

NOTICE

This scan only represents the application as filed. The information contained herein meets the requirements of K.A.R. 5-3-1 or K.A.R. 5-5-1, and has been found acceptable for filing in the office of the Chief Engineer. The application should not be considered to be a complete application as per K.A.R. 5-3-1b or K.A.R. 5-5-2a.

Submit To: CHIEF ENGINEER
Division of Water Resources
Kansas Department of Agriculture
1320 Research Park Drive
Manhattan, Kansas 66502
http://agriculture.ks.gov/dwr

**APPLICATION FOR APPROVAL TO
CHANGE THE PLACE OF USE, THE
POINT OF DIVERSION OR THE USE
MADE OF THE WATER UNDER AN
EXISTING WATER RIGHT**



State of Kansas

Filing Fee Must Accompany the Application
(Please refer to Fee Schedule on signature page of application form.)

Paragraph Nos. 1, 2, 3, 4 & 8 must be completed. Complete all other applicable portions. A topographic map or detailed plat showing the authorized and proposed points(s) of diversion and /or place of use must accompany this application.

1. Application is hereby made for approval of the Chief Engineer to change the

- Place of Use
- (Check one or more) Point of Diversion
- Use Made of Water

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SEP 29 2016
11:34
KS DEPT OF AGRICULTURE

File No. 24999

2. Name of applicant: ILS Land LLC

Address: Kelly Meyer, PO Box 1506

City, State and Zip: Great Bend KS 67530-1506

Phone Number: (620)793-9200 E-mail address: kelly.meyer@ilsbeef.com

What is your relationship to the water right; owner tenant agent other? If other, please explain. _____

Name of water use correspondent: ILS Land LLC

Address: PO Box 1506

City, State and Zip: Great Bend KS 67530-1506

Phone Number: (620) 793-9200 E-mail address: kelly.meyer@ilsbeef.com

3. The change(s) proposed herein are desired for the following reasons (please be specific): _____

To accomodate a feedlot operation. This change will convert an irrigation right to a dual use irrigation/stockwater permit.

The change(s) will be completed by upon approval

(Date)

For Office Use Only:							
F.O. <u>2</u>	GMD <u>5</u>	Meets K.A.R. 5-5-1 (YES/NO) <u>YES</u>	Use <u>IRR</u>	Source <u>G/S</u>	County <u>PN</u>	By <u>AJW</u>	Date <u>9/29/16</u>
Code <u>C-2</u>	Fee \$ <u>500</u>	TR # _____	Receipt Date <u>9/29/16</u>	Check # <u>14452</u>			

COPIED

10/4/2016 CLM

4. The presently authorized place of use is:

Owner of Land — NAME: ILS Land LLC

ADDRESS: PO Box 1506, Great Bend KS 67530-1506

Sec.	Twp.	Range	NE¼				NW¼				SW¼				SE¼				TOTAL ACRES
			NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	
22	22	16W					40	40	40	40									

List any other water rights that cover this place of use. none

Owner of Land — NAME: _____

ADDRESS: _____

Sec.	Twp.	Range	NE¼				NW¼				SW¼				SE¼				TOTAL ACRES
			NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	

List any other water rights that cover this place of use. _____

(If there are more than two landowners, attach additional sheets as necessary.)

5. It is proposed that the place of use be changed to:

Owner of Land — NAME: ILS Land LLC

ADDRESS: PO Box 1506, Great Bend KS 67530-1506

Sec.	Twp.	Range	NE¼				NW¼				SW¼				SE¼				TOTAL ACRES
			NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	
22	22	16W					40	40	40	40									

List any other water rights that cover this place of use. none

Owner of Land — NAME: Ward Feed Yard Inc

ADDRESS: PO Box H, Larned KS 67550

Sec.	Twp.	Range	NE¼				NW¼				SW¼				SE¼				TOTAL ACRES
			NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	
21	22	16W	Feedlot in the East Half																

List any other water rights that cover this place of use. 31940 & 31941

IF MORE SPACE IS NEEDED, ATTACH ADDITIONAL SHEETS AS NECESSARY

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6. The presently authorized point(s) of diversion are two wells
(Provide description and number of points)
7. The proposed point(s) of diversion are two wells
(Provide description and number of points)

List all presently authorized point(s) of diversion:

8. **Presently authorized point of diversion:**
 One in the NW Quarter of the NW Quarter of the NW Quarter of Section 22 , Township 22 South, Range 16 W, in Pawnee County, Kansas, 4,957 feet North 5,235 feet West of Southeast corner of section. Authorized Rate 475 gpm Authorized Quantity 142 AF
(DWR use only: Computer ID No. 8 GPS 4,955 feet North 5,248 feet West)
 This point will not be changed This point will be changed as follows:
Proposed point of diversion: (Complete only if change is requested)
 One in the _____ Quarter of the _____ Quarter of the _____ Quarter of Section _____, Township _____ South, Range _____ (E/W), in _____ County, Kansas, _____ feet North _____ feet West of Southeast corner of section. Proposed Rate no change Proposed Quantity 127.8 AF (see item 13 & 17 for discussion)
 This point is: Additional Well Geo Center List other water rights that will use this point none

9. **Presently authorized point of diversion:**
 One in the --- Quarter of the --- Quarter of the NC NW Quarter of Section 22 , Township 22 South, Range 16 W, in Pawnee County, Kansas, 3,960 feet North 3,930 feet West of Southeast corner of section. Authorized Rate 180 gpm Authorized Quantity 53 AF
(DWR use only: Computer ID No. 4 GPS 3,935 feet North 3,968 feet West)
 This point will not be changed This point will be changed as follows:
Proposed point of diversion: (Complete only if change is requested)
 One in the _____ Quarter of the _____ Quarter of the _____ Quarter of Section _____, Township _____ South, Range _____ (E/W), in _____ County, Kansas, _____ feet North _____ feet West of Southeast corner of section. Proposed Rate no change Proposed Quantity no change
 This point is: Additional Well Geo Center List other water rights that will use this point none

10. **Presently authorized point of diversion:**
 One in the _____ Quarter of the _____ Quarter of the _____ Quarter of Section _____, Township _____ South, Range _____ (E/W), in _____ County, Kansas, _____ feet North _____ feet West of Southeast corner of section. Authorized Rate _____ Authorized Quantity _____
(DWR use only: Computer ID No. _____ GPS _____ feet North _____ feet West)
 This point will not be changed This point will be changed as follows:
Proposed point of diversion: (Complete only if change is requested)
 One in the _____ Quarter of the _____ Quarter of the _____ Quarter of Section _____, Township _____ South, Range _____ (E/W), in _____ County, Kansas, _____ feet North _____ feet West of Southeast corner of section. Proposed Rate _____ Proposed Quantity _____
 This point is: Additional Well Geo Center List other water rights that will use this point _____

11. Describe the current condition of and future plans for any point(s) of diversion which will no longer be used. N/A

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12. The presently authorized use of water is for Irrigation purposes.
It is proposed that the use be changed to Irrigation & Stockwater purposes.
13. If changing the place of use and/or use made of water, describe how the consumptive use will not be increased.
This request proposes to convert the use at the north well to both stockwater and irrigation use. This is a 2016 pilot project that is proposing a 10% consumptive use reduction on the authorized irrigation quantity on the north well in order to comply with the nutrient management plan that utilizes the return water of the feedlot back to irrigation and retain the current project and acres. The south well will remain as irrigation only. The stockwater rights' use and quantities will not be changed.
(Please show any calculations here.)
14. It is requested that the maximum annual quantity of water be reduced to 180.8* (acre-feet or million gallons).
15. It is requested that the maximum rate of diversion of water be reduced to NA gallons per minute (--- c.f.s.).
16. The application must include either a topographic map or detailed plat. A U.S. Geological Survey Topographic Map, scale 1:24,000, is available through the Kansas Geological Survey, 1930 Constant Avenue, University of Kansas, Lawrence, Kansas 66047-3726 (www.usgs.gov). The map should show the location of the presently authorized point(s) of diversion. Distances North and West of the Southeast corner of the section must be shown. The presently authorized place of use should also be shown. Identify the center of the section, the section lines and the section corners and show the appropriate section, township, and range numbers on the map. In addition the following information must also be shown on the map.
- If a change in the location of the point(s) of diversion is proposed, show:
 - The location of the proposed point(s) of diversion. Distances North and West of the Southeast corner of the section must be shown. Please be certain that the information shown on the map agrees with the information shown in Paragraph Nos. 9, 10 and 11 of the application.
 - If the source of supply is groundwater, please show the location of existing water wells of any kind, including domestic wells, within ½ mile of the proposed well or wells. Identify each well as to its use and furnish name and mailing address of the property owner or owners. If there are no wells within ½ mile, please indicate so on the map.
 - If the source of supply is surface water, the names and mailing addresses of all landowner(s) ½ mile downstream and ½ mile upstream from your property lines must be shown.
 - If a change in the place of use is desired, show the proposed place of use by crosshatching on the map. Please be certain that the information shown on the map agrees with the information shown in Paragraph No. 5 of the application.
17. Attach documentation to show the change(s) proposed herein will not impair existing water rights and relates to the same local source of supply as to which the water right relates. This information may include statements, plats, geology reports, well logs, test hole logs, and other information as necessary information to show the above. Additional comments may be made below.
Same local source of supply. See attached documentation for justification of the proposed quantity and the 10% consumptive use acknowledgement. *The applicant requests that they retain the original 195 AF for irrigation, but will limit the stockwater quantity to 180.8 AF during the duration of the dual use stockwater/irrigation permit. Should the stockwater use ever cease, the applicant will request to revert back to irrigation for the full original quantity of 195 AF. For the proposed change, the applicant requests that 127.8 AF be permitted for Irrigation and Stockwater at the north well and to not single out a quantity per use. Each use will be metered separately at the point of diversion.
18. If the proposed change(s) does not meet all applicable rules and regulations of the Kansas Water Appropriation Act, please identify the rules and regulations for which you request a waiver. State the reason why a waiver is needed and why the request should be granted. Attach documentation showing that granting the request will not impair existing water rights and will not prejudicially and unreasonably affect the public interest.

IF MORE SPACE IS NEEDED, ATTACH ADDITIONAL SHEETS AS NECESSARY

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Any use of water that is not as authorized by the water right or permit to authorize water **before** the chief engineer approves this application is a violation of the Kansas Water Appropriation Act for which criminal or civil penalties may be assessed. Such violation is a class C misdemeanor, punishable by a fine not to exceed \$500 and/or a term of confinement not to exceed one month in the county jail. K.S.A. 82a-728(b). Civil penalties shall be not less than \$100 nor more than \$1,000 per violation. In the case of a continuing violation, each day such violation continues may be deemed a separate violation. In addition to these penalties the water right may be modified or suspended. K.S.A. 82a-737, as amended.

The application must be signed by all owners of the place of use authorized under the water right and his or her spouse, if married. Please indicate if there is no spouse. If land is being purchased under contract, the seller must sign as landowner until such time as the contract is completed.

In the event that all applicants cannot appear before one notary public, they may as necessary sign separate copies of the application before any notary public conveniently available to them. All copies signed in this manner shall be considered to be valid parts of the application.

If the request is signed on behalf of any Owner by someone with legal authority to do so (for example, an agent, one who has power of attorney, or an executor, executrix, conservator), it will be necessary to attach proper documents showing such authority.

I declare that I am an owner of the currently authorized place of use as identified herein, or that I represent all such owners and am authorized to make this application on their behalf, and declare further that the statements contained herein are true, correct, and complete. By filing this application I authorize the chief engineer to permanently reduce the quantity of water and/or rate of diversion as specified in sections 14 and 15 of this application.

Dated at Great Bend, Kansas, this 21st day of September, 2016.

<u>A. Borck</u> (Owner)	_____	(Spouse)
<u>LEE BORCK</u> (Please Print)	_____	(Please Print)
_____	_____	(Spouse)
(Owner)	_____	(Please Print)
_____	_____	(Spouse)
(Please Print)	_____	(Please Print)
_____	_____	(Spouse)
(Owner)	_____	(Please Print)
_____	_____	(Spouse)
(Please Print)	_____	(Please Print)

State of Kansas }
County of Barton } SS

I hereby certify that the foregoing application was signed in my presence and sworn to before me this 21st day of September, 2016.


 LISA FERGUSON
 Notary Public - State of Kansas
 My Appt. Expires 1/2019

Lisa Ferguson
Notary Public

FEE SCHEDULE

Each application to change the place of use, the point of diversion or the use made of the water under this section shall be accompanied by the application fee set forth in the schedule below:

- (1) Application to change a point of diversion 300 feet or less \$100
- (2) Application to change a point of diversion more than 300 feet \$200
- (3) Application to change the place of use \$200
- (4) Application to change the use made of the water \$300

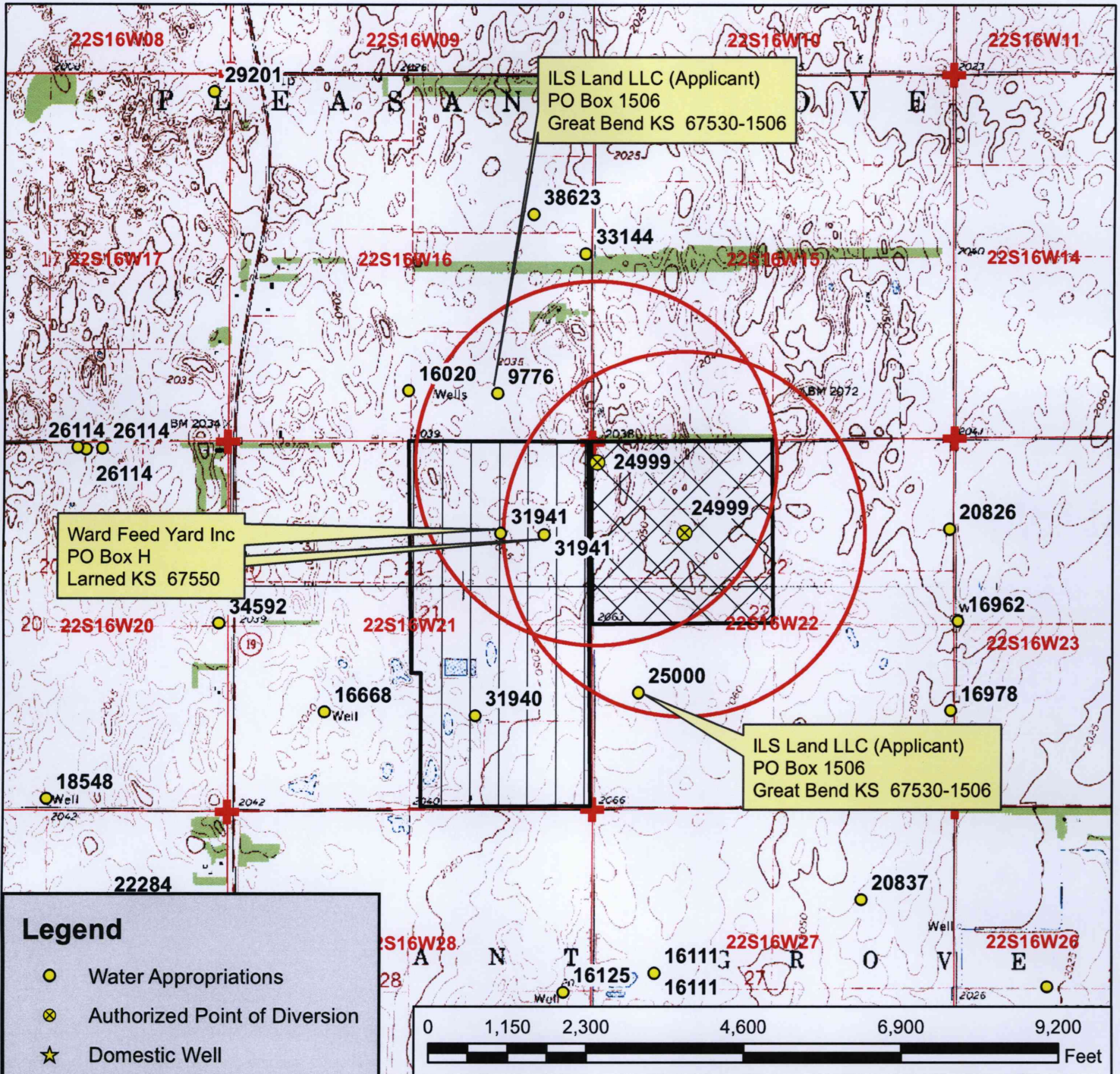
Make check payable to **Kansas Department of Agriculture.**

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Legend

- Water Appropriations
- ⊗ Authorized Point of Diversion
- ★ Domestic Well
- ⊕ Section Corner
- Section Line
- Half Mile Circle

Place of Use

- ▨ Authorized--Irrigation
- ▧ Proposed--Irrigation
- ▩ Proposed--Stockwater

Water Right, File No. 24999

Change in Place of Use Application Map
 21 & 22-22S-16W // Pawnee County

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To the best of my knowledge, all of the domestic wells within 1/2 mile of the authorized/proposed point(s) of diversion have been shown.

[Handwritten Signature]
 Signature

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Stafford Field Office
300 S. Main Street
Stafford, Kansas 67578-1521
Jackie McClaskey, Secretary
David W. Barfield, Chief Engineer
Jeff Lanterman, Water Commissioner

Phone: (620) 234-5311
Fax: (620) 234-6900
www.agriculture.ks.gov
Sam Brownback, Governor

September 22, 2016

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ILS Farm LLC
Kelly Meyer
PO Box 1506
Great Bend KS 67530-1506
kelly.meyer@ilsbeef.com

RE: Water Right, File No(s). 24999, 31940 & 31941 and
Pilot Project Term Permit

Dear Mr. Meyer,

You will find enclosed with this letter a set of four different applications for the referenced file numbers. Each application is outlined below along with what needs to be done to complete it. These applications were written with the intent converting File No. 24999 to a dual use permit for both irrigation and stockwatering use in addition to creating a project permit that allows more flexibility for the stockwater wells associated with a feedlot in the East Half of 21-22-16 W, Pawnee County.

All permits and associated maps will need to be carefully reviewed. Feel free to make corrections as needed. Each application will need at least one signature and some signatures will need to be notarized. In addition, all of the maps will need to be reviewed in order to ensure all known domestic wells are shown. If you have to add any wells, please provide the landowner's name and mailing address. The maps will also need to be signed.


1. File No. 24999: This application and associated map proposes a change in the use made of water from irrigation to irrigation and stockwater use at the north well. The application also includes a place of use change that will add the referenced feedlot. This application is complete except for a notarized signature from the landowner on page 5. There is a \$500 application fee.
2. File No. 31940 & 31941: These two applications and associated maps propose a change in place of use to overlap both files so that the each cover the entire feedlot. Currently, the each file only covers one-half of the feedlot. These applications are complete except for a notarized signature from the landowner on page 5. There is a \$200 fee per application.
3. Project Term Permit Application: This application will create a group sum for the four stockwater wells currently and proposed to be authorized by the referenced file numbers, providing the water user greater flexibility. A signature from you or the landowner is needed on item number 10 AND number 11. A notary is not required, but be sure to sign both places. There is a \$340 fee for this application.

SCANNED

File No. 24999, 31940 & 31941 and
Pilot Project Term Permit
September 22, 2016
Page 2

The total fee for filing the enclosed applications is \$1,040. Please include a check made payable to the Kansas Department of Agriculture for the total amount with the signed applications when you submit them to Manhattan for processing. If I can be of any further assistance, or if you have any questions regarding the enclosed applications, please give me a call at 620.234.5311.

Sincerely,



Elizabeth K. Fitch
Environmental Scientist
elizabeth.fitch@ks.gov

Enclosures

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Noble Dairy

DWR/GMD PROPOSAL

Overview of Existing Water Rights

- Water Right 1395-SW – Stockwater Right With 100AF – POD SW 8-26-32
- Water Right 7554-D1 – Stockwater Right With 100AF – POD SW 8-26-32
- Water Right 1395-IRR – Irrigation Right With 474AF – POD NE 18-26-32
- Water Right 21325 – Irrigation Right With 260AF – POD SE 5-26-32
- Both Irrigation Rights Include Identical Places of Use Covering 452 Acres Across Section 5, Section 8, & Section 18
- Map Attached Illustrating the Location of the Above Point of Diversions and Their Accompanying Places of Use

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Historical Usage of Royal Farms Dairy

Year	Stockwater Pumped	Lagoon Water Irrigated	Consumed Water	Average Headcount
2011	842	443	399	12399
2012	831	529	302	12267
2013	776	501	275	12260
2014	800	702	98	12375
2015	704	442	262	12405
Average	791	523	268	12341

Historical Usage of Royal Farms Dairy

- Stockwater Pumped Per Animal Per Day – 57.2 Gallons/Head/Day
 - Estimate – 6170 Non-Lactating Animals @ 20 Gallons/Head/Day
 - Estimate – 6170 Lactating Animals @ 94 Gallons/Head/Day

- Net Water Consumed (Consumptive Use) Per Animal Per Day – 19.4 Gallons/Head/Day
 - Estimate – 6170 Non-Lactating Animals @ 12 Gallons/Head/Day
 - Estimate – 6170 Lactating Animals @ 27 Gallons/Head/Day

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Noble Dairy – 30 Year Permit Overview

- Permit 4 Point Of Diversions With A Dual Purpose Use (Stockwater & Irrigation)
- Blanket the Appropriated Volumes Across All 4 Wells With The Volume Not To Exceed Current Authorized Quantity On the 2 Existing Irrigation Wells
- Agree to an Upfront Consumptive Use Conservation Cut in Exchange for Long Term Water Right Flexibility (Example Calculation to Follow)

Noble Dairy – Proposed Calculation for Upfront Consumptive Use Conservation Cut

- Long Term Potential to Develop Noble Dairy Site to 14000 Animals Including 7000 Lactating & 7000 Non-Lactating Animals
 - Propose to Calculating Consumptive Use On The Following Volume
 - Lactating – $7000 * 35 \text{ Gallons/Hd/Day} = 275 \text{ Acre Feet}$
 - Non-Lactating – $7000 * 15 \text{ Gallons/Hd/Day} = 118 \text{ Acre Feet}$
 - Estimate of Total Acre Feet Consumed = 393 Acre Feet
 - Less Existing Stockwater Rights = 200 Acre Feet
 - Leaving 193 Acre Feet Subject to Existing Consumptive Use Calculation
 - Resulting In An Upfront Consumptive Use Conservation Cut of 46 Acre Feet

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Summary

- Noble Dairy Will Be Left With 888 AF Of Dual Purpose Water From 4 Points of Diversion During the 30 Years of the Permit
- At the End of the Permit, All Places of Use and Volumes Will Revert Back to the Appropriated Volumes Totaling 934 AF
- Noble Dairy Will Not Pump Existing Irrigation Wells Beyond Existing Allowable Quantity
- Creates a Business/Development Friendly Approach to Managing Water Rights While Administering an Upfront Conservation Cut
- Flexibility of this Strategy Will Create Greater Efficiency in Managing the Nutrient Load of a Livestock Facility Over the Long Term

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1320 Research Park Drive
Manhattan, Kansas 66502
(785) 564-6700



900 SW Jackson, Room 456
Topeka, Kansas 66612
(785) 296-3556

Jackie McClaskey, Secretary

Governor Sam Brownback

FILE COPY

September 30, 2016

ILS LAND LLC
PO BOX 1506
GREAT BEND , KS 67530

RE: File No. 24999

Dear Sir or Madam:

An application for approval of the Chief Engineer to change the following condition or conditions of the file number referred to above has been received:

- place of use PU/UMW
- point of diversion
- use made of water

As a matter of record, the Division of Water Resources has on hand a large number of applications awaiting processing. Therefore to be fair to all concerned, and so that we can process those applications on hand in the order they were received, we intend to concentrate on the backlog of applications until the issue is resolved. You will be contacted regarding this application as soon as it has been examined.

In accordance with the provisions of the Kansas Water Appropriation Act, a portion of which is included below, the use of water prior to approval of the application is unlawful. You should not proceed and divert water as indicated by your plans in your application for a change for this file until you receive approval for this change from the Chief Engineer. Once approved, compliance with the terms, conditions and limitations of the permit is necessary. Conservation of the water resources of Kansas is required.

Section 82a-728 of the Kansas Water Appropriation Act, provides (a) except for the appropriation of water for the purpose of domestic use, . . . it shall be unlawful for any person to appropriate or threaten to appropriate water from any source without first applying for and obtaining a permit to appropriate water in accordance with the provisions of the Water Appropriation Act or for any person to violate any condition of a vested right, appropriation right or an approved application for a permit to appropriate water for beneficial use.

(b) (1) The violation of any provision of this section by any person is a class C misdemeanor...

A class C misdemeanor is punishable by a fine not to exceed \$500 and/or a term of confinement not to exceed one month in the county jail. Each day that the violation occurs constitutes a separate offense.

If you have any questions, please contact me at (785) 564-6645. If you wish to discuss a specific file, please have the file number ready so that we may help you more efficiently.

Sincerely,

Brent A Turney, L.G.
Change Applications Unit Supervisor
Water Appropriation Program

BAT: dlw
pc: STAFFORD Field Office GMD 5 5

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