

Kansas Department of Agriculture
 Division of Water Resources
CHANGE: PU & UMW WORKSHEET DUAL USE UMW CHG

1. File Number: 38678	2. Status Change Date: 7/29/2020	3. Change Num: C1	4. Field Office: 04	5. GMD: 01
6. Status: <input checked="" type="checkbox"/> Approved <input type="checkbox"/> Denied by DWR/GMD <input type="checkbox"/> Dismiss by Request/Failure to Return				7. Filing Date of Change: 3/9/2020
8a. Applicant(s) New to system <input type="checkbox"/> Person ID _____ Add Seq# _____ LANE COUNTY FEEDERS LLC SCOTT FOOTE 16 W ROAD 230 DIGHTON KS 67839		8c. Landowner(s) New to system <input type="checkbox"/> Person ID _____ Add Seq# _____		
8b. Landowner(s) New to system <input type="checkbox"/> Person ID 10126 Add Seq# _____ LANE COUNTY FEEDERS LLC MANAGER 16 W ROAD 230 DIGHTON KS 67839		8d. WUC New to system <input type="checkbox"/> Person ID 10126 Add Seq# _____ LANE COUNTY FEEDERS LLC MANAGER 16 W ROAD 230 DIGHTON KS 67839		
9. Documents and Enclosure(s): <input checked="" type="checkbox"/> DWR Meter(s) Date to Comply: 12/31/20 <input type="checkbox"/> N & P Date to Comply: _____ <input type="checkbox"/> Anti-Reverse Meter <input type="checkbox"/> Meter Seal <input type="checkbox"/> Check Valve <input type="checkbox"/> N & P Form <input type="checkbox"/> Water Tube <input type="checkbox"/> Driller Copy <input type="checkbox"/> H & E Letter <input type="checkbox"/> Conservation Plan Date Required: _____ Date Approved: _____ Date to Comply: _____				
10. Use Made of Water From: IRR To: DUAL IRR/STK				
Date Prepared: 7/23/2020 By: li Date Entered: 8/3/2020 By: LMoody				

File No. 38678	11. County: LE	Basin: WALNUT CREEK	Stream: NA	Formation Code: 211	Special Use: NA																				
12. Points of Diversion Rate and Quantity Authorized Additional MOD PDIV Qualifier S T R ID 'N 'W Comment (AKA Line) Rate gpm Quantity AF Rate gpm Quantity AF Overlap PD Files ENT																									
MOD	20950	SW NE NW	10	17	29W 4 4013 3840 DUAL IRR/STK	400	142	400	142	NONE															
13. Storage: Rate _____ NF Quantity _____ ac/ft Additional Rate _____ NF Additional Quantity _____ ac/ft																									
14. Limitation: 115.16 af/yr at _____ gpm (_____ cfs) when combined with file number(s) DUAL IRR /STK USE Limitation: _____ af/yr at _____ gpm (_____ cfs) when combined with file number(s) _____																									
15. 5YR Allocation: Allocation Type _____ Start Year _____ 5 YR Amount _____ Amount Unit _____ Base Acres _____ Comment _____																									
16. Place of Use		NE¼				NW¼				SW¼				SE¼				Total	Owner	Chg?	Overlap Files				
CHK		NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE		*** 10427; 18618; 23880; 30132						
MOD		¼	¼	¼	¼	¼	¼	¼	¼	¼	¼	¼	¼	¼	¼	¼	¼		37688; 38457; 38458; 38677 & 38678						
DEL	PUSE	S	T	R	ID																				
ENT	38354	2	17	29W	1	FEEDLOT (SE SE)																8a	NO	***	
	11236	11	17	29W	2	FEEDLOT (N ½ & SW)																8a	NO	***	
	11471	1	17	29W	4	FEEDLOT (SW)																8a	NO	***	
	19669	12	17	29W	2	FEEDLOT (NW)																8a	NO	***	
	9124	10	17	29W	1	31.25	31.25	31.25	31.25	31.25	31.25	31.25	31.25									250	8a	NO	38677
Base Acres: _____ Year: _____ Minimum Reasonable Quantity: _____ Comments: NEED POP UP TEMPORARY QUANTITY REDUCTION QUANTITY LIMITED TO 115.6 AF as long as stockwatering use is desired																									

KANSAS DEPARTMENT OF AGRICULTURE
Division of Water Resources

MEMORANDUM

TO: Files **DATE:** July 22, 2020
FROM: Leslie Ireland **RE:** Water Right, File Nos. 10,427; 18,618;
23,880; 30,132; 37,688; 38,457; 38,458;
38,677 and 38,678

Scott Foote on behalf of Lane Cattle Feeders, LLC., as owner of the referenced water rights, has filed applications for all of the referenced files to change the place of use authorized for stockwatering use. Additionally, File Nos. 23,880; 38,677 and 38,678 propose use made of water changes as dual use and File Nos. 38,457 and 38,458 request a change in point of diversion. The applications were received on March 9, 2020. The applications were prepared by Craig Griswold, I.E., KLA Environmental Services, Incorporated.

The water rights do not appear to be abandoned as per K.S.A. 82a-718, *Abandonment of water rights*, and in compliance with K.S.A.82-732, *Annual water use report required; penalty for violations*. The applications appear to comply with K.A.R. 5-5-2a, *Complete change application*.

The requested changes in point of diversion are for Water Right, File Nos. 38,457 and 38,458, both authorized for stockwatering from separate wells. File No. 38,457, referenced as Well #3, is authorized 2.9 million gallons per year (mgy) (8.90 acre-feet (AF)) at 57 gallons per minute (GPM). File No. 38,458, referenced as Well #3 South, provides only 43 GPM additional rate as it is limited to 2.9 mgy (8.90 AF) at 100 GPM when combined with File No 38,457. The changes in points of diversion is to consolidate them to the well authorized by File No. 10,427. The rights will move approximately 740 and 630 feet. The authorized wells are located in the far Southeast Quarter (SE $\frac{1}{4}$ SE $\frac{1}{4}$ SE $\frac{1}{4}$) of Section 2, with the proposed existing well located in the (SW $\frac{1}{4}$ SW $\frac{1}{4}$ SW $\frac{1}{4}$) at a 2008 GPS determined location of 111 feet North and 5,172 feet West of the Southeast corner of Section 1, all in Township 17 South, Range 29 West, Lane County. The source of supply for all of the wells has been determined to be the Ogallala Formation (Code 211). The rights are not located in a special use area but are in the Western Kansas Groundwater Management District No. 1, (GMD 1). The source of supply for all the wells has been determined to be the Ogallala Formation (Code 211).- The applicant has indicated the two(2) wells no longer authorized will be capped.

The owners requested a **waiver of K.A.R. 5-21-3, Well spacing requirements**. The waiver is needed due to the proposed existing well is located less than the 2,640 feet from two (2) irrigation wells and one (1) stockwatering well. The applicant owns the stockwatering well and one (1) of the irrigation wells. The owner and water use correspondent of the other irrigation well, authorized by File Nos. 5,523 & 15,120, were informed by letter dated May 13, 2020. No comments of any kind were received. It appears the requirement of K.S.A. 82a-1906, *Notifications and publications of certain applications and orders*, has been met.

The requested changes in place of use are only for stockwatering. The two separate stockwatering facilities (purchased a defunct swine facility) will be combined and the footprint expanded in Section 11 to authorize the North Half and Southwest Quarter (N $\frac{1}{2}$) & (SW $\frac{1}{4}$). Currently, stockwatering authorized under File Nos. 10,427; 18,618; 30,132 & 37,688, is located in Sections 1, 11 & 12. The place of use authorized by File Nos. 38,457 & 38,458, is the Southeast Quarter of the Southeast Quarter (SE $\frac{1}{4}$ SE $\frac{1}{4}$) of Section 2. The changed in place of use will authorize stockwatering as:

a feedyard located in the Southwest Quarter (SW $\frac{1}{4}$) of Section 1, the Southeast Quarter of the Southeast Quarter (SE $\frac{1}{4}$ SE $\frac{1}{4}$) of Section 2, the North Half (N $\frac{1}{2}$) and the Southwest Quarter (SW $\frac{1}{4}$) of Section 11, and in the Northwest Quarter (NW $\frac{1}{4}$) of Section 12, all in Township 17 South, Range 29 West, Lane County, Kansas.

The existing stockwatering under File Nos. 10,427; 18,618; 30,132; 37,688; 38,457 & 38,458, provide a total of 580.63 acre-feet (AF) per year or 189.20 million gallons per year (mgy).

Change to dual irrigation and stockwatering use File Nos. 23,880; 38,677 and 38,678

These appropriations authorize only irrigation use each from their own point of diversion, with the irrigated place of use under File Nos. 38,677 & 38,678 overlapped. There are no additional limitations. The request for dual use of water that will allow for both stockwatering use and irrigation use in any calendar year, and request temporary reductions/limitations in quantity based on K.A.R. 5-5-9, *Approval of application for a change in the use made of water from irrigation to any other type of beneficial use of water*, calculations.

The regulation applies a consumptive use (CU) adjustment of 81.1% for Lane County (LE Co). The quantity for the temporarily requested dual use:

File No. 23,880: 202 AF X .811(LE Co CU) = 163.82AF or 53.38 mgy
File No. 38,677: 171 AF X .811(LE Co CU) = 138.10AF or 45.19 mgy
File No. 38,678: 142 AF X .811(LE Co CU) = 115.16AF or 37.52 mgy

The reductions assure compliance with per KAR 5-5-3, *Change in consumptive use*. The dual use adds a combined total of 417.67 AF or 136.10 million gallons per year to the stockwatering operation. While these three (3) files are permitted as dual use a total of 998.3 AF per year (325.30 mgy) will be authorized for stockwatering.

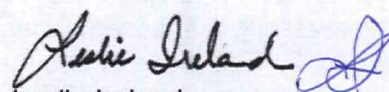
As detailed in KAR 5-3-22, *Maximum reasonable quantity of water for livestock and poultry*, the 70,000 head would be afforded a maximum reasonable quantity of 1,176 AF per year (383.25 mgy) at 15 gallons per head per day. The justified and authorized quantity appear to be reasonable and no additional limitations on the overall stockwatering quantity will be needed.

In a letter dated June 17, 2020, Kyle Spencer, District Manager, GMD 1, stated the Board unanimously **voted to waive K.A.R. 5-21-3 for File Nos. 38,457 & 38,458** and recommended approval of all the applications for change referenced above.

In an e-mail dated July 17, 2020, Michael Meyer, Water Commissioner, Garden City Field Office, indicated that he recommended approval of the applications and supported the requested waivers.

Water flowmeters will be required for each use by the dual use wells and the standard condition for flowmeters and check valves will be on the approvals. The changes in point of diversion will not require water level measurement tubes as rate is low and proposed point of diversion dates from 1964. A notice of completion will be required for File Nos. 38,457 and 38,458.

Based on the above discussion, that the waivers of K.A.R. 5-21-3, may be granted, and that it appears impairment to existing water rights is unlikely, and that no change in the local source of supply will occur, that the approvals would be in compliance with K.A.R. 5-5-9, not increasing the historical consumptive use, the referenced applications have been recommended to be approved.


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, Secretary

Laura Kelly, Governor

LANE COUNTY FEEDERS LLC
SCOTT FOOTE
16 W ROAD 230
DIGHTON, KS 67839-5050

RE: Water Right, File Nos. 10,427; 18,618; 23,880; 30,132; 37,688; 38,457; 38,458; 38,677 and 38,678

Dear Mr. Foote:

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

Your attention is directed to the enclosures and to the terms, conditions, and limitations specified in these approvals for change. A condition of these approvals is that an acceptable water flowmeter must be installed so both irrigation and stockwatering uses can be metered independent of each other, from each of the diversion works under File Nos. 23,880; 38,677 and 38,678, prior to the diversion of water. Additionally, a Notice of Completion will be needed for File Nos. 38,457 and 38,458. Please return the required notification of completion of the diversion works and/or installation of the required flowmeter as soon as these actions are completed.

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

If you have any questions regarding the installation of the required flowmeters, please contact Michael Meyer, with our Garden City Field Office at 620-276-2901. If you call, please reference the file number so we can help you more efficiently.

Sincerely,

Richelle A. Krueger
Environmental Scientist
Water Appropriation Program

RAK:LI:li
Enclosures
pc: Garden City Field Office
Groundwater Management District No. 1

THE STATE OF KANSAS



KANSAS DEPARTMENT OF AGRICULTURE
Mike Beam, Secretary of Agriculture

DIVISION OF WATER RESOURCES
Christopher W. Beightel, Acting Chief Engineer

APPROVAL OF APPLICATION FOR CHANGE IN USE MADE OF WATER, PLACE OF USE AND ORDER IN THE MATTER OF THE AUTHORIZED QUANTITY OF WATER WATER RIGHT, FILE NO. 38,678

The Chief Engineer, Division of Water Resources, Kansas Department of Agriculture, after due consideration of the written application of Scott Foote on behalf of Lane County Feeders LLC, 16 W Road 230, Dighton, Kansas 67839-5050, received in this office on March 9, 2020, for approval of a change in the location of the place of use and the use made of water, under the certificate of appropriation issued pursuant to the application for permit to appropriate water for beneficial use, finds that the change is reasonable and will not impair existing rights, and that the application should be and is hereby approved.

The authorized quantity of water under this right will remain 142 acre-feet (46.27 million gallons) per calendar year. This order effectively limits the authorized quantity of water to 115.16 acre-feet (37.52 million gallons) per calendar year for both stockwatering and irrigation uses combined. That the limitation on the quantity of water shall exist until such a time that the quantity of water for stockwatering use authorized by this approval is no longer required.

The effective date of the change shall be the date this order is executed by the Chief Engineer, after which the portion retained for irrigation use shall be authorized a maximum quantity not to exceed:

115.16 acre-feet (37.52 million gallons) of groundwater per calendar year,

for irrigation use on the following described property:

Sec. Twp. Range	NE¼				NW¼				SW¼				SE¼				TOTAL
	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	
10 17S 29W	31.25	31.25	31.25	31.25	31.25	31.25	31.25	31.25									250.00

a total of 250.00 acres in Township 17 South, Range 29 West,
Lane County, Kansas.

The portion changed to stockwatering use shall be authorized a quantity not to exceed:

115.16 acre-feet (37.52 million gallons) of groundwater per calendar year,

the location of the stockwatering place of use shall be:

a feedlot located in the Southwest Quarter (SW¼) of Section 1, the Southeast Quarter of the Southeast Quarter (SE¼ SE¼) of Section 2, the North Half (N½) and the Southwest Quarter (SW¼) of Section 11, and in the Northwest Quarter (NW¼) of Section 12, all in Township 17 South, Range 29 West, Lane County, Kansas,

all 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 a separate acceptable water meter for each use made of water for 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 meters has been completed. The water right owner shall maintain the water meters 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 for irrigation and stockwatering use may be determined. The water right owner shall also report the reading of said water meters 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. 38,678 for permit to appropriate water for beneficial use, is as stated and set forth in the Certificate of Appropriation dated June 4, 1997.

Ordered this 29 day of July, 2020, in Manhattan, Riley County, Kansas.



Christopher W. Beightel
Christopher W. Beightel, P.E.
Acting Chief Engineer
Division of Water Resources
Kansas Department of Agriculture

State of Kansas }
County of Riley } SS

The foregoing instrument was acknowledged before me this 29 day of July 2020, by, Christopher W. Beightel, P.E., Acting Chief Engineer, Division of Water Resources, Kansas Department of Agriculture.



Ashlee Freeman
Notary Public

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

MAR 09 2020

1157

KS Dept Of Agriculture

File No. 38,678 (IRR)

2. Name of applicant: Lane County Feeders, LLC

Address: 16 W Road 230

City, State and Zip: Dighton, KS 67839

Phone Number: (620) 397-5341

E-mail address: scott@feedcattle.com

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

Name of water use correspondent: Same as applicant

Address: _____

City, State and Zip: _____

Phone Number: () _____

E-mail address: _____

3. The change(s) proposed herein are desired for the following reasons (please be specific): Changes will create a complete overlap in place of use with all other stock water rights, which includes the expanded place of use. Additionally, the changes will provide additional stockwater for the expansion.

NOTE: Lane County Feeders, LLC will also be filing PU changes on File Nos. 10,427; 18,618; 30,132; 37,688; 38,457 and 38,458. Changes in PU and Use Made of Water will be filed for File Nos. 23,880 and 38,677.

The change(s) (will be) completed upon approval

(Date)

For Office Use Only:

F.O. 4 GMD 1 Meets K.A.R. 5-5-1 (YES/NO) Use IRR Source G/S County LE By LI Date 3/9/20
Code C2 Fee \$ 506.00 TR # _____ Receipt Date 3/9/20 Check # 41505

APPLICATION COMPLETE

7/17/20

Reviewer LI

SCANNED

4. The presently authorized place of use is:

Owner of Land — NAME: Lane County Feeders, LLC

ADDRESS: 16 W Road 230, Dighton, KS 67839

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	
10	17S	29W	31.25	31.25	31.25	31.25	31.25	31.25	31.25	31.25									250

List any other water rights that cover this place of use. 38,677

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: Lane County Feeders, LLC

ADDRESS: 16 W Road 230, Dighton, KS 67839

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	
			Stockwatering use at Lane County Feeders, LLC located in Sections 1,2,11, and 12, in Township 17 South, Range 29 West, Lane County, Kansas. <i>* See update on Pur No. 10247.</i>																

List any other water rights that cover this place of use. 10,427; 18,618; 30,132; 37,688; 38,457; 38,458; 23,880; 38,677

Owner of Land — NAME: Lane County Feeders, LLC

ADDRESS: 16 W Road 230, Dighton, KS 67839

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	
10	17S	29W	31.25	31.25	31.25	31.25	31.25	31.25	31.25	31.25									250

List any other water rights that cover this place of use. 38,677

IF MORE SPACE IS NEEDED, ATTACH ADDITIONAL SHEETS AS NECESSARY

Water Resources
Received

SCANNED

MAR 09 2020

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

7. The proposed point(s) of diversion (is) (are) NO CHANGE
(Provide description and number of points)

List all presently authorized point(s) of diversion:

8. **Presently authorized point of diversion:**
 One in the SW Quarter of the NE Quarter of the NW Quarter of Section 10, Township 17 South, Range 29 (W), in LANE County, Kansas, 4013 feet North 3840 feet West of Southeast corner of section.
 Authorized Rate 400 gpm Authorized Quantity 142 AF
 (DWR use only: Computer ID No. GPS feet North feet West)
 This point will not be changed This point will be changed as follows: NO GPS UP/DOWN
Proposed point of diversion: (Complete only if change is requested)
 One in the Quarter of the Quarter of the Quarter of Section , Township South, Range (E/W), in County, Kansas, feet North feet West of Southeast corner of section.
 Proposed Rate Proposed Quantity
 This point is: Additional Well Geo Center List other water rights that will use this point

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

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

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

IF MORE SPACE IS NEEDED, ATTACH ADDITIONAL SHEETS AS NECESSARY

SCANNED

Water Resources
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MAR 09 2020

KS Dept Of Agriculture

12. The presently authorized use of water is for IRRIGATION purposes.
It is proposed that the use be changed to STOCKWATERING AND IRRIGATION purposes.

13. If changing the place of use and/or use made of water, describe how the consumptive use will not be increased.
CHANGE APPLICATIONS WILL ENSURE NO INCREASE IN CONSUMPTIVE USE BY COMPLYING WITH THE PROVISIONS OF K.A.R. 5-5-9. PLEASE REFER TO THE ENCLOSED CALCULATIONS AND RELATED DOCUMENTATION FOR MORE DETAILED INFORMATION. IN THE EVENT THIS WATER RIGHT IS NO LONGER NECESSARY FOR STOCK USE, THE OWNER REQUESTS THE ABILITY TO REVERT TO THE FULL IRRIGATION QUANTITY. OF 142 AF @ 400 GPM. DUAL USE: 142 X 81.1% = 115.162 AF
(Please show any calculations here.)

14. It is requested that the maximum annual quantity of water be reduced to 115.162 AF 37.526 MGY (acre-feet or million gallons).

15. It is requested that the maximum rate of diversion of water be reduced to 400 gallons per minute (0.891 c.f.s.).

16. The application must include either a topographic map or detailed plat. A U.S. Geological Survey Topographic Map, scale 1:24,000, is available through the Kansas Geological Survey, 1930 Constant Avenue, University of Kansas, Lawrence, Kansas 66047-3726 (www.usgs.gov). The map should show the location of the presently authorized point(s) of diversion. Distances North and West of the Southeast corner of the section must be shown. The presently authorized place of use should also be shown. Identify the center of the section, the section lines and the section corners and show the appropriate section, township, and range numbers on the map. In addition the following information must also be shown on the map.

- a. If a change in the location of the point(s) of diversion is proposed, show:
 - 1) The location of the proposed point(s) of diversion. Distances North and West of the Southeast corner of the section must be shown. Please be certain that the information shown on the map agrees with the information shown in Paragraph Nos. 9, 10 and 11 of the application.
 - 2) If the source of supply is groundwater, please show the location of existing water wells of any kind, including domestic wells, within 1/2 mile of the proposed well or wells. Identify each well as to its use and furnish name and mailing address of the property owner or owners. If there are no wells within 1/2 mile, please indicate so on the map.
 - 3) If the source of supply is surface water, the names and mailing addresses of all landowner(s) 1/2 mile downstream and 1/2 mile upstream from your property lines must be shown.
- b. If a change in the place of use is desired, show the proposed place of use by crosshatching on the map. Please be certain that the information shown on the map agrees with the information shown in Paragraph No. 5 of the application.

17. Attach documentation to show the change(s) proposed herein will not impair existing water rights and relates to the same local source of supply as to which the water right relates. This information may include statements, plats, geology reports, well logs, test hole logs, and other information as necessary information to show the above. Additional comments may be made below.

NO CHANGE IN WELL LOCATION OR LOCAL SOURCE OF SUPPLY WATER.

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.

N/A

IF MORE SPACE IS NEEDED, ATTACH ADDITIONAL SHEETS AS NECESSARY

Water Resources
Received

SCANNED

MAR 09 2020

KS Dept Of Agriculture

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 Hoxie, Kansas, this 4th day of March, 2020.

[Signature]

(Owner)

(Spouse)

Scott Foste

(Please Print)

(Please Print)

(Owner)

(Spouse)

(Please Print)

(Please Print)

(Owner)

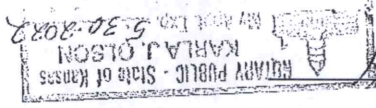
(Spouse)

(Please Print)

(Please Print)

State of Kansas }
County of Sheridan } SS

I hereby certify that the foregoing application was signed in my presence and sworn to before me this 4 day of March, 2020.



[Signature]

Notary Public

My Commission Expires 5-30-2022

FFF 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

SCANNED

MAR 09 2020

KS Dept Of Agriculture

Ireland, Leslie [KDA]

From: Meyer, Mike [KDA]
Sent: Friday, July 17, 2020 11:02 AM
To: Ireland, Leslie [KDA]
Subject: RE: Recommendation for Change in UMW PD & PU, File Nos. 10,427; 18,618, 23,880xx Lane Co Feeders

yes approve please, need to get these approved for them to be legal

Mike

From: Ireland, Leslie [KDA] <Leslie.Ireland@ks.gov>
Sent: Friday, July 17, 2020 10:23 AM
To: Meyer, Mike [KDA] <Mike.Meyer@ks.gov>
Subject: Recommendation for Change in UMW PD & PU, File Nos. 10,427; 18,618, 23,880xx Lane Co Feeders

Mike,

Please let me know if you would recommend these changes for dual use and the pd changes. The PD changes have a waiver of 5-31-3 recommended by GMD1 Board in June.

It appears to be a consolidation of the stockwatering PU and two of the PDs.

As always comments and concerns are welcome.

Leslie Ireland
Environmental Scientist
Change Application Unit
Division of Water Resources





6/17/2020

Water Resources
Received

KS Dept Of Agriculture

WESTERN KANSAS GROUNDWATER MANAGEMENT DISTRICT NO.1

June 17, 2020

Leslie Ireland
Environmental Scientist
Water Appropriation Program
Division of Water Resources
1320 Research Park Drive
Manhattan, KS. 66502

RE: Water Right File No. 10427, 18618, 30132, 37688, 38457, 38458,
23880, 38677 and 38678

Dear Ms. Ireland,

At the June 17, 2020 Western Kansas Groundwater Management District No. 1's board meeting, the Board of Directors voted unanimously to waive K.A.R. 5-21-3 for File's 38457 & 38458 and recommend approval of all the referenced applications.

Sincerely,

Kyle Spencer
District Manager

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, Secretary

Laura Kelly, Governor

June 3, 2020

WESTERN KANSAS GROUNDWATER
MANAGEMENT DISTRICT NO 1
KYLE SPENCER
PO BOX 604
SCOTT CITY KS 67861

Re: Applications for Change,
Water Right, File Nos. 10,427; 18,618; 30,132; 37,688; 38,457; 38,458; 23,880; 38,677 and
38,678

Dear Mr. Spencer:

In response to your June 3, 2020, E-mail, the Chief Engineer has extended the time in which to submit the recommendations concerning the March 18, 2020, applications referenced above.

At your request 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.

Please submit your recommendations within the allotted time, or any authorized extension of time thereof. If you wish to refer to a specific file, please reference it when you contact us.

Sincerely,

A handwritten signature in black ink that reads "Leslie Ireland". The signature is written in a cursive, flowing style.

Leslie Ireland
Environmental Scientist
Water Appropriation Program

LI:li

pc: Garden City Field Office
epc: Craig Griswold, I.E., KLA Environmental



WESTERN KANSAS GROUNDWATER MANAGEMENT DISTRICT NO.1

6/3/2020

Water Resources
Received

KS Dept Of Agriculture

June 3, 2020

Leslie Ireland
Environmental Scientist
Change Application Unit
Division of Water Resources
1320 Research Park Drive
Manhattan, KS. 66502

RE: Change Application Water Right File No. 10427, 18618, 30132, 37688, 38457, 38458,
23880, 38677 and 38678

Dear Ms. Ireland,

On behalf of the Western Kansas Groundwater Management District No. 1 Board of Directors, I would like to request a 10 day extension of time in order to review the referenced Change Applications. The next Board Meeting is scheduled to be held on June 17, 2020. The Applications are scheduled to be reviewed at that time.

Thank you for your consideration of this request.

Sincerely,

Kyle Spencer
District Manager

From: Ireland, Leslie [KDA]
Sent: Wed 6/3/2020 11:51 AM
To: Anderson, Katie [KDA];Freeman, Ashlee [KDA]
Subject: FW: Lane County Feeders Change Applications 10427xx
Attachments: Lane County feeders.pdf, 10427xx ltr email ext beam li sign_ pc kla_ 4_1.pdf

Please archive the attached incoming letter and email below, and then one for outgoing correspondence. I'll send electronically to GMD1 & KLA PC but will leave the GCFO to you guys per your SOP.

Thank you,
Leslie

From: WKGMD <gmd1@wbsnet.org>
Sent: Wednesday, June 3, 2020 10:24 AM
To: Ireland, Leslie [KDA] <Leslie.Ireland@ks.gov>
Subject: RE: Lane County Feeders Change Applications 10427xx

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.

Hi Leslie,

Attached is the extension request, I asked for 10 days but realistically as long as we have our scheduled meeting on the 17th, I should have the recommendation to you on the 18th.
Extension via email is fine, mainly just wanted you to know the recommendation wouldn't be within 15 days.

Thanks,
Kyle-GMD1

From: Ireland, Leslie [KDA] [<mailto:Leslie.Ireland@ks.gov>]
Sent: Wednesday, June 03, 2020 8:50 AM
To: WKGMD <gmd1@wbsnet.org>
Subject: RE: Lane County Feeders Change Applications 10427xx

Hi Kyle,

I was going to touch base with you today.

No worries with mail, you can email me your letter as a PDF and I'll get it in the records. I'll respond in kind if that is OK with your procedure? If you'd rather have a mailed letter that is OK and we can do that too. Just need to know extension via email? or US Post mail?

Yesterday I did make an update to the two PD change applications the unauthorized points of diversion will be capped. I had asked Craig Griswold, KLA Environmental about it earlier and he had just gotten back with me. I'll let him know of the extension.

Thank you for letting me know about your receipt of the apps.

Take care,
Leslie Ireland
Environmental Scientist
Change Application Unit
Division of Water Resources



From: WKGMD <gmd1@wbsnet.org>
Sent: Tuesday, June 2, 2020 4:37 PM
To: Ireland, Leslie [KDA] <Leslie.Ireland@ks.gov>
Subject: RE: Lane County Feeders Change Applications 10427xx

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.

Hi Leslie,

Sorry I forgot to let you know, I do have all the applications now so you can remove the files anytime.

Hate to hold things up but I will be sending a request for an extension until after our June 17th board meeting due to the board will need to grant a waiver for stacking the whopping 8.9AF on to 10427.

Under the CV19 circumstances would you prefer the extension request by email or snail mail or both?

Thanks,
Kyle

From: Ireland, Leslie [KDA] [<mailto:Leslie.Ireland@ks.gov>]
Sent: Friday, May 29, 2020 3:24 PM
To: kyle Spenser (gmd1@wbsnet.org) <gmd1@wbsnet.org>
Subject: Lane County Feeders Change Applications 10427xx

Kyle,

Attached please find a letter requesting the review and recommendation of the change applications submitted by Lane County Feeders.

I was unable to get the emails to go through the server. So I placed the applications on our web site in a file named **10427_xx_Lane Feeders** \\ag-sftp\SFTP-Data\DWR-WEB.

There is no rush, but when you are done with them could you please let me know so I can remove the files from the site.

Take care,
Leslie Ireland
Environmental Scientist
Change Application Unit
Division of Water Resources



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, Secretary

Laura Kelly, Governor

May 14, 2020

JOE BOB JAMES TRUST
Attn: DIANA JAMES-CAIRNS CO TTE
210 NIMITZ AVE
REDWOOD CITY, CA 94061

RE: Water Right, File Nos. 10,427; 18,618; 23,880; 30,132; 37,688; 38,457; 38,458; 38,677 & 38,678

Dear Sir or Madam:

This letter is to **provide notice** as required by K.S.A. 82a-1906, which became effective on July 1, 2016.

Lane County Feeders LLC, owner of the referenced water rights has filed applications for approval of the Chief Engineer, Division of Water Resources, Kansas Department of Agriculture.

The applications under File Nos. 23,880; 38,677 & 38,678, propose a change in place of use and the use made of water to allow the irrigation use to authorize irrigation and stockwatering use as allowed by K.A.R. 5-5-9. These three applications proposed a reduced combined annual quantity of 417.66 acre-feet (136.095 million gallons) per calendar year for the dual use allotment. As allowed per dual use the changes not alter the authorized quantity of water or rate of diversion when the rights are operated solely for irrigation use. The acres comprising the irrigated place of use will remain as authorized in Sections 1 & 10, Township 17 South, Range 29 West, all in Lane County, Kansas. The proposed place of use for the stockwatering use will be located and in conjunction with the proposed changes in place of use applications under stockwatering use, Water Right, File Nos. 10,427; 18,618; 30,132; 37,688; 38,457; 38,458, at the existing feedlot located in Sections 1, 2, 11, and 12, in Township 17 South, Range 29 West, Lane County, Kansas.

The applications under File Nos. 38,457 & 38,458, proposed to also change the authorized points of diversion

from: File No. 38,457, authorizing one (1) well located in the Southeast Quarter of the Southeast Quarter of the Southeast Quarter (SE $\frac{1}{4}$ SE $\frac{1}{4}$ SE $\frac{1}{4}$) of Section 2, more particularly described as being near a point 530 feet North and 396 feet West of the Southeast corner of said section, and

File No. 38, 458, authorizing one (1) well located in the Southeast Quarter of the Southeast Quarter of the Southeast Quarter (SE $\frac{1}{4}$ SE $\frac{1}{4}$ SE $\frac{1}{4}$) of Section 2, more particularly described as being near a point 330 feet North and 395 feet West of the Southeast corner of said section,

to: an existing well currently authorized by Water Right, File No. 10,427, located in the Southwest Quarter of the Southwest Quarter of the Southwest (SW $\frac{1}{4}$ SW $\frac{1}{4}$ SW $\frac{1}{4}$) of Section 1, more particularly described as being near a point 85 feet North and 5,120 feet West of the Southeast corner of said section,

all in Township 17 South, Range 29 West, Lane County, Kansas.

Notification Letter

File Nos. 10,427; 18,618; 23,880; 30,132; 37,688; 38,457; 38,458; 38,677 & 38,678

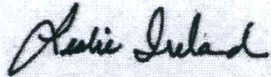
Page 2

The applications as received in our office are posted by water right file number as referenced herein at www.agriculture.ks.gov/divisions-programs/dwr/water-appropriation/notices.

Records in this office indicate that you may have a well or wells in this vicinity of the proposed changes. You are being notified of the proposals as required by K.S.A. 82a-1906. Should you choose, you may furnish this office written comments or other information you may desire to submit. Such written comments or other information must be received in this office within 15 days from the date of this letter.

If you have any questions, please contact me at Leslie.Ireland@ks.gov, or via voicemail message for a callback at 785-234-2450. If contacting me via email or voicemail, please reference one of the listed file numbers so that I may help you more efficiently.

Sincerely,



Leslie Ireland
Environmental Scientist
Water Appropriation Program

pc: Garden City Field Office
Groundwater Management District No. 1

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, Secretary

Laura Kelly, Governor

May 14, 2020

PAULA A & EDWARD L GOUGH
15 W RD 200
DIGHTON, KS 67839

RE: Water Right, File Nos. 10,427; 18,618; 23,880; 30,132; 37,688; 38,457; 38,458; 38,677 & 38,678

Dear Sir or Madam:

This letter is to **provide notice** as required by K.S.A. 82a-1906, which became effective on July 1, 2016.

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The applications under File Nos. 38,457 & 38,458, proposed to also change the authorized points of diversion

from: File No. 38,457, authorizing one (1) well located in the Southeast Quarter of the Southeast Quarter of the Southeast Quarter (SE $\frac{1}{4}$ SE $\frac{1}{4}$ SE $\frac{1}{4}$) of Section 2, more particularly described as being near a point 530 feet North and 396 feet West of the Southeast corner of said section, and

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all in Township 17 South, Range 29 West, Lane County, Kansas.

Notification Letter

File Nos. 10,427; 18,618; 23,880; 30,132; 37,688; 38,457; 38,458; 38,677 & 38,678

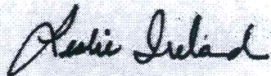
Page 2

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Records in this office indicate that you may have a well or wells in this vicinity of the proposed changes. You are being notified of the proposals as required by K.S.A. 82a-1906. Should you choose, you may furnish this office written comments or other information you may desire to submit. Such written comments or other information must be received in this office within 15 days from the date of this letter.

If you have any questions, please contact me at Leslie.Ireland@ks.gov, or via voicemail message for a callback at 785-234-2450. If contacting me via email, please reference one of the listed file numbers so that I may help you more efficiently.

Sincerely,



Leslie Ireland
Environmental Scientist
Water Appropriation Program

pc: Garden City Field Office
Groundwater Management District No. 1
Alan James, Water Use Correspondent, File Nos. 5,523; 10,820; 15,120 & 17,484

Nearby Notification File List & Letters

Lane County Feeders LLC Change Applications

File Nos. 10,427; 18,618; 23,880; 30,132; 37,688; 38,457; 38,458; 38,677 & 38,678

Nearby Water Right Owners

File Nos. 18,651 & 20,617

LANE COUNTY FEEDERS LLC

Attn: MANAGER

16 W ROAD 230

DIGHTON, KS 67839-5050

Another owner too, but as Lane Co an owner notification seems unnecessary.

File No. 17,484

JOE BOB JAMES TRUST

Attn: DIANA JAMES-CAIRNS CO TTE

210 NIMITZ AVE

REDWOOD CITY, CA 94061

WUC

ALAN JAMES

251 N KARL RD

DIGHTON, KS 67839

File No. 5,439

PAULA A & EDWARD L GOUGH

15 W RD 200

DIGHTON, KS 67839

File Nos. 5523 & 15,120 (well NW of PD changes)

Same as File No. 17,484

File No. 10,820

Same as File No. 17,484

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, Secretary

Laura Kelly, Governor

LANE COUNTY FEEDERS LLC
SCOTT FOOTE
16 W ROAD 230
DIGHTON, KS 67839-5050

August 3, 2020

FILE COPY

RE: Water Right, File Nos. 10,427; 18,618; 23,880; 30,132; 37,688; 38,457; 38,458; 38,677 and 38,678

Dear Mr. Foote:

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

Your attention is directed to the enclosures and to the terms, conditions, and limitations specified in these approvals for change. A condition of these approvals is that an acceptable water flowmeter must be installed so both irrigation and stockwatering uses can be metered independent of each other, from each of the diversion works under File Nos. 23,880; 38,677 and 38,678, prior to the diversion of water. Additionally, a Notice of Completion will be needed for File Nos. 38,457 and 38,458. Please return the required notification of completion of the diversion works and/or installation of the required flowmeter as soon as these actions are completed.

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

If you have any questions regarding the installation of the required flowmeters, please contact Michael Meyer, with our Garden City Field Office at 620-276-2901. If you call, please reference the file number so we can help you more efficiently.

Sincerely,

Richelle A. Krueger
Environmental Scientist
Water Appropriation Program

RAK:LI:li
Enclosures

pc: Garden City Field Office
Groundwater Management District No. 1

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.

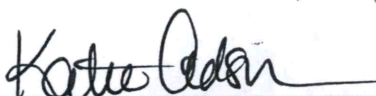
CERTIFICATE OF SERVICE

On this 3rd day of August, 2020, I hereby certify that the attached Approval of Application for Change in Use Made of Water, Place of Use and Order in the Matter of the Authorized Quantity of Water under Water Right, File No. 38,678; dated _____ was mailed postage prepaid, first class, US mail to the following:

LANE COUNTY FEEDERS LLC
SCOTT FOOTE
16 W ROAD 230
DIGHTON, KS 67839-5050

With photocopies to:

Garden City Field Office
Groundwater Management District No.1



Division of Water Resources