

Kansas Department of Agriculture  
 Division of Water Resources  
**CHANGE: P/U WORKSHEET**

Document Signature \_\_\_\_\_

1. File Number: <b>33,161</b>	2. Status Change Date: <i>6/20/2017</i>	3. Change Num: <b>C3</b>	4. Field Office: <b>02</b>	5. GMD: <b>05</b>
6. Status: <input type="checkbox"/> Approved <input type="checkbox"/> Denied by DWR/GMD <input type="checkbox"/> Dismiss by Request/Failure to Return				7. Filing Date of Change: <b>25-AUG-2016</b>
8a. Applicant(s) New to system <input type="checkbox"/>  <b>MULL INVESTMENTS LP 553 R RD PAWNEE ROCK KS 67567</b>		Person ID <b>59997</b> Add Seq# <u>1</u>	8d. Landowner(s) New to system <input type="checkbox"/>  Person ID _____ Add Seq# _____	
8b. Landowner(s) New to system <input type="checkbox"/>  <b>MULL INVESTMENTS LP 553 R RD PAWNEE ROCK KS 67567</b>		Person ID <b>59997</b> Add Seq# <u>1</u>	8e. Landowner(s) New to system <input checked="" type="checkbox"/>  Person ID _____ Add Seq# _____	
8c. Landowner(s) New to system <input type="checkbox"/>  Person ID _____ Add Seq# _____		8f. WUC New to system <input type="checkbox"/>  <b>MULL INVESTMENTS LP 553 R RD PAWNEE ROCK KS 67567</b>  <b>NO CHANGE</b>  Person ID <b>59997</b> Add Seq# <u>1</u>		
9. Documents and Enclosure(s): <input checked="" type="checkbox"/> DWR Meter(s) Date to Comply: <u>12/31/17</u> <input type="checkbox"/> N & P Date to Comply: _____				
<input type="checkbox"/> Anti-Reverse Meter <input type="checkbox"/> Meter Seal <input checked="" type="checkbox"/> Check Valve <input type="checkbox"/> N & P Form <input type="checkbox"/> Water Tube <input type="checkbox"/> Driller Copy <input type="checkbox"/> H & E Letter				
<input type="checkbox"/> Conservation Plan    Date Required: _____    Date Approved: _____    Date to Comply: _____				
10. Use Made of Water    From: _____    To: _____				
Date Prepared: <b>06/07/17</b> By: <b>RAK</b> Date Entered: <i>6/21/2017</i> By: <i>LLM</i>				

File No. **33,161**      11. County: **PN**      Basin: **ARKANSAS RIVER**      Stream:      Formation Code: **113**      Special Use:

12. Points of Diversion										Rate and Quantity				
MOD DEL ENT	P DIV	Qualifier	S	T	R	ID	'N	'W	Comment	Authorized		Additional		Overlap PD Files
										Rate gpm	Quantity mgy/af	Rate gpm	Quantity mgy/af	
MOD 64660	NC		17	21	15W	10	<u>2694</u>	<u>2689</u>		125 g.p.m.	29.9 m.g.y.	125 g.p.m.	29.9 m.g.y.	NO
MOD 79344	NE¼ NW¼ NW¼		17	21	15W	13	<u>5097</u>	<u>4183</u>		90 gpm	13.9 mgy	90 gpm	13.9 mgy	588.05

BETTER DESCRIBED PD WITH GPS FEET DISTANCES FROM WRIS

13. Storage: Rate \_\_\_\_\_ NF      Quantity \_\_\_\_\_ ac/ft      Additional Rate \_\_\_\_\_ NF      Additional Quantity \_\_\_\_\_ ac/ft

14. Limitation: \_\_\_\_\_ gpm ( \_\_\_\_\_ cfs) when combined with file number(s) \_\_\_\_\_  
 Limitation: \_\_\_\_\_ af/yr at \_\_\_\_\_ gpm ( \_\_\_\_\_ cfs) when combined with file number(s) \_\_\_\_\_

15. 5YR Allocation: Allocation Type \_\_\_\_\_ Start Year \_\_\_\_\_ 5 YR Amount \_\_\_\_\_ Amount Unit \_\_\_\_\_ Base Acres \_\_\_\_\_ Comment \_\_\_\_\_

16. Place of Use MOD DEL ENT	PUSE	S	T	R	ID	NE¼				NW¼				SW¼				SE¼				Total	Owner	Chg?	Overlap Files
						NE ¼	NW ¼	SW ¼	SE ¼	NE ¼	NW ¼	SW ¼	SE ¼	NE ¼	NW ¼	SW ¼	SE ¼	NE ¼	NW ¼	SW ¼	SE ¼				
MOD 16541	17	21S	15W	3		FEEDLOT OPERATION IN (NW¼) & (NW¼SE¼)																	8B	NO	588.05 & 49690

Comments:

**KANSAS DEPARTMENT OF AGRICULTURE**  
**Division of Water Resources**  
**M E M O R A N D U M**

**TO:** Files  
**FROM:** Richelle A. Krueger

**DATE:** June 7, 2017  
**RE:** Application, File No. 49,690  
Water Right  
File Nos. 588.05 and 33,161

Keith Mull and Rick Stimatze, on behalf of Mull Investments, L.P., filed Application, File No. 49,690 to appropriate 4.89 million gallons (15 acre-feet) of groundwater for stockwatering use at a feedlot operation, including a flaking mill in the Northwest Quarter (NW¼) and the Northwest Quarter of the Southeast Quarter (NW¼ SE¼) of Section 17, Township 21 South, Range 15 West, Pawnee County Kansas in the Arkansas River Basin. The proposed point of diversion has no current overlaps and is located 2,938 feet North and 2,060 feet West of the Southeast corner of Section 17. Applications to change the place of use have been submitted for File Nos. 588.05 and 33,161 to create an exact overlap in place of use with File No. 49,690.

File No. 49,690 is exempt from sustainable yield criteria of K.A.R. 5-25-4 (a) *Sustainable yield* since it is 15 acre-feet or less and the requested quantity will be offset by a quantity reduction from Water Right, File No. 5,428 in accordance with K.A.R. 5-25-15 *Exemptions for up to 15 acre-feet of groundwater*.

File Nos. 588.05 and 33,161 do not appear abandoned pursuant to K.S.A. 82a-718 and are both authorized stockwatering use for the same feedlot located in the Northwest Quarter (NW¼) of Section 17. The authorized point of diversion of File No. 588.05 overlaps one of the two wells authorized by File No. 33,161. The referenced change in place of use applications will add the flaking mill in the Northwest Quarter of the Southeast Quarter (NW¼ SE¼) of Section 17 to their place of use, creating a complete overlap in place of use with File No. 49,690. The quantity authorized by File No. 49,690 will account for any increase in consumptive use. The applicants submitted justification for the authorized quantity.

There are three non-domestic wells and one domestic well all under common ownership within one-half mile of the proposed existing well for File No. 49,690. No notification of nearby well owners was required for File Nos. 588.05 and 33,161 either since all wells within one-half mile are under common ownership. The proposed existing well for File No. 49,690 does not meet 1,320 feet well spacing requirements of KAR 5-25-2 *Well spacing* to two wells (File Nos. 12,410 and 33,161) under common ownership.


The source of supply for all the files was previously determined to Main Stem Alluvium (113), no change in the same local source of supply is proposed for File Nos. 588.05 and 33,161.

In letters dated May 12, 2017, received May 16, 2017, Orrin Feril, Manager of Big Bend Groundwater Management District No. 5 indicated that the Board recommended a waiver of KAR 5-25-2 for File No. 49,690 and approval of all the referenced applications if the reduction request for File No. 5,428 is approved by the Chief Engineer.

The authorized points of diversion for File Nos. 588.05 and 33,161 will be better described with g.p.s. feet distances as indicated on the applications.

In a June 5, 2017 e-mail Jeff Lanterman, Water Commissioner of the Stafford Field Office, recommended approval of the referenced applications.

Based on the above discussion, it has been recommended that the referenced applications be approved.

  
Richelle A. Krueger  
Environmental Scientist



KANSAS DEPARTMENT OF AGRICULTURE  
Jackie McClaskey, Secretary of Agriculture

DIVISION OF WATER RESOURCES  
David W. Bassfield, Chief Engineer

**FILE COPY**

**APPROVAL OF APPLICATION  
FOR  
CHANGE IN PLACE OF USE AND ORDER  
BETTER DESCRIBING THE LOCATIONS OF THE  
AUTHORIZED POINTS OF DIVERSION  
WATER RIGHT  
FILE NO. 33,161**

The Chief Engineer, Division of Water Resources, Kansas Department of Agriculture, after due consideration of the written application of Keith W. Mull, on behalf of Mull Investments, L.P., 553 R Road, Pawnee Rock, Kansas, 67567, received in this office on August 25, 2016, for approval of a change in the location of the place of use under the certificate of appropriation issued pursuant to the application for permit to appropriate water for beneficial use, as modified and amended by the Orders of the Chief Engineer dated May 16, 1995 and April 10, 2000, approving applications to change the point of diversion, by the Order of the Chief Engineer dated April 28, 2009, approving the application to change the place of use, and by the Order of the Chief Engineer dated September 8, 2011, approving the application to change the point of diversion, finds that the change is reasonable and will not impair existing rights, and that the application should be and is hereby approved.

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

stockwatering use at a feedlot operation located in the Northwest Quarter (NW $\frac{1}{4}$ ) and the Northwest Quarter of the Southeast Quarter (NW $\frac{1}{4}$  SE $\frac{1}{4}$ ) of Section 17, Township 21 South, Range 15 West, Pawnee County, Kansas,

located substantially as shown on the map accompanying the application to change the place of use, and the locations of the authorized points of diversion are better described as:

one (1) well located in the Northeast Quarter of the Northwest Quarter of the Northwest Quarter (NE $\frac{1}{4}$  NW $\frac{1}{4}$  NW $\frac{1}{4}$ ) of Section 17, more particularly described as being near a point 5,097 feet North and 4,183 feet West of the Southeast corner of said section, at a diversion rate not in excess of 90 gallons per minute (0.20 c.f.s.) and a quantity not to exceed 13.9 million gallons (42.6 acre-feet) of water per calendar year, and

one (1) well located near the center of Section 17, more particularly described as being near a point 2,694 feet North and 2,689 feet West of the Southeast corner of said section, at a diversion rate not in excess of 125 gallons per minute (0.28 c.f.s.) and a quantity not to exceed 29.9 million gallons (91.8 acre-feet) of water per calendar year,

both in Township 21 South, Range 15 West, Pawnee County, Kansas.

All diversion works into which any type of chemical or other foreign substance will be injected into the water pumped from the diversion works shall be equipped with an in-line, automatic, quick-closing check valve capable of preventing pollution of the source of the water supply. The type of valve installed shall meet specifications adopted by the Chief Engineer and shall be maintained in an operating condition satisfactory to the Chief Engineer.

The water right owner shall properly install 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. 33,161, for permit to appropriate water for beneficial use, is as stated and set forth in the Certificate of Appropriation dated September 19, 1989, as modified and amended by the aforementioned orders.

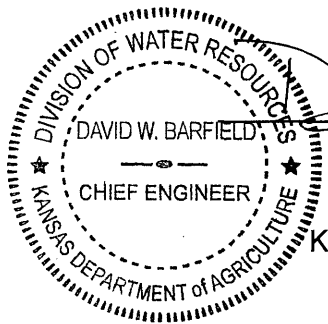
This Order shall become a final agency action, as defined by K.S.A. 77-607(b), without further notice to the parties, if a request for hearing or a petition for administrative review is not filed as set forth below.

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 20<sup>th</sup> day of June, 2017, in Topeka, Shawnee County, Kansas.



*David W. Barfield*  
\_\_\_\_\_  
David W. Barfield, P.E.  
Chief Engineer  
Division of Water Resources  
Kansas Department of Agriculture

State of Kansas        )  
                                  ) SS  
County of Riley        )

The foregoing instrument was acknowledged before me this 20<sup>th</sup> day of June, 2017, by David W. Barfield, P.E., Chief Engineer, Division of Water Resources, Kansas Department of Agriculture.



*Karen Hunter*  
\_\_\_\_\_  
Notary Public

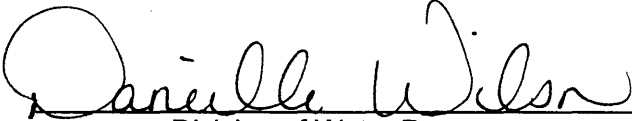
**CERTIFICATE OF SERVICE**

On this 2<sup>nd</sup> day of June, 2017, I hereby certify that the attached Approval of Application for the Change in Place of Use, File No. 33,161, dated June 20, 2017 was mailed postage prepaid, first class, US mail to the following:

MULL INVESTMENTS LP  
553 R RD  
PAWNEE ROCK KS 67567

with photocopies to:

Stafford Field Office  
Groundwater Management District No. 5

  
Division of Water Resources

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

June 22, 2017

**FILE COPY**

MULL INVESTMENTS LP  
ATTN KEITH W MULL  
553 R RD  
PAWNEE ROCK KS 67567

RE: Appropriation of Water, File No. 49,690  
Water Right, File Nos. 588.05 and 33,161

Dear Mr. Mull:

There is enclosed a permit (File No. 49,690) to appropriate water authorizing you to proceed with construction of the proposed diversion works (except those dams and stream obstructions regulated by K.S.A. 82a-301 through 305a), to divert such unappropriated water as may be available from the source and at the location specified in the permit, and to use it for the purpose and at the location described in the permit.

Your attention is directed to the enclosures and to the terms, conditions, and limitations specified in this permit. A water meter is required and you must install it prior to water being put to beneficial use in order for you to maintain accurate records of water use. The meter should be used to provide the information required on the annual water use report.

Failure to notify the Chief Engineer of the Division of Water Resources of the completion of the diversion works within the time allowed, or within any authorized extension of time thereof, will result in the dismissal of this permit. Enclosed is a form which may be used to notify the Chief Engineer that the proposed diversion works have been completed.

All requests for extensions of time to complete diversion works, or to perfect appropriations, must be submitted to the Chief Engineer before the expiration of time originally set forth in the permit to complete diversion works or to perfect an appropriation. If for any reason, you require an extension of time, you must request it before the expiration of time set forth in this permit. Failure to comply with this regulation will result in the dismissal of your permit or your water right. Any request for an extension of time shall be accompanied by the required statutory fee, which is currently \$100.00.

There is also enclosed an information sheet setting forth the procedure to obtain a Certificate of Appropriation which will establish the extent of your water right.

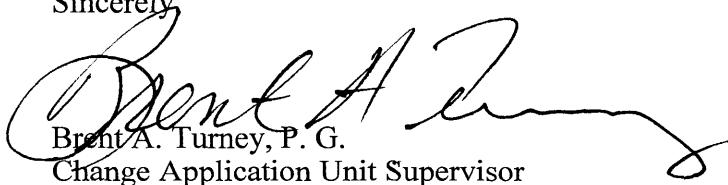
In addition, enclosed are orders executed by the Chief Engineer, Division of Water Resources, Kansas Department of Agriculture, approving the applications for change under Water Right, File Nos. 588.05 and 33,161. Your attention is directed to the enclosures and to the terms, conditions, and limitations specified in these approvals for change. A condition of these approvals is that acceptable water flow meters must be installed on the diversion works authorized under the referenced file numbers. Please return the required notification of completion of the installation of the required meters as soon as these actions are completed.

Mull Investments LP  
File Nos. 588.05; 33,161 and 49,690  
Page 2

Please be reminded that reports of water usage must be submitted to this office annually. Records indicating the amount of water used should be furnished to the Chief Engineer by March 1 following the end of the previous calendar year so that the continued use of water becomes a matter of record in this office. The owner, or his or her legally designated agent, is held responsible for submitting annual water use reports. Failure to file an accurate water use report is a violation of law which makes you subject to civil penalties.

If you have any questions, please contact our office. 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. G.  
Change Application Unit Supervisor  
Water Appropriation Program

BAT:rak

Enclosures

pc: Stafford Field Office  
Groundwater Management District No. 5



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

AUG 25 2016

12:50

KS DEPT OF AGRICULTURE

File No. 33161

2. Name of applicant: Rick Stimatze

Address: Mull Investments LP, ~~549 R Rd~~ \* 553 R Rd

City, State and Zip: Pawnee Rock KS 67567

Phone Number: (620)982-4336 E-mail address: mullfarms2@yahoo.com

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

Name of water use correspondent: Mull Investments LP

Address: ~~549 R Rd~~ \* 553 R Rd

City, State and Zip: Pawnee Rock KS 67567

Phone Number: (620) 982-4336 E-mail address: mullfarms2@yahoo.com

3. The change(s) proposed herein are desired for the following reasons (please be specific): This change will create a complete place of use overlap with a pending new application that serves the mill for the feedlot.

The change(s) will be completed by approval of application

(Date)

For Office Use Only:										
F.O. <u>2</u>	GMD <u>5</u>	Meets K.A.R. 5-5-1	<input checked="" type="checkbox"/> YES / <input type="checkbox"/> NO	Use <u>STK</u>	Source <u>G/S</u>	County <u>PN</u>	By <u>AtW</u>	Date <u>8/25/16</u>		
Code <u>LPU</u>	Fee \$ <u>200</u>	TR # _____	Receipt Date <u>8/25/16</u>	Check # <u>1876</u>						

6717  
 DALL  
 \* per Pawnee Co Parcel Search + WRIIS  
 \* NAK/DWR 6/6/17

DWR 1-120 (Revised 06/16/2014)

Assisted by: EKF/SFFO

SCANNED

9/1/2016 LCM

4. The presently authorized place of use is:

Owner of Land — NAME: Mull Investments LP \* 553 R Rd

ADDRESS: 549 R Rd, Pawnee Rock KS 67567

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	
17	21	15W	a feedlot in the Northwest Quarter																

List any other water rights that cover this place of use. 588-05

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: Mull Investments LP \* 553 R Rd

ADDRESS: 549 R Rd, Pawnee Rock KS 67567

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	
17	21	15W	A feedlot operation in the Northwest Quarter and the Northwest Quarter of the Southeast Quarter																

List any other water rights that cover this place of use. 588-05 & pending new application #49690

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 MORE SPACE IS NEEDED, ATTACH ADDITIONAL SHEETS AS NECESSARY

\* Per Pawnee Co Parcel Search 10/1/15  
 \* P2K/AMM 6/2/17

SCANNED  
 6/7/17

AUG 25 2016

- 6. The presently authorized point(s) of diversion is one well and diversion works  
(Provide description and number of points)
- 7. The proposed point(s) of diversion (is) (are) N/A  
(Provide description and number of points)

List all presently authorized point(s) of diversion:

8. **Presently authorized point of diversion:**  
 One in the NE Quarter of the NW Quarter of the NW Quarter of Section 17, Township 21 South, Range 15 W, in Pawnee County, Kansas, 5,101 feet North 4,175 feet West of Southeast corner of section.  
 Authorized Rate 90 gpm Authorized Quantity 13.9 mgd  
**(DWR use only: Computer ID No. 13 GPS 5,097 feet North 4,183 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 588-05

9. **Presently authorized point of diversion:**  
 One in the --- Quarter of the --- Quarter of the Near Center Quarter of Section 17, Township 21 South, Range 15 W, in Pawnee County, Kansas, 2,724 feet North 2,604 feet West of Southeast corner of section.  
 Authorized Rate 125 gpm Authorized Quantity 29.9 mgd  
**(DWR use only: Computer ID No. 10 GPS 2,694 feet North 2,689 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 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

IF MORE SPACE IS NEEDED, ATTACH ADDITIONAL SHEETS AS NECESSARY

WATER RESOURCES RECEIVED

SCANNED

AUG 25 2016

12. The presently authorized use of water is for Stockwater purposes.  
It is proposed that the use be changed to N/A purposes.

13. If changing the place of use and/or use made of water, describe how the consumptive use will not be increased.  
A new application has been filed to provide additional water for the flaking mill that is part of the feedlot operations. The additional water from this application will keep consumptive use from going up under the existing permits.  
However, the change in place of use to add the mill is needed whether the new application is approved or not. If this scenario comes true, this question will need to be readdressed.  
(Please show any calculations here.)

14. It is requested that the maximum annual quantity of water be reduced to N/A (acre-feet or million gallons).

15. It is requested that the maximum rate of diversion of water be reduced to N/A 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.

No impairment is anticipated from these changes.

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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.

No waivers should be needed.

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**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.

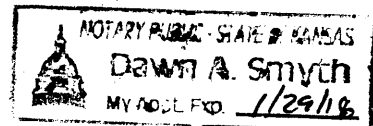
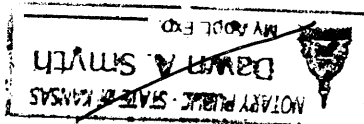
If the request is signed on behalf of any Owner by someone with legal authority to do so (for example, an agent, one who has power of attorney, or an executor, executrix, conservator), it will be necessary to attach proper documents showing such authority.

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 Pawnee County, Kansas, this 16 day of August, 20 16.

<u>Keith W. Mull</u> (Owner)	_____	(Spouse)
<u>Keith W. Mull</u> (Please Print)	_____	(Please Print)
_____	_____	(Spouse)
(Please Print)	_____	(Please Print)
_____	_____	(Spouse)
(Please Print)	_____	(Please Print)

State of Kansas }  
County of Pawnee } SS



I hereby certify that the foregoing application was signed in my presence and sworn to before me this 16 day of August, 20 16.

Dawn A. Smyth  
Notary Public

My Commission Expires 11/29/18

**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

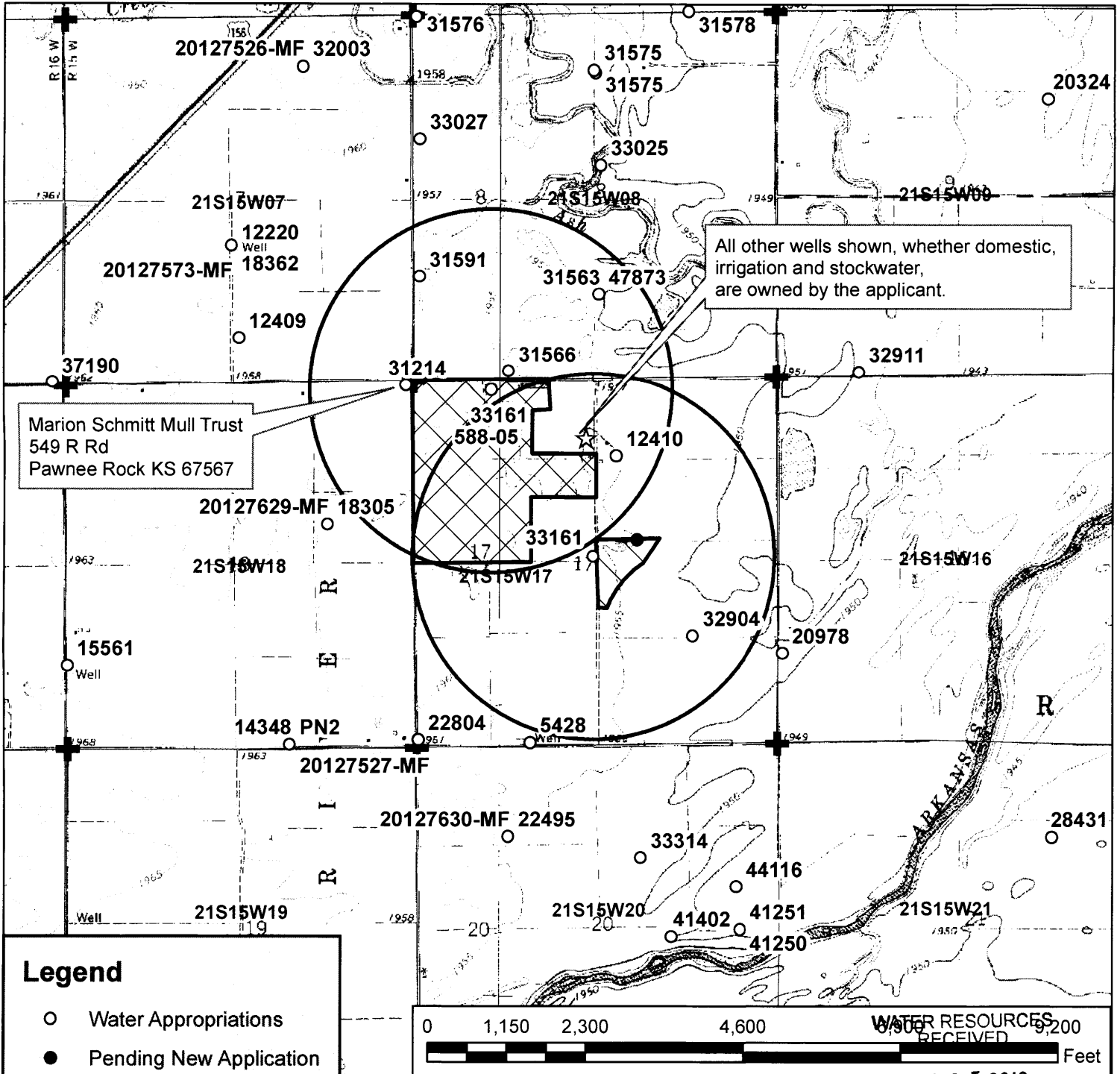
Make check payable to **Kansas Department of Agriculture.**

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All other wells shown, whether domestic, irrigation and stockwater, are owned by the applicant.

Marion Schmitt Mull Trust  
549 R Rd  
Pawnee Rock KS 67567

**Legend**

- Water Appropriations
- Pending New Application
- ☆ Domestic Well
- ⊕ Section Corner
- Half Mile Circle
- Section Line

**Place of Use**

- Authorized
- Proposed

**Water Right, File No. 33161**

Change in Place of Use Application Map  
Overlap w/ File No. 588-05 & pending new app  
17-21S-15W // Pawnee County

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

Signature

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8/12/16 EKF-SFFO

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DIVISION OF WATER RESOURCES-KANSAS DEPARTMENT OF AGRICULTURE  
COMPLIANCE INVESTIGATION

Field Office No. 02 G.M.D. No. 05 County Pawnee

File No. 33161 ID#10 Overlap P/U & P/D (not this well) File No(s). 588-05

Agency KDA/DWR Inspector EKFitch

In Compliance/ Date	
<input checked="" type="checkbox"/>	Yes <u>2/17/10 (see comments)</u>
<input type="checkbox"/>	No, see comments _____
<input type="checkbox"/>	Re-investigation _____

Reason:  New Application  Regular P/D Change (4/10/00)  P/U Change  
 Meter Installed  Short Move P/D Change  Other \_\_\_\_\_

Date of Order 4/28/09 Date of N of C Ack use this CI Chg No. C1 Date completed unknown If PD chg, old PD ID ---

Current Landowner Mull Investments LP Phone No. 620-982-4336

Address 553 R Rd, Pawnee Rock KS 67567  
Additional landowners and addresses identified in remarks section.

Water Use Correspondent Glenn A Mull Phone No. 620-982-4336

Authorized Water Use Classification:  Domestic  Industrial  Irrigation  Municipal  Hydraulic Dredging  
 Recreation  Stockwatering  Water Power  Artificial Recharge  Contamination Remediation

Water currently being used for Stockwatering

Source:  Groundwater  Surface Water Basin/Stream Arkansas River Basin

Authorized Point of Diversion: NC Sec. 17, T. 21S, R. 15W ID No. 10

Approximately 2724 ft. North and 2604 ft. West of SE corner of Sec 17.

Actual Point of Diversion: SE SE NW Sec. 17, T. 21S, R. 15W

Approximately 2694 ft. North and 2689 ft. West of SE corner of Sec 17.

How were distances determined? Garmin GPS and LeoBase 3 EST Accuracy 9.8' Latitude 38.22575 Longitude 98.99517

Distance from old pd --- ft (N / S) and --- ft (E / W) Old well: plugged  capped  equipped  other: \_\_\_\_\_?

Location (site) map attached? YES

Comments: Any differences between the authorized and actual footages are due to GPS, as the old well did not have a GPS location. The old well was not located for the 2000 p/d change. I forgot to look for a measurement tube for this well. Since it is authorized for 125 gpm, one is required. The in compliance determination does not include the measurement tube. That compliance will need to be determined at a later date. This site was not revisited due to time and budget constraints  
The place of use appears to be as authorized.

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## Krueger, Richelle

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**From:** Lanterman, Jeff  
**Sent:** Monday, June 5, 2017 4:43 PM  
**To:** Krueger, Richelle  
**Cc:** Conant, Cameron  
**Subject:** RE: Request for Recommendation newapp49690chgpu588.05,33161offsetred5428 Mull Investments LP

Richelle, this one looks OK to approve. Thanks!

Jeff

---

**From:** Conant, Cameron  
**Sent:** Monday, June 5, 2017 12:47 PM  
**To:** Lanterman, Jeff <Jeff.Lanterman@ks.gov>  
**Subject:** FW: Request for Recommendation newapp49690chgpu588.05,33161offsetred5428 Mull Investments LP

Jeff, this is a new application, 15AF small user exemption, to cover an existing flaker mill at Mull Feedyard in Pawnee County. This is in GMD#5, so the requested 15AF has been offset with an irrigation water right also owned by the Mulls. The calculations appear ok and GMD#5 board has also signed off on this.

I think this packet of new app and changes can be recommended for approval and the reduction on 5428 should also be processed in conjunction with approval of the packet. The flaker well does not meet spacing to other wells owned by the feedlot, 2 stock files, and 1 irrigation file. I think a waiver of spacing is good here. The flaker application properly permits an existing compliance issue and it certainly won't impair any of the nearby uses if the irrigation that doesn't meet spacing is ever sold to different ownership. The requested rate of 99gpm and the low quantity of 15AF should not present any problems at this location in the future.

Please pass on to Richelle if you agree that this can be approved.

Cameron

---

**From:** Krueger, Richelle  
**Sent:** Thursday, May 18, 2017 11:09 AM  
**To:** Lanterman, Jeff <Jeff.Lanterman@ks.gov>  
**Cc:** Conant, Cameron <Cameron.Conant@ks.gov>; Fitch, Elizabeth <Elizabeth.Fitch@ks.gov>  
**Subject:** Request for Recommendation newapp49690chgpu588.05,33161offsetred5428 Mull Investments LP

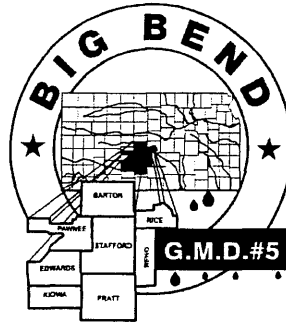
Hi Jeff,

Attached is a draft memo for the referenced new application and changes in place of use for Mull Investments, do you recommend approval?

Thanks,  
Richelle



Darrell Wood - Edwards (Pres.)  
Fred Grunder - Pratt (V Pres.)  
John Janssen - Kiowa (Treas.)  
Jerry Cullop - Rice  
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

May 12, 2017

Richelle Krueger  
Division of Water Resources  
Kansas Department of Agriculture  
1320 Research Park Drive  
Manhattan, KS 66502

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MAY 16 2017

KS DEPT OF AGRICULTURE

RE: Water Right File Nos. 588.05 & 33161  
Change in the Place of Use

Dear Ms. Krueger,

Big Bend Groundwater Management District #5 has reviewed the above referenced applications to change the places of use. It is the understanding of the District that this change is intended to allow for more efficient watering at the feedlot and the flaking mill. Additionally, these changes would also overlap the place of use for the new application for permit file no. 49690. 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

SCANNED

**Krueger, Richelle**

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**From:** Orrin Feril <oferil@gmd5.org>  
**Sent:** Friday, May 12, 2017 10:34 AM  
**To:** Krueger, Richelle  
**Subject:** Water Right File Nos. 588.05, 5428, 33161; Application File No. 49690  
**Attachments:** 588.05 33161 2017-05-12 Rec.pdf; 5428 49690 2017-05-12 Rec.pdf

Richelle,  
I'm attaching the recommendations requested by your office in a letter dated April 24, 2017. 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](mailto:oferil@gmd5.org)  
Phone: (620) 234-5352  
Mobile: (620) 388-0172  
Fax: (620) 234-5718  
[www.gmd5.org](http://www.gmd5.org)

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MAY 16 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

April 24, 2017

BIG BEND GROUNDWATER  
MANAGEMENT DISTRICT NO 5  
ATTN ORRIN FERIL  
125 S MAIN  
STAFFORD KANSAS 67578

Re: Water Right, File Nos. 588.05; 5,428 and 33,161  
Application, File No. 49,690

Dear Orrin:

We are enclosing copies of applications to change the place of use, File Nos. 588.05 and 33,161, a reduction in quantity request, File No. 5,428 and Application, File No. 49,690.

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

Please submit your recommendations within the allowed time, or any authorized extension of time thereof. If you have any questions, please contact me at (785) 564-6635. If you call, please reference the file number so we can help you more efficiently.

Sincerely,

A handwritten signature in cursive script that reads "Richelle A. Krueger".

Richelle A. Krueger  
Environmental Scientist  
Water Appropriation Program

Enclosures

pc: Stafford Field Office

SCANNED

## Krueger, Richelle

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**From:** Krueger, Richelle  
**Sent:** Thursday, April 6, 2017 8:23 AM  
**To:** Fitch, Elizabeth  
**Cc:** Turney, Brent  
**Subject:** RE: Info for Mull Stock water changes/offset

Good Morning Elizabeth,

We are actually getting some sunshine here this morning, yeah! Hey, this morning Brent and I reviewed the info you sent us, it sure looks like the limitations no longer make any sense. Brent agrees the limitations should be dropped, I don't think they will get any quantity back but at least the limitations will be removed.

I will send these applications out to gmd 5 as soon as we get some kind of justification from them.

Uneven overlaps are sure complicated for me to understand sometimes, thanks for all your work on this and making it so I can understand it!

Richelle

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**From:** Fitch, Elizabeth  
**Sent:** Wednesday, April 5, 2017 11:12 AM  
**To:** Krueger, Richelle <Richelle.Krueger@ks.gov>  
**Subject:** Info for Mull Stock water changes/offset

Richelle,

Attached is an action trail for the four irrigation water rights up to 1991. As you can see, it is a bit of a mess. I also included updated perfection/base acre reviews for the files. All of this information is in the file and Docuware.

Elizabeth K Fitch, Environmental Scientist  
Kansas Department of Agriculture  
Division of Water Resources  
Stafford Field Office  
(620) 234-5311  
**My e-mail address has changed: [elizabeth.fitch@ks.gov](mailto:elizabeth.fitch@ks.gov)**  
[agriculture.ks.gov](http://agriculture.ks.gov)

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**

August 15, 2016

RICK STIMTZE  
549 R RD  
PAWNEE ROCK , KS 67567

RE: File No. 33161

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
- 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,

A handwritten signature in cursive script that reads "Brent A. Turney".

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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