resources

File No. 11715 D2

2.

name of applicant: IRSIK & DOLL FEEDYARD JON HEIMAN

Address: 8220 E US HIGHWAY 50

City, State and Zip: GARDEN CITY KS 67846-9071

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: IRSIK & DOLL FEEDYARD JON HEIMAN

Address: 8220 E US HIGHWAY 50

City, State and Zip: GARDEN CITY KS 67846-9071

Phone Number: () _____

E-mail address: _____

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

to convert one well from irr. to stock use for expanding lot.

The change(s) (was) (will be) completed by Fall 2018

(Date)

APPLICATION COMPLETE

6/17/18
Reviewer LS

SCANNED

Assisted by: TPM

6/19/18 DAW

For Office Use Only:
F.O. 4 GMD 3 Meets K.A.R. 5-5-1 (YES / NO) Use IRP
Code C-2 Fee \$ 500 TR # _____ Source G/S County F1 By MW Date 6/16/18
Receipt Date 6/18/18 Check # 42036

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JUN 11 2018

Garden City Field Office
Division of Water Resources

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- 6. The presently authorized point(s) of diversion (is) (are) 2 wells irrigation
(Provide description and number of points)
- 7. The proposed point(s) of diversion (is) (are) one stock one irrigation
(Provide description and number of points)

List all presently authorized point(s) of diversion:

8. **Presently authorized point of diversion:** * UPDATE PER INSPECTION

One in the nc Quarter of the e2 Quarter of the ne Quarter of the _____ Quarter of the _____
 of Section 19, Township 24 South, Range 31 W,
 in Finney County, Kansas, 3800 feet North 750* feet West of Southeast corner of section.
 Authorized Rate 940 Authorized Quantity 260 750 ON CERTIFICATE*
 (DWR use only: Computer ID No. 1 GPS 3802 feet North 325 feet West)
 This point will not be changed This point will be changed as follows: 12/17 COMPLIANCE INVESTIGATION
Proposed point of diversion: (Complete only if change is requested) * (NE SE NE) UPDATE QUALIFIED

* STK
 One in the _____ Quarter of the _____ Quarter of the _____ Quarter of the _____
 of Section _____, Township _____ South, Range _____ (E/W),
 in _____ County, Kansas, _____ feet North _____ feet West of Southeast corner of section.
 Proposed Rate 940 Proposed Quantity 227.24 AP STK USE SEE # 13 & 14 - 74.05 mgy
 This point is: Additional Well Geo Center List other water rights that will use this point NONE

9. **Presently authorized point of diversion:**

One in the NC N2 Quarter of the s2 Quarter of the nw Quarter of the _____ Quarter of the _____
 of Section 19, Township 24 South, Range 31 W,
 in Finney County, Kansas, 3380 feet North 3960 feet West of Southeast corner of section.
 Authorized Rate 950 Authorized Quantity 262 AP REMAINS FOR DR USE*
 (DWR use only: Computer ID No. 2 GPS 3380 feet North 3960 feet West)
 This point will not be changed This point will be changed as follows: GPS
Proposed point of diversion: (Complete only if change is requested)

* 114
 One in the _____ Quarter of the _____ Quarter of the _____ Quarter of the _____
 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 the _____
 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 the _____
 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

JUN 11 2018

* LB/DWR 7/31/18

JUN 18 2018

SCANNED

12. The presently authorized use of water is for irrigation purposes.
 It is proposed that the use be changed to irrigation and stock purposes.
13. If changing the place of use and/or use made of water, describe how the consumptive use will not be increased.
NE well will be cut back to 260 af * 87.4% = 227.4 af = 74.05 mgd stock use OR 74.04 mgd * on 74.05 mgd
NW well will not change and will remain irrigation \downarrow 227.24

(Please show any calculations here.)

74.05 mgd *
 227.24 af
 TOTAL 489.24 AF

14. It is requested that the maximum annual quantity of water be reduced to 227.4 & 262 af (acre-feet or million gallons).
15. It is requested that the maximum rate of diversion of water be reduced to na \rightarrow IRR USE 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 to remain the same right will be reduced according to KAR 5-5-9. THIS RULE USUALLY THE WELL CHANGING IS ASSIGNED A QUANTITY AND RATE THAT WILL ALL CHANGE.

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 meets the rules and regs.

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JUN 11 2018

* LI/DWL 11/15/18

JUN 18 2018

4. The presently authorized place of use is:

Owner of Land — NAME: IRSIK & DOLL FEED SERVICES INC IRSIK & DOLL FEEDYARD

ADDRESS: 8220 E US HIGHWAY 50 GARDEN CITY KS 67846-9071

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	24	31w	36	10	23	40	26	26	35	38	35	3		25	13	40	36	6	392 *
20	24	31w	32	12	8	40	21	34	21					28	40	40	40		316
28	24	31w					32	32	32	32									128

List any other water rights that cover this place of use. 7695 9089 11715 D2 24075 33018

Owner of Land — NAME: IRSIK & DOLL FEED SERVICES INC IRSIK & DOLL FEEDYARD

ADDRESS: 8220 E US HIGHWAY 50 GARDEN CITY KS 67846-9071

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	24	31w	32	32	32	32													128
																			964

List any other water rights that cover this place of use. 7695 9089 11715 D2 24075 33018

(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: IRSIK & DOLL FEED SERVICES INC IRSIK & DOLL FEEDYARD

ADDRESS: 8220 E US HIGHWAY 50 GARDEN CITY KS 67846-9071

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	
20	24	31w	feed	lot		ne1/4	&	sw1/4	&	nw1/4									FILE # 31001
19	24	31w	feed	lot	N1/2	se1/4	&	sw1/4		ne1/4									" " STR
29	24	31w	32	32	32	32													128 STR

List any other water rights that cover this place of use. (31001 & 7695 9089 11715 D2 24075 33018)

Owner of Land — NAME: IRSIK & DOLL FEED SERVICES INC IRSIK & DOLL FEEDYARD

ADDRESS: 8220 E US HIGHWAY 50 GARDEN CITY KS 67846-9071

Sec.	Twp.	Range	NE¼ <u>AB</u>				NW¼ <u>125</u>				SW¼ <u>63</u>				SE¼ <u>5A</u>				TOTAL ACRES
			NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	
19	24	31w	36	10	2		26	26	35	38	35	3		25	20	36	6	230	
20	24	31w	32	12	8	40	21	20						28	40	40	40	240	
28	24	31w					32	32	32	32								128	

List any other water rights that cover this place of use. 7695 9089 11715 D2 24075 33018

JUN 11 2018

* LI/DWR LOTS LISTED ON CERTIFICATE
* LS/DWR 9/25/18

JUN 18 2018

SCANNED

11/27/2018
to 835A

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 Cimarron, KS, Kansas, this 31st day of May, 2018.

(Owner) (Spouse)

* JOHN M. PETZ, CHIEF EXECUTIVE OFFICER & PRESIDENT
(Please Print) (Please Print)

* LI/DWR 9/25/18 -
(Owner) (Spouse)

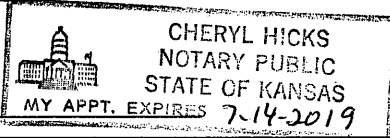
(Please Print) (Please Print)

(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 31st day of May, 2018.

My Commission Expires 7-14-2019


Cheryl Hicks
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:

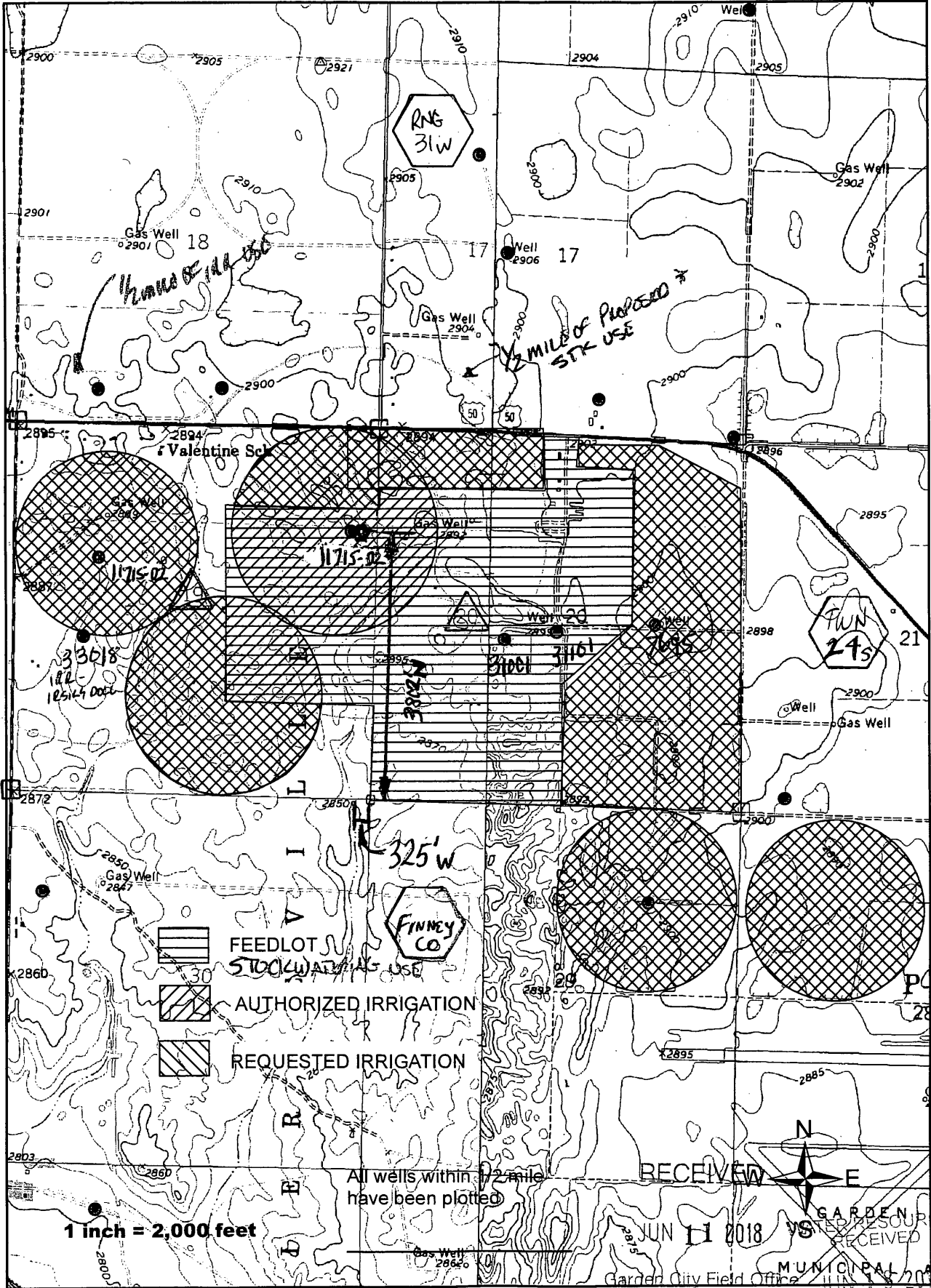
- (1) Application to change a point of diversion 300 feet or less \$100
- (2) Application to change a point of diversion more than 300 feet \$200
- (3) Application to change the place of use \$200
- (4) Application to change the use made of the water \$300




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

WATER RESOURCES
RECEIVED
JUN 18 2018

RECEIVED
JUN 11 2018

FILE NO. 11,715-DZ - CNG UMW & PU



 FEEDLOT STOCKWATER USE
 AUTHORIZED IRRIGATION
 REQUESTED IRRIGATION

All wells within 1/2 mile have been plotted

1 inch = 2,000 feet

RECEIVED
 GARDEN CITY MUNICIPAL
 DIVISION OF WATER RESOURCES
 JUN 11 2018
 JUN 18 2018

* LI/DWA 8/1/18

SCANNED
KS DEPT OF AGRICULTURE

THE STATE



OF KANSAS

KANSAS DEPARTMENT OF AGRICULTURE
Jackie McClaskey, Secretary of Agriculture

DIVISION OF WATER RESOURCES
David W. Barfield, Chief Engineer

REQUEST TO REDUCE A PORTION OF AN EXISTING WATER RIGHT
(NO FEE REQUIRED)

Identify the file which is the subject of this request:

- (CHECK ONE) Vested Right, File No. _____
- Water Right, File No. 11,715-D2
- Appropriation of Water, File No. _____

To: CHIEF ENGINEER
Division of Water Resources
Kansas Department of Agriculture
1320 Research Park Drive
Manhattan, Kansas 66502

From: (Names and addresses of owners of authorized place of use. Please see instructions on back.)

IRSIK & DOLL FEED SERVICES INC

Irisk & Doll

GRAY COUNTY FEEDYARD

PO BOX 847

CIMARRON KS 67835

REQUEST

The above listed owners request a:

[Complete only the sections that apply. Check only the boxes that apply. Fill in only the blanks that apply.]

A. REDUCTION IN AUTHORIZED MAXIMUM ANNUAL QUANTITY OF WATER.

It is requested that the maximum annual quantity of water be reduced to _____
(acre-feet or million gallons; circle one) per calendar year.

B. REDUCTION IN AUTHORIZED MAXIMUM RATE OF DIVERSION OF WATER.

It is requested that the maximum rate of diversion of water be reduced to _____ gallons per minute
(_____ c.f.s.).

Assisted by: li Water Resources
Received

NOV 27 2018

C. REDUCTION IN THE SIZE OF THE AUTHORIZED **PLACE OF USE** OF WATER.
 (A reduction in place of use may result in a reduction of the authorized rate and quantity to reflect reasonable needs.)

It is requested that the authorized place of use be reduced to:

Owner of Land - NAME: IRSIK & DOLL FEED SERVICES INC, GRAY COUNTY FEEDYARD
 ADDRESS: PO BOX 847, CIMARRON KS 67835

IRRIGATION USE

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	24	31W	36	10	2		26	26	35	38	35	3	25		20	36	6	298	
20	24	31W	32	12	8	40	21	20						40	28	40	40	281	
28	24	31W					32	32	32	32								128	
29	24	31W	32	32	32	32												128	

OR
NON IRRIGATION USE

Describe:

(If more space is needed, attach additional sheets as necessary.)

A copy of a topographic map is attached showing the place of use after the requested reduction.

D. REDUCTION IN THE NUMBER OF **POINTS OF DIVERSION** AUTHORIZED.
 (A reduction in the point(s) of diversion may result in the reduction of the rate and quantity authorized by the amounts associated with those points of diversion.)

It is requested that the number of authorized points of diversion be reduced to: _____ located as follows:
 (No. of points of diversion) (wells, pumps, or other works for diversion of water)

One in the _____ quarter of the _____ quarter of the _____ quarter of Section _____, more particularly described as being near a point _____ feet North and _____ feet West of the Southeast corner of said section, in Township _____ South, Range _____ East/West (circle one), _____ County, Kansas, and

One in the _____ quarter of the _____ quarter of the _____ quarter of Section _____, more particularly described as being near a point _____ feet North and _____ feet West of the Southeast corner of said section, in Township _____ South, Range _____ East/West (circle one), _____ County, Kansas.

(If more space is needed, attach additional sheets as necessary.)

A copy of a topographic map is attached, showing the location of the remaining point(s) of diversion after the requested reduction.

E. REDUCTION IN THE **TYPES OF BENEFICIAL USE** AUTHORIZED.

It is requested that the types of beneficial use of water be reduced to: NOV 27 2018

Water Resources
 Received

WATER RIGHT, FILE NO. 11,715-D2

I, the undersigned owner of this water right or permit declare that: (1) I am freely and voluntarily choosing to reduce the water right listed; and (2) I am waiving any rights to a hearing or an appeal that I may have had regarding the reduction of the water right listed.

I declare that I am an owner, as identified herein, or that I represent an owner, as identified herein, and am authorized to make this request on his or her behalf.

Dated at Lawrence Kansas, this 20th day of November, 2018.
(City) (Month) (Year)

[Signature]
(Owner)
John M Petz
(Please Print)

(Spouse)

(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

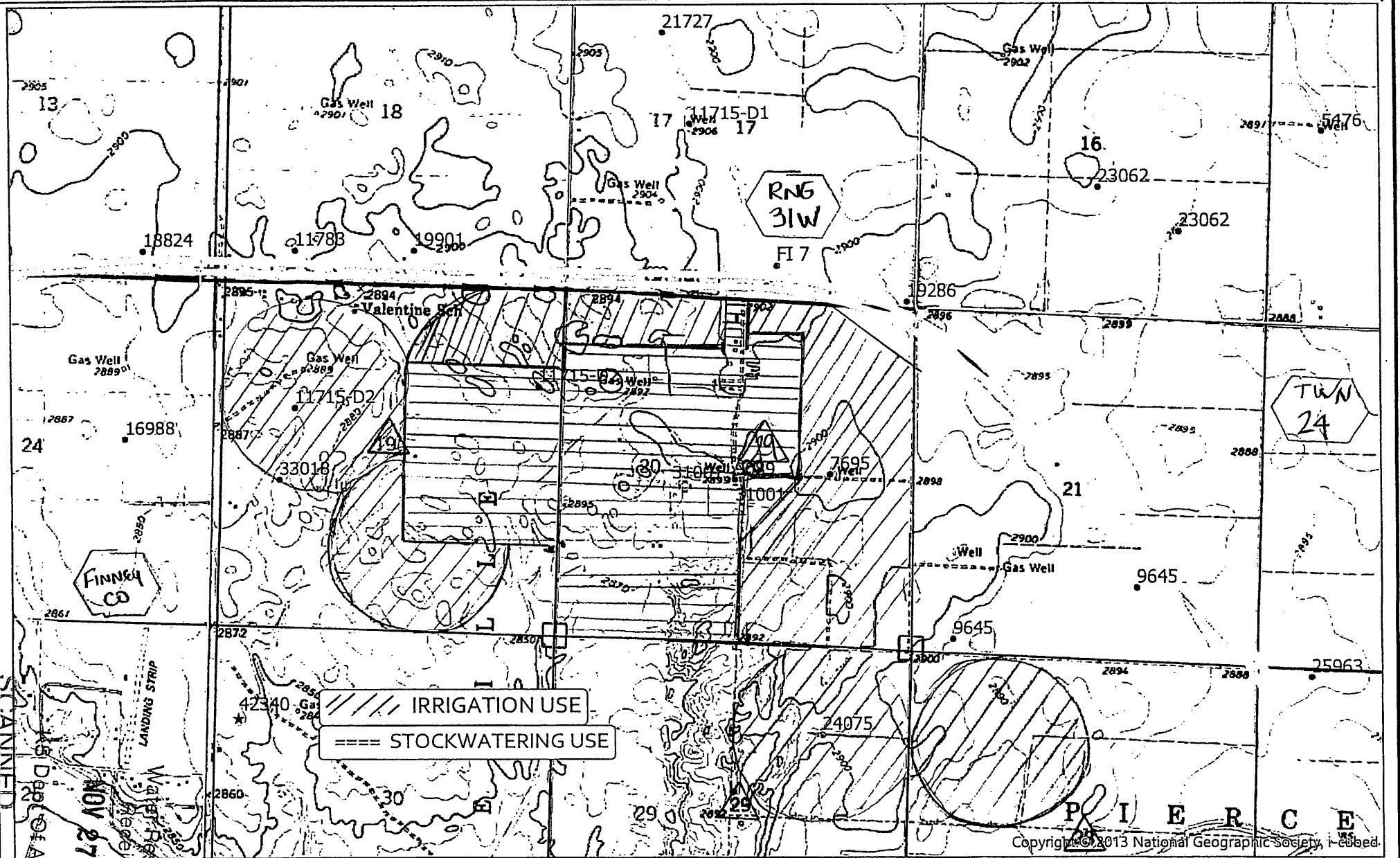
20th day of NOVEMBER, 2018.
(Month) (Year)

[Signature] Notary Public
Notary Public

My Commission expires 10-13-2022

Water Resources
Received
NOV 27 2018

File No. 11715-D2 PLACE OF USE REDUCTION



STOCKWATERING USE
 IRRIGATION USE

NOV 27 2018

0 2.3 4.6 9.2 Miles

User LIRELAND

Copyright © 2013 National Geographic Society, Inc.



Kansas Department of Agriculture
Division of Water Resources

08 Nov 2018

STOCKWATER USE SUPPLEMENTAL SHEET

File Nos. 11,715-D2 & 31,001

Name of Applicant (Please Print): Irsik & Doll Feedyard

1. Please indicate type of livestock (cattle, hogs, etc.): Cattle

2. Please complete the following table showing past and present water requirements:

PAST NUMBER OF HEAD AND WATER DIVERTED, IF APPLICABLE

LAST 5 YEARS	NUMBER OF HEAD	WATER DIVERTED (GALLONS) / <i>yr</i>	GALLONS PER HEAD PER DAY
5 years ago	16,274	90,016	15.15
Last year	24,110	98,462	11.19
Present Year	28,994	116,339 <i>357AF*</i>	11.18

3. Please complete the following table showing estimated future water requirements:

*MILLION GALLONS**

ESTIMATED FUTURE NUMBER OF HEAD AND WATER DIVERTED

NEXT 5 YEARS	NUMBER OF HEAD	WATER TO BE DIVERTED (GALLONS) / <i>yr</i>	GALLONS PER HEAD PER DAY
Year 1	60,000	328,500	15.0
Year 2	60,000	328,500	15.0
Year 3	60,000	328,500	15.0
Year 4	60,000	328,500	15.0
Year 5	60,000	328,500 <i>1008AF*</i>	15.0

Please attach any additional information, tables, or curves showing past, present and estimated future water requirements to substantiate the amount of water requested.

4. Please designate the legal description of the location where the water is to be used. Show in the space provided below the Section (S), Township (T), and Range (R), and the number of acres in each forty acre tract or fractional portion thereof.

S	T	R	NE¼				NW¼				SW¼				SE¼				TOTAL
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
20	24	31W	FEEDYARD IN PORTIONS OF THE NE¼ NW¼ SW¼ SE¼																
19	24	31W	FEEDYARD IN THE S½ NE¼ & N½ SE¼																

** LI/Owa
1/24/19*

WATER RESOURCES
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JAN 07 2019

5. Show quantities of water used and all associated water uses at the feedlot such as water used in feed mills, cooling of animals, washing, flushing of wastes, etc.:

DRINKING

60,000 head of Cattle x 15 gallons/head (avg.) x 365 days = 328,500,000 gallons

_____ head of _____ x _____ gallons/head (avg.) x _____ days = _____ gallons

_____ head of _____ x _____ gallons/head (avg.) x _____ days = _____ gallons

COOLING

_____ gallons/hour x _____ hour/day x _____ days = _____ gallons

SANITATION

_____ g.p.m. x 60 min/hr x _____ hr/wk x _____ wks/yr = _____ gallons

OTHER USE (Explain) _____ = _____ gallons

TOTAL ----- 328,500,000 gallons

6. Show location of present and future location of confinement pens on your attached maps or photographs.

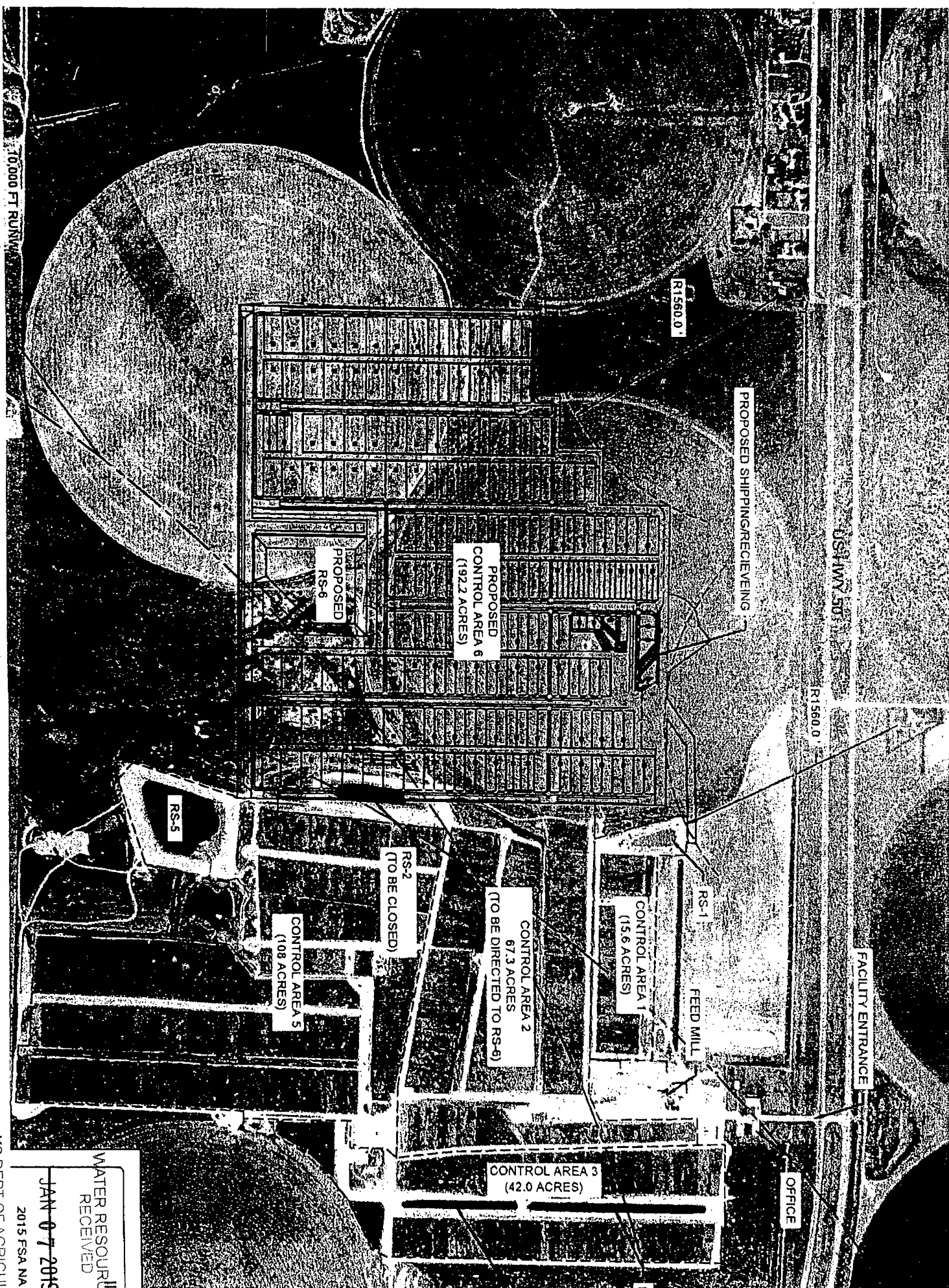
7. Total feed bunk space for cattle or livestock is 45,000 linear feet.

8. Total size of stock pens for confinement area of cattle, hogs, etc. is 12,000,000 square feet.

You may attach any additional information you believe will assist in informing the Division of Water Resources of the need for your request.

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JAN 07 2019



10,000 FT RUNWAY

R1560.0

PROPOSED SHIPPING/RECEIVING

US HWY 50

R1560.0

PROPOSED
RS-6

PROPOSED
CONTROL AREA 6
(192.2 ACRES)

RS-5

RS-2
(TO BE CLOSED)

CONTROL AREA 2
67.3 ACRES
(TO BE DIRECTED TO RS-6)

CONTROL AREA 5
(108 ACRES)

CONTROL AREA 1
(15.6 ACRES)

RS-1

FEED MILL

FACILITY ENTRANCE

CONTROL AREA 3
(42.0 ACRES)

OFFICE

WATER RESOURCES
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JAN 07 2019

2015 FSA NA

KS DEPT OF AGRICULTURE

Water Resources
Ks Dept of Agr

STATE OF KANSAS

DEPARTMENT OF HEALTH AND ENVIRONMENT
DIVISION OF ENVIRONMENT
CURTIS STATE OFFICE BUILDING
1000 SW JACKSON ST., SUITE 430
TOPEKA, KS 66612-1367



PHONE: (785) 296-1535
FAX: (785) 559-4264
WWW.KDHEKS.GOV

GOVERNOR JEFF COLYER, M.D.
JEFF ANDERSEN, SECRETARY

June 27, 2018

7695
9089
11715
24075
31001 → STK
33018

Mailed to all who participated in the public comment process for the following permit application and draft permit:

RE: Proposed Permit for Irsik & Doll Feed Yard
Kansas Water Pollution Control Permit No. A-UAFI-C004
NPDES Permit No. KS0055069

Dear Concerned Citizen:

Thank you for your comments regarding the permit application and proposed permit for Irsik & Doll Feed Yard. The proposed action consists of the issuance of a permit to expand the existing confined feeding facility located in the West 1/2 of Section 19 and the North 1/2 and Southwest 1/4 of Section 20, Township 24 South, Range 31 West in Finney County.

KDHE has reviewed the information, comments, and questions; particularly in relation to meeting the applicable statutory and regulatory requirements for a water pollution control permit for a confined feeding facility. The evaluation has determined the permit application, design plans, nutrient management plan, and supporting documentation demonstrate the capability of the facility to adequately protect waters of the State and public health. Therefore, KDHE has issued the permit to the facility.

In response to the request for public comments, a total of seven comment letters were received by KDHE in opposition of the proposed permit. KDHE staff has summarized the concerns addressed by the public and has tried to appropriately address the issues within the statutory and regulatory framework afforded to KDHE to regulate livestock waste management in Kansas. Concerns regarding issues other State or governmental agencies regulate and enforce would be better addressed by contacting the applicable regulating agency.

ISSUE 1 **Concerns of potential contamination of groundwater, neighboring water wells, and surface water.**

RESPONSE Water pollution is the primary environmental risk which this permit is designed to address. The facility, as proposed, complies with all applicable statutes and regulations set forth by the State of Kansas. The proposed wastewater retention control system is to be constructed and operated in a manner that prevents pollution from entering waters of the state. Additionally, all required separation distances from surface water, groundwater, and drinking water wells have been met. Based upon review of the available information, KDHE is confident that the facility and waste management controls have been designed to minimize the potential threat to water quality.

Permitted livestock facilities are required to be operated in a manner that prevents any discharge that is in violation of the requirements of their permit or that has the potential to adversely affect human

Ireland, Leslie [KDA]

From: Meyer, Mike [KDA]
Sent: Monday, January 28, 2019 4:58 PM
To: Ireland, Leslie [KDA]
Subject: RE: Recommendation for File Nos. 11715 PU UMW 31001 PU_ IRSIK n DOLL

Approve
thanks

Mike

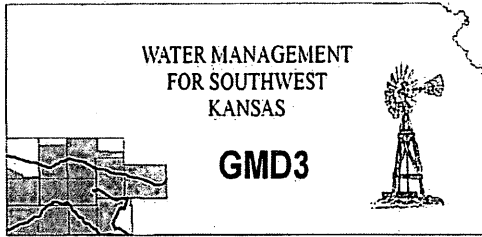
From: Ireland, Leslie [KDA]
Sent: Monday, January 28, 2019 4:28 PM
To: Meyer, Mike [KDA] <Mike.Meyer@ks.gov>
Subject: Recommendation for File Nos. 11715 PU UMW 31001 PU_ IRSIK n DOLL

Mike,

Please let me know if you could recommend this pkg to increase the feedlot southeast of Garden. It is the 5-5-9ish with the irrigated acres reduced. The pd locations will be updated on all of the wells except the standby stockwatering well under 31,001.

As always comments and concerns are welcome.

Leslie Ireland, Environmental Scientist
Kansas Department of Agriculture
Division of Water Resources - Change Unit
(785) 564-6633
Leslie.Ireland@ks.gov
www.agriculture.ks.gov



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

January 17, 2019

Leslie Ireland
Kansas Department of Ag
Division of Water Resources
1320 Research Park Drive
Manhattan, Kansas 66502

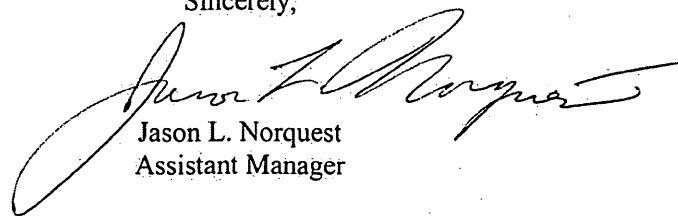
RE: Applications for Change in Place of Use
Water Right, File Nos. 11715 D2 & 31001
Reduction Requests
Water Right, File Nos. 7695, 9089, 24075 & 33018

Dear Leslie:

We have completed a review of the application and reduction requests for the above referenced water rights. The proposals are not in conflict with the Management Program of the Southwest Kansas Groundwater Management District No. 3 (GMD3). The request for change in place of use will cover the proposed expansion at the feedyard and meets the criteria set for in K.A.R. 5-5-11. With the expansion in place of use for STK, the applicant requests reduction in IRR acres to correctly identify the acres that will remain under irrigation. The application for 11715D2 proposes to fully change the use made of water to stock on just the well listed as ID 01, follows criteria set forth in K.A.R. 5-5-9. It is therefore recommended that the applications and reduction requests 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

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JAN 17 2019

KS DEPT OF AGRICULTURE

GMD3 Change Review

File No(s): 11715D2, 31001/7695, 9089, 24075 & 33018. DWR office: HQ/GC.

App filed to change: PU, UMW & reductions requests.

Is Landowner(s) correct in WRIS: Irsik & Doll Feedyard.

If NO, is documentation included?

Is Water Use Correspondent correct in WRIS? Yes.

If NO, is documentation included?

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

Point of diversion ID No(s) being changed.

	ft. North	ft. West			
Authorized PD					
Proposed PD					
Difference	0	0			
a2 + b2 = c2	0	0	0		

GPS for proposed PD: Lat: Long: .

Is proposed PD stacking on existing WRs? .

Is Proposed PU overlapping existing WRs? Partial change in 11715D2 will convert to STK and overlap 31001. Reduction requests will not change IRR overlap, just remove feedyard expansion acres.

Land Owner(s) notified: .

Name . Name .

Address . Address .

Zip . Zip .

Neighboring certified well(s) notified: .

Name . Name .

Address . Address .

Zip . Zip .

Domestic well(s) notified: .

Name . Name .

Address . Address .

Zip . Zip .

Base Acres: .

Perfected Acres: .

Irr. Return-Flow FI = 87.4 %

The change is PU for the STK rights is for the proposed expansion of the feedyard, which in turn required them to reduce some of the acres that were currently authorized for IRR.

The well under 11715D2 ID01 is in the area of the expansion and is proposed to be converted to STK. The calculation shows that this well's authority will be reduced from 260AF to 227.4AF.

Is a waiver needed: No.

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KS DEPT OF AGRICULTURE

GMD3 Change Review

Final Recommendation: Applications and reduction requests meet all current area rules. They are not moving any PDs, changing PU to match the feedyard expansion, and taking a reduction for converting one of the wells to STK. Staff therefore recommends approval of the applications/requests.



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JAN 17 2019

KS DEPT OF AGRICULTURE

STATE OF KANSAS

DEPARTMENT OF AGRICULTURE
1320 RESEARCH PARK DRIVE
MANHATTAN, KS 66502
PHONE: (785) 564-6700
FAX: (785) 564-6777



900 SW JACKSON, ROOM 456
TOPEKA, KS 66612
PHONE: (785) 296-3556
www.agriculture.ks.gov

GOVERNOR JEFF COLYER, M.D.
JACKIE McCLASKEY, SECRETARY OF AGRICULTURE

December 13, 2018

FILE COPY

SOUTHWEST KANSAS GROUNDWATER
MANAGEMENT DISTRICT NO 3
ATTN MARK RUDE
2009 E SPRUCE
GARDEN CITY KS 67846

Re: Change in Place of Use Applications,
Water Right, File Nos. 11,715 D2 & 31,001
Reduction Requests,
Water Right, File Nos. 7,695; 9,089; 24,075 & 33,018

Dear Mr. Rude:

We are enclosing a copy of the applications and reduction requests referred to above which appear to be in proper form.

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

Please submit your recommendations within the allotted time, or any authorized extension of time thereof.

Sincerely,

A handwritten signature in cursive script that reads "Leslie Ireland".

Leslie Ireland
Environmental Scientist
Water Appropriation Program

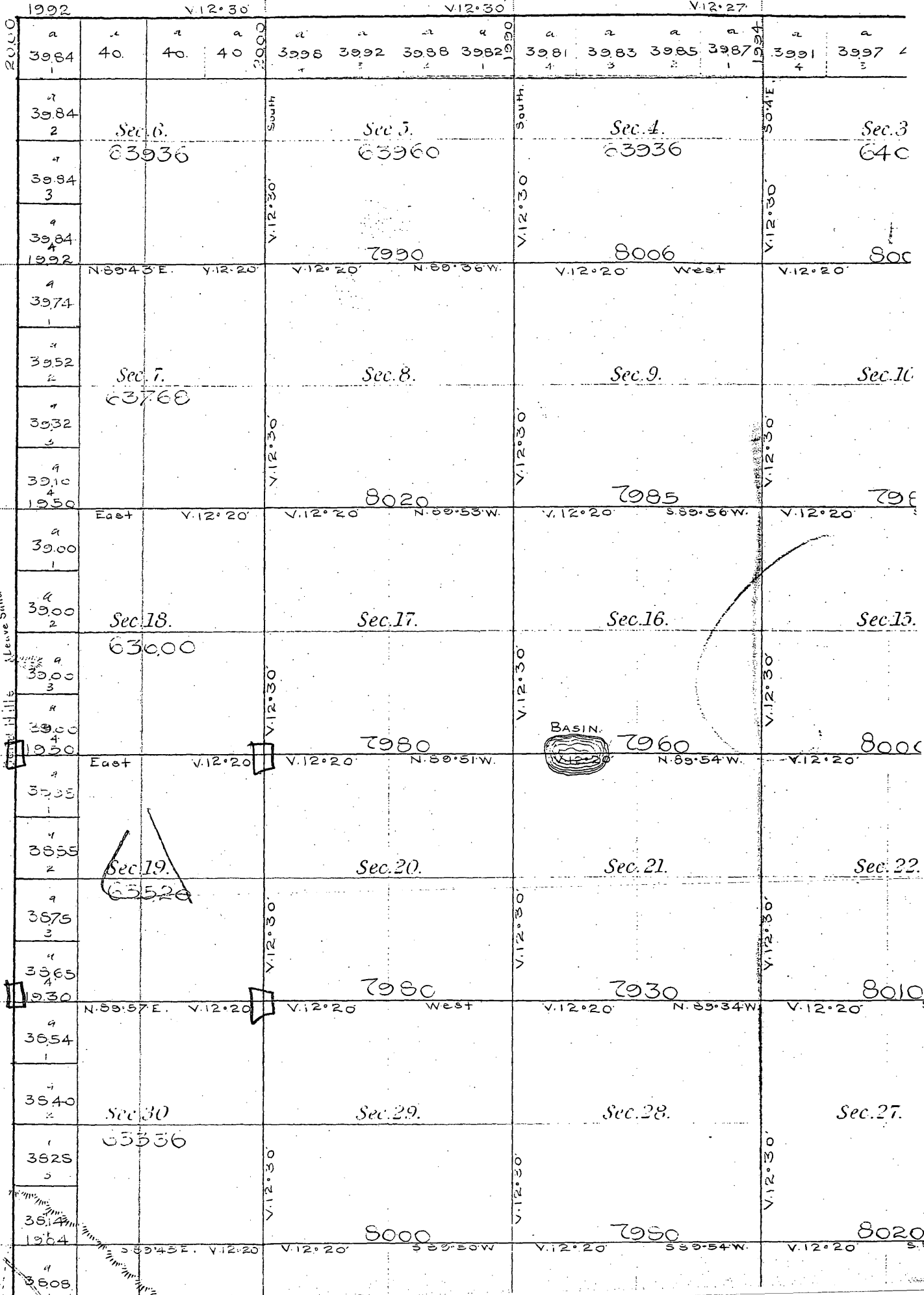
LI:li
Enclosures

pc: Garden City Field Office
Jon Heiman, Irsik & Doll Feedyard

SCANNED

724S K31W

800-501



H

H

h

I

i

K

k

L

l

M

Leave Sand Hills

BASIN

Water Rights and Points of Diversion Within 1.50 miles of point defined as:

3802 ft N and 325 ft W of the SE Corner of Section 19, T 24S, R 31W

Located at: 100.756880 West Longitude and 37.955982 North Latitude

GROUNDWATER ONLY

11715-D2 - CUG UMWS/PS-

File Number	Use	ST	SR	Dist	(ft)	Q4	Q3	Q2	Q1	FeetN	FeetW	Sec	Twp	Rng	ID	Batt	Auth_Quan	Add_Quan	Unit	
A__ 7695	00	IRR	NK	G	4705	--	--	NC	E2	2650	1150	20	24	31W	2		880.00	880.00	AF	
A__ 9089	00	IRR	NK	G	3281	--	--	NC		2550	2700	20	24	31W	4		540.00	.00	AF	
A__ 9645	00	IRR	NK	G	7326	--	SE	SW	SW	314	4585	21	24	31W	4		400.00	400.00	AF	
A__ 11715	D1	IRR	NK	G	4483	--	NC	E2	W2	2550	3400	17	24	31W	2		376.00	376.00	AF	
A__ 11715	D2	IRR	NK	G*	427	--	NC	E2	NE	3800	750	19	24	31W	1		260.00	260.00	AF	
Same					3666	NC	N2	S2	NW	3380	3960	19	24	31W	2		262.00	262.00	AF	
A__ 11783	00	IRR	NK	G	4131	--	SE	SW	SW	550	3980	18	24	31W	8		520.00	520.00	AF	
A__ 16988	00	IRR	NK	G	6229	NC	S2	S2	NE	2810	1295	24	24	32W	2		427.00	427.00	AF	
A__ 18824	00	IRR	NK	G	6268	--	SW	SE	SE	400	1100	13	24	32W	5		520.00	520.00	AF	
A__ 19286	00	IRR	NK	G	5628	--	SE	SE	SE	150	200	17	24	31W	5		336.00	336.00	AF	
A__ 19901	00	IRR	NK	G	2732	--	SW	SW	SE	620	2125	18	24	31W	9		520.00	520.00	AF	
A__ 21727	00	IRR	NK	G	5559	--	--	NC	NW	3960	3960	17	24	31W	4		272.00	272.00	AF	
A__ 24075	00	IRR	NK	G	6869	--	CN	S2	NE	3900	1300	29	24	31W	1		160.00	160.00	AF	
A__ 31001	00	STK	NK	G	3281	--	--	NC		2550	2700	20	24	31W	4		348.01	348.01	AF	
Same					2950	--	NE	NE	SW	2229	3263	20	24	31W	9					
A__ 33018	00	IRR	NK	G	4229	--	--	--	--	2170	4231	19	24	31W	3		254.00	254.00	AF	
A__ 42340	00	IND	NK	G	6851	--	--	--	--	3860	4745	30	24	31W	4		23.53	23.53	AF	
VFI	7	00	IRR	AA	G	3878	--	W2	SW	SE	650	2300	17	24	31W	6		320.00	320.00	AF

WELL CHANGING

Total Net Quantities Authorized:	Direct	Storage
Total Requested Amount (AF) =	.00	.00
Total Permitted Amount (AF) =	.00	.00
Total Inspected Amount (AF) =	.00	.00
Total Pro_Cert Amount (AF) =	.00	.00
Total Certified Amount (AF) =	5558.54	.00
Total Vested Amount (AF) =	320.00	.00
TOTAL AMOUNT (AF) =	5878.54	.00

NO WELLS W/IN 1/2 MILE

An * after the source of supply indicates a pending application for change for the file number.
 An * after the ID indicates a 15 AF exemption was granted for the file number.
 A "G" in the Batt column indicates the GEO CTR of a battery. A "B" indicates a well in the battery.
 The number in the Batt column is the number of wells in the battery.

Water Rights and Points of Diversion Within 1.50 miles of point defined as:

100.756880 West Longitude and 37.955982 North Latitude

GROUNDWATER ONLY

WATER USE CORRESPONDENTS:

File Number	Use	ST	SR	
A__ 7695	00	IRR	NK	G
>	IRSIK & DOLL FEEDYARD			
>	JON HEIMAN			
>	8220 E US HIGHWAY 50			
>	GARDEN CITY KS 67846			

A__ 9089	00	IRR	NK	G
>	IRSIK & DOLL FEEDYARD			

>-----
 A__ 37943 00 IRR NK G
 > CITY OF GARDEN CITY
 >
 > PO BOX 998 301 N 8TH ST
 > GARDEN CITY KS 67846
 >-----

A__ 42340 00 IND NK G
 > WASTE CONNECTIONS OF KANSAS INC
 > RANDY BOEHMKE
 > 1250 S RACEWAY RD
 > GARDEN CITY KS 67846
 >-----

VFI 7 00 IRR AA G
 > HINES FARMS
 >
 > PO BOX 665
 > COLBY KS 67701
 >-----

VFI 8 00 IRR AA G
 > HARLEY M FOULKS
 >
 > 2040 S RACEWAY RD
 > GARDEN CITY KS 67846
 >-----

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 #####
 AMOUNT STATISTICS REPORT FOR POINTS OF DIVERSION UNDER A 11715 D2 IRR *WELL REMAINING IN USE*
 Water Right and Points of Diversion Within 2.00 miles of point defined as:
 3380 Feet North and 3960 Feet West of the Southeast Corner of Section 19 T 24S R 31W
 GROUNDWATER ONLY

File Number	Use	ST	SR	Dist (ft)	Q4	Q3	Q2	Q1	FeetN	FeetW	Sec	Twp	Rng	ID	Batt	Auth	Quan	Add_Quan	Unit
A__ 6615 00	IRR	NK	G	8878	--	NW	NW	SW	2400	5100	25	24	32W	1			241.00	47.00	AF
A__ 7695 00	IRR	NK	G	8213	--	--	NC	E2	2650	1150	20	24	31W	2			880.00	880.00	AF
A__ 9089 00	IRR	NK	G	6686	--	--	--	NC	2550	2700	20	24	31W	4			540.00	.00	AF
A__ 9090 00	IRR	NK	G	8878	--	NW	NW	SW	2400	5100	25	24	32W	1			356.00	242.00	AF
A__ 9645 00	IRR	NK	G	10485	--	SE	SW	SW	314	4585	21	24	31W	4			400.00	400.00	AF
A__ 11715 D1	IRR	NK	G	7284	--	NC	E2	W2	2550	3400	17	24	31W	2			376.00	376.00	AF
A__ 11715 D2	IRR	NK	G*	3243	--	NC	E2	NE	3800	750	19	24	31W	1			260.00	260.00	AF
Same				0	NC	N2	S2	NW	3380	3960	19	24	31W	2			262.00	262.00	AF
A__ 11783 00	IRR	NK	G	2463	--	SE	SW	SW	550	3980	18	24	31W	8			520.00	520.00	AF
A__ 16988 00	IRR	NK	G	2568	NC	S2	S2	NE	2810	1295	24	24	32W	2			427.00	427.00	AF
Same				4714	--	NW	SE	NW	3750	3475	24	24	32W	3			427.00	427.00	AF
A__ 18824 00	IRR	NK	G	3303	--	SW	SE	SE	400	1100	13	24	32W	5			520.00	520.00	AF
A__ 19286 00	IRR	NK	G	9269	--	SE	SE	SE	150	200	17	24	31W	5			336.00	336.00	AF
A__ 19901 00	IRR	NK	G	3168	--	SW	SW	SE	620	2125	18	24	31W	9			520.00	520.00	AF
A__ 21727 00	IRR	NK	G	7809	--	--	NC	NW	3960	3960	17	24	31W	4			272.00	272.00	AF
A__ 21747 00	IND	NK	G	9318	--	SE	SE	NW	2666	2809	23	24	32W	17			237.84	237.84	AF
A__ 22074 00	IRR	NK	G	9295	--	NC	N2	NW	4620	3960	31	24	31W	1			304.00	224.00	AF
A__ 24075 00	IRR	NK	G	9379	--	CN	S2	NE	3900	1300	29	24	31W	1			160.00	160.00	AF

7 - IRR well
NEARBY
LOWRANCE FARMS

A__	27073	00	MUN	NK	G	7765	--	NW	SE	SE	1291	1010	23	24	32W	18	58.15	58.15	AF
A__	31001	00	STK	NK	G	6686	--	--	--	NC	2550	2700	20	24	31W	4	348.01	348.01	AF
Same						6183	--	NE	NE	SW	2229	3263	20	24	31W	9			
A__	33018	00	IRR	NK	G	1237	--	--	--	--	2170	4231	19	24	31W	3	254.00	254.00	AF
A__	33417	00	MUN	NK	G	7131	--	SE	NW	NW	4079	4263	25	24	32W	5	26.09	26.09	AF
A__	36956	00	IND	NK	G	9760	--	NW	NW	NE	5212	2626	26	24	32W	4	145.77	145.77	AF
A__	37943	00	IRR	NK	G	7123	--	NE	NE	NE	4850	470	23	24	32W	21	22.00	22.00	AF
A__	42340	00	IND	NK	G	4844	--	--	--	--	3860	4745	30	24	31W	4	23.53	23.53	AF
A__	42858	00	MUN	KK	G	9589	--	--	--	--	2050	485	26	24	32W	8	94.64	94.64	AF
A__	42897	00	IND	NK	G	10258	--	NW	SW	NE	3430	2340	26	24	32W	9	.64	.64	AF
A__	44449	00	IND	LR	G	10258	--	NW	SW	NE	3430	2340	26	24	32W	9	14.33	14.33	AF
A__	44450	00	IND	KK	G	10397	--	NC	W2	E2	2640	2000	26	24	32W	10	208.07	208.07	AF
A__	46941	00	MUN	KE	G	9727	--	NW	SW	SW	1280	5150	25	24	32W	7*	15.00	15.00	AF
Same						9828	--	NW	SW	SW	1045	5030	25	24	32W	8*			
VFI	7	00	IRR	AA	G	7376	--	W2	SW	SE	650	2300	17	24	31W	6	320.00	320.00	AF
VFI	8	00	IRR	AA	G	9295	--	NC	N2	NW	4620	3960	31	24	31W	1	80.00	80.00	AF
VFI	43	00	IRR	AA	G	9887	--	NE	SE	SW	-----	-----	14	24	32W	1	140.00	140.00	AF
VFI	76	00	IRR	AA	G	8878	--	NW	NW	SW	2400	5100	25	24	32W	1	194.00	194.00	AF
VFI	77	00	IRR	AA	G	9851	--	--	--	--	2610	1300	26	24	32W	1	60.00	60.00	AF
Same						9839	--	--	--	--	2630	1300	26	24	32W	2			
VFI	80	00	IRR	AA	G	10109	--	SE	NW	NE	4265	1795	36	24	32W	18	300.00	300.00	AF

APPLICANTS WELL

Total Net Quantities Authorized:	Direct	Storage
Total Requested Amount (AF) =	.00	.00
Total Permitted Amount (AF) =	317.71	.00
Total Inspected Amount (AF) =	14.33	.00
Total Pro_Cert Amount (AF) =	.00	.00
Total Certified Amount (AF) =	6989.02	.00
Total Vested Amount (AF) =	1094.00	.00
TOTAL AMOUNT (AF) =	8415.07	.00

An * after the source of supply indicates a pending application for change under the file number.
 An * after the ID indicates a 15 AF exemption was granted under the file number.
 A "G" in the Batt column indicates the GEO CTR of a battery. A "B" indicates a well in the battery.
 The number in the Batt column is the number of wells in the battery.

Water Rights and Points of Diversion Within 2.00 miles of point defined as:
 3380 Feet North and 3960 Feet West of the Southeast Corner of Section 19 T 24S R 31W
 GROUNDWATER ONLY
 WATER USE CORRESPONDENTS:

=====
 File Number Use ST SR
 A__ 6615 00 IRR NK G
 > WILLARD J HARMON
 >
 > 5550 N 16 MILE RD
 > GARDEN CITY KS 67846
 >-----
 A__ 7695 00 IRR NK G
 > IRSIK & DOLL FEEDYARD
 > JON HEIMAN
 > 8220 E US HIGHWAY 50
 > GARDEN CITY KS 67846

Ireland, Leslie [KDA]

From: Meyer, Mike [KDA]
Sent: Wednesday, August 1, 2018 8:42 AM
To: Ireland, Leslie [KDA]; Makens, Thom [KDA]
Subject: RE: Change Application for 11715-D2

In case I am missing something, I don't think we need a pump test, as the NE well is being completed changed to stockwater (5-5-9) but understanding this is a 5-5-10 change for the water right.,
We do not need a pump test for the NE well

Mike

From: Ireland, Leslie [KDA]
Sent: Wednesday, August 1, 2018 8:25 AM
To: Meyer, Mike [KDA] <Mike.Meyer@ks.gov>; Makens, Thom [KDA] <Thom.Makens@ks.gov>
Subject: FW: Change Application for 11715-D2
Importance: High

Mike & Thom

Looks like the change for this right will need a pump test for the UMW right.....

Leslie

From: Ireland, Leslie [KDA]
Sent: Tuesday, July 31, 2018 11:43 AM
To: Makens, Thom [KDA] <Thom.Makens@ks.gov>
Subject: RE: Change Application for 11715-D2

Thom,

All right!!! The change in PU for File No. 31,001 and actually the one we got under 11,715-D2 need justification cattle numbers. The last I found was from when Blackfoot Cattle owned it and they justified 20,000 head under the permitting. 20,000 head at 20 gphpd .

Thank you.
Leslie

From: Makens, Thom [KDA]
Sent: Tuesday, July 31, 2018 11:38 AM
To: Ireland, Leslie [KDA] <Leslie.Ireland@ks.gov>
Subject: RE: Change Application for 11751-D2

OK I remember I was in on that one. I went back and forth with Jon Heiman on it. He was supposed to let me know when we got it to where he liked it, so I could do the reduction on irrigation and overlap the stock. Obviously he just submitted it without letting me know. I think he did the same thing to me on the beefland expansion last year. Long story short I will get started on the other applications. I know what needs to be done.

From: Ireland, Leslie [KDA]
Sent: Tuesday, July 31, 2018 11:32 AM

To: Makens, Thom [KDA] <Thom.Makens@ks.gov>

Subject: RE: Change Application for 11751-D2

Oops 11715 D2

From: Makens, Thom [KDA]

Sent: Tuesday, July 31, 2018 11:30 AM

To: Ireland, Leslie [KDA] <Leslie.Ireland@ks.gov>

Subject: RE: Change Application for 11751-D2

good morning, I have no record that I assisted with a change for 11751 D2 are my initial on it?

From: Ireland, Leslie [KDA]

Sent: Tuesday, July 31, 2018 11:24 AM

To: Makens, Thom [KDA] <Thom.Makens@ks.gov>

Subject: Change Application for 11751-D2

Thom,

Did you do any other filings for this change? Looks like they need reductions in PU for the irr rights and a change in STK PU under 31,001. If you didn't I'll do them if you could send me your map.

Leslie

WATER RIGHT, FILE NO. 11,715-D2
INSTRUCTIONS:

The request must be signed by each owner of the place of use authorized by the water right or permit and his or her spouse, if married. All water right or permit owners, including spouses, must sign this request for it to be valid. Unless the water right or permit has been legally severed from the authorized place of use, the owners of the water right or permit are the owners of the authorized place of use. Please indicate if there is no spouse. If land is being purchased under contract, the seller must sign as owner until such time as the contract is completed.

In the event that all owners cannot sign together in front of one notary public, they may, as necessary, sign appropriate copies of the request in front of any notary public conveniently available to them. All copies signed in this manner shall be accepted as valid parts of the request.

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.

Water Resources
Received

NOV 27 2018

KS Dept Of Agriculture

SCANNED

STATE OF KANSAS

DEPARTMENT OF AGRICULTURE
1320 RESEARCH PARK DRIVE
MANHATTAN, KS 66502
PHONE: (785) 564-6700
FAX: (785) 564-6777

900 SW JACKSON, ROOM 456
TOPEKA, KS 66612
PHONE: (785) 296-3556
www.agriculture.ks.gov



GOVERNOR JEFF COLYER, M.D.
JACKIE McCLASKEY, SECRETARY OF AGRICULTURE

JON HEIMAN
8220 E US HIGHWAY 50
GARDENT CITY, KS 67846

June 19, 2018

RE: File No 11715-D2

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



January 17, 2019
08:57 AM

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.

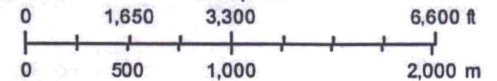
- Wells**
- Other
 - IRR
 - CON
 - DEW
 - DOM
 - FPR
 - HYD
 - IND
 - MUN
 - REC
 - STK
 - THX
 - Empty
 - Sections

WATER RESOURCES RECEIVED

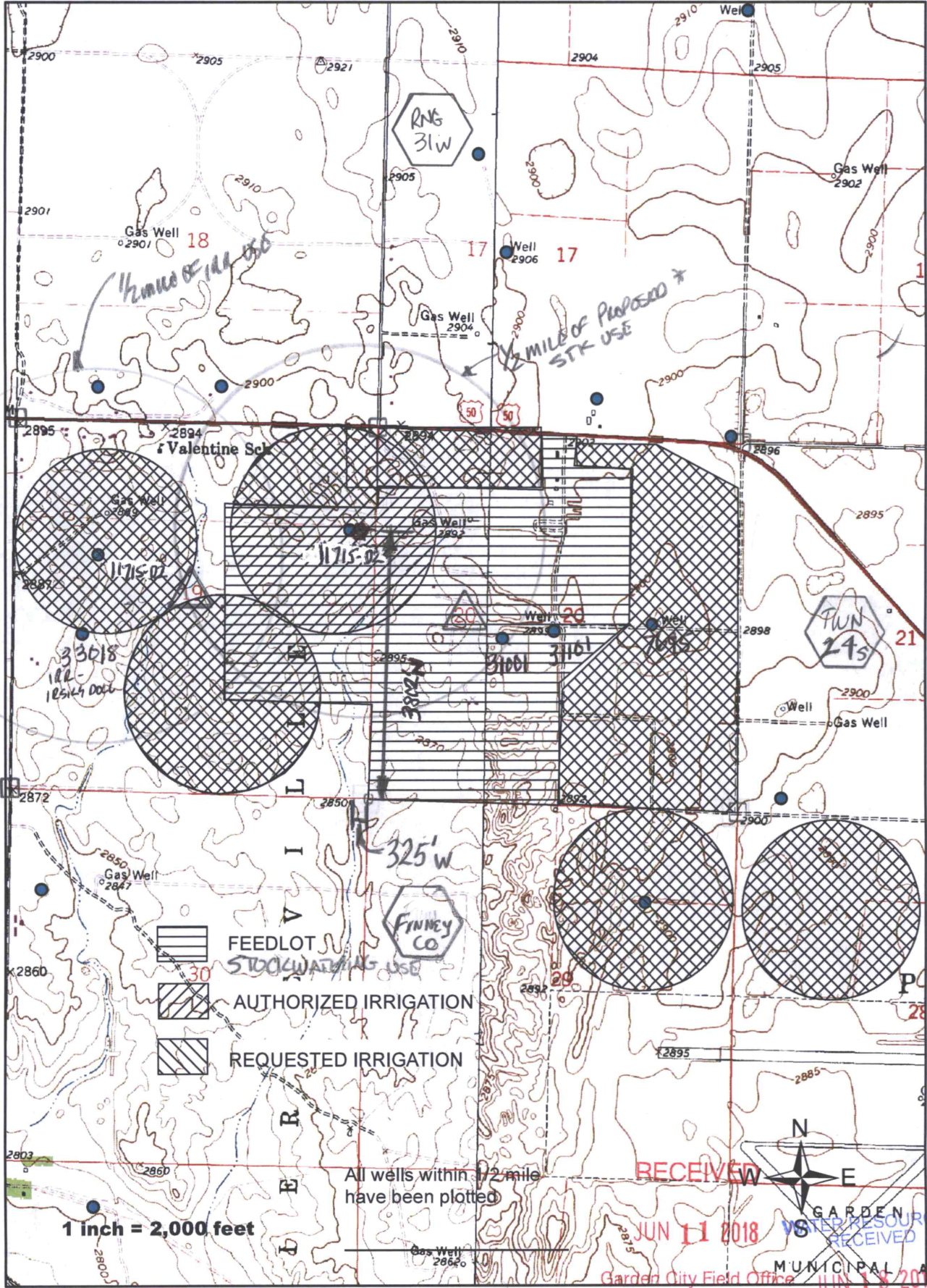
JAN 17 2019

KS DEPT OF AGRICULTURE

1:36,112



FILE NO. 11,715-02 UMW PO CNG



11783
520 A
IN SEC 18 -

1/2 mile of use

1/2 mile of proposed stock use

RECEIVED

JUN 11 2018



GARDEN CITY WATER RESOURCES RECEIVED

MUNICIPAL

Division of Water Resources

* LI/over 8/1/18

SCANNED
KS DEPT OF AGRICULTURE