# Kansas Department of Agriculture Division of Water Resources

## CHANGE: P/D P/U WORKSHEET

Document Signature LPL

1. File Number: <b>36377.01</b>	2. Status Change Date:	3. Change Num:	4. Field Office:	5. GMD: . <b>05</b>				
6. Status: ⊠ Approved ☐ [ Return	Denied by DWR/GMD	☐ Dismiss by Req	Dismiss by Request/Failure to 7. Filing Date of Change: 10/17/2016					
8a. Applicant(s)  New to system	Person ID 36064 Add Seq#	8c. Landown New to sy	• •	Person IDAdd Seq#				
BARTON COUNTY FE ALAN POHLMAN 1164 SE 40 RD ELLINWOOD KS 6752								
8b. Landowner(s) New to system   BARTON COUNTY FE 1164 SE 40 RD ELLINWOOD KS 6752		BARTO ALAN I 1164 S ELLIN	ON COUNTY FEE POHLMAN E 40 RD WOOD KS 6752 GER UPDATE C					
9. Documents and Enclosure(s):	DWR Meter(s) Date to Co	omply:12/31/	<b>17</b> ⊠ N & P Da	te to Comply:				
☐ Anti-Reverse Meter     ☑ Me Letter	eter Seal 🛮 🖾 Check Valv	e 🛛 N & P Form	n ⊠ Water Tube	☑ Driller Copy ☐ H & E				
☐ Conservation Plan Date Re	quired:	Date Approved:	Da	ate to Comply:				
10. Use Made of Water From: _		-	То:					
			Date Prepared: <b>1</b> 1 Date Entered: () /ีว่	1/ <b>9/2016</b> ву: <b>LI</b> 29/2016 ву:ШМ				

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## KANSAS DEPARTMENT OF AGRICULTURE Division of Water Resources

## **MEMORANDUM**

TO: Files

DATE: November 16, 2016

FROM:

Leslie Ireland

**RE:** Water Right, File Nos. 9,658.01; 14,298.02; 16,878.03; 16,878.02; 18,686.05; 18,686.06 & 36,377.01

Alan Pohlman, Manager, Barton County Feeders Inc., owner of the referenced files authorized for stockwatering use, filed applications to change the place of use on all of the referenced files and point of diversion under all of the referenced files except File No. 16878.02. The applications were received on October 17, 2016. Frank Mercurio, P.E., KLA Environmental Services, assisted with the applications.

The subject rights appear to be in compliance with K.S.A. 82a-732 and the applications comply with K.A.R. 5-5-2a.

The referenced files authorize a total combined 263.4 acre-feet from six wells, one of which is a standby well under File No. 18,686.05, all located in the Northeast Quarter (NE¼) Section 20, Township 20 South, Range 11 West, Barton County, with the currently authorized place of use in the Northeast Quarter (NE¼). The place of use is also served by a 15 acre-foot right industrial use under File No. 41,588. The rights are located within the boundaries of Big Bend Groundwater Management District No. 5.

A change in place of use has been requested for all of the referenced files. Their request is to expand the feedlot to the South with the new place of use to be the East Half (½) of Section 20. Records indicated this area is not authorized for any other use and is owned by Barton County Feeders, Inc. and will make a complete overlap of all of the referenced files. The small use right, File No. 41,588 will remain authorized for the North Half of the section. A review of the water use under the referenced files indicates water is available for the proposed expansion from 20,000 head to 33,000 head and the applications comply with K.A.R. 5-5-3, *Change in consumptive use*.

#### File No. 9,658.01

The proposed point of diversion is a new well that will be completed approximately 519 feet from the point of diversion authorized as being located in the Northeast Quarter of the Southwest Quarter of the Northeast Quarter (NE½ SW¼ NE½) of Section 20, approximately 3,465 feet North and 1,670 feet West of the Southeast corner of the section, in Township 20 South, Range 11 West Barton County. The new well will be drilled in the Southeast Quarter of the Southwest Quarter of the Northeast Quarter (SE½ SW½ NE⅓) of Section 20, approximately 2,980 feet North and 1,485 feet West of the Southeast corner the section. The currently authorized point of diversion has been determined to be the Undifferentiated Kansas/Nebraskan with a WRIS Code of 180. It would appear the designation of the source of supply for this well is due to the location of the well within the Big Bend Groundwater District No. 5 The August 2016 well log completed by Rosencrantz-Bemis of Great Bend, Kansas, indicates a well of approximately 80 feet deep, with a static water level of 12.5 feet. The source of supply will remain Undifferentiated Kansas/Nebraskan with a WRIS Code of 180 due to the short distance the well is being relocated and the depth.

Water Right, File Nos. 9,658.01; 14,298.02; 16,878.03; 16,878.02; 18,686.05; 18,686.06 & 36,377.01

## File Nos. 14,298.02, 18,686.05, 18,686.06 & 36,377.01

The proposed change in point of diversion under File Nos. 14,298.02, 18,686.05, 18,686.06 & 36,377.01, is to drill a new well. It is proposed to be located near the center of the South Side more precisely 476 feet North and 2,682 feet West and corrected by Frank Mercurio to be in the Southeast Quarter of the Southeast Quarter of the Southwest Quarter (SE1/4 SE1/4 This well will be approximately 2,215 feet from the well currently authorized by these same rights. The well located near the center of the section approximately 2,690 feet North and 2,620 feet West of the Southeast corner will remain an operational well, but authorized by a different right. File No. 16.878.03. The well drillers log completed by Rosencrantz-Bemis, Great Bend, Kansas, indicated a depth of approximately 145 feet to blue shale. It would appear this might be the log for the temporary permit, File No. 20160173. In my conversation with Frank Murcurio he indicated this well will be plugged as its location will be under a road. log submitted for the temporary well appears to be located within 300 feet of the proposed new well. The currently authorized point of diversion has been determined to be the Main Stem Alluvium, Code 113. While the point of diversion is in the general area of the Arkansas River the WIMAS mapping data indicates this well is outside the alluvium boundaries, but as it may have originally only been 47 feet deep, would indicate the alluvium designation. The proposed point of diversion will move away from the Arkansas River, and would comply with K.A.R. 5-5-13, Relocation of alluvial wells. It would appear that this well would be more accurately classified as Kansas Stage, Code 140 as the KGS Bulletin No. 88, records for a well completed to approximately 47 feet deep and located in Section 20 was classified with a geological source of the Meade formation. This currently authorized well which was originally permitted as a domestic stockwatering well was completed to approximately 50 feet deep. The submitted log and information in the KGS Bulletin No. 88 indicate the requested change will remain in the same source of supply, but should be updated to Kansas Stage, Code 140. The proposed well complies with K.A.R. 5-25-2a, Change in point of diversion, as the distance moved is less than 2,640 feet and the closest non-domestic well is the previously authorized point of diversion at 2,215 feet away.

#### File No. 16,878.03

The well near the center of the section that had been authorized by File Nos. 14,298.02, 18,686.05, 18,686.06 & 36,377.01, will remain active and is the proposed well under File No. 16,878.03. This right will move approximately 1,998 feet from its authorized well described as being in the Southeast Quarter of the Northwest Quarter of the Northeast Quarter (SE1/4 NW1/4 NE1/4) located 4,455 feet North and 1,680 feet West of the Southeast corner. The old well that had been authorized by this right has been requested to remain as a standby well, resulting in File No. 16,878.03 to have a primary and standby well. The source of supply of the currently authorized point of diversion was designated as the Undifferentiated Kansas/Nebraskan with a WRIS Code of 180. The proposed point of diversion will be updated from the Main Stem alluvium, Code 113, to the Undifferentiated Kansas/Nebraskan with a WRIS Code of 180. The update appears to be needed as the well log indicated a depth of only 47 feet, but water use reports indicated the proposed existing well is 90 feet deep. This update will also be needed for the proposed standby well to comply with K.A.R. 5-25-2a, Change in point of diversion. The proposed well location is indicated by WRIS to be less than the 1,320 feet of well to well spacing, but complies with part (1) as all are junior in priority or equal, and referenced as File Nos. 18,686.05, 41,588 and 16,878.02. As the proposed standby well was originally authorized by the file it will be considered to be in the same local source of supply. The permit will contain the standby wording and complies with K.A.R. 5-1-2, Standby well.

There are only the wells owned by Barton County Feeders within one-half (½) mile of the proposed wells with the exception of the proposed point of diversion under File Nos. 14,298.02, 18,686.05, 18,686.06 & 36,377.01. A comment letter was sent to this nearby domestic well owner. No comment of any kind was received.

Orrin Feril, Manager, Big Bend Groundwater Management District No. 5, in a letter dated November 1, 2016, recommended the requested changes in place of use and the modification of the points of diversion for approval. The applications are consistent with their regulation K.A.R. 5-25-20(b) as the applications comply with the adopted regulations of the Kansas Water Appropriation Act and the Groundwater Management District Act. The changes in point of diversion will subject to K.A.R. 5-25-5, requiring the instillation of a water flowmeter per point of diversion.

Jeff Lanterman, Water Commissioner was sent a copy of this memorandum for comments and a recommendation on the proposed changes. These were discussed with him while at the 2016 Water Conference. When in our office on November 16, 2016, he indicated that he would give a verbal recommendation to proceed with the approval of the changes.

Water flowmeters are required according to KSA 82a-706c on the primary and standby wells. A water level measurement tube will be required on the new well requested to be drilled under File Nos. 14,298.02; 18,686.05, 18,686.06 & 36,377.01. The new well under File No. 9658.01 has a rate less than 100 gallons per minute so a tube will not be a condition of the approval, but will have the standard tube wording in the approval. WWC-5 logs will not be a condition of the approvals as they were submitted with the applications. A check valve is required on all wells that will chemigate, so the approvals will have our standard wording.

Based on the above discussion the changes appear to be reasonable, that impairment to existing water rights is unlikely, that there are no pending applications within the vicinity of the proposed changes and filed prior that may be affected by the approvals and that no change in the local source of supply will occur, it is recommended that the applications for be approved.

Leslie Ireland

Xslie Jul

**Environmental Scientist** 

Water Appropriation Program



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

November 29, 2016

FILE COPY

BARTON COUNTY FEEDERS INC ALAN POHLMAN MANAGER 1164 SE 40 RD ELLINWOOD KS 67526-9276

RE: Water Right, File Nos. 9,658.01; 14,298.02; 16,878.03; 16,878.02; 18,686.05; 18,686.06 & 36,377.01

Dear Mr. Pohlman:

Enclosed are the orders executed by the Chief Engineer, Division of Water Resources, Kansas Department of Agriculture, approving the applications for change under the above 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 these approvals is that an acceptable water flow meter must be installed on the authorized diversion works. Please return the required and enclosed form *Notification of Completion of the Diversion Works and/or Installation of the Required Meters* as soon as these actions are completed.

Any wells abandoned by these approvals must be plugged in accordance with the requirements of Article 30 of the Rules and Regulations as adopted by the Kansas Department of Health and Environment.

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 contract Leslie Ireland, Environmental Scientist, at (785) 566-6633. 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, P

Change Applications Unit Supervisor

BAT:LI:li Enclosures

pc: Stafford Field Office

Groundwater Management District No. 5

Frank Mercurio, P.E., KLA Environmental Services, Inc.

## KANSAS DEPARTMENT OF AGRICULTURE

Jackie McClaskey, Secretary of Agriculture

**DIVISION OF WATER RESOURCES**David W. Barfield, Chief Engineer

APPROVAL OF APPLICATION
FOR
CHANGE IN PLACE OF USE
AND
POINT OF DIVERSION
WATER RIGHT, FILE NO. 36,377.01

FILE COPY

The Chief Engineer, Division of Water Resources, Kansas Department of Agriculture, after due consideration of the written application of Alan Pohlman, Manager, Barton County Feeders, Incorporated, 1164 SE 40 Road, Ellinwood, Kansas 67526, received in this office on October 17, 2016, for approval of a change in the place of use and point of diversion both 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 April 4, 1995, approving the application to change the point of diversion 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.

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 the:

a feedlot located in the East Half (E½), of Section 20, in Township 20 South, Range 11 West, Barton County, Kansas,

and the location of the authorized point of diversion shall be:

one(1) well located the Southeast Quarter of the Southeast Quarter of the Southwest Quarter (SE¼ SE¼ SW¼) of Section 20, more particularly described as being near a point 476 feet North and 2,682 feet West of the Southeast corner of said section, in Township 20 South, Range 11 West, Barton County, Kansas,

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

Installation of the works for diversion of water shall be completed on or before December 31, 2017, or within any authorized extension of time. The applicant 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.

All wells with a diversion rate of 100 gallons per minute or more drilled under the authority of this order shall have a tube or other device installed in a manner acceptable to, and in accordance with specifications adopted by, the Chief Engineer. This tube or device shall be suitable for making water level measurements and shall be maintained in a 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. 36,377.01, for permit to appropriate water for beneficial use, is as stated and set forth in the Certificate of Appropriation dated June 14, 1994, as modified and amended by the aforementioned order.

This Order shall become a final agency action, as defined by K.S.A. 77-607(b), without further notice to the parties, if a request for hearing or a petition for administrative review is not filed as set forth below.

Request for Hearing. According to K.A.R. 5-14-3(c), any party who desires a hearing must submit a request within 15 days after the date shown on the Certificate of Service attached to this Order. Filing a request for a hearing will give you the opportunity to submit additional facts for consideration, contest any findings made by the Chief Engineer or present any other information you believe should be considered in this matter. A timely-filed request for hearing will stay the deadline for requesting administrative review of this Order pending the outcome of the hearing.

Petition for Review. Any person aggrieved by this Summary Order may petition for administrative review, pursuant to K.S.A. 82a-708b(a) and K.S.A. 82a-1901(a). The petition must be filed within 30 days after the date shown on the Certificate of Service attached to this Order and must set forth the basis for the review, unless stayed by the timely filing of a request for hearing.

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

Ordered this 25 H day of 1000 Overhold, 2016, at Topeka, Shawnee County, Kansas.

Lane P. Letourneau, P.G.
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 day of foregoing instrument was acknowledged before me this day of foregoing instrument, 2016, by Lane P. Letourneau, P.G., Program Manager, Division of Water Resources, Kansas Department of Agriculture.

DANIELLE WILSON
My Appointment Expires
August 23, 2020

Notary Public

## **CERTIFICATE OF SERVICE**

On this day of wearbel, 2016, I hereby certify that the attached Approval of Application for Change in the Authorized Place of Use and Point of Diversion under Water Right, File No. 36,377.01, dated was mailed postage prepaid, first class, US mail to the following:

Barton County Feeders, Inc. Alan Pohlman, Manager 1164 SE 40 RD Ellinwood, KS 67526-9276

With photocopies to:

Frank Mercurio, P.E. KLA Environmental Services, Inc. 1303 Yucca St. Scott City, KS 67871

Stafford Field Office Groundwater Management District No. 5

Division of Water Resources

Submit completed application to: Kansas Department of Agriculture Division of Water Resources Field Office for your area. Call for address:

Topeka -- (785) 296-5733 Stafford -- (620) 234-5311 Stockton -- (785) 425-6787 Garden City -- (620) 276-2901 http://agriculture.ks.gov/dwr

# DWR FIELD OFFICE APPLICATION FOR APPROVAL TO CHANGE THE PLACE OF USE AND/OR THE POINT OF DIVERSION



**STATE OF KANSAS** 

10/19/2016 LUM

Filing Fee Must Accompany the Application, K.S.A. 82a-708b(b), as amended.

Fee Schedule is on the third page of this application form.

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	under the water right which is the subject of this application in accordance with the conditions described below.																		
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J.	The presently authorized place of use is:  Owner of Land NAME: Barton County Feeders, Inc.																		
	ADDRESS: 1164 SE 40 Road, Ellinwood, KS 67526																		
	(If there is more than one landowner, attach supplemental sheets as necessary.)																		
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4.	4. If this application is for a change in place of use, it is proposed that the place of use be changed to:  Owner of Land NAME: Barton County Feeders, Inc.  ADDRESS: 1164 SE 40 Road, Ellinwood, KS 67526  (If there is more than one landowner, attach supplemental sheets as necessary.)																		
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	For Office Use Only: Code C 2 Fee \$ 400.00 TR # 17009 Receipt Date 16/17/16 Check # 10245																		
DW	DWR 1-121 (Revised 06/16/2014) APPLICATION COMPLETE Page 1 10/19/10 SCANNET File No. 36,377.01																		
	Raviewer LI																		

File No. <u>36,377.01</u>

SCANNED

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11.			istrict recommendati	on	10	0 50	0 50 South	100	
	attached?	s 🛛 No				Sa	ale: 1" = 100'		
12	Assisted by RECEN	OURCES		13b.			diversion will be		
14.	RECEI	<del>√ED</del>			100 feet b	out within 13 attach a tonc	20 feet from graphic map	tne existir or aerial i	ng point of ohotograph
	OCT 1 7	2016			For around	water sources	s, show all well:	s (includin	g domestic)
	UCI 1	2010			within one-linames and	nait mile of the d mailing add	e proposed point resses of the	nt of divers owners.	sion and the For surface
	MA SERT OF A	BICHTUBE	RECEIVED		water sour	rces, sĥow t	he names an	d addres:	ses of the
	KS DEPT OF AG	RICULIURE				s) one-haif n om your prop	nile downstrea erty lines.	ın and or	ie-naii mile

Page 2

OCT 14 2016

DWR 1-121 (Revised 06/16/2014)

SCANNED

<ol><li>If the proposed groundwater po</li></ol>	int of diversion is 300	or fewer feet f	rom existin	ig point of d	iversion, complete	e the following:
(a) Does the undersigned repr ☐ Yes ☐ No	esent all owners of the (If no, all owners mus			ice(s) of use	e identified in this	application?
(b) Will the ownership interest affected if this application is ☐ Yes ☐ No		ed?		e(s) of use	identified in this	application be adversely
(c) If this application is not app ☐ Yes ☐ No	proved expeditiously, w (If no, all owners must			amage to p	roperty, public he	alth or safety?
If the application proposes a surface or a change in place of use, the app agent (attach notarized statement at	lication must be signe	d by all owner				
I hereby verify, being first duly age and the owner, the spouse their behalf, in regard to the contained in this application a	e of the owner, or a vater right(s) to wi	duly autho	rized age	nt of the	owner(s) to ma	ke this application on
Dated at Ellinwood		_, Kansas, this	; 13th	day of _	October	, 20_16
		_,,		,		, ·
	h					
(Owner)					(Spouse)	
Alan Pohlman, I	Manager					
(Please Pri					(Please Print)	
(Owner)			<del></del>		(Spouse)	
(Please Pri	nt)	<del></del>			(Please Print)	
(Owner)					(Spouse)	
(Please Pri	nt)				(Please Print)	
State of Kansas	•		Sas Herberg VI DAD		,	
County of Barton	SS My	CHER Commission Expir	es <u>10-15</u>	-18		12H
I hereby certify that the forego		signed in m	ny presen	ce and sw	orn to before n	ne this 15 day of
				Che	ne Ra	00_
My Commission Expires	5-18				(Notary Public	7
ONLY COMPLETE APPLICATIONS WIL accurate information; maps, if necessary the appropriate fee must be paid.						
		FEE SCHED	ULE			
Each application to change the place	e of use or the point of	diversion und	er this sec	tion shall be	e accompanied by	the application fee set
forth in the schedule below: Make c (1) Application to change a (2) Application to change a (3) Application to change the	point of diversion 300 point of diversion mor	feet or less e than 300 fee				\$200
(3) Application to change to	ie place of use		•••••		ITER RESOURC	
	DECENTED			AA	RECEIVED	
	RECEIVED	•			OCT 1 7 2016	i
DWR 1-121 (Revised 06/16/2014)	OCT <b>14</b> 2016	Page 3				
5 1 121 (NOVISON DOLIDIZO 17)	00/11/010	. rugo o		KS	EPT OF AGRICU	TU用 No. 36,377.01

Stafford Field Office Division of Water Resources

## ATTACHMENT TO DWR FIELD OFFICE APPLICATION FOR APPROVAL TO CHANGE THE PLACE OF USE AND/OR THE POINT OF DIVERSION

5. Presently authorized point of diversion:

List other water rights that will use this point: 14,298.02, 18,686.05, 18,686.06 & 36,377.01

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OCT 14 2016

Stafford Field Office
Division of Water Resources

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OCT 1 7 2016

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## **DRILLER'S TEST LOG**

36,377,01

Customer Name: Barton County Feeders Date: 8/24/									
Address					Test No:	#1-	-16		
County:		Barton Quarter: SE Section	n: <u>20</u>	Township:	20	Range:	11		
Drilled F		D 111 (6)	, 1,	. +	V				
From	То	Description of Strata	Indica	ate Test Location by an	X	: i	_		
0	3	Sandy top soil							
3	17	Soft sandy tan clay	<u> </u>						
17	19	Gray clay	<u> </u>						
19	36	Gray clay, tan sandy clay, caliche, &							
		soft cemented sand	_						
36	37	Cemented sand							
37	53	Sand & gravel- small med coarse	_						
53	66	Tan clay streaks w/ gravel- small med	_						
66	78	Brown & dark clay	<u> </u>						
78	80	Sand & gravel w/ clay streaks							
80	103	Sand & gravel- med	<u></u>	3					
103	115	Sand & gravel- fine to small							
115	118	Gravel- med	Static Water	Level: 2	!3	Ft			
118	120	Gravel- fine to small	Remarks:	Set 100ft casing fo	or supply w	ell.			
120	145	Gravel- med							
145		Blue shale							
			Garmin GPS	- Nad 83			<u> </u>		
			Latitude: 3	8.291462 N					
			Longitude:	98.562830 W	<u> </u>				
			Elevation:						
				WATER	RESOURCI	ES			
		RECEIVED		00	1 7 2016				
l <u> </u>				LA MEDT	OF AGRICUL	ru <del>re</del>			
		OCT 1 4 2016		KS DEPT					
<b>'</b>		Stafford Field Office Division of Water Resources	Driller: Luis l	Luna					
		1-101.003	Spot Location: SW/ SW/ SE						

ROSENCRANTZ-BEMIS EQUIPMENT CO., INC

Telephone (620) 792-2488 or (620) 793-5512 P.O. Box 713, Great Bend, KS 67530 SCANNED

## SUMMARY ORDER APPROVING APPLICATION FOR CHANGE AND IMPOSING CONDITIONS

pro K.A	visions of the Kansas Water Ap	propriation Law, K.S.A. 82a- ption of those conditions exp	a-708b, as amended, and K.A.R. 5-14-3 and other applicable 701 et. seq., and rules and regulations promulgated thereunder, essly contained herein, this Summary Order does not change the
1.	A change application was received in authorized under the a	ved on _ above-referenced file numbe	requesting that the place of use and / or point of r be changed as described in the application.
2.	On and after the effective date	of this summary order, the a	uthorized place(s) of use shall be located substantially as shown ange the place of use.   Applicable   Not Applicable
3.	The change in point of diversion previously authorized. The point radius of the authorized point(s)	nt of diversion authorized by	nts and shall be limited to the same source or sources of water as this summary order shall be located within a <b>foot</b> le Not Applicable
4.	The point(s) of diversion author authorized point(s) of diversion.	ized herein shall not actually ☐ Applicable ☐ No	be located more than feet from the previously t Applicable
	As required by K.A.R. 5-3-5d. i	f the works for diversion is a r making water level measure	well with a diversion rate of 100 gallons per minute or more, a ements shall be installed, operated and maintained in accordance
	operated and maintained in acc K.A.R. 5-3-5e, the owner shall diverted annually to the Chief E Applicable Not App	fore the first use of water, cordance with K.A.R. 5-1-4 the maintain records and report ongineer by March 1 following licable	
7.	Installation of the works for authorized extension of time. works for diversion has been cc ☐ Applicable ☐ Not App	By March 1, 20 the a mapped that the a	completed on or before December 31, 20, or within any applicant shall notify the Chief Engineer that construction of the ed by the Chief Engineer, as required by K.A.R. 5-8-4e.
8.	The completed well log shall	be submitted with the requ	ired notice. ☐ Applicable ☐ Not Applicable
9.	All diversion works into which a with an in-line, automatic, quick check valve(s) shall be installed	ny type of chemical or other k-closing check valve capab l, operated and maintained ir	foreign substance will be injected into the water shall be equipped e of preventing pollution of the source of the water supply. The accordance with K.A.R. 5-3-5c. ☐ Applicable ☐ Not Applicable
10.	Additional Conditions are attach	ned. 🗌 Yes 🔲 No	
11.	water appropriated under the a limitations, as amended and/or Appropriation Law and the Ru	above-referenced file number supplemented by this Sumplemented by this Sumples and Regulations promulet to K.S.A. 82a-737, as among the control of the contr	A.R. 5-5-14, all of the owners of the authorized place(s) of use of er are responsible for compliance with its terms, conditions and mary Order, and with applicable provisions of the <i>Kansas Water</i> gated thereunder. Failure to comply with these provisions may ended, and/or the suspension or revocation and dismissal of the s authorized by law.
	Administrative Appeal and Effe	ective Date of Order	FOR OFFICE USE ONLY
bef De <sub>l</sub> file	u have the right to a hearing in according this Summary Order becomes partment of Agriculture. Any requed with the Chief Engineer, Divisionsas Department of Agriculture,	final action of the Kansas est for a hearing must be on of Water Resources,	APPLICATION APPROVED AND SUMMARY ORDER ISSUED
Dri	<b>ve, Topeka, Kansas 66502,</b> withir	15 days after the date	By: Duly Authorized Designee of the Chief Engineer
is n	own on the Certificate of Service at not requested in accordance with K der will become effective on the 15	A.R. 5-14-3, this Summary	(Print Name):
on	the Certificate of Service.	day after the date shown	
	For Use by Register	of Deeds	Date of Issuance:
	WATER RESOURCES RECEIVED		County of
	OCT 1 7 2016		by
	KS DEPT OF AGRICULTUR	E	Signature:Notary Public
	,	RECEIVED	My commission expires:(Notary Seal)
			(Notary Seal)
DW	R 1-121 (Revised 06/16/2014)	OCT 14 2016 Pag	ge 4 File No. <u>36,377.01</u>

Stafford Field Office Division of Water Resources SCANNED

Darrell Wood - Edwards (Pres.)
Fred Grunder - Pratt (V Pres.)
John Janssen - Kiowa (Treas.)
Curtis Tobias - Rice (Sec.)
Justin Gatz - Reno
Kent Lamb - Stafford
Phil Martin - Barton
Bob Standish - Pawnee
Tom Taylor - At-Large



Orrin Feril, Manager 125 South Main Street Stafford, Kansas 67578 ph: (620) 234-5352 fx: (620) 234-5718 gmd5@gmd5.org www.gmd5.org

November 1, 2016

Leslie Ireland Division of Water Resources Kansas Department of Agriculture 1320 Research Park Drive Manhattan, KS 66502

RE: Water Right File Nos. 9658.01, 14298.02, 16878.03, 18686.05, 18686.06, 36377.01

Change in the Place of Use & Change in the Point of Diversion

Water Right File No. 16878.02

Change in the Place of Use

Dear Ms. Ireland,

The Big Bend Groundwater Management District #5 reviewed the above referenced applications to change the points of diversion and places of use. Based upon information received in the District office, the applications propose to overlap the places of use for all of these water right files and relocate wells in order to facilitate more efficient use of water at the facility. Therefore, the applications appear to be consistent with 5-25-20(b) and are recommended for approval.

The applications to change are subject to the District's well equipment regulation K.A.R. 5-25-5 for required flow meters.

Please feel free to give me a call if you have any questions.

Sincerely,

Orrin Feril Manager WATER RESOURCES RECEIVED

NOV 0 1 2016

KS DEPT OF AGRICULTURE

## Ireland, Leslie

From:

Orrin Feril <oferil@gmd5.org>

Sent:

Tuesday, November 01, 2016 4:57 PM

To:

Ireland, Leslie

Subject:

Applications for Change, Water Right, File Nos. 9658.01 14298.02 16878.02 16878.03

18686.05 18686.06 36377.01

Attachments:

9658.01 14298.02 16878.02 16878.03 18686.05 18686.06 36377.01 2016-11-01 Rec.pdf

Leslie,

I'm attaching the recommendations requested by your office in a letter dated October 21, 2016. Please let me know if you have any questions.

Thank you for your consideration in this matter,

Orrin

Orrin Feril Manager Big Bend GMD#5

Email: oferil@gmd5.org

Phone: (620) 234-5352 Mobile: (620) 388-0172 Fax: (620) 234-5718

www.gmd5.org

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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

October 21, 2016

BIG BEND GROUNDWATER
MANAGEMENT DISTRICT #5
ORRIN FERIL MANAGER
125 S MAIN ST
STAFFORD KS 67578

Re: Applications for Change, Water Right, File Nos. 9,658.01; 14,298.02; 16,878.03; 16,878.02; 18,686.05; 18,686.06 & 36,377.01

Dear Mr. Feril:

We are submitting a copy of the applications referred to above which appears to be in proper form.

We are delaying any further action for a period of 15 days from the date of this letter to allow you time to submit your recommendations concerning the applications.

Please submit your recommendation within the allotted time, or any authorized extension of time thereof. If you wish to refer to a specific file, please reference it when you contact us.

Sincerely,

Leslie Ireland

**Environmental Scientist** 

Water Appropriation Program

LI:li

**Enclosures** 

pc: Stafford Field Office

Alan Pohlman, Barton County Feeders, Inc.



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

Jackie McClaskey, Secretary

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

Governor Sam Brownback

October 21, 2016

JUNE A MILLER M & K SESSLER INC 567 SE 120 AVE ELLINWOOD KS 67526

RE: Water Right, File Nos. 9,658.01; 14,298.02; 16,878.03; 16,878.02; 18,686.05; 18,686.06 & 36,377.01

Dear Ms. Miller;

This is to notify you that Alan Pohlman on behalf of Barton County Feeders, Inc., has filed applications for approval of the Chief Engineer, Division of Water Resources, Kansas Department of Agriculture, to change the place of use and point of diversion under the above referenced file numbers authorized for stockwatering use.

The applications for Water Right, File Nos. 14,298.02; 18,686.06 & 36,377.01, propose a change in the location of the point of diversion:

from: one (1) well located in the Southwest Quarter of the Southwest Quarter of the Northeast Quarter (SW½ SW½ NE½) of Section 20, more particularly described as being near a point 2,690 feet North and 2,682 feet West of the Southeast corner of said section,

to: one (1) well located near the center of the South side (CS) of Section 20, more particularly described as being near a point 476 feet North and 2,682 feet West of the Southeast corner of said section,

both in Township 20 South, Range 11 West, Barton County, Kansas.

The application for Water Right, File No. 18,686.05 proposes to change the location of the points of diversion:

from: one (1) well located in the Southwest Quarter of the Southwest Quarter of the Northeast Quarter (SW½ SW½ NE½) of Section 20, more particularly described as being near a point 2,690 feet North and 2,620 feet West of the Southeast corner of said section, and

one (1) well located in the Near the Center of the East Half of the West Half of the Northeast Quarter (E½ W½ NE½) of Section 20, more particularly described as being near a point 3,945 feet North and 1,680 feet West of the Southeast corner of said section,

to: one (1) well located near the center of the South side (CS) of Section 20, more particularly described as being near a point 476 feet North and 2,682 feet West of the Southeast corner of said section, and

one (1) well located in the Near the Center of the East Half of the West Half of the Northeast Quarter (E½ W½ NE¼) of Section 20, more particularly described as being near a point 3,945 feet North and 1,680 feet West of the Southeast corner of said section,

all in Township 20 South, Range 11 West, Barton County, Kansas.

You are being notified of the proposed changes so that you may furnish this office written comments or other information you may desire to submit. Such written comments or other information must be received in this office within 15 days from the date of this letter.

If you have any questions, please contact our office, my desk phone is (785) 264-6633. If you wish to discuss a specific file, please have the file numbers ready so that we may help you more efficiently.

Sincerely,

Leslie Ireland

**Environmental Scientist** 

Water Appropriation Program

Enclosures

pc: Stafford City Field Office

Groundwater Management District No. 5 Alan Pohlman, Barton County Feeders, Inc. 1700 E. Iron Ave. • Salina, KS 67401 T 785.823.0097 F 913.273.1493



1303 Yucca St. • Scott City, KS 67871 www.klaenviro.com

October 11, 2016

Jeff Lanterman, Water Commissioner Kansas Department of Agriculture Division of Water Resources - Stafford Field Office 300 S. Main Street Stafford, KS 67578-1521 WATER RESOURCES RECEIVED

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Subject: Barton County Feeders Water Right Change Applications

Dear Mr. Lanterman:

Barton County Feeders, Inc. is in the process of expanding their beef cattle feeding facility from a capacity of 20,000 head to 33,000 head. The facility, which currently occupies the NE ¼ of Section 20 T20S R11W, will expand south and ultimately include the E ½ of Section 20. The expansion project will include an extension of the water supply system serving the cattle and will also require a reconfiguration of the wells to produce the pressure and flow rates needed for satisfactory water supply. These modifications require changes in the existing stockwatering rights associated with this facility. Several change applications are enclosed with this letter to initiate this process. This information is submitted on behalf of Barton County Feeders, Inc.

A summary of each proposed change is provided herein. Several maps were developed and included with the change applications to show distances between existing and proposed point of diversion (well) locations. The best available information was used to accurately locate the existing wells. The distances between existing and proposed points of diversion were measured using scaled maps and electronic technology. It was noted that some of the well coordinates obtained from WRIS reports did not place the wells in their known locations. As a result, there is some variation between the measured distances that are shown on the maps and distances that are calculated from the coordinates listed in the WRIS reports. These variations were typically less than 100 feet. It appears that none of these variations will result in a complication related to well spacing criteria. Please note that all wells shown on the maps are owned by Barton County Feeders, Inc.

## File Nos. 14,298.02, 18,686.05, 18,686.06 and 36,377.01

Each of these water rights is associated with a point of diversion located approximately 2,690 feet north and 2,620 feet west of the southeast corner of Section 20. The change application for each of these water rights requests that this well be moved to a new location approximately 2,214 feet south of the existing well. The purpose of this move is to provide a source of supply for the water system that will be constructed as part of the feed yard expansion in the SE ¼ of Section 20. A well is needed at this location to provide sufficient pressure to the water system and to help balance the pumping demand on this interconnected well and pipeline system. The change application also requests a change in place of use that will include the entire facility after the expansion is completed.

There is a standby well associated with File No. 18,686.05. The change application for this water right proposes no changes to the purpose or location of this well.

## File No. 9,658.01

The existing well associated with File No. 9,658.01 appears to be failing. It is an integral part of the water supply system and must be maintained. The change application for this water right proposes the construction of a replacement well approximately 494 feet southeast of the existing location. The change application also requests a change in place of use that will include the entire facility after the expansion is completed.

## File No. 16,878.03

The well associated with File Nos. 14,298.02, 18,686.05, 18,686.06 and 36,377.01 is also an integral part of the water supply system and must be maintained to provide sufficient pressure and capacity for the system. The change application associated with File No. 16,878.03 requests that the authorized rate and quantity be moved from the existing well to the well currently associated with File Nos. 14,298.02, 18,686.05, 18,686.06 and 36,377.01. It is also requested that the well currently associated with File No. 16,878.03 be retained for standby use. A change in place of use is requested which will include the entire facility after the expansion is completed.

## File No. 16,878.02

This change application requests a change in place of use that will include the entire facility after the expansion is completed.

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We used the WIMAS database to search for wells adjoining the facility. All non-owned adjoining wells identified on the WIMAS mapping page were located at distances in excess of one-half mile from the wells associated with these change applications. We recognize that several of the stockwater wells within the facility do not meet current spacing criteria. The proposed changes, however, improve well spacing within the facility. These changes also move the wells further away from the Arkansas River.

We also considered the status of the point of diversion associated with File No. 41.588. This well is permitted for industrial use and serves the feed mill for the facility. Since the feed mill operation will be expanded to accommodate the facility expansion, we determined that the best option for this well is to change the use made of water to stockwater and change the place of use to cover the entire facility. A separate change application will be submitted to the Manhattan office to initiate this change.

Please contact me if you have any questions concerning this information. Thank you for your consideration of these applications.

Sincerely,

Frank C. Mercurio, P.E.

Frank C. Mercurio

**Enclosures** 

cc/enc:

Alan Pohlman, Manager, Barton County Feeders, Inc.

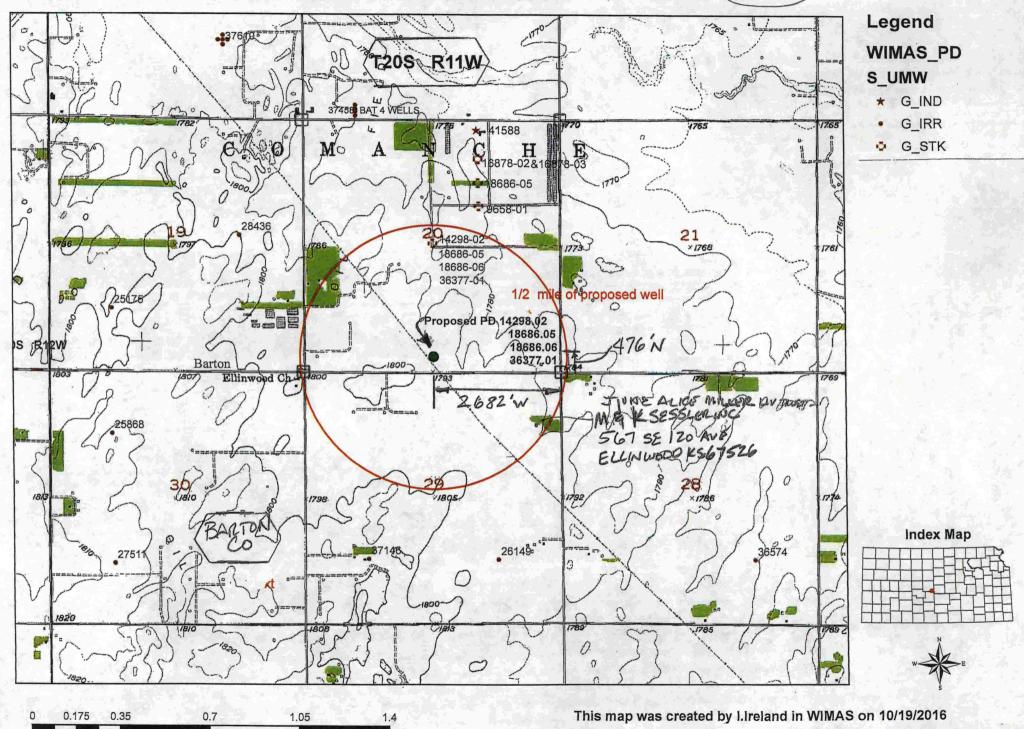
WATER RESOURCES RECEIVED

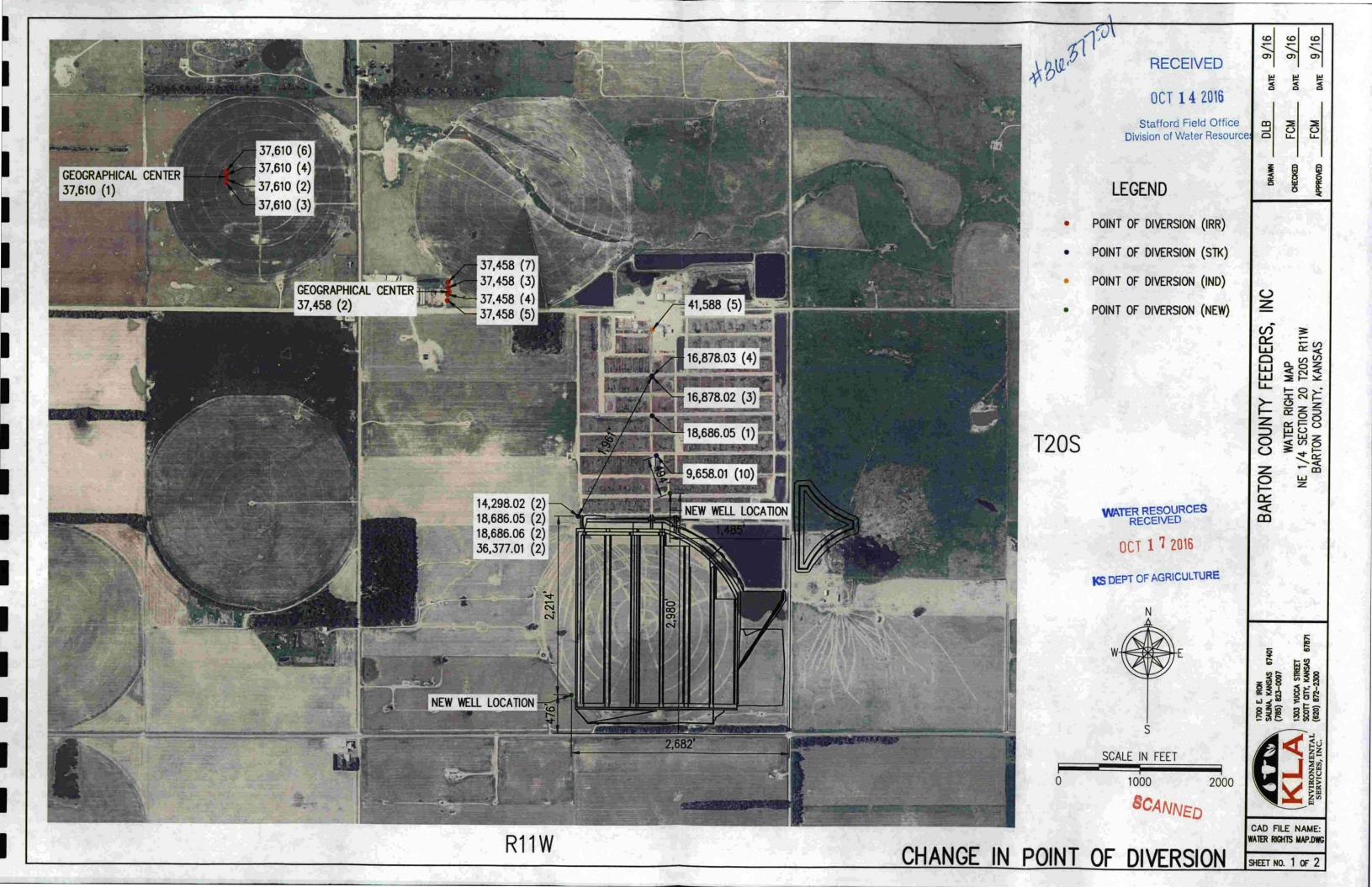
OCT 1 7 2016

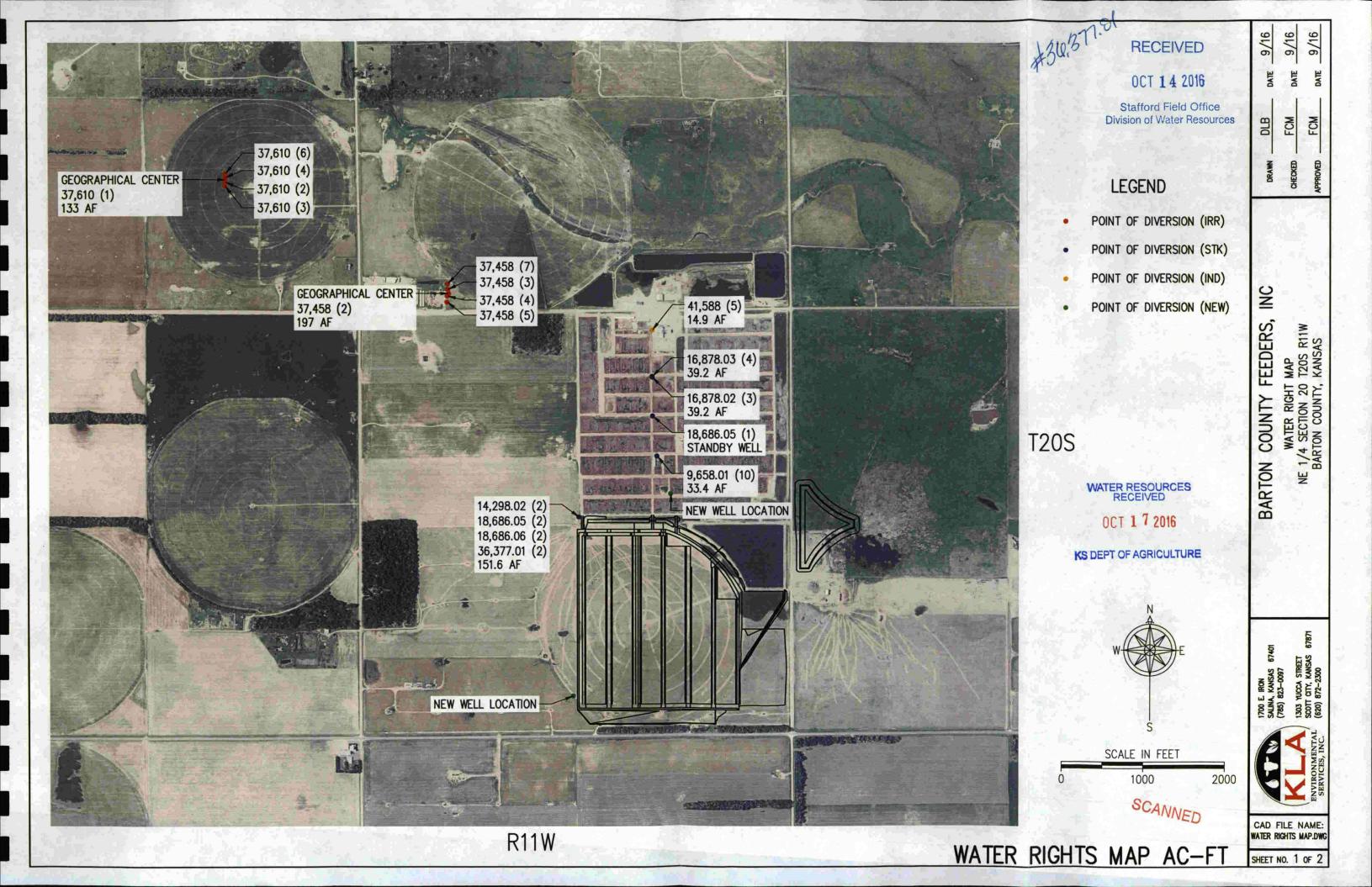
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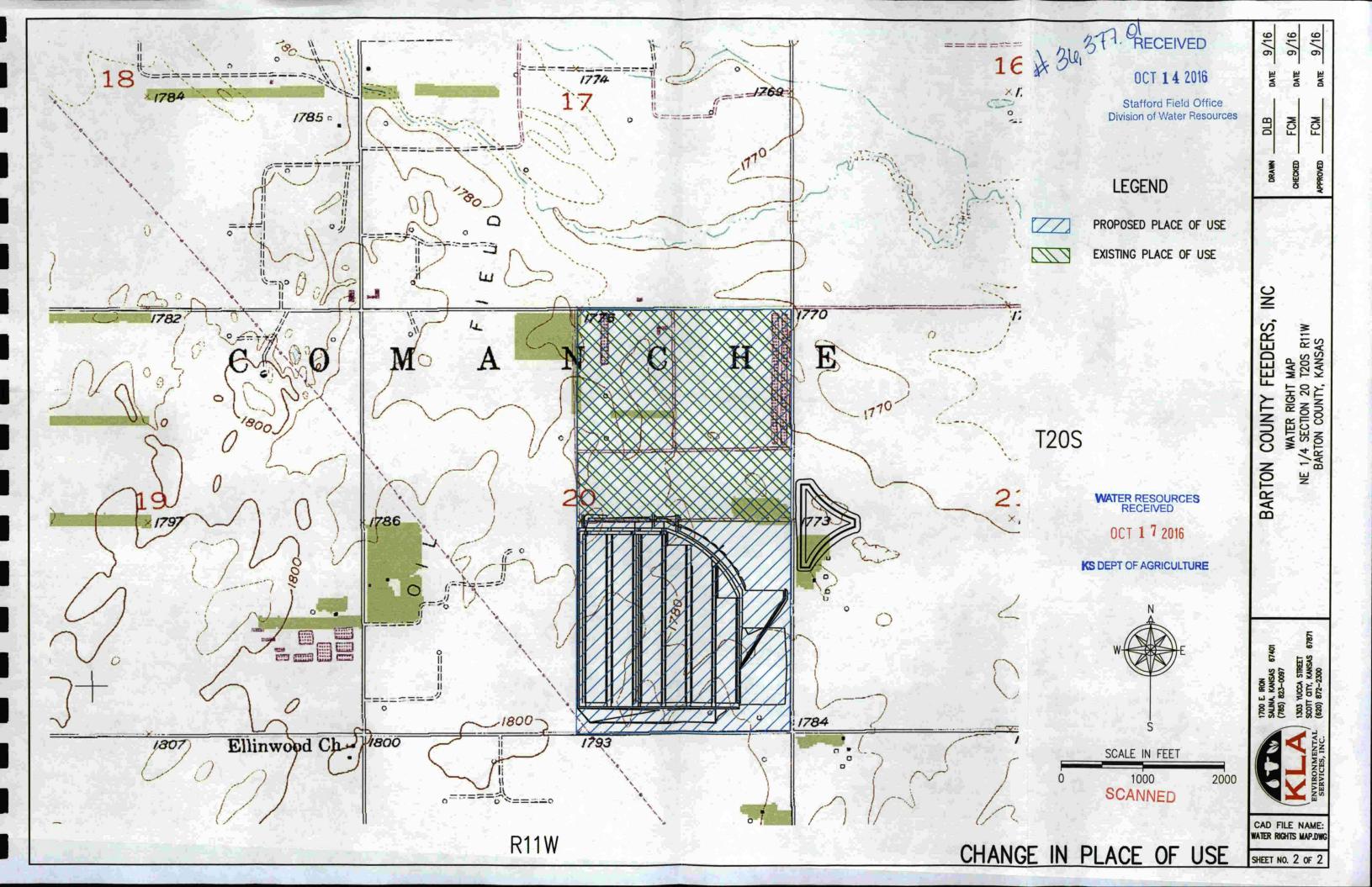


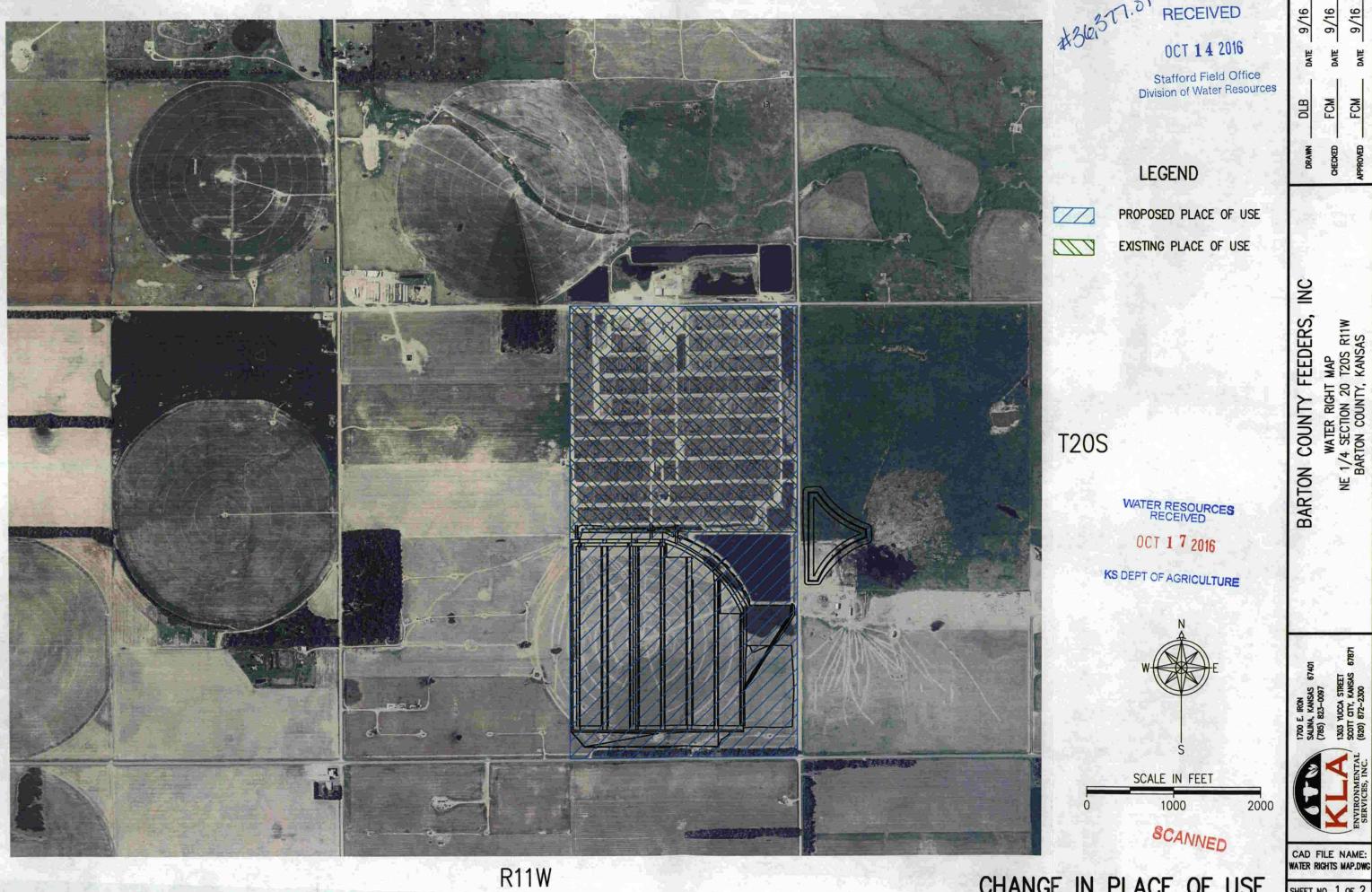
## Water Right, File Nos. 14298.02, 18686.05, 18686.06 & 36377.01











CHANGE IN PLACE OF USE

