

Kansas Department of Agriculture
 Division of Water Resources
CHANGE: P/D WORKSHEET adding standby well STK USE

1. File Number: 16882	2. Status Change Date: 1/9/2023	3. Change Num: C3	4. Field Office: 04	5. GMD: 03
6. Status: <input type="checkbox"/> Approved <input type="checkbox"/> Denied by DWR/GMD <input type="checkbox"/> Dismiss by Request/Failure to Return				7. Filing Date of Change: 3/28/2022
8a. Applicant(s) New to system <input type="checkbox"/> SATANTA FARMS LLC PO BOX 15568 AMARILLO, TX 79101-5568		Person ID 66622 Add Seq# 1	8c. Landowner(s) New to system <input type="checkbox"/> FRIONA INDUSTRIES LP Attn: KANSAS FEEDLOTS 1174 EMPIRE CIR SANTANTA, KS 67870	
8b. Landowner(s) New to system <input type="checkbox"/>		Person ID _____ Add Seq# _____	8d. WUC New to system <input type="checkbox"/> SATANTA FARMS LLC PO BOX 15568 AMARILLO, TX 79101-5568	
9. Documents and Enclosure(s): <input checked="" type="checkbox"/> DWR Meter(s) Date to Comply: 12/31/23 <input checked="" type="checkbox"/> N & P Date to Comply: 12/31/23				
<input type="checkbox"/> Anti-Reverse Meter <input type="checkbox"/> Meter Seal <input type="checkbox"/> Check Valve <input checked="" 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: _____				
WAIVER INCLUDED		Reviewed JDK 1/9/23	Date Prepared: 1/6/23	By: LI
			Date Entered: 1/10/2023	By: L Moody

File No. **16882** 11. County: **HS** Basin: **CIMARRON RIVER** Stream: **na** Formation Code: **211/331** Special Use: **na**

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/mgy	Rate gpm	Quantity af/mgy	Overlap PD Files
CHK				SE NW SE	4	28	33W	7	1475	1629	IRR/STK DUAL USE					NONE
ENT				NW NW NE	9	28	33W	3	5174	2107	STANDBY USE STK USE ONLY (GPS UPDATE)					NONE

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

14. Limitation: **349.788 AF/YR (113.978 MGY)** af/yr at _____ gpm (_____ cfs) when combined with file number(s) **IRR/STK COMBINED DUAL USE 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				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			
No Change																							

Base Acres: _____ Year: _____ Minimum Reasonable Quantity: _____
 Comments: _____

Kansas Department of Agriculture
 Division of Water Resources
WAIVER REQUEST & WAIVER RULE WORKSHEET

File Number: **16,882**

FO: **4**

GMD: **3**

WAIVER REQUEST:

UMW	Date Requested	Rule ID	Applies	Rule Type	Rule Subtype
DUAL IRR/STK	3/28/2022	27		Well Spacing	Well to Well Spacing
Rule Number	Date Granted	Date Denied	Justification:	The existing well proposed for standby stockwater use does not meet spacing to a well under a different junior file authorized for irrigation use. GMD 3 Board recommends a waiver of the well spacing regulation.	
K.A.R. 5-23-3(a)(1)	1/9/2023				

WAIVER RULE:

Rule ID	Applicability	Type	Subtype	Rule Number	Date Active	Date Inactive

Date Prepared **1/6/2023** By **LI**

Date Entered **1/10/2023** By **LMoody**

KANSAS DEPARTMENT OF AGRICULTURE
Division of Water Resources

M E M O R A N D U M

TO: Files

DATE: January 6, 2023

FROM: Leslie Ireland

RE: Water Right, File No. 16,882

Donald Gales on behalf of Satanta Farms LLC as owner of File No. 16,882, submitted an application for approval to change the point of diversion under the stockwatering portion of the referenced file authorized dual use as irrigation and stockwatering use. The application proposing to add back an old well as a standby well for stockwater use was received on March 29, 2022.

The referenced file appears is not abandoned as per K.S.A 82a-718 and in compliance with K.S.A 82a-732 for both uses. Notice per K.S.A 82a-1906 completed on August 3, 2022, did not result in any comments.

This file authorizes one (1) well to divert under its current dual irrigation and stockwater uses 349.78 acre-feet (AF) (412 AF irrigation only) at a maximum rate of 1,275 gallons per minute (gpm) (2.84 c.f.s). The well is located in the Southeast Quarter of the Northwest Quarter of the Southeast Quarter (SE $\frac{1}{4}$ NW $\frac{1}{4}$ SE $\frac{1}{4}$) of Section 4, Township 28 South, Range 33 West, Haskell County, Kansas, located in the Arkansas River Basin. The place of use is 940.54 irrigated acres in Sections 8 and 9, both in Township 28 South, Range 33 West, Haskell County. Water Right, File Nos. 16,882; 18,659; 23,409; 23,410 and 31,093 overlap the irrigated place of use. The stockwater portion is a feedlot located in the West Half (W $\frac{1}{2}$) of Section 9, Township 28 South, Range 33 West, Haskell County, and also served by File Nos. 14,091; 14,492; 16,955; 23,410; 34,236; 34,553 and 34,554. The right is not located in a special use area but is located in the Southwest Kansas Groundwater Management District No. 3, (GMD 3).

The currently authorized and proposed existing well do not overlap with any other files. The proposed standby well is located in the Northwest Quarter of the Northwest Quarter of the Northeast Quarter (NW $\frac{1}{4}$ NW $\frac{1}{4}$ NE $\frac{1}{4}$) of Section 9, authorized at 5,120 feet North and 2,040 feet West of the Southeast corner of said section. The actual location was determined by a Compliance Investigation completed in October 2021 to be 5,174 feet North and 2,107 feet West of the Southeast corner of said section. Its distance is approximately 1,651 feet from the primary dual use well located in the Southeast Quarter of the Northwest Quarter of the Southeast Quarter (SE $\frac{1}{4}$ NW $\frac{1}{4}$ SE $\frac{1}{4}$) of Section 4, approximately 1,475 feet North and 1,629 feet West of the Southeast corner of said section, all in Township 28 South, Range 33 West, Haskell County, Kansas.

The source of supply for this right has been determined to be the both the Ogallala and Unconfined Dakota Formations (Codes 211 / 331). The local source of supply will remain as determined as the proposed well was previously authorized by this file.

The primary well and the proposed standby well are approximately 1,641 feet apart. Based on the reduced 349.79 acre-feet authorized for at the primary well is afforded 1,900 feet of spacing. The proposed standby well is approximately 2,266 feet from an irrigation well under File No. 22,528 that is authorized 570 AF. The proposed standby well does not meet the spacing requirements of Part(a) of K.A.R. 5-23-3 to the primary and irrigation well not owned by the applicant. It appears the proposed change will need a **waiver of well to well spacing, Part(a) of K.A.R. 5-23-3** *Minimum well spacing requirements: high plains aquifer.*

A review of the proposed change by GMD 3 and the Board found the nearby owner of File No. 22,528, Kenneth Cox, approximately 2,266 feet away had no objections to the change. Historically GMD3 has determined that the regulation exempted standby wells as they are temporary use, and non-temporary wells are subject to the spacing requirements. However, Jason Norquest, Assistant Manager for the Southwest Kansas Groundwater Management District No. 3 indicated the **Board recommended approval of the application** with a waiver of K.A.R. 5-23-3(a) per his letter dated September 15, 2022.

The standby well will be required to meet all other conditions as detailed in K.A.R. 5-1-2, so the approval will require it to be maintained in operable condition, have a meter and will be restricted to the same rate and quantity as the primary well. The approval will further inform the owner that the primary and standby well may not operate at the same time except for maintenance, testing, fire protection or similar short term use reason.

Mike Meyer, Water Commissioner of the Garden City Field Office indicated in his January 6, 2023, e-Mail that he has no objection to the approval of the change as proposed.

A flow meter will be a requirement of the approval and a check valve will be required if any chemical or foreign substance is injected into the water through any of the diversion works. A water level measurement tube will not be required as the 2021 Compliance Investigation indicated a tube was not present on the proposed standby well. A notice of completion will be required. A well log will not be required for this existing well.

Based on the above discussion, that the waiver of spacing is granted there appears to be no change in the local source of supply, that the change is reasonable and that impairment to existing water rights is unlikely, it is recommended that the referenced application to change the existing well to standby stockwater use be approved.



Leslie Ireland
Environmental Scientist
Water Appropriation Program

From: Meyer, Mike [KDA]
Sent: Fri 1/6/2023 1:06 PM
To: Ireland, Leslie [KDA]
Subject: RE: Review and Recommendation for PD change, File No. 16882 Satanta Farms

Approve
thanks

Mike

From: Ireland, Leslie [KDA] <Leslie.Ireland@ks.gov>
Sent: Friday, January 6, 2023 11:16 AM
To: Meyer, Mike [KDA] <Mike.Meyer@ks.gov>
Subject: Review and Recommendation for PD change, File No. 16882 Satanta Farms

Mike,

Please let me know if you'd recommend this change to authorized the old irrigation well for standby stockwater use .
Waiver of spacing to Cox's irrigation well was OK'd by the Board back in September.

As always comments and concerns are welcome.

Leslie Ireland
Environmental Scientist
Change Application Unit
Division of Water Resources



File No. 16882 Proposed standby well

Water Rights and Points of Diversion Within 1 miles of point defined as: Actual GPS location.

5174 Feet N and 2107 Feet W of the Southeast Corner of Section 9 Twp 28S Rng 33W

Located at: 100.932859 West Longitude and 37.634641 North Latitude

GROUNDWATER ONLY

File Number	Use	ST	SR	Dist (ft)	Q4	Q3	Q2	Q1	FeetN	FeetW	Sec	Twp	Rng	ID	Batt	Auth_Quan	Add_Quan	
A__ AF	2890	00	IRR	NK	G	6420	--	SW	SW	SW	226	5204	33	27	33W	3	500.00	500.00
A__ AF	3532	00	IRR	NK	G	6420	--	SW	SW	SW	226	5204	33	27	33W	3	254.00	254.00
A__ AF	6458	00	IRR	NK	G	5599	--	SE	SW	SE	170	1800	33	27	33W	4	1085.00	.00
Same						6420	--	SW	SW	SW	226	5204	33	27	33W	3		
A__ AF	12606	00	IRR	NK	G	5599	--	SE	SW	SE	170	1800	33	27	33W	4	1897.00	812.00
Same						6420	--	SW	SW	SW	226	5204	33	27	33W	3		
A__ AF	14091	00	STK	NK	G	2800	--	NE	NE	SW	2457	2797	9	28	33W	11	939.08	939.08
A__ AF	14492	00	IRR	NK	G	2679	--	SE	NW	SW	1488	4261	4	28	33W	6	640.00	640.00
A__ AF	14492	00	STK	NK	G	2679	--	SE	NW	SW	1488	4261	4	28	33W	6	640.00	640.00
A__ AF	16882	00	IRR	NK	G*	1651	--	SE	NW	SE	1475	1629	4	28	33W	7	412.00	412.00
A__ AF	16882	00	STK	NK	G*	1651	--	SE	NW	SE	1475	1629	4	28	33W	7	412.00	412.00
A__ AF	16955	00	STK	NK	G	3906	--	SE	SE	NE	3218	90	4	28	33W	5	387.20	387.20
A__ AF	17486	00	IRR	NK	G	4974	--	SW	NW	NE	3990	2603	10	28	33W	1	940.00	195.00
A__ AF	22528	00	IRR	NK	G	2266	--	NW	NW	NW	4900	5170	10	28	33W	2	570.00	570.00
A__ AF	23410	00	IRR	NK	G	5194	--	SE	SE	SW	65	3040	9	28	33W	4	325.00	325.00
A__ AF	23410	00	STK	NK	G	5194	--	SE	SE	SW	65	3040	9	28	33W	4	325.00	325.00
A__ AF	31092	00	IRR	NK	G	5038	--	SW	NE	SW	1567	3926	10	28	33W	4	549.00	70.00
A__ AF	34236	00	STK	NK	G	5653	--	SW	SW	SW	121	4634	9	28	33W	10	62.70	62.70
A__ AF	34553	00	STK	NK	G	5222	--	NW	SW	SW	1000	5250	9	28	33W	6	104.00	104.00
A__ AF	34554	00	STK	NK	G	4148	--	NW	NW	SW	2496	5262	9	28	33W	12	102.01	102.01
P__ AF	20220174	00	IND	GY	G	4947	--	NW	NW	NE	4936	2470	10	28	33W	5	2.46	2.46

Total Net Quantities Authorized:	Direct	Storage
Total Requested Amount (AF) =	.00	.00
Total Permitted Amount (AF) =	2.46	.00
Total Inspected Amount (AF) =	.00	.00
Total Pro_Cert Amount (AF) =	.00	.00
Total Certified Amount (AF) =	6749.99	.00
Total Vested Amount (AF) =	.00	.00
TOTAL AMOUNT (AF) =	6752.45	.00

An * after the source of supply indicates a pending application for change under the file number.

An * after the ID indicates a 15 AF exemption was granted under the file number.

A "G" in the Batt column indicates the GEO CTR of a battery. A "B" indicates a well in the battery.

The number in the Batt column is the number of wells in the battery.

THE STATE  OF KANSAS

KANSAS DEPARTMENT OF AGRICULTURE
Mike Beam, Secretary of Agriculture

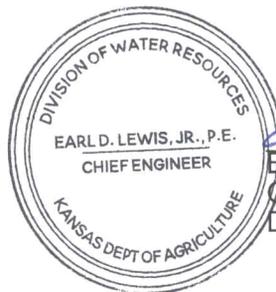
DIVISION OF WATER RESOURCES
Earl D. Lewis Jr., Chief Engineer

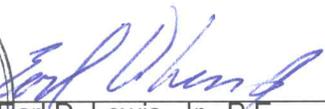
WAIVER OF REGULATION
K.A.R. 5-23-3(a)(1)

Date: January 9, 2023
Re: File No. 16,882

1. That K.A.R. 5-23-3(a)(1) states in part, that the minimum well spacing requirement for non-domestic wells which propose the withdrawal of over 500 acre-feet of water from the Ogallala Formation shall be a minimum of 2,300 feet from all other non-domestic wells in the Ogallala aquifer.
2. The proposed existing well under the referenced file will be authorized as a standby stockwater well. It is located approximately 2,266 feet from a well under Water Right, File No. 22,528, that is authorized 570 acre-feet for irrigation use.
3. The wells have historically operated as irrigation wells prior to a 2022 approved change in point of diversion for File No. 16,882. The proposed new use is as a standby well for stockwater use and could be considered to be a temporary use as it will be restricted to operate only when the primary well is inoperable.
4. That the Southwest Groundwater Management District No. 3, reviewed the proposed change with the owner of File No. 22,528, who had no objections to the proposed change.
5. The Southwest Groundwater Management District No. 3, Board recommended a waiver of part (a)(1) of K.A.R. 5-23-3, and approval of the application for change.
6. That the waiver will not prejudicially or unreasonably affect the public interest.

Comments:




Earl D. Lewis, Jr., P.E.
Chief Engineer
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
POINT OF DIVERSION
WATER RIGHT
FILE NO. 16,882

The Chief Engineer, Division of Water Resources, Kansas Department of Agriculture, after due consideration of the written application of Donald Gales on behalf of Friona Industries LP Kansas Feedlots, 1174 Empire Circle, Santanta, Kansas 67870 and Satanta Farms LLC, PO Box 15568, 500 South Taylor, Suite 601, Amarillo, Texas 79101-5568, received in this office on March 28, 2022, for approval of a change in the point of diversion under the certificate of appropriation issued pursuant to the application for permit to appropriate water for beneficial use, as modified and amended by the Findings and Order of the Chief Engineer dated January 5, 2015, determining the authorized place of use, and the Order of the Chief Engineer dated September 13, 2021, approving the application to change the point of diversion, and the Order dated April 5, 2022, approving the application to change the use made of water, place of use and Order in the matter of the authorized quantity of water, finds that the change is 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 effective date of the change shall be the date this order is executed by the Chief Engineer, after which the authorized locations of the points of diversion shall be:

one (1) well located in the Southeast Quarter of the Northwest Quarter of the Southeast Quarter (SE $\frac{1}{4}$ NW $\frac{1}{4}$ SE $\frac{1}{4}$) of Section 4, more particularly described as being near a point 1,475 feet North and 1,629 feet West of the Southeast corner of said section, **as a primary well** for irrigation and stockwater uses, and

one (1) well located in the Northwest Quarter of the Northwest Quarter of the Northeast Quarter (NW $\frac{1}{4}$ NW $\frac{1}{4}$ NE $\frac{1}{4}$) of Section 9, more particularly described as being near a point 5,174 feet North and 2,107 feet West of the Southeast corner of said section, **as a standby well** for stockwater use,

all in Township 28 South, Range 33 West, Haskell County, Kansas.

located substantially as shown on the map accompanying the application to change the point of diversion.

The well described herein as the standby well shall be used exclusively at such time the well herein described as the primary well is inoperable due to mechanical, maintenance or power failure. Use of the standby well under these limiting conditions does not allow the authorized quantity of water or rate of diversion under this file to be exceeded.

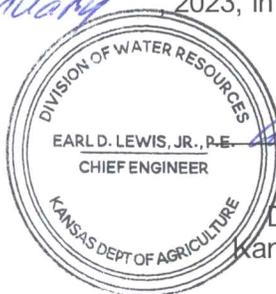
Installation of the works for diversion of water shall be completed on or before December 31, 2023, or within any authorized extension of time. The water right owner shall notify the Chief Engineer of the Division of Water Resources, Kansas Department of Agriculture, when construction of the works for diversion has been completed.

All 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 acceptable water meters 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.

In all other respects, the Certificate of Appropriation issued pursuant to Approval of Application, File No. 16,882, for permit to appropriate water for beneficial use, is as stated and set forth in the Certificate of Appropriation dated August 30, 1983, as modified and amended by the aforementioned orders.

Ordered this 9th day of January, 2023, in Manhattan, Riley County, Kansas.



Earl D. Lewis Jr.
Earl D. Lewis Jr., P.E.
Chief Engineer
Division of Water Resources
Kansas Department of Agriculture

State of Kansas)
) SS
County of Riley)

The foregoing instrument was acknowledged before me this 9th day of January 2023, by Earl D. Lewis Jr., P.E., Chief Engineer, Division of Water Resources, Kansas Department of Agriculture.

Melinda Jennings
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

January 11, 2023

SATANTA FARMS LLC
DONALD GALES
PO BOX 15568
500 SOUTH TAYLOR SUITE 601
AMARILLO, TX 79101-5568

RE: Water Right, File No. 16,882

Dear Mr. Gales:

Enclosed is the order executed by the Chief Engineer, Division of Water Resources, Kansas Department of Agriculture, approving the application for change under the referenced file.

Your attention is directed to the enclosures and to the terms, conditions, and limitations specified in the approval for change. Please be reminded the referenced file is approved as dual use with the continued requirement that acceptable water flowmeters be installed so both irrigation and stockwater uses can be metered independent of each other, from the primary well.

The well described in the approval document as the standby stockwater well shall be used exclusively at such time the well described in the approval document as the primary well is inoperable due to mechanical, maintenance or power failure. Use of the standby stockwater well under these limiting conditions does not allow the authorized quantity of water or rate of diversion authorized for stockwatering use under this file to be exceeded. In addition, the standby well must be metered.

Since this order modifies the original document referred to above, it 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 please contact 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 contact us 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

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 request an evidentiary hearing before the Chief Engineer or 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 Division, 1320 Research Park Drive, Manhattan, Kansas 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 review 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, Kansas 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.

CERTIFICATE OF SERVICE

On this 11 day of January, 2023, I hereby certify that the foregoing Approval of Application for Change in Point of Diversion, under Water Right, File No. 16,882, dated January 7, 2023 was mailed postage prepaid, first class, US mail to the following:

SATANTA FARMS LLC
DONALD GALES
PO BOX 15568
500 SOUTH TAYLOR SUITE 601
AMARILLO, TX 79101-5568

With photocopies to:

Garden City Field Office
Groundwater Management District No. 3



Division of Water Resources