

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 E $\frac{1}{2}$ NE $\frac{1}{4}$) 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

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 PLACE OF USE
AND
ORDER IN THE MATTER OF THE
LOCATION OF THE AUTHORIZED POINTS OF DIVERSION
WATER RIGHT, FILE NO. 31,001**

The Chief Engineer, Division of Water Resources, Kansas Department of Agriculture, after due consideration of the written application 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 this office on April 6, 2007, for approval of a change in the place of use under the certificate of appropriation issued pursuant to the application for permit to appropriate water for beneficial use, as modified and amended by the Orders of the Chief Engineer dated June 7, 1996 and May 26, 1999, approving the applications to change the points of diversion, finds that the change is reasonable and will not impair existing rights, and that the change relates to the same local source of supply and that the application should be and is hereby approved.

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

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 place of use.

That information in the office of the Chief Engineer finds that the points of diversion would more accurately be defined as:

one(1) primary well located in the Northwest Quarter of the Northeast Quarter of the Southwest Quarter (NW $\frac{1}{4}$ NE $\frac{1}{4}$ SW $\frac{1}{4}$) of Section 20, more particularly described as being near a point 2,427 ft North and 3,446 feet West of the Southeast corner of said section, and

one(1) standby well located near the center of Section 20, more particularly described as being near a point 2,550 ft North and 2,700 feet West of the Southeast corner of said section,

both in Township 24 South, Range 31 West, Finney County, Kansas.

All diversion works into which any type of chemical or other foreign substance will be injected into the water pumped from the diversion works shall be equipped with an in-line, automatic, quick-closing check valve capable of preventing pollution of the source of the water supply. The type of valve installed shall meet specifications adopted by the Chief Engineer and shall be maintained in an operating condition satisfactory to the Chief Engineer.

The water right owner shall properly install an acceptable water meter on the diversion works authorized under this water right, prior to the use of water, in strict accordance with the Kansas Administrative Regulations 5-1-4 through 5-1-12 adopted by the Chief Engineer. The water right owner shall notify the Chief Engineer when installation of the water meter has been completed. The water right owner shall maintain the water meter in an operating condition satisfactory to the Chief Engineer, at all times during diversion of water and shall maintain records from which the total quantity of water diverted may be determined. The water right owner shall also report the reading of said water meter and the total quantity of water diverted annually to the Chief Engineer. Such records shall be furnished to the Chief Engineer by March 1 following the end of each calendar year.

In all other respects, the Certificate of Appropriation issued pursuant to Approval of Application, File No. 31,001, for permit to appropriate water for beneficial use, is as stated and set forth in the Certificate of Appropriation dated October 9, 1995, 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)
County of Riley) SS

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.

Any request for a 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.

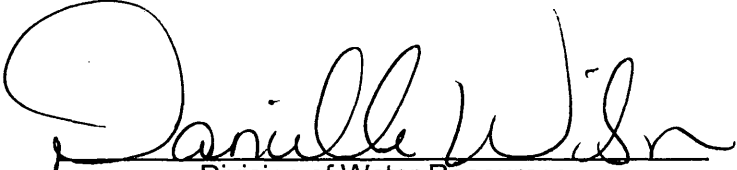
CERTIFICATE OF SERVICE

On this 19th day of February, 2019, I hereby certify that the attached Approval of Application for Change in the Authorized Place of Use and Order in the Matter of the Location of the Authorized Points of Diversion under Water Right, File No. 31,001, dated February 14th 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 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
- Point of Diversion
- Use Made of Water

(Check one or more)

Water Resources
Received
NOV 27 2018
2:45
KS Dept Of Agriculture

File No. 31,001

2. Name of applicant: IRSIK & DOLL FEED SERVICES IND & 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: JHEIMAN@IRSIKANDDOLL

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

Name of water use correspondent: IRSIK & DOLL FEED SERVICES IND & 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

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

EXPANSION WITH FILE NO. 11715-D2

The change(s) (was) (will be) completed by UPON APPROVAL

(Date)

For Office Use Only:

F.O. 4 GMD 3 Meets K.A.R. 5-5-1 (YES / NO) Use STK Source G/S County FT By DAW Date 11/29/18
Code CRU Fee \$ 200 TR # _____ Receipt Date 11/27/18 Check # 45140

APPLICATION COMPLETE

1/7/19
Reviewer LI

DWR 1-120 (Revised 06/16/2014)

Assisted by: _____ LI

SCANNED

11/29/2018 WJ

4. The presently authorized place of use is:

Owner of Land — NAME: IRSIK & DOLL FEED SERVICES IND & 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	FEEDYARD NE ¼ & NW ¼ & SW ¼																

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

Owner of Land — NAME: _____

ADDRESS: _____

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

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

(If there are more than two landowners, attach additional sheets as necessary.)

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

Owner of Land — NAME: IRSIK & DOLL FEED SERVICES IND & 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	FEEDYARD NE ¼ & NW ¼, SW ¼ & SE ¼																
19	24	31W	FEEDYARD N¼SE¼ & S¼NE¼																

List any other water rights that cover this place of use. 11,715-D2

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	

IF MORE SPACE IS NEEDED, ATTACH ADDITIONAL SHEETS AS NECESSARY

NOV 27 2018

KS Dept of Agriculture
SCANNED

- 6. The presently authorized point(s) of diversion are TWO WELLS
(Provide description and number of points)
- 7. The proposed point(s) of diversion are NOT TO CHANGE BUT WILL BE UPDATED TO GPS LOCATIONS IF AVAILABLE.
(Provide description and number of points)

List all presently authorized point(s) of diversion:

8. **Presently authorized point of diversion:**
 One in the NE Quarter of the NE Quarter of the SW Quarter of Section 20, Township 24 South, Range 31 (W), in FINNEY County, Kansas, 2229 feet North 3263 feet West of Southeast corner of section. Authorized Rate _____ Authorized Quantity UPDATE TO ACTUAL PER 11/2015 COMPLIANCE (DWR use only: Computer ID No. 9 GPS 2427 feet North 3446 feet West)
 This point will not be changed This point will be changed as follows: NW NE SW
Proposed point of diversion: (Complete only if change is requested)
 One in the _____ Quarter of the _____ Quarter of the _____ Quarter of Section _____, Township _____ South, Range _____ (EW), in _____ County, Kansas, _____ feet North _____ feet West of Southeast corner of section. Proposed Rate _____ Proposed Quantity _____
 This point is: Additional Well Geo Center List other water rights that will use this point _____

9. **Presently authorized point of diversion:** *STANDARD*
 One in the NC Quarter of the _____ Quarter of the _____ Quarter of Section 20, Township 24 South, Range 31 (W), in FINNEY County, Kansas, 2550 feet North 2700 feet West of Southeast corner of section. Authorized Rate _____ Authorized Quantity _____ (DWR use only: Computer ID No. _____ GPS _____ feet North _____ feet West)
 This point will not be changed This point will be changed as follows:
Proposed point of diversion: (Complete only if change is requested)
 One in the _____ Quarter of the _____ Quarter of the _____ Quarter of Section _____, Township _____ South, Range _____ (EW), in _____ County, Kansas, _____ feet North _____ feet West of Southeast corner of section. Proposed Rate _____ Proposed Quantity _____
 This point is: Additional Well Geo Center List other water rights that will use this point _____

10. **Presently authorized point of diversion:**
 One in the _____ Quarter of the _____ Quarter of the _____ Quarter of Section _____, Township _____ South, Range _____ (EW), in _____ County, Kansas, _____ feet North _____ feet West of Southeast corner of section. Authorized Rate _____ Authorized Quantity _____ (DWR use only: Computer ID No. _____ GPS _____ feet North _____ feet West)
 This point will not be changed This point will be changed as follows:
Proposed point of diversion: (Complete only if change is requested)
 One in the _____ Quarter of the _____ Quarter of the _____ Quarter of Section _____, Township _____ South, Range _____ (EW), in _____ County, Kansas, _____ feet North _____ feet West of Southeast corner of section. Proposed Rate _____ Proposed Quantity _____
 This point is: Additional Well Geo Center List other water rights that will use this point _____

- 11. Describe the current condition of and future plans for any point(s) of diversion which will no longer be used. _____

IF MORE SPACE IS NEEDED, ATTACH ADDITIONAL SHEETS AS NECESSARY

Water Resources Received

NOV 27 2018

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

It is proposed that the use be changed to NO CHANGE purposes.

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

ADDITIONAL QUANTITY WILL BE PROVIDED BY THE CHANGE IN USE MADE OF WATER FILE NO. 11715-D2

(Please show any calculations here.)

14. It is requested that the maximum annual quantity of water be reduced to NO CHANGE (acre-feet or million gallons).

15. It is requested that the maximum rate of diversion of water be reduced to NO CHANGE 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.

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.

Water Resources
Received

NOV 27 2018

IF MORE SPACE IS NEEDED, ATTACH ADDITIONAL SHEETS AS NECESSARY

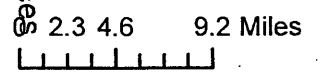
KS Dept Of Agriculture
SCANNED

File No. 31,001 CHANGE IN PLACE OF USE



SCANNED

Kansas Dept. of Agriculture



User LIRELAND

All wells of any kind within one-half mile of the proposed place of use boundary are shown:

Signature _____

Date _____



Kansas Department of Agriculture
Division of Water Resources

16 Nov 2018

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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, Kansas, this 20th day of November, 2018.

John M Petz President
(Owner) _____ (Spouse) _____
(Please Print) _____ (Please Print) _____

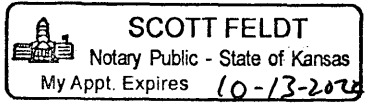
(Owner) _____ (Spouse) _____

(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 20th day of November, 2018.

[Signature]
Notary Public
Notary Public

My Commission Expires 10-13-2022

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 27 2018
SCANNED
KS Dept Of Agriculture

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)	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	11.18

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

ESTIMATED FUTURE NUMBER OF HEAD AND WATER DIVERTED

NEXT 5 YEARS	NUMBER OF HEAD	WATER TO BE DIVERTED (GALLONS)	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	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 SE ¼																
19	24	31W	FEEDYARD IN THE S½ NE¼ & N¼ SE¼																

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.

WATER RESOURCES
RECEIVED

JAN 07 2019

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WATER RESOURCES
RECEIVED

JAN 07 2019

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

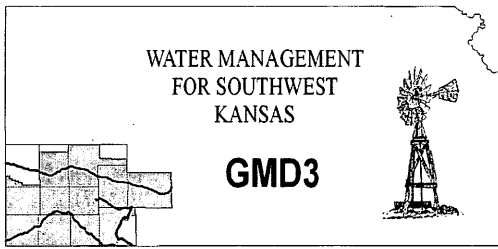
From: Ireland, Leslie [KDA]
Sent: Monday, January 28, 2019 4:28 PM
To: Meyer, Mike [KDA] <Mike.Meyer@ks.gov>
Subject: Recommendation for File Nos. 11715 PU UMW 31001 PU_ IRSIK n DOLL

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

Water Resources
Received

JAN 23 2019

KS Dept Of Agriculture

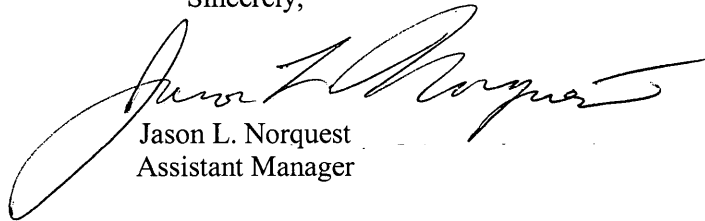
RE: Applications for Change in Place of Use
Water Right, File Nos. 11715 D2 & 31001
Reduction Requests
Water Right, File Nos. 7695, 9089, 24075 & 33018

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

ELECTRONIC COPY REC 1/19/19 -
SEE FILE NO. 11715-02 - LIT/DWA

SCANNED

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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JAN 17 2019

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

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

FILE COPY

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,

Leslie Ireland
Environmental Scientist
Water Appropriation Program

LI:li
Enclosures

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

SCANNED

Ireland, Leslie [KDA]

From: Jon Heiman <jheiman@irsikanddoll.com>
Sent: Monday, November 12, 2018 3:55 PM
To: Ireland, Leslie [KDA]
Subject: RE: Water Right, File No. 31001 Change Application and Reductions

EXTERNAL: This email originated from outside of the organization. Do not click any links or open any attachments unless you trust the sender and know the content is safe.

Thanks Leslie.

Should the place of use of 31,001 include at least a portion of SW ¼?

Were acres calculated off aerial photos? With circles larger and off-set, tough to determine acres.

Is it correct that there will be no loss of water with the acres reduction only in converting 11,715-D2 from irrigation to stock?

Jon

From: Ireland, Leslie [mailto:Leslie.Ireland@ks.gov]
Sent: Thursday, November 08, 2018 4:03 PM
To: Jon Heiman <jheiman@irsikanddoll.com>
Cc: Meyer, Mike [KDA] <Mike.Meyer@ks.gov>
Subject: Water Right, File No. 31001 Change Application and Reductions

Jon,

This took a little doing as there were a few mistakes that needed to be fixed on the paperwork and in our database. Nothing major just the acres in the North half of the Southeast quarter were flipped... just small things like that... however should you see something that doesn't look right please let me know. It looks like the reductions will result in 818 acres remaining for irrigation use under File Nos. 7,695; 9,089; 11,715 D2; 24,075 & 33,018. The application maps are all in one file except for the change.

The change in place of use application for the Stockwatering Use under File No. 31,001 and a map is also attached. It will need to be submitted with the owner's notarized signature and the filing fee of \$200, submitted to our office at:

Kansas Department of Agriculture
Division of Water Resources
1320 Research Park Drive
Manhattan, KS 66502

The reduction applications and map for each file authorizing the irrigated acres will need a notarized signature, there is no fee for these requests.

Please let me know if you have any questions, but will be at a conference till Thursday Nov 15.

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

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

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

November 29, 2018

RE: File No 31001

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
- 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.

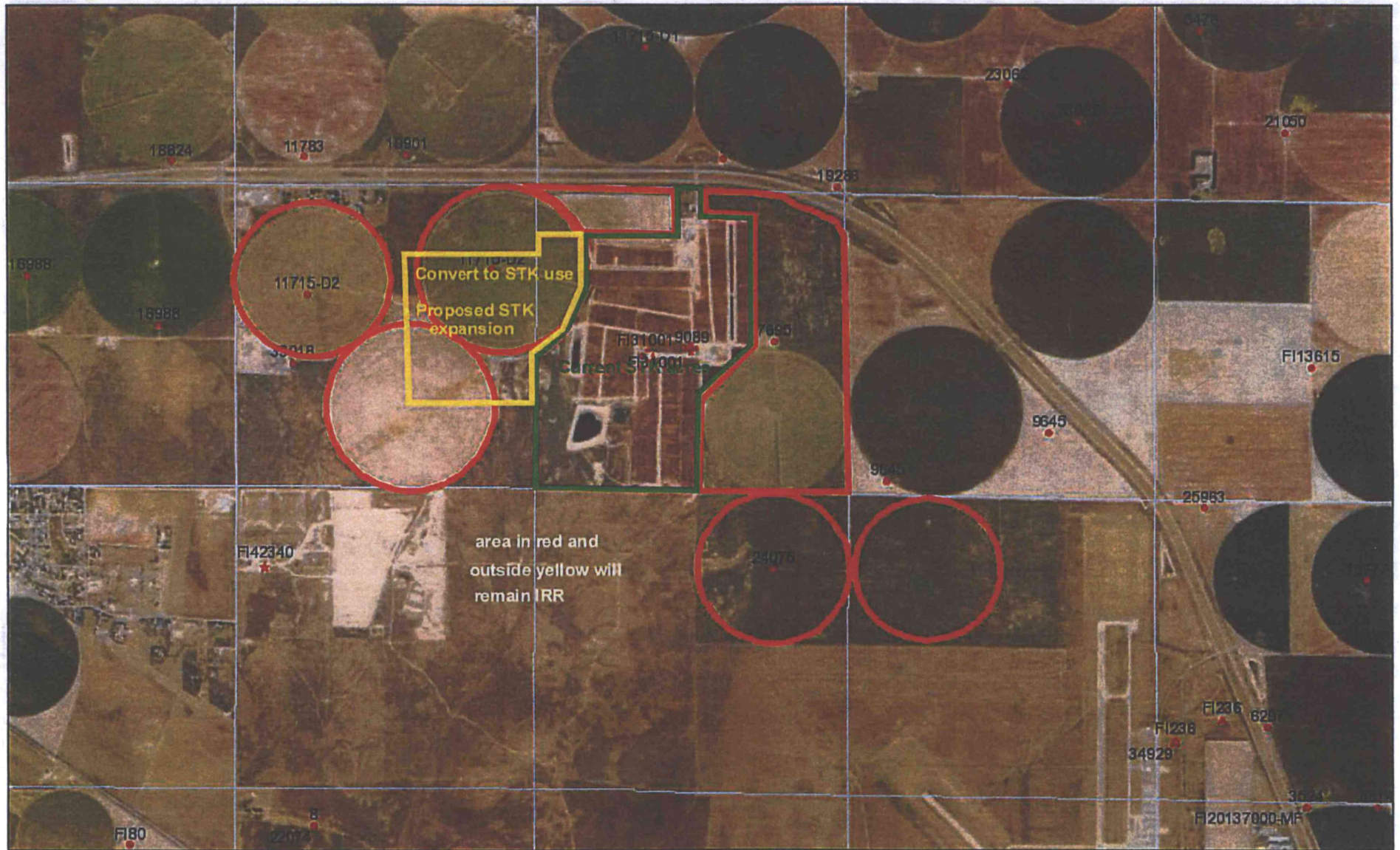
If you have any questions, please contact me at (785) 564-6645. If you wish to discuss a specific file, please have the file number ready so that we may help you more efficiently.

Sincerely,

Brent Tournay, 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	+	CON	🔴	FPR	▲	MUN	⚡	THX	
?	Other	⊠	DEW	+	HYD	⚡	REC	?	Empty
•	IRR	🏠	DOM	★	IND	⊠	STK	□	Sections

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JAN 17 2019

KS DEPT OF AGRICULTURE

