Kansas Department of Agriculture Division of Water Resources

CHANGE: P/U WORKSHEET

1. File Number:	2. Status Change Date:	3. Change Num:	4. Field Office:	5. GMD:
16702	9-15-2021	C2	04	03
6. Status: Approved Deni	ed by DWR/GMD	Dismiss by Reques	t/Failure to Return 7	. Filing Date of Change:
				9/7/2102/
8a. Applicant(s) New to system □	Person ID 61901 Add Seq#	8c. Landowne New to sy		Person IDAdd Seq#
DESERET CATTLE FEED ATTN: ARMANDO CABA 521 RD 50 SATANTA, KS 67870				
8b. Landowner(s) New to system □	Person ID	8d. WUC New to sy	stem □	Person IDAdd Seq#
8A		8A		
9. Documents and Enclosure(s): ⊠ DV	VR Meter(s) Date to Compl	y: 12/31/21	N & P Date to Co	omply: <u>3/1/22</u>
☐ Anti-Reverse Meter ☐ Meter	Seal	N & P Form	☑ Water Tube ☐ Drill	er Copy
☐ Conservation Plan Date Require	ed: Da	te Approved:	Date to C	omply:
10. Use Made of Water From:		To: _		
			Date Prepared: 9/14/21 Date Entered:	₽∠/ By: AM By:

File No.	16702	2		11. (Count	y: HS		Bas	in: AF	RKAN	SAS F	RIVER			S	tream:								rmation C 1/331	ode:	Special Use:					
	nts of Dive	ersior	1																Rate	and Qı	uantity										
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DEL	PDIV	Qı	ualifier		S	Т	R		ID		N	ʻW		Com	ment	(AKA I	Line)		Rate gpm/c		Quanti af/mg		Rate gpm/c		antity mgy	Overlap PD Files					
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																							. #3								
13. Stora	age: Rate					.NF	Q	uan	tity					ac/ft	А	ddition	ıal Rat	e				NF	Addit	tional Qua	ntity		_ac/ft				
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Limit	tation:				_af/yr	at					gpm (_				cfs) w	hen co	mbine	ed with	file n	umber	(s)										
15. 5YR	Allocation	n:	Allocation	Туре		_ s	tart Y	'ear			5 YR	Amou	nt		Amo	ount U	nit		Base	Acres		_ Co	omment _								
16 Dlag	ce of Use																				- 4/				01.0	On the Files					
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Comments: CREATING A COMPLETE OVERLAP UNDER FILE NOS. 11299; 16645 (IRR); 16702; 20262; 21214 & 23650

Garden City Field Office 4532 W. Jones, Suite B Garden City, KS 67846



Phone: 620-276-2901 Fax: 620-276-9315 www.agriculture.ks.gov

Mike Beam, Secretary

Laura Kelly, Governor

September 15, 2021

DESERET CATTLE FEEDERS LLC Attn: ARMANDO CABALLERO GM 521 RD 50 SATANTA, KS 67870

RE:

Field Office Application for Change

Water Right, File Nos. 11299, 16645, 16702, 20262, 21214 & 23650

Dear Sir:

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

Your attention is directed to the enclosures and to the terms, conditions, and limitations specified in this approval for change. A condition of this approval is that an acceptable water flow meter must be installed on the diversion works authorized under the referenced file number and meet current specifications. Please return the required notification of completion of the diversion works and/or installation of the required meter as soon as these actions are completed.

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

Should you have any questions, please feel free contact this office. If you would prefer, you could arrange an appointment for additional assistance.

Sincerely,

Michael A. Meyer

Water Commissioner

MAM:am enclosures

pc:

GMD 3

CERTIFICATE OF SERVICE

On this 15th day of September 2021, I hereby certify that the foregoing Approval of Applications for Change in Place of Use, Water Right, File Nos. 11,299; 16,645; 16,702; 20262; 21,214 & 23,650 dated 15

th day of September 2021 was mailed postage prepaid, first class, US mail to the following:

DESERET CATTLE FEEDERS LLC Attn: ARMANDO CABALLERO GM 521 RD 50 SATANTA, KS 67870

Pc:

GROUNDWATER MANAGEMENT DISTRICT NO. 3

Division of Water Resources Staff

Submit completed application to: Kansas Department of Agriculture Division of Water Resources Field Office for your area. Call for address:

Topeka -- (785) 296-5733 Stafford -- (620) 234-5311 Stockton -- (785) 425-6787 Garden City -- (620) 276-2901 http://agriculture.ks.gov/dwr

DWR FIELD OFFICE APPLICATION FOR APPROVAL TO CHANGE THE PLACE OF **USE AND/OR THE** POINT OF DIVERSION



STATE OF KANSAS

Filing Fee Must Accompany the Application, K.S.A. 82a-708b(b), as amended. Fee Schedule is on the third page of this application form.

Paragraph Nos. 1, 2, 3 & 5 must be completed. Complete all other applicable portions. If change in point of diversion is greater than 100 feet, or if place of use will be changed, include a topographic map or detailed plat showing the authorized and proposed point(s)

of div	ersion a	and/or p	olace o	of use.															
																	-	REC	CEIVED
							File No	o. <u>167</u> 0)2									CED	0 = 0000
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23	27	34 N		,			32.5	32.5		32.5					40	34.55	40	30	274.55
35	27	34W					31.5	31.5		31.5									126
26	27	34W	40	40	40	40									40			6	206
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F	or Offic	ce Use	Only:	Code		Fe	e \$	0	_ TR	#		Re	ceipt	Date _	772		Chec	K# <u> </u>	007

5.	Presently authorized point of diversion:					
	One in the Quart	er of the		Quarter of the		Quarter
	of Section, Tow					
	in County, Kansa					
	Authorized Rate Authori					
	(DWR use only: Computer ID No					
	☐This point will not be changed ☐This poin					
	Proposed point of diversion: (Complete					
	One in the Quart					
	of Section, Tow	nship		South, Range		(E/W),
	in County, Kansa	s,feet	North /	feet West	of Southeast corner	of section.
	Proposed Rate Propos	ed Quantity	F	Proposed well dep	th (feet)	
	This point is: Additional Well Geo					
		/				****
6.	Presently authorized point of diversion:					
·	One in the Quarte	er of the		Quarter of the		Quarter
	of Section, Tow	nship	***************************************	South, Range		(F/W)
	in County, Kansa	s. feet	North	feet West of	of Southeast corner	of section.
	Authorized Rate Authorized	red Quantity	Γ	enth of well	(feet)	1
	(DWR use only: Computer ID No	GPS	f	eet North	feet Wes	t)
	☐This point will not be changed ☐This point					
	Proposed point of diversion: (Complete	Market Control of the				
	One in the Quarte					
	of Section, Town	nehin		South Range		Quarter
	in County, Kansa	s feet	North	feet West o	f Southeast corner	of section
	Proposed Rate Propose					
	This point is: Additional Well Geo C					
L			are rigino ara	Tim doo tino pon		·
7.	The changes herein are desired for the following					
	(please be specific)			Nor	th	
			300 20 PTTTTTTT	00 100 0	100 200	300 1111
			E'-			3
3.	If a well, is the test hole log attached? Yes	☐ No	E	- 1 + 1 =		3
			200	T	-	3200
9.	The change(s) (was)(will be) completed by?		E/ -		'	\ <u></u>
			100 -	+	- 1 + 1 + 1	100
				<u> </u>		<u>*</u>
0.	If the point of diversion is a well:		E .			i i
	(a) What are you going to do with the old well	?	West 0 [111] [111]		mhodododod	0 East
			<u>+</u> -	-	-	1
	/I-V Mile and will the beaution of		100 - 1	⊦ ı + ı =	- 1 + 1 + 1	100
	(b) When will this be done?		E\ _	_ =		/=
14	Cray and viotes Management District recommend	lation attached?	300 E \		/ .	300
١.	Groundwater Management District recommend Yes No	ation attached?	200 - 1			200
	Lifes Livo		E -			=
2.	Assisted by		Empire	100	100 300	ш
		- d 4b 000	300 20	00 100 0 Sout	th Scale: 1 hashmark=	300 10 ft
за	If the proposed point of diversion will be relocat feet but within 2,640 feet of the existing point of	diversion, attach 13	3b.If the propos	sed point of divers	sion will be relocated	within a 300
	a tanagraphia man ar asrial photograph	Can anaundurates	fact undivis	f the evicting!	t of diversion in disc	to ite leasting

feet but within 2,640 feet of the existing point of diversion, attach a topographic map or aerial photograph. For groundwater sources, show all wells (including domestic) within one-half mile of the proposed point of diversion and the names and mailing addresses of the owners. For surface water sources, show the names and addresses of the landowner(s) one-half mile downstream and one-half mile upstream from your property

3b. If the proposed point of diversion will be relocated within a 300 foot radius of the existing point of diversion, indicate its location on the diagram shown above in relation to the existing point of diversion. The proposed point of diversion must be located within the circle shown above. (PLEASE NOTE: The "X" in center of diagram above represents the presently authorized point of diversion.)

APPLICATION FOR APPROVAL TO CHANGE THE PLACE OF USE AND/OR POINT OF DIVERSION SUPPLEMENTAL SHEET FILE NO. 16702 MAKE ADDITIONAL COPIES AS NECESSARY

Sec. Twp. Range	TOTAL ACRES
Owner of Land NAME: ADDRESS: NE½ NW½ SW½ SE½	TOTAL
Owner of Land NAME:	
ADDRESS: NE½ NW½ SW½ SE½	
Owner of Land NAME:	
ADDRESS:	
NE½ NW¼ SW¼ SE¼	TOTAL
	ACRES
Sec. Twp. Range NE½ NW½ SW½ SE½ NE½ NW½ SW½ SE½ NE½ NW½ SW½ SE½ NE½ NW½ SW½ SE½ SE½ NE½ NW½ SW½ SE½	
	-
 Continued: If this application is for a change in place of use, it is proposed that the place of use be changed to: Owner of Land NAME: DESERET CATTLE FEEDERS LLC ADDRESS: 521 RD 50 SATANTA KS 67870 	
NE¼ NW¼ SW¼ SE¼	TOTAL ACRES
Sec. Twp. Range NE½ NW½ SW½ SE½	
21 27 34 33.75 33.75 33.75 33.75	135
22 27 34N 34 34 34 34 34 34 34 34 34 34 34 34 34	136
Owner of Land NAME:	
ADDRESS:	
NE¼ NW¼ SW¼ SE¼	TOTAL
Sec. Twp. Range NE½ NW½ SW½ SE½ NE½ NW½ SW½ SE½ NE½ NE½ NW½ SE½ NE½ NW½ SW½ SE½ NE½ NW½ SW½ SE½	ACRES
Owner of Land NAME:	
ADDRESS:	
NE1/4 NW1/4 SW1/4 SE1/4	TOTAL
	TOTAL ACRES
Sec. Twp. Range NE½ NW½ SW½ SE½ NE½ NW½ SW½ SE½ NE½ NE½ NW½ SW½ SE½ NE½ NW½ SW½ SE½ NE½ NW½ SW½ SE½	

Page _____

File No. <u>16702</u>

DWR 1-121-2 (Revised 5/1/2019)

14. If the proposed groundwater point of diversion is 300 or fewer feet for	rom the existing point of diversion, complete the following:
 (a) Does the undersigned represent all owners of the currently auth ☐ Yes ☐ No (If no, all owners must sign this appl 	
 (b) Will the ownership interest of any owner of the currently authoral affected if this application is approved as requested? ☐ Yes ☐ No (If yes, all owners must sign this approved in the currently authoral a	
(c) If this application is not approved expeditiously, will there be sul ☐ Yes ☐ No (If no, all owners must sign this appl	
If the application proposes a surface water change in point of diversion, or a change in place of use, the application must be signed by all owners agent (attach notarized statement authorizing representation).	
I hereby verify, being first duly sworn upon my oath or affirm age and the owner, the spouse of the owner, or a duly author their behalf, in regards to the water right(s) to which this ap contained in this application are true, correct and complete.	rized agent of the owner(s) to make this application on plication pertains. I further verify that the statements
Dated at SLC, Kansas, this	2 day of September, 2021.
13	•
K. I=vit Jacobsen	(Spouse)
(Please Print)	(Please Print)
(Owner)	(Spouse)
(Please Print)	(Please Print)
(Owner)	(Spouse)
	DIANE LUNT
(Please Print)	Pieale ARY INTUBLIC - STATE OF UTAH
State of Kansas	COMMISSION# 710496
County of Salt Lake SS	COMM. EXP. 03-24-2024
I hereby certify that the foregoing application was signed in r	my presence and sworn to before me this day
of <u>September</u> , 202)	Durn Lent
My Commission Expires 63-24-2024	Notary Public
ONLY COMPLETE APPLICATIONS WILL BE PROCESSED. To be complete, all accurate information; maps, if necessary, must be included; signatures of all the appropriate fee must be paid.	
FEE SCHEDU	<u>ILE</u>
Each application to change the place of use or the point of diversion under forth in the schedule below: Make checks payable to: Kansas Departme	
(1) Application to change a point of diversion 300 feet or less (2) Application to change a point of diversion more than 300 feet (3) Application to change the place of use	\$100 \$200

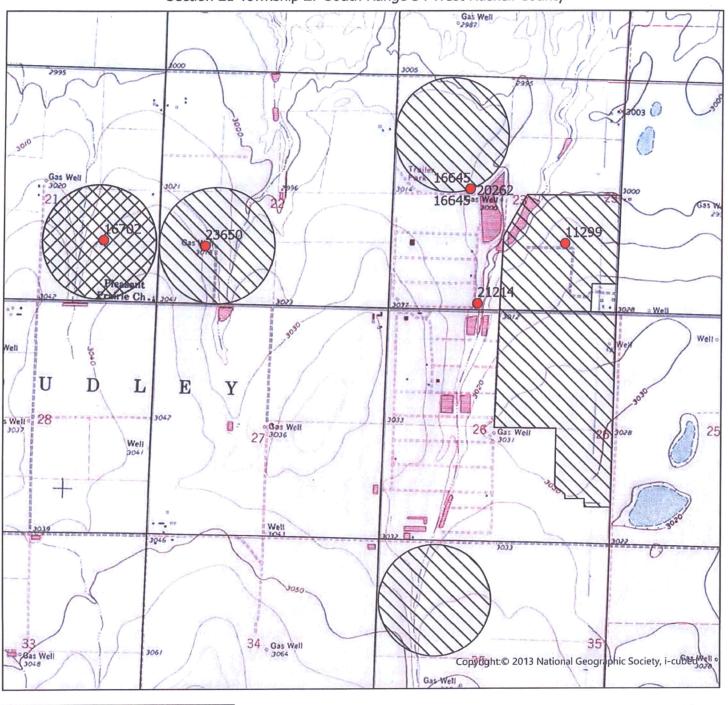
SUMMARY ORDER APPROVING APPLICATION FOR CHANGE AND IMPOSING CONDITIONS

pro Wi Iim	th the exception of those conditions expressly contained herein the exception of those conditions expressly contained herein itations of File No. 16,762	98b, as amended, and K.A.R. 5-5-1, et seq. and other applicable 701 et. seq., and rules and regulations promulgated thereunder, n, this Summary Order does not change the terms, conditions and								
1.	A change application was received on diversion authorized under the above-referenced file number	requesting that the place of use and / or point of per be changed as described in the application.								
2.	On and after the effective date of this summary order, the aut the topographic map accompanying the application to cha	horized place(s) of use shall be located substantially as shown on nge the place of use. Applicable								
3.	The change in point of diversion shall not impair existing right previously authorized. The point of diversion authorized bradius of the authorized point(s) of diversion.	ats and shall be limited to the same source or sources of water as y this summary order shall be located within afoot le foot								
	Positioning System (GPS), as described in the application									
5.	The point(s) of diversion authorized herein shall not actually authorized point(s) of diversion. Applicable \(\Bar{\text{Applicable}} \)	be located more than feet from the previously of Applicable								
	As required by K,A,R, 5-3-5d, if the works for diversion is a w	rell with a diversion rate of 100 gallons per minute or more, a tube nts shall be installed, operated and maintained in accordance with								
7.	December 31, 20_ <pre>Z(, or before the first use of water, operated and maintained in accordance with K.A.R. 5-1-4 t</pre>	perly install an acceptable water flow meter on or before whichever occurs first. The water flow meter shall be installed, hrough 5-1-12. As required by K.S.A. 82a-732, as amended, and the reading of the water flow meter and the total quantity of water ng the end of each calendar year.								
8.	Installation of the works for diversion of water shall be completed on or before December 31, 20, or within any authorized extension of time. By March 1, 20 the applicant shall notify the Chief Engineer that construction of the works for diversion has been completed, on the form provided by the Chief Engineer, as required by K.A.R. 5-8-4e. Applicable Not Applicable									
9.	The completed well log shall be submitted with the requi	r ed notice. Applicable Mot Applicable								
	All diversion works into which any type of chemical or other for	oreign substance will be injected into the water shall be equipped ble of preventing pollution of the source of the water supply. The n accordance with K.A.R. 5-3-5c. Applicable \(\sum \) Not Applicable								
11.	Additional Conditions are attached. Yes									
12.	water appropriated under the above-referenced file numb- limitations, as amended and/or supplemented by this Sum Appropriation Law and the Rules and Regulations promul	R. 5-5-14, all of the owners of the authorized place(s) of use of er are responsible for compliance with its terms, conditions and mary Order, and with applicable provisions of the <i>Kansas Water</i> gated thereunder. Failure to comply with these provisions may ended, and/or the suspension or revocation and dismissal of the ns authorized by law.								
1	Administrative Appeal and Effective Date of Order	FOR OFFICE USE ONLY								
If yo	ou are aggrieved by this order, pursuant to K.S.A. 82a-1901,	APPLICATION APPROVED AND SUMMARY ORDER ISSUED								
	may request an evidentiary hearing before the Chief ineer or request administrative review by the Secretary of									
Agri	culture. A request for hearing by the Chief Engineer must be	By: Meled A.M.								
adm	within 15 days of service of this Order and a request for inistrative review by the Secretary must be filed within 30	Duly Authorized Désignée of the Chief Engineer								
revi	s pursuant to K.S.A. 77-531. Any request for administrative ew must state a basis for review pursuant to K.S.A. 77-527.	(Print Name):								
File	any request with Kansas Department of Agriculture, al Division, 1320 Research Park Drive, Manhattan, KS	Date of Issuance: September 15, 2021								
665	02. Failure to timely request a hearing or review may clude review under the Kansas Judicial Review Act.	State of Kansas)								
Proc	For Use by Register of Deeds	County of Jinney) SS								
		Acknowledged before me on September 15,202								
		by Michael A. Meyer.								
		Signature:								
		No Aby Public								
		My commission expires: JULIE JONES JULI								

File No. <u>16702</u>

CHANGE IN PLACE OF USE WATER RIGHT, FILE NO. 16702

Section 21 Township 27 South Range 34 West Haskell County



Authorized Place of Use

Proposed Place of Use

 $W \xrightarrow{N} E$

Date: 8/9/21 HH/GCFO Scale: 1:24,000



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

September 10, 2021

Michael A. Meyer Division of Water Resources 4532 W Jones Ave., Suite B Garden City, Kansas 67846

RE: Applications for Change in Place of Use

Water Right, File Nos. 11299, 16645, 16702, 20262, 21214 & 23650

Dear Mike:

We have reviewed the applications for the above referenced water rights. The proposal is not in conflict with the Management Program of the Southwest Kansas Groundwater Management District No. 3 (GMD3). The proposed change in place of use will make a complete overlap in place of use in irrigated acres, with no new acres being proposed, which is in accordance with K.A.R. 5-5-11. It is therefore recommended that the applications 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

RECEIVED

Garden City Field Office Division of Water Resources

GMD3 Change Review

File No(s).: 11299, 1664	45, 16702, 2	20262, 21214	<u>& 23650</u> .	DWR office: <u>GC</u> .					
App filed to change: P	<u>U</u> .								
Is Landowner(s) correct in WRIS: _Desert Cattle Feeders LLC.									
If NO, is documentation included?									
Is Water Use Correspondent correct in WRIS?									
If NO, is documentation included?									
Regulation(s) Reviewed: KAR 5-5-11									
Point of diversion ID No									
		0 0							
ft. N	orth ft.	. West							
Authorized PD									
Proposed PD									
Difference	0	0							
a2 + b2 = c2	0	0	0						
GPS for proposed PD: I	_at:	Long:							
Is proposed PD stacking	on existing	g WRs? No O	Change to any	<u>PD</u> .					
Is Proposed PU overlapping existing WRs? Proposed complete overlap for WRs on									
IRR acres.									
Neighboring certified well(s) notified:									
Name									
Address									
Zip									
Email: Phone: _									
Domestic well(s) notifie	d:								
Name									
Address									
Zip									
Base Acres:									
Perfected Acres:									
Irr. Return-Flow%									
Currently authorized a	cres: 1129	99, 16645, 202	262, 21214						
274.55 acres, N	W & SE 23	3-27-34							
206 acres, NE &	SE 26-27-	-34							
126 acres, NW 3	35-27-34								
Currently authorized a	icres: 2365	50							
136 acres, SW 2	2-27-34								
Currently authorized a	icres: 1670	02							
135 acres, SE 21	1-27-34								
ALL water rights list t	he above a	cres as propo	sed IRR acres						
16645 shows the feedlot as place of use since also lists STK use on the water right.									

GMD3 Change Review

Is a waiver needed: Complete overlap in current authorized IRR acres, no new acres proposed. Applicant does have easement agreement to run water to all acres that are not directly connected.

Recommendation: After review of all available information, it appears current area rules are met. Staff therefore recommends approval of the applications.

RECEIVED

SEP 1 0 2021

Garden City Field Office 4532 W. Jones, Suite B Garden City, KS 67846



Phone: 620-276-2901 Fax: 620-276-9315 www.agriculture.ks.gov

Mike Beam, Secretary

Laura Kelly, Governor

September 9, 2021

SOUTHWEST KANSAS GROUNDWATER MANAGEMENT DISTRICT NO. 3 2009 E SPRUCE ST GARDEN CITY KS 67846

Re: Request for Recommendation

Water Right, File Nos. 11299, 16645, 16702, 20262, 21214, 23650

Dear Mr. Norquest:

This is to advise you that Deseret Cattle Feeders LLC, have filed applications for approval of the Chief Engineer, Division of Water Resources, Kansas Department of Agriculture, to change the place of use.

We are delaying action on the change application to allow you time to review and provide a recommendation. Please submit a recommendation within 15 days from the date of this letter.

Thank you and as always feel free to contact this office at any time.

Sincerely,

Michael A. Meyer Water Commissioner

MAM Enclosures