

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  
 Point of Diversion  
 Use Made of Water

(Check one or more)

**WATER RESOURCES  
RECEIVED**

SEP 25 2017

12:24

KS DEPT OF AGRICULTURE

File No. 26,793

2. Name of applicant: Kinsley Feeders, LLC

Address: 1278 P Road

City, State and Zip: Kinsley, KS 67547

Phone Number: (620) 659-2111

E-mail address: dmartin@kinsleyfeeders.com

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

Name of water use correspondent: Kinsley Feeders, LLC

Address: 1278 P Road

City, State and Zip: Kinsley, KS 67547

Phone Number: (620) 659-2111

E-mail address: dmartin@kinsleyfeeders.com

3. The change(s) proposed herein are desired for the following reasons (please be specific): We propose to apply for a dual use permit so that water may be used for irrigation at the current place of use or diverted to our beef cattle feeding facility to supplement our existing stockwatering rights. We propose to reduce the authorized quantity of the water right to the consumptive use level to obtain this flexibility.

The change(s) (was) (will be) completed by          upon approval.

(Date)

**For Office Use Only:**

F.O. 2 GMD 5 Meets K.A.R. 5-5-1 (YES/NO) Use IRR Source G/S County ED By AM Date 9-25-17  
Code C-2 Fee \$ 500 TR # \_\_\_\_\_ Receipt Date 9-25-17 Check # 17716

9/27/17 DWJ

4. The presently authorized place of use is:

Owner of Land — NAME: Kinsley Feeders, LLC

ADDRESS: 1278 P Road, Kinsley, KS 67547

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	
24	25S	19W	40.0	40.0	40.0	40.0													160.0

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

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: Kinsley Feeders, LLC

ADDRESS: 1278 P Road, Kinsley, KS 67547

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	
IRR 24	25S	19W	40.0	40.0	40.0	40.0													160.0
STK 13	25S	19W	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	Feedlot

List any other water rights that cover this place of use. File Nos. 31,993 & 31,994 (STK use only in Section 13 T25S R19W)

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. \_\_\_\_\_

WATER RESOURCES  
RECEIVED

**IF MORE SPACE IS NEEDED, ATTACH ADDITIONAL SHEETS AS NECESSARY**

SEP 25 2017

6. The presently authorized point(s) of diversion (is) (are) one well, pump, and appurtenances  
(Provide description and number of points)
7. The proposed point(s) of diversion (is) (are) one well, pump, and appurtenances  
(Provide description and number of points)

**List all presently authorized point(s) of diversion:**

8. **Presently authorized point of diversion:**  
 One in the \_\_\_\_\_ Quarter of the \_\_\_\_\_ NC Quarter of the \_\_\_\_\_ NE Quarter  
 of Section 24, Township 25S South, Range 19W (E/W),  
 in Edwards County, Kansas, 3915 feet North 1300 feet West of Southeast corner of section.  
 Authorized Rate 850 gpm Authorized Quantity 195 acre-feet  
 (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 \_\_\_\_\_ NC Quarter of the \_\_\_\_\_ NE Quarter  
 of Section 24, Township 25S South, Range 19W (E/W),  
 in Edwards County, Kansas, 3915 feet North 1300 feet West of Southeast corner of section.  
 Proposed Rate 850 gpm Proposed Quantity 162.6 acre-feet  
 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 \_\_\_\_\_ 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 \_\_\_\_\_

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. WATER RESOURCES RECEIVED  
 Not applicable.

**IF MORE SPACE IS NEEDED, ATTACH ADDITIONAL SHEETS AS NECESSARY** SEP 25 2017

12. The presently authorized use of water is for irrigation purposes.  
 It is proposed that the use be changed to irrigation and stockwatering purposes.
13. If changing the place of use and/or use made of water, describe how the consumptive use will not be increased.  
 Consumptive use will not be increased because it is proposed that the authorized quantity be reduced to the  
consumptive use quantity associated with this water right. Refer to the attached calculations for determination of the  
consumptive use quantity, justification for dual use, and justification for retaining the current acreage associated with  
the current approved place of use.

(Please show any calculations here.)

14. It is requested that the maximum annual quantity of water be reduced to 162.6 acre-feet (acre-feet or million gallons).
15. It is requested that the maximum rate of diversion of water be reduced to -Not Applicable- 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](http://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.
- a. If a change in the location of the point(s) of diversion is proposed, show:
    - 1) 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.
    - 2) If the source of supply is groundwater, please show the location of existing water wells of any kind, including domestic wells, within 1/2 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 1/2 mile, please indicate so on the map.
    - 3) If the source of supply is surface water, the names and mailing addresses of all landowner(s) 1/2 mile downstream and 1/2 mile upstream from your property lines must be shown.
  - b. 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.  
The only well subject to a water right within 1/2 mile of the well included in this application is owned by the  
applicant. All non-owned domestic wells are more than 660 feet from the well included in this application.  
Consumptive use will not be increased. Please refer to the attached maps and related documentation for  
additional information.

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.  
Determination of the consumptive use quantity related to this water right is based on the "Irrigation Return-Flow  
Percentages in Kansas, by County" map issued by DWR. This appears to satisfy the requirements of K.A.R. 5-5-9(b).  
Waivers of K.A.R. 5-5-9 and 5-5-10 are requested if necessary for approval of the consumptive use determination.

WATER RESOURCES  
RECEIVED

**IF MORE SPACE IS NEEDED, ATTACH ADDITIONAL SHEETS AS NECESSARY**

SEP 25 2017

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.

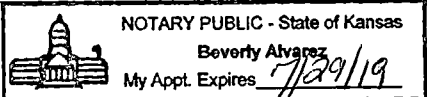
In the event that all applicants cannot appear before one notary public, they may as necessary sign separate copies of the application before any notary public conveniently available to them. All copies signed in this manner shall be considered to be valid parts of the application.

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 Kinsley, Kansas, this 18<sup>th</sup> day of September, 20 17.

<u>[Signature]</u> (Owner)	_____	(Spouse)
<u>Derek A. Martin - Manager</u> (Please Print)	_____	(Please Print)
_____	_____	(Spouse)
_____	_____	(Please Print)
_____	_____	(Spouse)
_____	_____	(Please Print)



State of Kansas }  
County of Edwards } SS

I hereby certify that the foregoing application was signed in my presence and sworn to before me this 18<sup>th</sup> day of September, 20 17.

My Commission Expires 7/29/19. [Signature]  
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.**

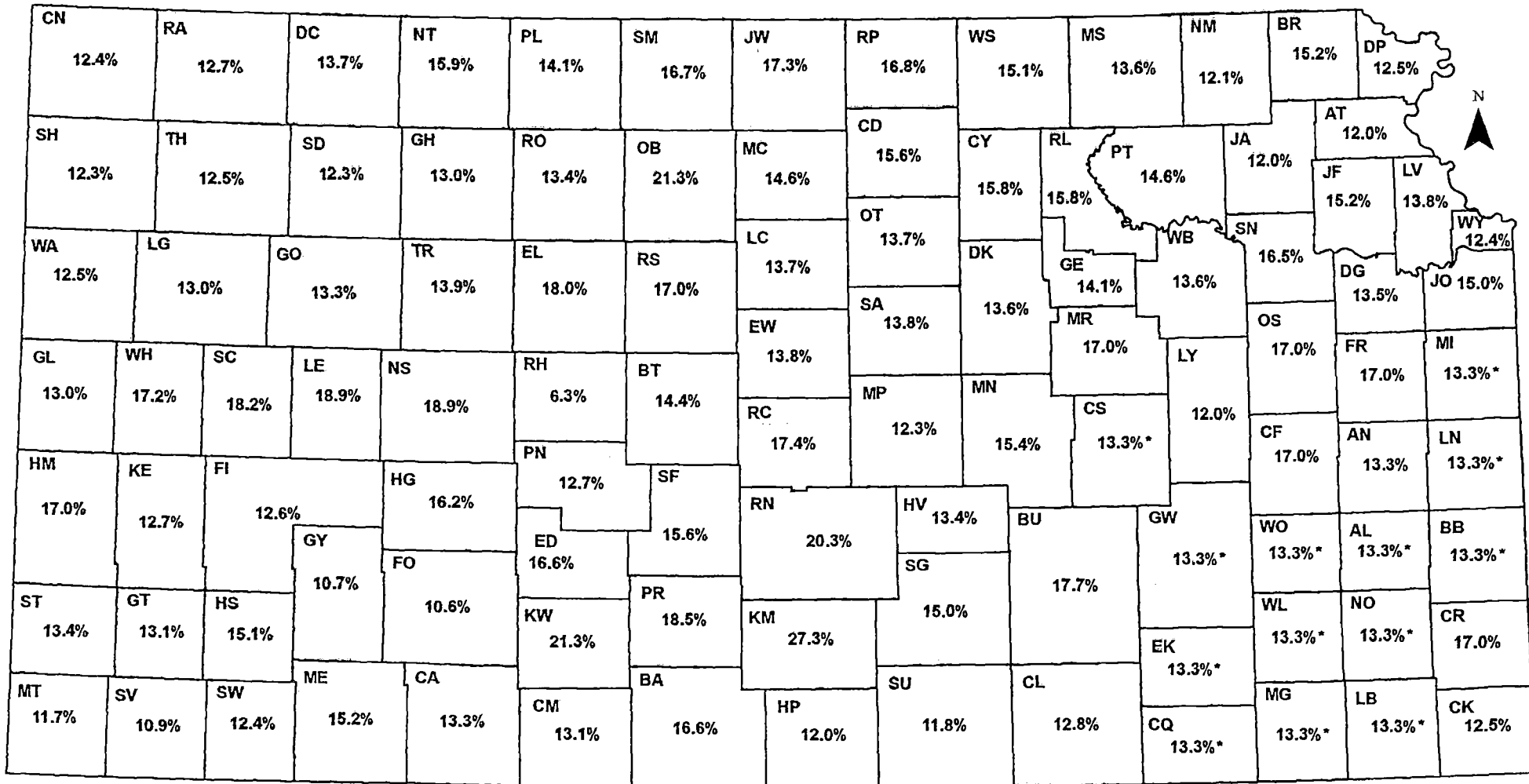
**WATER RESOURCES  
RECEIVED**

**SEP 25 2017**

**KS DEPT OF AGRICULTURE**

# Irrigation Return-Flow Percentages in Kansas, by County

based on area-weighted average irrigation return flow



Example: A 150 acre-foot irrigation water right is purchased in Gove (GO) County for use in a dairy operation. Applying the default factor from the map (13.3%), the amount of water that the dairy could annually divert with this water right is:

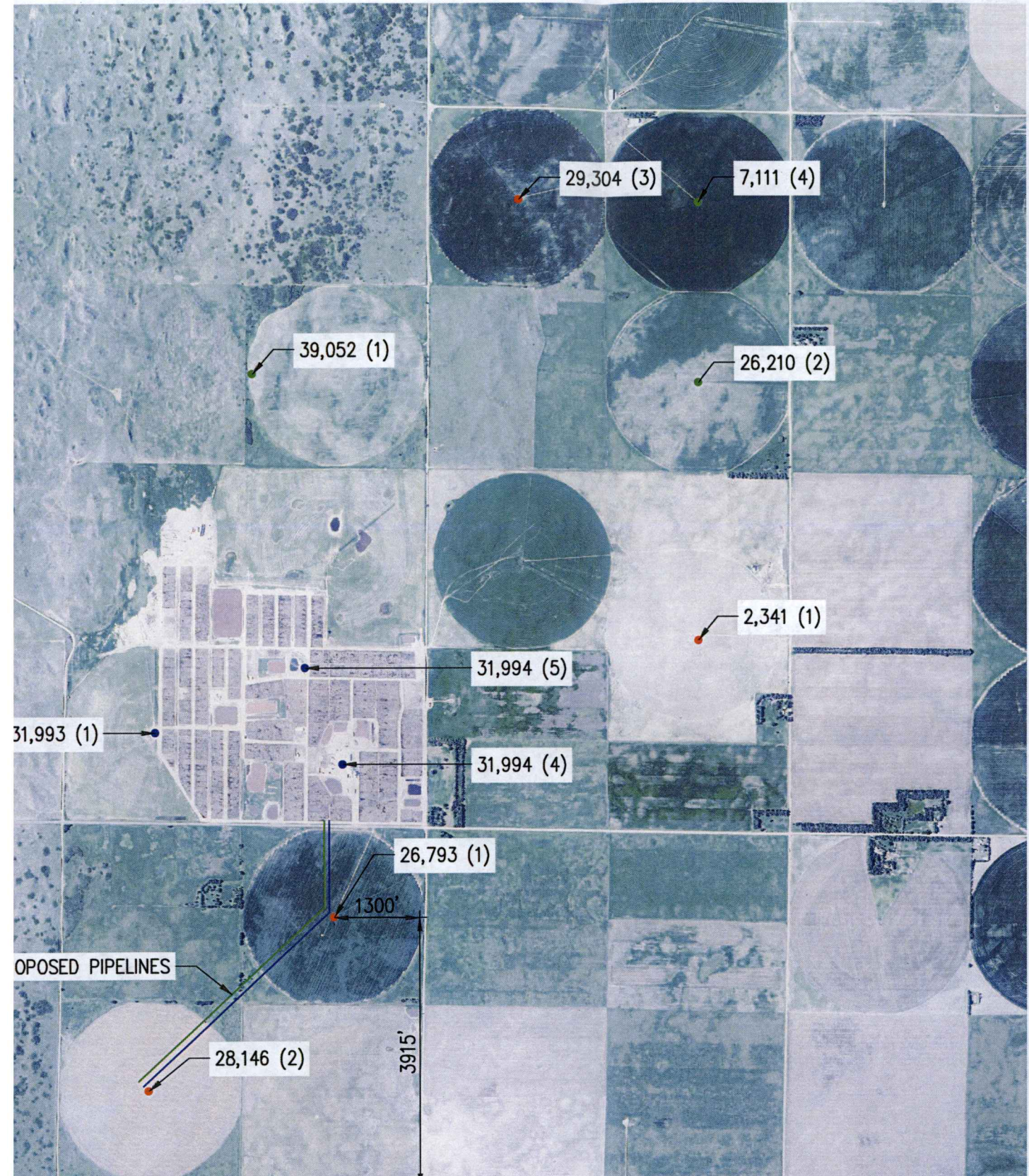
$$150 - (150 \times 13.3\%) = 150 \times (1 - 0.133) = 130 \text{ acre-feet}$$



Kansas Department of Agriculture  
Division of Water Resources  
February 16, 2016

WATER RESOURCES  
RECEIVED

SEP 25 2017



**LEGEND**

- OWNED POINT OF DIVERSION (IRR)
- OWNED POINT OF DIVERSION (STK)
- NEIGHBORING POINT OF DIVERSION BEYOND 1/2 MILE OF OWNED STK WELLS

NOTE: WELL LOCATION COORDINATES TAKEN FROM DWR WRIS REPORTS

T25S

WATER RESOURCES RECEIVED  
 SEP 25 2017  
 KS DEPT OF AGRICULTURE



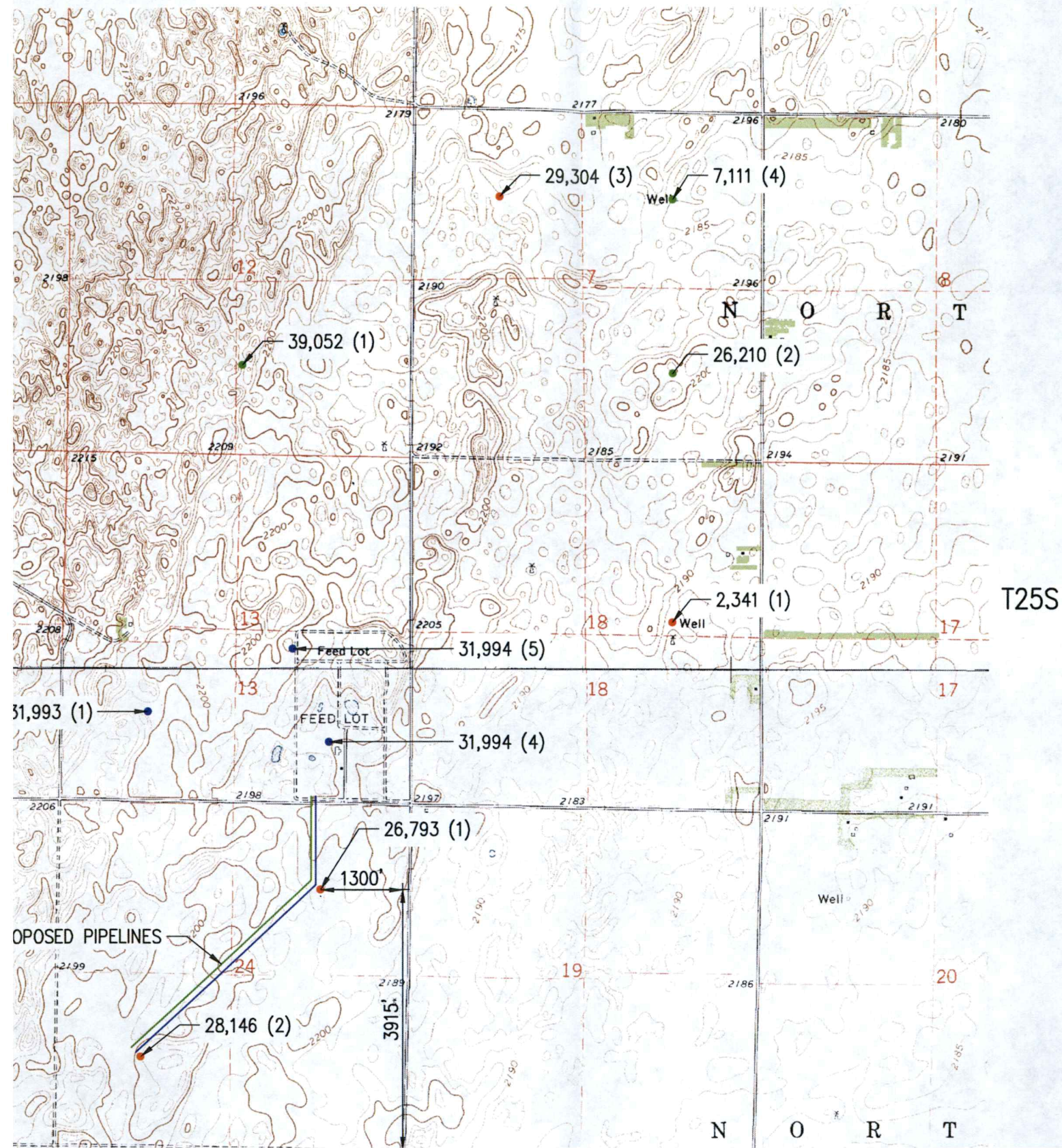
SCALE IN FEET

DRAWN	DLB	DATE	9/17
CHECKED	FCM	DATE	9/17
APPROVED	FCM	DATE	9/17

KINSLEY FEEDERS, LLC  
 WATER RIGHT CHANGE APPLICATION  
 SECTION 24 T25S R19W  
 EDWARDS COUNTY, KANSAS

1700 E. IRON  
 SALINA, KANSAS 67401  
 (785) 823-0097  
 1303 YUCCA STREET  
 SCOTT CITY, KANSAS 67871  
 (620) 872-2300





### LEGEND

- OWNED POINT OF DIVERSION (IRR)
- OWNED POINT OF DIVERSION (STK)
- NEIGHBORING POINT OF DIVERSION BEYOND 1/2 MILE OF OWNED STK WELLS

NOTE: WELL LOCATION COORDINATES TAKEN FROM DWR WRIS REPORTS

WATER RESOURCES RECEIVED

SEP 25 2017

KS DEPT OF AGRICULTURE



SCALE IN FEET

DRAWN	DLB	DATE	9/17
CHECKED	FCM	DATE	9/17
APPROVED	FCM	DATE	9/17

**KINSLEY FEEDERS, LLC**  
 WATER RIGHT CHANGE APPLICATION  
 SECTION 24 T25S R19W  
 EDWARDS COUNTY, KANSAS

1700 E. IRON  
 SALINA, KANSAS 67401  
 (785) 823-0097  
 1303 YUCCA STREET  
 SCOTT CITY, KANSAS 67871  
 (620) 872-2300





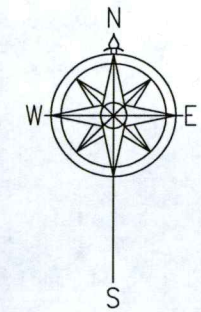


T25S

### LEGEND

- OWNED POINT OF DIVERSION (IRR)
- OWNED POINT OF DIVERSION (STK)
- NEIGHBORING POINT OF DIVERSION BEYOND 1/2 MILE OF OWNED STK WELLS

WATER RESOURCES RECEIVED  
 SEP 25 2017  
 KS DEPT OF AGRICULTURE



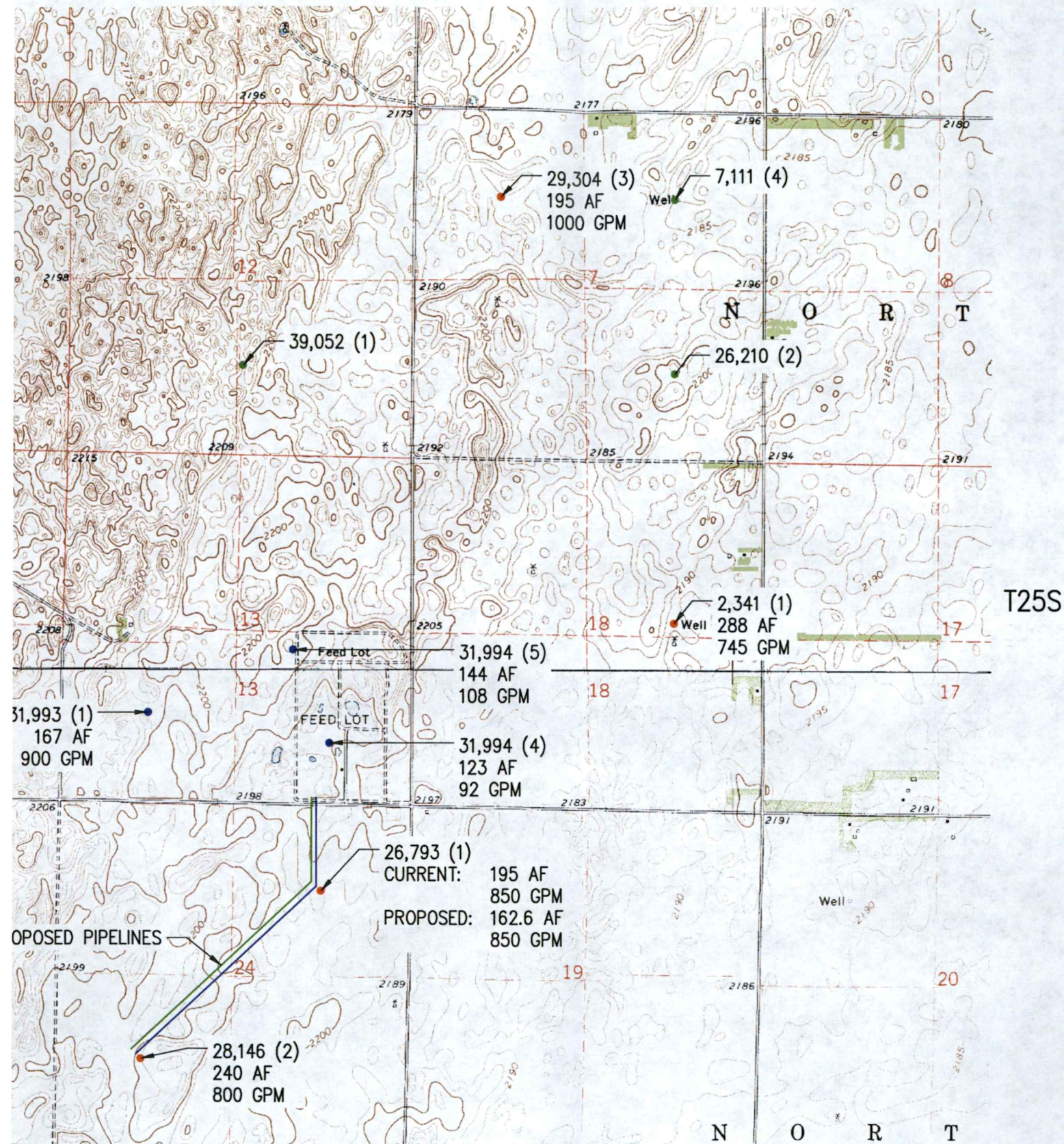
SCALE IN FEET

DRAWN	DLB	DATE	9/17
CHECKED	FCM	DATE	9/17
APPROVED	FCM	DATE	9/17

KINSLEY FEEDERS, LLC  
 WATER RIGHT CHANGE APPLICATION  
 SECTION 24 T25S R19W  
 EDWARDS COUNTY, KANSAS

1700 E. IRON  
 SALINA, KANSAS 67401  
 (785) 823-0097

1303 YUCCA STREET  
 SCOTT CITY, KANSAS 67871  
 (620) 872-2300



### LEGEND

- OWNED POINT OF DIVERSION (IRR)
- OWNED POINT OF DIVERSION (STK)
- NEIGHBORING POINT OF DIVERSION BEYOND 1/2 MILE OF OWNED STK WELLS

WATER RESOURCES RECEIVED

SEP 25 2017

KS DEPT OF AGRICULTURE

T25S



SCALE IN FEET

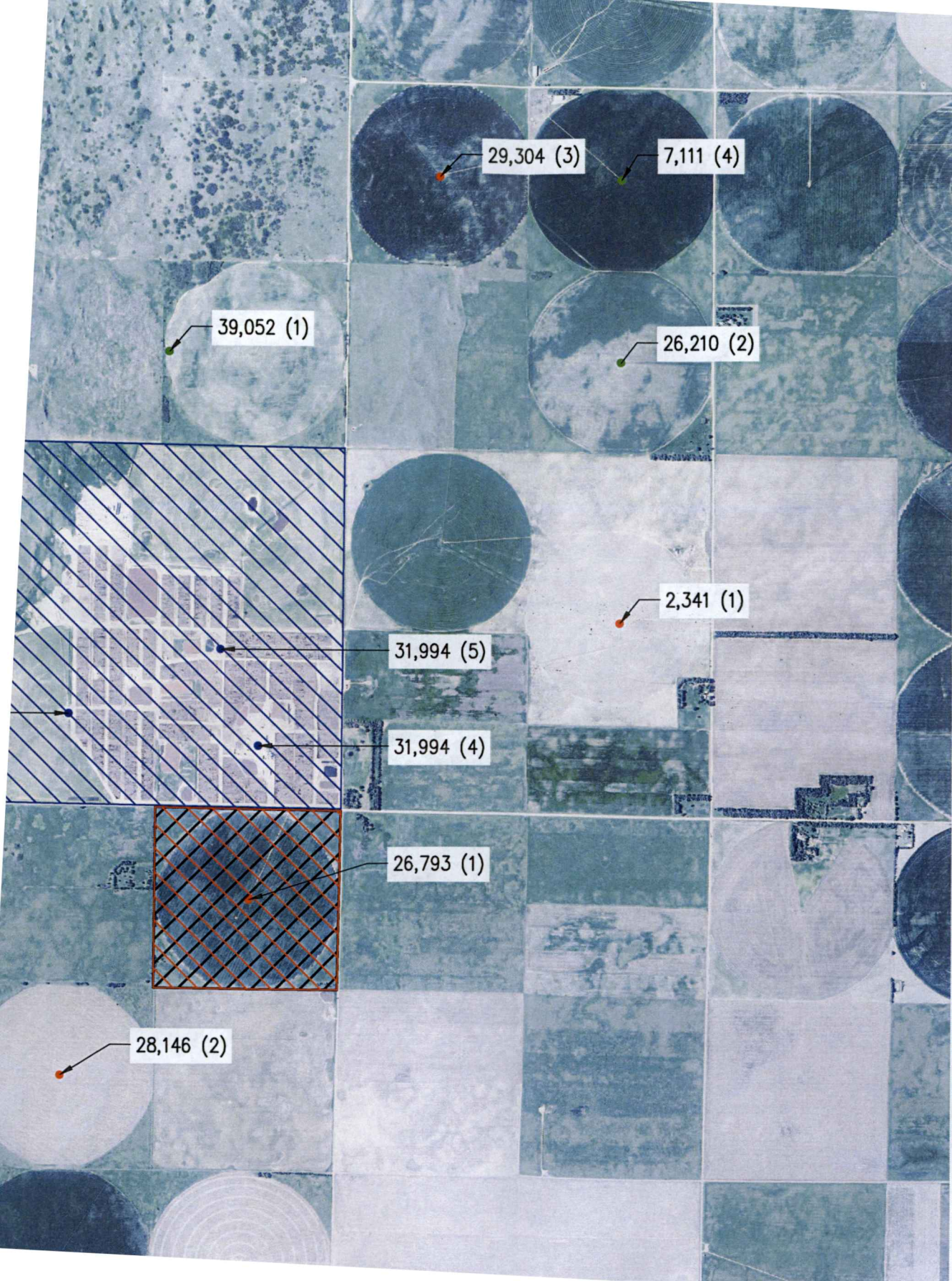
DRAWN	DLB	DATE	9/17
CHECKED	FCM	DATE	9/17
APPROVED	FCM	DATE	9/17

**KINSLEY FEEDERS, LLC**  
 WATER RIGHT CHANGE APPLICATION  
 SECTION 24 T25S R19W  
 EDWARDS COUNTY, KANSAS

1700 E. IRON  
 SALINA, KANSAS 67401  
 (785) 823-0097




1303 YUCCA STREET  
 SCOTT CITY, KANSAS 67871  
 (620) 872-2300





T25S

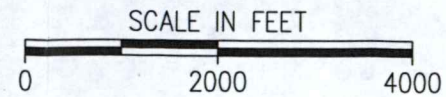
### LEGEND

- OWNED POINT OF DIVERSION (IRR)
- OWNED POINT OF DIVERSION (STK)
- NEIGHBORING POINT OF DIVERSION BEYOND 1/2 MILE OF OWNED STK WELLS
-  CURRENT PLACE OF USE (IRR)
-  PROPOSED PLACE OF USE (IRR)
-  PROPOSED PLACE OF USE (STK)

WATER RESOURCES RECEIVED

SEP 25 2017

KS DEPT OF AGRICULTURE



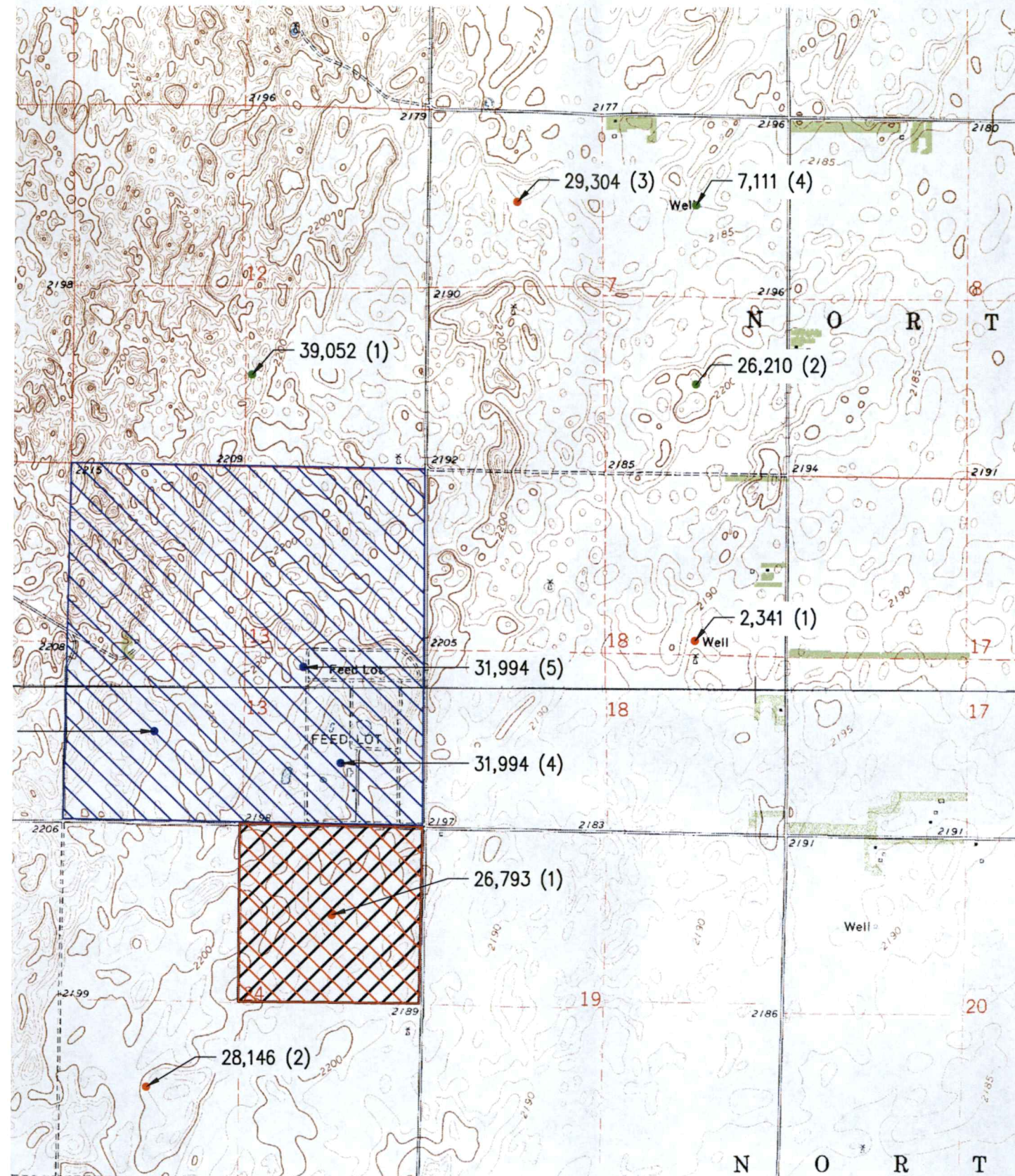
DRAWN	DLB
CHECKED	FCM
APPROVED	FCM

**KINSLEY FEEDERS, LLC**  
 WATER RIGHT CHANGE APPLICATION  
 SECTION 24 T25S R19W  
 EDWARDS COUNTY, KANSAS

1700 E. IRON  
 SALINA, KANSAS 67401  
 (785) 823-0097  
 1303 YUCCA STREET  
 SCOTT CITY, KANSAS 67871  
 (620) 872-2300



CAD FILE NAME:  
 WATER RIGHTS MAP.DWG



- ### LEGEND
- OWNED POINT OF DIVERSION (IRR)
  - OWNED POINT OF DIVERSION (STK)
  - NEIGHBORING POINT OF DIVERSION BEYOND 1/2 MILE OF OWNED STK WELLS
  - CURRENT PLACE OF USE (IRR)
  - PROPOSED PLACE OF USE (IRR)
  - PROPOSED PLACE OF USE (STK)

T25S

**WATER RESOURCES RECEIVED**  
**SEP 25 2017**  
**KS DEPT OF AGRICULTURE**




SCALE IN FEET

DRAWN	DLB	DATE	9/17
CHECKED	FCM	DATE	9/17
APPROVED	FCM	DATE	9/17

**KINSLEY FEEDERS, LLC**  
 WATER RIGHT CHANGE APPLICATION  
 SECTION 24 T25S R19W  
 EDWARDS COUNTY, KANSAS

1700 E. IRON  
 SALINA, KANSAS 67401  
 (785) 823-0097

1303 YUCCA STREET  
 SCOTT CITY, KANSAS 67871  
 (620) 872-2300





# KLA ENVIRONMENTAL SERVICES, INC.

PROJECT: KINSLEY FEEDERS, LLC

LOCATION: SECTIONS 13 & 24 T25S R19W, EDWARDS COUNTY, KANSAS

BY: FCM  
DATE: 9/12/2017

CHECKED BY: CSG  
DATE: 9/15/2017

WATER RESOURCES  
RECEIVED

SEP 25 2017

KS DEPT OF AGRICULTURE

## DETERMINATION OF REASONABLE QUANTITY FOR STOCKWATER USE

Kinsley Feeders, LLC is a beef cattle feeding facility. The current owners acquired the facility in 2013. Since that time, a number of modifications were made so that the facility could be stocked to the permitted capacity, which is 36,000 head. An additional source of water is required to support a capacity of 36,000 head of beef cattle. Two dual use permits are proposed which would limit File Nos. 26,793 and 28,146 to the consumptive use quantities associated with these irrigation water rights. A portion of the consumptive use quantities would be diverted to the facility for stockwatering use. The remainder will continue to be used for irrigation. It is anticipated that the actual quantities used for stockwatering will vary from year to year depending upon cattle numbers and environmental conditions.

Determine reasonable use for stockwatering quantity (K.A.R. 5-3-22):

$$\begin{aligned} \rightarrow \text{Maximum Reasonable Use} &= (36,000 \text{ head}) \times (15 \text{ gallons/head/day}) \times (365 \text{ days/year}) = 197.10 \text{ MGY} \\ &= 604.9 \text{ AF} \end{aligned}$$

where MGY = million gallons per year, AF = acre-feet per year and 1.0 AF = 325,851 gallons

Existing Stockwater Quantity Summary:	File No. 31,993 =	167.0 AF
	File No. 31,994 =	267.0 AF
	Total =	434.0 AF

$$\begin{aligned} \rightarrow \text{Maximum additional quantity of stockwater needed} &= (\text{Maximum Reasonable Quantity}) - (\text{Existing Quantity}) \\ &= 604.9 \text{ AF} - 434.0 \text{ AF} = 170.9 \text{ AF} \end{aligned}$$

Maximum potential stockwatering quantities supplied through the dual use permits:

File No. 26,793 =	162.6 AF
File No. 28,146 =	200.2 AF
Total =	362.8 AF

→ Therefore, the dual use permits provide sufficient quantity to support stockwatering use.

Kansas Department of Health & Environment

Division of Environment  
Bureau of Water



Topeka, Kansas 66612-1367  
Telephone: (785) 296-6432

Kansas Permit No.: **A-UAED-C001**  
Federal Permit No.: **KS0053562**

**KANSAS WATER POLLUTION CONTROL PERMIT FOR AGRICULTURAL AND RELATED WASTES  
AND AUTHORIZATION TO DISCHARGE UNDER THE  
NATIONAL POLLUTANT DISCHARGE ELIMINATION SYSTEM**

Pursuant to provisions of Kansas Statutes Annotated 65-164 and 65-165 et seq., and the Federal Water Pollution Control Act as amended, (33 U.S.C. 1251 et seq.; the "Act"),

Permittee: **Kinsley Feeders, LLC**  
Permittee's Address: **1278 P Road  
Kinsley, KS 67547**  
Facility Name: **Kinsley Feeders, LLC**  
Facility Location: **All of Section 13, Township 25 S, Range 19 W  
Edwards County, Kansas**  
River Basin: **Upper Arkansas River Basin**

is authorized to operate, as a pollutant discharge elimination system, water pollution control facilities to collect, retain, and dispose of precipitation induced runoff and/or dry weather wastewater accumulations containing livestock and related agricultural wastes in accordance with requirements as set forth herein.

This permit is effective January 17, 2017, supersedes the previously issued water pollution control permit A-UAED-C001, and expires April 13, 2020.

Facility Summary

The facility encompasses approximately 264.4 acres; including open lot pens, feed roads and alleys, working areas, commodity areas, waste management structures, and other associated areas. The waste management system includes drainage channels, 10 sediment basins, and 14 earthen retention control structures (RCS). The facility is proposing to construct approximately 5.0 acres of open lot pens, and modify an existing drainage channel and sediment basin channel. The proposed maximum capacity of the facility is 36,000 head (36,000 animal units) of cattle weighing greater than 700 pounds. Seepage tests shall be conducted on RCS 8. See Section E. Schedule of Compliance for additional requirements.

Secretary, Kansas Department of Health and Environment

January 17, 2017  
Date

**WATER RESOURCES  
RECEIVED**

**SEP 25 2017**

KS DEPT OF AGRICULTURE

# KLA ENVIRONMENTAL SERVICES, INC.

PROJECT: KINSLEY FEEDERS, LLC

LOCATION: SECTIONS 13 & 24 T25S R19W, EDWARDS COUNTY, KANSAS

BY: FCM  
DATE: 9/12/2017

CHECKED BY: CSG  
DATE: 9/15/2017

## JUSTIFICATION FOR IRRIGATED ACRES AND MAINTAINING CURRENT PLACE OF USE

Kinsley Feeders, LLC must comply with KDHE regulations pertaining to confined animal feeding operations (CAFOs). The regulations include implementation of an approved Nutrient Management Plan (NMP). The NMP prescribes the requirements for agronomic application of facility wastewater through irrigation systems owned by the facility. The NMP currently includes the center pivot sprinklers that irrigate the place of use pertaining to File No. 2,341. Additional irrigated area is required to satisfy NMP requirements. Due to a need for an additional source of stockwater, Kinsley Feeders, LLC has decided to construct two parallel pipelines from the wells associated with File Nos. 26,793 and 28,146. These wells and the associated places of use are located south of the facility. One pipeline will convey groundwater from the wells to the feedyard to supplement the existing stockwater supply. A change application for dual use has been submitted to obtain authorization for this use. The other pipeline will convey effluent from the facility wastewater retention structures to the center pivot sprinklers that serve the places of use associated with File Nos. 26,793 and 28,146. It is therefore necessary to retain all of the acres associated with these places of use for NMP compliance, which relies on both groundwater and wastewater irrigation to manage nutrient levels in the fields where wastewater is applied. The total quantities of groundwater and wastewater available for irrigation are summarized as follows:

Wastewater quantity based on recent application records from KDHE annual reports:

YEAR	WASTEWATER APPLICATION	
	(GALLONS)	(AF)
2013	16,380,000	50.3
2014	4,320,000	13.3
2015	7,893,300	24.2
2016	44,454,000	136.4
<b>AVERAGE</b>	<b>18,261,825</b>	<b>56.0</b>

AF = Acre-Feet

1.0 AF = 325,851 gallons

Water quantities available for irrigation:

File No. 2,341 =	288.0 AF
Proposed Quantity for File No. 26,793 =	162.6 AF
Proposed Quantity for File No. 28,146 =	200.2 AF
Total Annual Quantity =	<u>650.8 AF</u>

Current acres associated with places of use:

File No. 2,341 =	245 ACRES
File No. 26,793 =	160 ACRES
File No. 28,146 =	160 ACRES
Total Acres =	<u>565 ACRES</u>

**WATER RESOURCES  
RECEIVED**

**SEP 25 2017**

**KS DEPT OF AGRICULTURE**



Estimate of average stockwater use based on data from DWR water use reports:

YEAR	UNIT STOCKWATER USE (GALLONS/HEAD/DAY)
2013	11.82
2014	10.55
2015	10.62
2016	12.36
AVERAGE	11.34

$$\begin{aligned} \rightarrow \text{Estimated average stockwater use} &= (11.34 \text{ gallons/head/day}) \times (36,000 \text{ head}) \times (365 \text{ days}) \\ &= 149,007,600 \text{ gallons} = 457.3 \text{ AF} \end{aligned}$$

Determine average quantity diverted through dual use permits:

$$\begin{aligned} \text{Estimated Average Stockwater Use} &= 457.3 \text{ AF} \\ \text{Less Quantity from File No. 31,993} &= 167.0 \text{ AF} \\ \text{Less Quantity from File No. 31,994} &= 267.0 \text{ AF} \\ \text{Average Stockwater Quantity from Dual Use Permits} &= 23.3 \text{ AF} \end{aligned}$$

$$\begin{aligned} \rightarrow \text{Total Quantity Available for Irrigation} &= (\text{Total Annual Quantity}) + (\text{Average Wastewater Quantity}) \\ &\quad - (\text{Average Stockwater Quantity from Dual Use Permits}) \\ &= 650.8 \text{ AF} + 56.0 \text{ AF} - 23.3 \text{ AF} = 683.5 \text{ AF} \end{aligned}$$

$$\begin{aligned} \rightarrow \text{Proposed Unit Irrigation Rate} &= \frac{\text{Total Quantity Available for Irrigation}}{\text{Total Acres}} \\ &= \frac{683.5 \text{ AF}}{565 \text{ ACRES}} = 1.21 \text{ FT.} \end{aligned}$$

→ The Proposed Unit Irrigation Rate exceeds the 50% Chance NIR and is 96% of 1.26 feet, which is the 80% Chance NIR for Edwards County as indicated in K.A.R. 5-5-12. The request to retain the acres currently authorized for irrigation under File Nos. 2,341, 26,793 and 28,146 is reasonable. Consumptive use will not increase if the currently authorized acres are retained since File Nos. 26,793 and 28,146 will be limited to the consumptive use quantities associated with these water rights. The contribution from wastewater will likely increase as the facility reaches full capacity.

WATER RESOURCES  
RECEIVED

SEP 25 2017

KS DEPT OF AGRICULTURE

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

WATER RESOURCES  
RECEIVED

SEP 25 2017  
12:22

KS DEPT OF AGRICULTURE

September 21, 2017

Mr. David Barfield, P.E.  
Chief Engineer  
Division of Water Resources  
Kansas Department of Agriculture  
1320 Research Park Drive  
Manhattan, KS 66502

Subject: Change Applications Pertaining to Water Right File Nos. 31,994, 26,793  
and 28,146 for Kinsley Feeders, LLC, Edwards County

Dear Mr. Barfield:

Three change applications pertaining to the subject water rights are enclosed for your consideration. These applications are submitted on behalf of the applicant, Kinsley Feeders, LLC. KLA Environmental Services, Inc. assisted with the preparation of these applications. Additional information relating to each of the change applications is provided herein.

Application for Change in Point of Diversion Pertaining to File No. 31,994

Water for livestock consumption at Kinsley Feeders, LLC is supplied by three wells. One stockwater well is associated with File No. 31,993. The other two stockwater wells are associated with File No. 31,994. All of the stockwater wells discharge into an interconnected pressurized pipeline system that supplies water to the entire facility. The operation of the system is based upon variable livestock demand and the physical characteristics of the pumps and pipeline system. This system does not necessarily operate in proportion to the authorized quantities assigned to the wells. It is typical for one well to contribute more than its authorized quantity while the other wells contribute less. This has been the case in recent years. The well associated with File No. 31,993 tends to be the dominant well in the system. This change application proposes to resolve this situation by establishing an additional well associated with File No. 31,994. The proposed location of the additional well is the existing location of the well associated with File No. 31,993. The application proposes to move 3.0 acre-feet (AF)

and 2.0 gallons per minute (gpm) from File No. 31,994 (ID 4) and 24.0 AF and 15.0 gpm from File No. 31,994 (ID 5) to the proposed additional well. The additional well would therefore provide 27.0 AF and 17.0 gpm in addition to the 167 AF and 900 gpm authorized for File No. 31,993. This total proposed quantity of 194 AF appears to be sufficient to match the historical use from this well.

We believe that this application complies with the requirements of K.A.R. 5-5-16 based upon the following information:

- The rate associated with each quantity moved to the proposed additional well is more than sufficient to produce it in a period of 365 days. This is consistent with the operation of a beef cattle feeding facility, which must supply water to livestock every day of the year.
- The Stafford Field Office performed rate tests on all of the stockwater wells in 2016. The current rate of each well is sufficient to produce the proposed quantity associated with each well.
- The Stafford Field Office also determined the distances between each of the three stockwater wells. All wells are within 2,640 feet of each other. The spacing between the well associated with File No. 31,993 (and the proposed additional well) and the existing wells currently associated with File No. 31,994 exceeds 1,320 feet. This configuration also complies with the requirements of K.A.R. 5-25-2 and 5-25-2a.

The well logs for the wells associated with File No. 31,994 are enclosed with this application. The well associated with File No. 31,994 (ID 4) was re-drilled in 2009 and had an estimated yield of 1265 gpm. The well associated with File No. 31,994 (ID 5) was re-drilled in 2013 and had an estimated yield of 1363 gpm. KLA Environmental Services, Inc. performs annual groundwater monitoring at Kinsley Feeders, LLC as required by the terms and conditions of the facility's Kansas Department of Health and Environment (KDHE) permit. Water quality samples are obtained from a monitoring well located at the southwest corner of the facility and a monitoring well located near the northeast part of the facility. The chloride levels have always been well below 500 milligrams per liter. Copies of the 2016 laboratory reports are enclosed for reference. This information is offered as evidence that the proposed additional well will not impair existing water rights and relates to the same local source of supply. Please note that we were unable to find a water well completion record for the well associated with File No. 31,993.

There is only one non-domestic well within ½ mile of the wells associated with File Nos. 31,993 and 31,994. This well is owned by the applicant, Kinsley Feeders, LLC. We searched the *Water Well Completion Records (WWC5) Database* operated by the

**WATER RESOURCES  
RECEIVED**

**SEP 25 2017**

Kansas Geological Survey for evidence of domestic wells within ½ mile of the wells associated with File No. 31,994, including the proposed additional well. We located three potential domestic wells. All of these wells are more than 660 feet from the wells involved in this change application.

Application for Change in Place of Use and Use Made of Water Pertaining to File No. 26,793

Kinsley Feeders, LLC currently has a maximum permitted capacity of 36,000 head of beef cattle. The maximum reasonable use for this capacity is 604.9 acre-feet per year based upon a unit consumption rate of 15 gallons/head/day. The total of all stockwatering rights currently associated with the facility is 434.0 acre-feet per year. This implies a potential supply deficit of 170.9 acre-feet per year. A supplemental source of stockwater is needed to allow the facility to operate at full capacity. A dual use permit is proposed to provide a supplement source of stockwater for Kinsley Feeders, LLC. The authorized quantity would be reduced to the consumptive use level to ensure that consumptive use is not increased. The irrigation place of use would remain the same and the place of use for stockwater diversion would completely overlap that of File Nos. 31,993 and 31,994, which supply stockwater to the feedyard. Authorization of this dual use permit for 162.6 acre-feet per year and another dual use permit proposed for File No. 28,146 for 200.2 acre-feet per year would provide a sufficient supplemental source of stockwater while retaining an adequate quantity of water for irrigation. The irrigation quantity will be supplemented by effluent from the wastewater retention structures associated with the feedyard. Documentation is enclosed which provides justification for retaining all of the acres currently authorized for irrigation. It is imperative to have the flexibility to apply both groundwater and wastewater (effluent) to this entire area in order to implement the Nutrient Management Plan required by KDHE.

Determination of the consumptive use quantity related to File No. 26,793 is based on the "Irrigation Return-Flow Percentages in Kansas, by County" map issued by the Division of Water Resources. Use of this map and the associated methodology appears to satisfy the requirements of K.A.R. 5-5-9(b). Waivers of K.A.R. 5-5-9 and 5-5-10 are requested if necessary for approval of the consumptive use determination.

Application for Change in Place of Use and Use Made of Water Pertaining to File No. 28,146

Kinsley Feeders, LLC currently has a maximum permitted capacity of 36,000 head of beef cattle. The maximum reasonable use for this capacity is 604.9 acre-feet per year based upon a unit consumption rate of 15 gallons/head/day. The total of all stockwatering rights currently associated with the facility is 434.0 acre-feet per year. This implies a potential supply deficit of 170.9 acre-feet per year. A supplemental

**WATER RESOURCES  
RECEIVED**

**SEP 25 2017**

source of stockwater is needed to allow the facility to operate at full capacity. A dual use permit is proposed to provide a supplement source of stockwater for Kinsley Feeders, LLC. The authorized quantity would be reduced to the consumptive use level to ensure that consumptive use is not increased. The irrigation place of use would remain the same and the place of use for stockwater diversion would completely overlap that of File Nos. 31,993 and 31,994, which supply stockwater to the feedyard. Authorization of this dual use permit for 200.2 acre-feet per year and another dual use permit proposed for File No. 26,793 for 162.6 acre-feet per year would provide a sufficient supplemental source of stockwater while retaining an adequate quantity of water for irrigation. The irrigation quantity will be supplemented by effluent from the wastewater retention structures associated with the feedyard. Documentation is enclosed which provides justification for retaining all of the acres currently authorized for irrigation. It is imperative to have the flexibility to apply both groundwater and wastewater (effluent) to this entire area in order to implement the Nutrient Management Plan required by KDHE.

Determination of the consumptive use quantity related to File No. 28,146 is based on the "Irrigation Return-Flow Percentages in Kansas, by County" map issued by the Division of Water Resources. Use of this map and the associated methodology appears to satisfy the requirements of K.A.R. 5-5-9(b). Waivers of K.A.R. 5-5-9 and 5-5-10 are requested if necessary for approval of the consumptive use determination.

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

Respectfully,

*Frank C. Mercurio*

Frank C. Mercurio, P.E.

Enclosures

cc/enc: Derek Martin, Kinsley Feeders, LLC

WATER RESOURCES  
RECEIVED

SEP 25 2017

KS DEPT OF AGRICULTURE



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

KINSLEY FEEDERS LLC  
1278 P RD  
KINSLEY, KS 67547

9/27/2017

**FILE COPY**

RE: File No 26793

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 Tourney, L.G.  
Change Applications Unit Supervisor  
Water Appropriation Program

BAT: DLW  
pc: STAFFORD Field Office GMD5