

File No. **18046** 11. County: **FI** Basin: **PAWNEE RIVER** Stream: Formation Code: **211** Special Use:

12. Points of Diversion											Rate and Quantity						
CHK	MOD	DEL	ENT	PDIV	Qualifier	S	T	R	ID	'N	'W	Comment (AKA Line)	Rate gpm	Quantity mgy	Rate gpm	Quantity mgy	Overlap PD Files
CHK					39060 NC S2 SW	31	23S	31W	7	546	3962		750	67.58	750	67.58	NONE

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

14. Limitation: _____ af/yr at _____ gpm (_____ cfs) when combined with file number(s) _____
 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	MOD	DEL	ENT	PUSE	S	T	R	ID	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				
CHK				34581	31	23S	31W	4					FEEDLOT (W2) & (W2 E2)									8a	N	MULTIPLE				
ENT				70992	36	23S	32W						FEEDLOT (SE)									8a	N	MULTIPLE				

Base Acres: Year: Minimum Reasonable Quantity:

Comments: **OVERLAPPING WR ON PLACE OF USE: 18046; 22002; 23819; 34200; 34201; 34202**

KANSAS DEPARTMENT OF AGRICULTURE
Division of Water Resources

M E M O R A N D U M

TO: Files

DATE: July 22, 2022

FROM: Austin McColloch

RE: Water Right, File Nos. 18046;
22002; 23819; 34200; 34201 &
34202

Jeff George on behalf of Finney County Feedyard LLC, has completed an application for approval to change the use made of water from irrigation use to stockwatering use and to change its place of use under File No. 23819 and the current stockwatering place of use under the remaining files. The applications were received on December 27, 2021 along with reduction requests for the remaining irrigation files, see separate memos for the reductions under File No. 340 & 5604.

The referenced files appear to be in good standing, as per K.S.A. 82a-718 and 82a-732. The applications comply with K.A.R. 5-5-2a, *Complete change application*.

Water Right, File No. 23819, authorizes one (1) well to divert 460 acre-feet (AF) at a maximum rate of 1017 gallons per minute (gpm) (2.26 c.f.s). The well is located in the Southwest Quarter of the Northeast Quarter of the Southwest Quarter (SW $\frac{1}{4}$ NE $\frac{1}{4}$ SW $\frac{1}{4}$) of Section 31, Township 23 South, Range 31 West, Finney County in the Pawnee River Basin. The place of use is 680 irrigated acres in Sections 19, 29 & 31, all in Township 23 South, Range 31 West. Overlapping this place of use include File Nos. 5604 & 14259, reductions have been submitted to maintain reasonable. The right is not located in a special use area but is located in the Southwestern Kansas Groundwater Management District No. 3, (GMD 3). The source of supply for this right has been determined to be the Ogallala Formation (Code 211).

The water right owner proposes to convert the entire 460 AF authorized for irrigation use under File No. 23819 to stockwatering use pursuant to 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*. Based on the calculation submitted with the application and the Finney County 87.4% consumptive use adjustment, the requested change yields 130.99 million gallons (402 acre-feet) available to be converted to stockwatering use under File No. 23819. The application indicates the appropriate reduction in quantity. Under File No. 23819, the change in use made of water from irrigation to stockwatering complies with K.A.R. 5-5-3, *Change in consumptive use with the stated reduction in quantity*.

The currently authorized stockwatering place of use for the feedlot located in the West Half (W $\frac{1}{2}$) and West Half of the East Half (W $\frac{1}{2}$ E $\frac{1}{2}$) of 31-23-31W, Finney Co., will expand to be described to include the Southeast Quarter (SE $\frac{1}{4}$) of Section 36, in Township 23 South, Range 32 West, Finney County, Kansas. It will be authorized by File Nos. 18046; 22002; 23819; 34200; 34201 & 34202. The irrigation rights that cover the Southeast Quarter (SE $\frac{1}{4}$) of Section 36, File Nos. 340; 13256 & 22263, have submitted reductions to remove that ground.

The expansion of the feedlot under File Nos. 18046; 22002; 23819; 34200; 34201 & 34202 will result in 359.7 mgy (1,103 AF) authorized for stockwatering use. The submitted justification lists a five-year projection of approximately 50,000 head to be watered at 15 gallons per head per day utilizing 273.75 mgy. Therefore a limitation will be required. The justification for the additional quantity complies with K.A.R. 5-3-22 *Maximum reasonable quantity of water for livestock and poultry*.

There are six (6) well owners located within one-half (½ mile) of the proposed existing wells. The July 1, 2022 mailing of the nearby notifications did not yield any responses of any kind as of today's date.

In a letter dated July 22, 2022, Jason Norquest, Assistant Manager, GMD No. 3, recommends approval of the requested changes.

Mike Meyer, Water Commissioner, Garden City Field Office was contacted for a comment on the proposed change. He recommended approval of the proposed change per his email dated July 25, 2022.

Conditions of the approval will require the installation of a water flowmeter and check valves if anything is injected into the water through the diversion works according to K.A.R.5-3-5(c), *Check valves*. Water level measurement tubes and WWC-5 information are not applicable to the changes.

Based on the above discussion, it appears the requested changes are not unreasonable, will not result in an increase in consumptive use, impairment of existing rights unlikely, and the source of supply will remain the same, it is recommended that the referenced applications be approved.



Austin McColloch
Assistant Water Commissioner
Garden City Field Office

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
PLACE OF USE
WATER RIGHT, FILE NO. 18,046**

The Chief Engineer, Division of Water Resources, Kansas Department of Agriculture, after due consideration of the written application of Jeff George on behalf of Finney County Feedyard, L.L.C., P.O. Box 479, Garden City, Kansas 67846, received in this office on December 27, 2021, for approval of a change in authorized 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 Order of the Chief Engineer dated December 10, 2014, approving the application to change the authorized place of use, and by the Order of the Chief Engineer dated October 30, 2017, approving the application to change the authorized place of use and use made of water, 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 location of the authorized place of use shall be:

a feedlot located in the Southeast Quarter (SE $\frac{1}{4}$) of Section 36, in Township 23 South, Range 32 West, Finney County, Kansas, and

a feedlot located in the West Half (W $\frac{1}{2}$) and the West Half of the East Half (W $\frac{1}{2}$ E $\frac{1}{2}$) of Section 31, in Township 23 South, Range 31 West, Finney County, Kansas,

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

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

The water right owner shall properly install an acceptable water meter on 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. 18,046, for permit to appropriate water for beneficial use, is as stated and set forth in the Certificate of Appropriation dated May 9, 1988, as modified and amended by the aforementioned orders.

Ordered this 12 day of September, 2022, 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)
) SS
County of Riley)

The foregoing instrument was acknowledged before me this 12 day of September, 2022, 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

September 15, 2022

FINNEY COUNTY FEEDYARD LLC
Attn: JEFF GEORGE
PO BOX 479
GARDEN CITY, KS 67846

RE: Water Right, File Nos. 18,046; 22,002; 23,819; 34,200; 34,201 & 34,202

Dear Mr. George:

Enclosed are the Orders executed by the Chief Engineer, Division of Water Resources, Kansas Department of Agriculture, approving the applications 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 the approvals is that a water flowmeter meeting K.A.R. 5-1-4 through 5-1-12, must be installed on the diversion works. 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. The Notice of Completion form may be found online at www.agriculture.ks.gov, Water Appropriation Forms, there is no fee for the required completion notification.

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

If you have any questions, please contact our staff at the Garden City Field Office, their phone number is 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,

A handwritten signature in black ink that reads "Kristen A. Baum". The signature is written in a cursive style.

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

KAB:am:li

Enclosures

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

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.

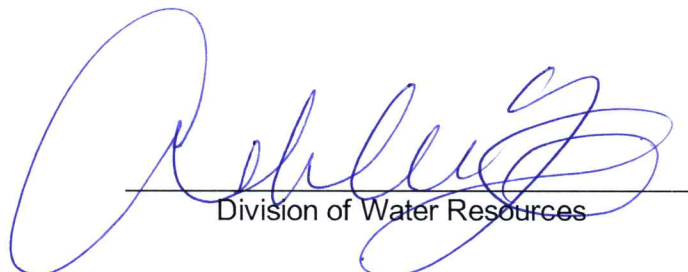
CERTIFICATE OF SERVICE

On this 15 day of September, 2022, I hereby certify that the attached Approval of Application for Change in Place of Use under Water Right, File No. 18,046, dated 12 September was mailed postage prepaid, first class, US mail to the following:

FINNEY COUNTY FEEDYARD LLC
Attn: JEFF GEORGE
PO BOX 479
GARDEN CITY, KS 67846

With photocopies to:

Garden City Field Office
Groundwater Management District No. 3



Division of Water Resources