



File No. **37438**      11. County: **HS**      Basin: **CROOKED CREEK**      Stream: **NA**      Formation Code: **211**      Special Use: **NA**

12. Points of Diversion										Rate and Quantity				
CHK										Authorized		Additional		
MOD										Rate	Quantity	Rate	Quantity	Overlap PD Files
DEL	PDIV	Qualifier	S	T	R	ID	'N	'W	Comment (AKA Line)	gpm	af	gpm	af	
ENT														

**NO CHANGE**

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) **NONE NO CHANGE**

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
						NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼				
<b>MOD</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>18861, 24291, 30990 &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>18861, 24291, 30990 &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>18861, 24291, 30990 &amp; 40376</b>

Base Acres:      Year:      Minimum Reasonable Quantity:

Comments:

**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

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**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 PLACE OF USE WATER RIGHT FILE NO. 37,438**

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 location of the place of use 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 effective date of the change shall be the date this order is executed by the Chief Engineer, after which the authorized location of the place of use shall be:

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,

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

The water right owner shall properly install 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 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 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.

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. 37,438, for permit to appropriate water for beneficial use, is as stated and set forth in the Certificate of Appropriation dated May 19, 1999.

Ordered this 8 day of March, 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 8 day of March, 2022, by Lane P. Letourneau, P.G., 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

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,

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 foregoing Approval of Application for Change in Place of Use under Water Right, File No. 37,438, 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 photocopies to:

Garden City Field Office  
Groundwater Management District No. 3

  
Division of Water Resources