

Kansas Department of Agriculture  
 Division of Water Resources  
**CHANGE: PU UMW WORKSHEET &  
 ORDER IN MATTER OF AUTHORIZED QUANTITY (DUAL USE)**

1. File Number: <b>24291</b>	2. Status Change Date: <b>3/8/2022</b>	3. Change Num: <b>C1</b>	4. Field Office: <b>04</b>	5. GMD: <b>03</b>
---------------------------------	---	-----------------------------	-------------------------------	----------------------

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: <b>5/11/2021</b>
--	---

8a. Applicant(s) New to system <input type="checkbox"/> Person ID _____ Add Seq# _____  <b>SUBLETTE FEEDERS LLC                  JEREMY SIMON                  PO BOX 917                  SUBLETTE KS 67877</b>	8c. Landowner(s) New to system <input type="checkbox"/> Person ID <b>66225</b> Add Seq# <b>1</b>  <b>SUBLETTE FEEDERS LLC                  PO BOX 917                  SUBLETTE KS 67877</b>
--	--

8b. Landowner(s) New to system <input type="checkbox"/> Person ID _____ Add Seq# _____	8d. WUC New to system <input type="checkbox"/> Person ID <b>66225</b> Add Seq# <b>1</b>  <b>SUBLETTE FEEDERS LLC                  PO BOX 917                  SUBLETTE KS 67877</b>
--	---

9. Documents and Enclosure(s):  DWR Meter(s) Date to Comply: **12/31/22**     N & P Date to Comply: \_\_\_\_\_

Anti-Reverse Meter     Meter Seal     Check Valve     N & P Form     Water Tube     Driller Copy     H & E Letter  
 Conservation Plan    Date Required: \_\_\_\_\_    Date Approved: \_\_\_\_\_    Date to Comply: \_\_\_\_\_

10. Use Made of Water    From: **IRR**    To: **IRR & STK DUAL USE**

<div style="border: 2px solid red; padding: 5px; display: inline-block;"> <b>2/28/2022</b>  <b>Lireland</b> </div>	Date Prepared: <b>2/07/2022</b> By: <b>li</b> Date Entered: <div style="border: 2px solid blue; padding: 5px; display: inline-block; vertical-align: middle;"> <b>3/10/2022</b>  <b>LMoody</b> </div> By:
--	--

File No. **24291**      11. County: **HS**      Basin: **CROOKED CREEK**      Stream: **NA**      Formation Code: **211**      Special Use:

12. Points of Diversion										Rate and Quantity						
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
<b>MOD</b>	<b>37602</b>	<b>CN SW</b>			<b>5</b>	<b>29</b>	<b>31W</b>	<b>2</b>	<b>2600</b>	<b>3960</b>	<b>DUAL IRR STK USE</b>	<b>1000</b>	<b>549</b>	<b>1000</b>	<b>549</b>	<b>NONE</b>
<b>MOD</b>	<b>10655</b>	<b>CW SW NE</b>			<b>5</b>	<b>29</b>	<b>31W</b>	<b>1</b>	<b>3280</b>	<b>2540</b>	<b>DUAL IRR STK USE</b>	<b>200</b>	<b>189</b>	<b>200</b>	<b>189</b>	<b>18861</b>

13. Storage: Rate \_\_\_\_\_ NF      Quantity \_\_\_\_\_ ac/ft      Additional Rate \_\_\_\_\_ NF      Additional Quantity \_\_\_\_\_ ac/ft

14. Limitation: **160.461** af/yr at \_\_\_\_\_ gpm ( \_\_\_\_\_ cfs) when combined with file number(s) **ID~~1~~2 DUAL IRR/STK USE QUANTITY**  
 Limitation: **466.101** af/yr at \_\_\_\_\_ gpm ( \_\_\_\_\_ cfs) when combined with file number(s) **ID~~1~~2 DUAL IRR/STK USE QUANTITY**

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				
<b>ENT</b>	<b>16482</b>	<b>17</b>	<b>29</b>	<b>31W</b>	<b>6</b>	<b>FEEDLOT LOCATED IN THE E2 NW – HASKELL CO</b>																	<b>8c</b>	<b>NO</b>	<b>24291 30990 37438 &amp; 40376</b>
<b>ENT</b>	<b>28015</b>	<b>17</b>	<b>29</b>	<b>31W</b>	<b>2</b>	<b>FEEDLOT LOCATED IN THE E2 - HASKELL CO</b>																	<b>8c</b>	<b>NO</b>	<b>24291 30990 37438 &amp; 40376</b>
<b>ENT</b>	<b>25103</b>	<b>8</b>	<b>29</b>	<b>31W</b>	<b>2</b>	<b>FEEDLOT LOCATED IN THE W2 SE - HASKELL CO</b>																	<b>8c</b>	<b>NO</b>	<b>24291 30990 37438 &amp; 40376</b>
<b>MOD</b>	<b>3082</b>	<b>5</b>	<b>29</b>	<b>31W</b>	<b>1</b>	<b>13.0</b>	<b>36.0</b>	<b>40.0</b>	<b>36.0</b>	<b>36.0</b>	<b>13.0</b>	<b>36.0</b>	<b>40.0</b>	<b>40.0</b>	<b>36.0</b>	<b>13.0</b>	<b>36.0</b>	<b>36.0</b>	<b>13.0</b>	<b>500</b>	<b>8c</b>	<b>NO</b>	<b>24291</b>		
<b>ENT</b>		<b>8</b>	<b>29</b>	<b>31W</b>		<b>31.25</b>	<b>36.25</b>	<b>36.25</b>	<b>31.25</b>											<b>135</b>	<b>8c</b>	<b>NO</b>	<b>24291</b>		

Base Acres:      Year:      Minimum Reasonable Quantity:

Comments: **POP UP TEMPORARY QUANTITY REDUCTION: LIMITED TO 626.562 AF (204.166 MGY) WHILE STK USE AUTH BY DUAL USE**

**KANSAS DEPARTMENT OF AGRICULTURE  
Division of Water Resources**

**M E M O R A N D U M**

**TO:** Files  
**DATE:** February 8, 2022

**FROM:** Leslie Ireland  
30,990;  
**RE:** Water Right,  
File Nos. 18,861; 24,291;  
37,438 & 40,376

Jeremy Simon, Manager for Sublette Feeders LLC as owner of the referenced water rights submitted applications for approval to change each place of use under all of the referenced files and use made of water to dual use as irrigation and stockwatering under File Nos. 18,861 & 24,291. The applications were received on May 11, 2021.

The referenced water rights appear not to be abandoned as per K.S.A. 82a-718 and are in compliance with K.S.A. 82a-732. The required notification per K.S.A. 82a-1906, was completed on September 28, 2021. No comments were received. The applications appear to comply with K.A.R 5-5-2a, Complete change application.

These files are located Northeast of Sublette and in the Crooked Creek basin. They are not located within a special use area but are within Groundwater Management District No. 3.

Change to dual irrigation and stockwater use File Nos. 18,861 & 24,291

These changes request a dual use of water that will allow for both irrigation and stockwater use in any calendar year and request temporary reductions/limitations in quantity based on K.A.R. 5-5-9. The dual use calculations for Haskell County utilize an 84.9% consumptive use factor with the future return to the full irrigation quantity with the elimination of the stockwater use. The current irrigation use under File No. 24,291, authorizes two (2) wells with an assigned 189 and 549 acre-feet (AF) that with a partial overlap of one (1) well authorized 360 AF under File No. 18,861, provide a combined total 1,098 AF irrigate 640 acres located in Section 5, Township 29, Range 31 West, Haskell County. There are no additional limitations on the quantity under these two files.

**Authorized & Proposed Quantities and Rate**

File No.	Point of Diversion PDIV_ID	Authorized Quantity AF	Additional Quantity AF	Authorized Rate GPM	Additional Rate GPM	Limitations	Dual Use Quantity AF
18,861	10655_2	360	360	1720	1750	None	305.640
24,291	10655_2	189	189	200	200	None	160.461
24,291	37602_1	549	549	1000	1000	None	466.101

When authorized for dual use File Nos. 18,861 & 24,291, at the well ID 2, will provide a total of 466.101 AF (151.879 mgd), with the other well under File No. 24,291 providing 466.101 AF (151.879 mgd). Together these two (2) files will authorize a total of 932.202 AF (303.759 mgd) while authorized for dual irrigation and stockwater uses.

Change in place of use irrigation and stockwater use File Nos. 18,861 & 24,291

The 640 irrigated acres are proposed to change removing the acres in the corners while retaining a 500 acre pivot in Section 5, while adding a new 135 acre pivot in the Northeast Quarter of Section 8. The proposed 635 acres complies with part (b) of K.A.R. 5-5-11, *Applications for change in place of use for irrigation purposes*, as File No. 18,861 developed 158.42 base acres and File No. 24,291 developed 475 base acres. The total 634.42 acres are increased by less than 10 acres.

The proposed stockwater use with the requested change in place of use under File No. 18,861 & 24,291, will add an existing feedlot located in the West Half of the Southeast Quarter (W $\frac{1}{2}$  SE $\frac{1}{4}$ ) of Section 8, Township 29 South, Range 31 West, Haskell County that is authorized by File No. 40,376. This proposed place of use is also being expanded and overlapped with currently authorized stockwater places of use under File No. 30,990, that authorizes the East Half (E $\frac{1}{2}$ ) of Section 17, and File No. 37,438 that authorizes the East Half of the Northwest Quarter (E $\frac{1}{2}$  NW $\frac{1}{4}$ ) of Section 17, both in Township 29 South, Range 31 West, Haskell County.

Changes in place of use stockwater use File Nos. 30,990; 37,438 & 40,376

These files are proposed to be overlapped with no modification to their existing authorized locations.

Under all of the referenced files the stockwater place of use will be authorized as:

a feedlot located in the West Half of the Southeast Quarter (W $\frac{1}{2}$  SE $\frac{1}{4}$ ) of Section 8, and in the East Half (E $\frac{1}{2}$ ) and the East Half of the Northwest Quarter (E $\frac{1}{2}$  NW $\frac{1}{4}$ ) of Section 17, all in Township 29 South, Range 31 West, Haskell County, Kansas.

The reported water use for 2020 found the existing stockwater files reported an average of 37,505 head of beef cattle with a maximum of 40,823 head. The operation reported an average of 12.31 gallons per head per day. The three currently authorized stockwater use files have a total of 198.297 million gallons per year (mgy) (608.55 AF). The usage recommendations per KAR 5-3-22, *Maximum reasonable quantity of water for livestock and poultry*, the 40,823 head would be afforded 223.506 million gallons (685.9 AF) per year for drinking at 15 gallons per head per day. The report indicates more quantity could be utilized than what is authorized. As the proposed increase in quantity is dual use is to supply quantity to the existing facility with a portion of the requested quantity for lagoon effluent management with the irrigation use no additional stockwater quantity limitations will be added to the dual use approvals under File Nos. 18,861 & 24,291.

While File Nos. 18,861 & 24,291 are operated for dual use the total reduced quantity of 932.2 AF (303.758 million gallons per year (mgy)), assures compliance with K.A.R. 5-5-3, *Change in consumptive use*.

In a letter received on October 19, 2021, Jason Norquest, Assistant Manager, stated that the proposals are not in conflict with their Management Program and recommended approval of the changes.

Michael Meyer, Water Commissioner of the Garden City Field Office was contacted for a comment on the proposed changes. In an email dated February 8, 2022, he recommended approval.

The wells will be required to have a flowmeter installed for each use with a check valve required if the irrigation systems will be chemigating.

The proposed changes appear to be reasonable, the source of supply will remain unchanged. It is unlikely that the changes will cause impairment to any existing water rights, and should not increase the historical consumptive use, therefore approval is recommended.



Leslie Ireland  
Environmental Scientist

**From:** Meyer, Mike [KDA]  
**Sent:** Tue 2/8/2022 9:06 AM  
**To:** Ireland, Leslie [KDA]  
**Subject:** RE: Recommendation for Changes, File Nos. 18,861; 24,291; 30,990; 37,438 & 40,376\_  
Sublette Feeders

approve  
thank you

Mike

---

**From:** Ireland, Leslie [KDA] <Leslie.Ireland@ks.gov>  
**Sent:** Monday, February 7, 2022 2:40 PM  
**To:** Meyer, Mike [KDA] <Mike.Meyer@ks.gov>  
**Cc:** McColloch, Austin [KDA] <Austin.McColloch@ks.gov>  
**Subject:** Recommendation for Changes, File Nos. 18,861; 24,291; 30,990; 37,438 & 40,376\_ Sublette Feeders

Mike,

The dual use under File Nos. 18,861& 24,291 with the proposed irrigation PU changed and stockwater use added to then overlapping all of the stockwatering under the other files that are also being overlapped.

As always comments and concerns are welcome.

Hi Austin..... &#128522;

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  
ORDER IN THE MATTER OF THE AUTHORIZED QUANTITY OF WATER  
WATER RIGHT, FILE NO. 24,291**

The Chief Engineer, Division of Water Resources, Kansas Department of Agriculture, after due consideration of the written application of Jeremy Simon on behalf of Sublette Feeders LLC, PO Box 917, Sublette, Kansas 67877, received in this office on May 11, 2021, for approval of a change in the use made of water and location of the place of use under the certificate of appropriation issued pursuant to the application for permit to appropriate water for beneficial use, as modified and amended by the Order of the Chief Engineer dated October 28, 1994, approving the application to change the place of 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 738 acre-feet (240.48 million gallons). **This order effectively limits the authorized quantity of water to 626.562 acre-feet (204.166 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 authorized quantity for dual use as irrigation and stockwatering use shall be:

one (1) well located near the center of the West Side of the Southwest Quarter of the Northeast Quarter (CW SW $\frac{1}{4}$  NE $\frac{1}{4}$ ) of Section 5, more particularly described as being near a point 3,280 feet North and 2,540 feet West of the Southeast corner of said section, in a quantity not to exceed to 160.461 acre-feet (52.287 million gallons) per calendar year at a rate of diversion not in excess of 200 gallons per minute (0.45 c.f.s), for both stockwatering and irrigation uses combined, and

one (1) well located near the center of North Side of the Southwest Quarter (CN SW $\frac{1}{4}$ ) of Section 5, more particularly described as being near a point 2,600 feet North and 3,960 feet West of the Southeast corner of said section, in a quantity not to exceed to 466.101 acre-feet (151.879 million gallons) per calendar year at a rate of diversion not in excess of 1,000 gallons per minute (2.23 c.f.s), for both stockwatering and irrigation uses combined,

both in Township 29 South, Range 31 West, Haskell County, Kansas.



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

March 15, 2022

SUBLETTE FEEDERS LLC  
JEREMY SIMON  
PO BOX 917  
SUBLETTE KS 67877

RE: Water Right, File Nos. 18,861; 24,291; 30,990; 37,438 and 40,376

Dear Mr. Simon:

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 these approvals for change. A condition of these approvals is that acceptable water flow meters must be installed on the diversion works authorized under the referenced file numbers. The wells authorized for dual use shall have an acceptable water flowmeters be installed so both irrigation and stockwatering uses can be metered independent of each other, from the diversion works authorized prior to the diversion of water. Please return the required notification of installation of the required meters as soon as these actions are completed. Please contact the Garden City Field Office at (620) 276-2901 with any questions regarding the meter installations.

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, please contact this office at (785) 564-6640. If you call, please reference the file number so we can help you more efficiently.

Sincerely,

A handwritten signature in black ink that reads "Kristen A. Baum".

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

KAB:LI:li

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 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.

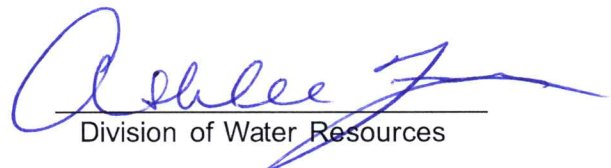
**CERTIFICATE OF SERVICE**

On this 15 day of March, 2022, 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 File No. 24,291; dated 8 March 2022 was mailed postage prepaid, first class, US mail to the following:

SUBLETTE FEEDERS LLC  
JEREMY SIMON  
PO BOX 917  
SUBLETTE KS 67877

With a Photocopy to:

Garden City Field Office  
Groundwater Management District No. 3

  
Division of Water Resources