

Kansas Department of Agriculture
Division of Water Resources
CHANGE: PD PU UMW WORKSHEET

ADDRESS UPDATE

1. File Number: 14578	2. Status Change Date: 12/14/2021	3. Change Num: C1	4. Field Office: 04	5. GMD: 03
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: 9/20/2021
8a. Applicant(s) New to system <input type="checkbox"/> FEEDYARDS INC Attn: ULYSSES FEEDYARD P O BOX 489 ULYSSES, KS 67880		Person ID <u>65698</u> Add Seq# _____		8c. Landowner(s) New to system <input type="checkbox"/> FEEDYARDS INC Attn: ULYSSES FEEDYARD P O BOX 489 ULYSSES, KS 67880
8b. Landowner(s) New to system <input checked="" type="checkbox"/> FEEDYARDS INC 2209 SW 7TH AVE AMARILLO, TX 79106		Person ID <u>65197</u> Add Seq# <u>2</u> FEEDYARDS INC PO BOX 3050 AMARILLO TX 79116		8d. WUC New to system <input type="checkbox"/> FEEDYARDS INC Attn: ULYSSES FEEDYARD P O BOX 489 ULYSSES, KS 67880
9. Documents and Enclosure(s): <input checked="" type="checkbox"/> DWR Meter(s) Date to Comply: <u>12/31/22</u> <input checked="" type="checkbox"/> N & P Date to Comply: <u>12/31/22</u>				
<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: _____ To: _____				
Date Prepared: 11/15/2021 By: li Date Entered: 12/22/2021 By: LMoody				

12/8/2021
LIreland

File No. **14578** 11. County: GT Basin: ~~ARKANSAS RIVER~~ Stream: NA Formation Code: 211 Special Use:

12. Points of Diversion										Rate and Quantity						
CIMARRON										Authorized		Additional				
CHK	MOD	DEL	PDIV	Qualifier	S	T	R	ID	'N	'W	Comment (AKA Line)	Rate gpm	Quantity af	Rate gpm	Quantity af	Overlap PD Files
DEL				41727 SW SE NE	12	30	37W	1	3000	850	IRR USE	650	480	650	480	NONE
ENT				89174 SW SE NW	12	30	37W		2830	3310	DUAL IRR STK USE	650	480	650	480	NONE

13. Storage: Rate _____ NF Quantity _____ ac/ft Additional Rate _____ NF Additional Quantity _____ ac/ft

14. Limitation: **417.12** af/yr at _____ gpm (_____ cfs) when combined with file number(s) **DUAL IRR/STK USE QUANTITY**
 Limitation: _____ af/yr at _____ gpm (_____ cfs) when combined with file number(s) _____

15. 5YR Allocation: Allocation Type _____ Start Year _____ 5 YR Amount _____ Amount Unit _____ Base Acres _____ Comment _____

16. Place of Use CHK MOD DEL ENT	PUSE	S	T	R	ID	NE¼				NW¼				SW¼				SE¼				Total	Owner	Chg?	Overlap Files	
						NE ¼	NW ¼	SW ¼	SE ¼	NE ¼	NW ¼	SW ¼	SE ¼	NE ¼	NW ¼	SW ¼	SE ¼	NE ¼	NW ¼	SW ¼	SE ¼					
ENT	14916	14	30	37W	1	CATTLE FEEDLOT ALL OF SEC																	8c	NO	7919 3646 D2	14441 18018 26191 31974 31975
ENT	18830	13	30	37W		CATTLE FEEDLOT (N2SW & NW)																	8c	NO	7919 3646 D2	14441 18018 26191 31974 31975
CHK	3218	12	30	37W	1	40	40	40	40	40	40	40	40								320	8b	NO	18018		
CHK	4556	1	30	37W	2									40	40	40	40				160	8b	NO	18018		

Base Acres: Year: Minimum Reasonable Quantity:

Comments: **POP UP TEMPORARY QUANTITY REDUCTION: LIMITED TO 417.12 AF (135.92 MGY) WHILE STK USE AUTH AS DUAL USE**

From: Meyer, Mike [KDA]
Sent: Mon 12/6/2021 11:46 AM
To: Ireland, Leslie [KDA]
Subject: RE: Review & Recommendation, File Nos. 14578 & 18018 PD PU UMW Changes Ulysses

proceed with approval
thanks

Mike

From: Ireland, Leslie [KDA] <Leslie.Ireland@ks.gov>
Sent: Monday, December 6, 2021 11:26 AM
To: Meyer, Mike [KDA] <Mike.Meyer@ks.gov>
Subject: Review & Recommendation, File Nos. 14578 & 18018 PD PU UMW Changes Ulysses

Mike,

The PD changes have the GMD review. The UMW are for dual use. I didn't put any limitations on the quantity as the rights are certified and will be metered by use. The PUs will remain as authorized as they could change back to all irr use and the STK use looks to have Sec 13 yet to develop.

As always comments and concerns are welcome.

Leslie Ireland
Environmental Scientist
Change Application Unit
Division of Water Resources



THE STATE OF KANSAS



KANSAS DEPARTMENT OF AGRICULTURE
Mike Beam, Secretary of Agriculture

DIVISION OF WATER RESOURCES
Earl D. Lewis Jr., Chief Engineer

APPROVAL OF APPLICATION FOR CHANGE IN USE MADE OF WATER PLACE OF USE AND POINT OF DIVERSION AND ORDER IN THE MATTER OF THE AUTHORIZED QUANTITY OF WATER WATER RIGHT, FILE NO. 14,578

The Chief Engineer, Division of Water Resources, Kansas Department of Agriculture, after due consideration of the written application of Adam D. Gerrond on behalf of Feedyards Incorporated dba Ulysses Feedyard, 1765 East Road 21, PO Box 489, Ulysses, Kansas 67880, received in this office on September 20, 2021, for approval of a change in the location of the use made of water, place of use and point of diversion under the certificate of appropriation issued pursuant to the application for permit to appropriate water for beneficial use, finds that the changes are reasonable and will not impair existing rights, that the changes relate to the same local source of supply and that the application should be and is hereby approved.

The authorized quantity of water under this right will remain 480 acre-feet (156.41 million gallons). **This order effectively limits the authorized quantity of water to 417.12 acre-feet (135.92 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 point of diversion authorized shall be:

one (1) well located in the Southwest Quarter of the Southeast Quarter of the Northwest Quarter (SW $\frac{1}{4}$ SE $\frac{1}{4}$ NW $\frac{1}{4}$) of Section 12, more particularly described as being near a point 2,830 feet North and 3,310 feet West of the Southeast corner of said section, in Township 30 South, Range 37 West, Grant County, Kansas.

The portion retained for irrigation use shall be authorized a maximum quantity not to exceed 417.12 acre-feet (135.92 million gallons) of groundwater per calendar year, for irrigation use on the following described property:

Sec. Twp. Range	NE $\frac{1}{4}$				NW $\frac{1}{4}$				SW $\frac{1}{4}$				SE $\frac{1}{4}$				TOTAL	
	NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$	NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$	NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$	NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$		
01 30S 37W										40.00	40.00	40.00	40.00					160
12 30S 37W	40.00	40.00	40.00	40.00	40.00	40.00	40.00	40.00										320

a total of 480 acres in Sections 1 and 12, in Township 30 South, Range 37 West, Grant County, Kansas.

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

417.12 acre-feet (135.92 million gallons) of groundwater per calendar year, for use at the location described as being:

a feedlot located in Section 14 and in the Northwest Quarter (NW¼), and the North Half of the Southwest Quarter (N½ SW¼) of Section 13, all in Township 30 South, Range 37 West, Grant County, Kansas,

all located substantially as shown on the maps accompanying the application to change the use made of water, place of use and point of diversion.

Installation of the works for diversion of water shall be completed on or before December 31, 2022, or within any authorized extension of time. The water right owner shall notify the Chief Engineer of the Division of Water Resources, Kansas Department of Agriculture when construction of the works for diversion has been completed.

All wells with a diversion rate of 100 gallons per minute or more drilled under the authority of this order shall have a tube or other device installed in a manner acceptable to, and in accordance with specifications adopted by, the Chief Engineer. This tube or device shall be suitable for making water level measurements and shall be maintained in a 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 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 for irrigation and stockwatering use 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.

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.

In all other respects, the Certificate of Appropriation issued pursuant to Approval of Application, File No. 14,578, for permit to appropriate water for beneficial use, is as stated and set forth in the Certificate of Appropriation dated January 14, 1987.

Ordered this 14 day of December, 2021, in Manhattan, Riley County, Kansas.

Lane P. Letourneau
Lane P. Letourneau, P.G.
Water Appropriation 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 14 day of December 2021 by Lane P. Letourneau, P.G., Water Appropriation Program Manager, Division of Water Resources, Kansas Department of Agriculture.



Ashlee Freeman
Notary Public

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

December 22, 2021

FEEDYARDS INC ULYSSES FEEDYARD
ADAM GERROND
1765 EAST ROAD 21
ULYSSES KS 67880

RE: Water Right, File Nos. 14,578 & 18,018

Dear Mr. Gerrond:

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

Your attention is directed to the enclosures and to the terms, conditions, and limitations specified in the approvals for change. A condition of each approval is the requirement that acceptable water flowmeters be installed so both irrigation and stockwatering uses can be metered independent of each other, from the diversion works prior to the diversion of water. Please return the required, Notification of the Completion of the Diversion Works, prior to December 31, 2022.

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.

If you have any questions regarding the enclosed documents, please contact our office at (785) 564-6640. Inquiries about the metering should be made to our staff at the Garden City Field Office, (620) 276-2901. Information is also available on our web site at <http://agriculture.ks.gov>. If you wish to discuss a specific file, please have the file number ready so that we may help you more efficiently.

Sincerely,

Kristen A. Baum
New Application and Change Unit Supervisor
Water Appropriation Program

KAB:LI:li
Enclosures

pc: Garden City Field Office
Groundwater Management District No. 3
Feedyards Inc., Dave Venhaus, PO Box 3050, Amarillo, TX 79116

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 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

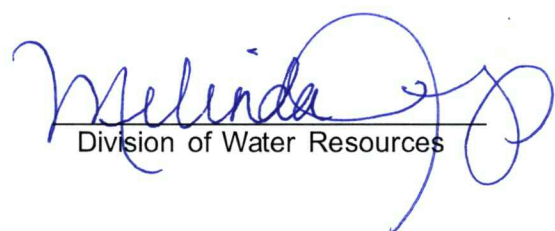
On this 22 day of December 2021, I hereby certify that the attached Approval of Application for Change in Use Made of Water, Place of Use, Point of Diversion and Order in the Matter of the Authorized Quantity of Water under File No. 14,578; dated 14 December 2021 was mailed postage prepaid, first class, US mail to the following:

FEEDYARDS INC ULYSSES FEEDYARD
ADAM GERROND
1765 EAST ROAD 21
ULYSSES KS 67880

With a Photocopy to:

FEEDYARDS INC
DAVE VENHAUS
PO BOX 3050
AMARILLO TX 79116

Garden City Field Office
Groundwater Management District No. 3


Division of Water Resources