

Kansas Department of Agriculture
 Division of Water Resources
CHANGE: PU WORKSHEET

Document Signature DWB _____

1. File Number: 31,940	2. Status Change Date: <i>5/22/2018</i>	3. Change Num: 1	4. Field Office: 2	5. GMD: 5
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6. Status: <input checked="" type="checkbox"/> Approved <input type="checkbox"/> Denied by DWR/GMD <input type="checkbox"/> Dismiss by Request/Failure to Return	7. Filing Date of Change: 9/29/2016
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8a. Applicant(s) Person ID **59931**
 New to system Add Seq# _____

ILS LAND LLC
PO BOX 1506
GREAT BEND KS 67530-1506

8c. Landowner(s) Person ID **20678**
 New to system Add Seq# _____

WARD FEED YARD INC
PO BOX H
LARNED KS 67550

8b. Landowner(s) Person ID _____
 New to system Add Seq# _____

8d. WUC Person ID _____
 New to system Add Seq# _____

SAME AS 8c

9. Documents and Enclosure(s): DWR Meter(s) Date to Comply: 12/31/2018 N & P Date to Comply: _____

Check Valve N & P Form Water Tube Driller Copy H & E Letter

Conservation Plan Date Required: _____ Date Approved: _____ Date to Comply: _____

10. Use Made of Water From _____ To: _____

Prepared by BAT
 Entered by LLM on 6/5/2018

File No. **31,940** 11. County: **PN** Basin: Stream: Formation Code: **211** Special Use:

12. Points of Diversion
 T
 MOD
 DEL PDIV
 ENT
 Qualifier S T R ID 'N 'W Comment
 Rate and Quantity
 Authorized Additional
 Rate Quantity Rate Quantity
 gpm/cfs af/mgy gpm/cfs af/mgy Overlap PD Files

MOD 54161 SENWSE 21 22 16W 6 1,336 1,709 **20169090**

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

14. Limitation: _____ af/yr at _____ 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 38533 21 22S 16W 4	FEEDLOT E1/2																	8c	NO	SEE BELOW

Comments: PLACE OF USE OVERLAPS **24,999, 31,940, 31,941 20169090**
 Action Trail: Suspended STK Term 2017

STATE OF KANSAS

DEPARTMENT OF AGRICULTURE
1320 RESEARCH PARK DRIVE
MANHATTAN, KS 66502
PHONE: (785) 564-6700
FAX: (785) 564-6777



900 SW JACKSON, ROOM 456
TOPEKA, KS 66612
PHONE: (785) 296-3556
www.agriculture.ks.gov

GOVERNOR JEFF COLYER, M.D.
JACKIE McCLASKEY, SECRETARY OF AGRICULTURE

FILE COPY

WARD FEED YARD INC
PO BOX H
LARNED KS 67550

June 4, 2018

RE: Base Water Right, File Nos. 24,999; 31940 and 31,941,
Project Term Permit, File No. 20169090

Dear Sir or Madam:

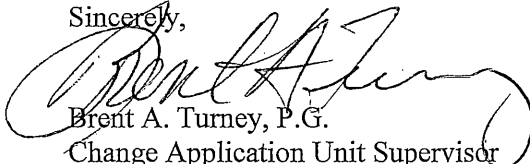
Enclosed is an Order executed by the Chief Engineer, Division of Water Resources, Kansas Department of Agriculture, suspending the base water right referenced above, and approving your Application for a Project Term Permit. The approval of this Project Term Permit affords you the ability to divert water from multiple points of diversion (existing wells) for stockwatering irrigation uses, during the set period of January 1, 2017 through December 31, 2021. However, the use of water **in excess of the total quantity of water described in the enclosed Order** within any one year or the five year set period listed above, **shall result in imposition of penalties as provided in K.A.R. 5-14-10.**

Acceptable water meters are required and shall be installed on any diversion works authorized by this term permit in accordance with Kansas Administrative Regulations 5-1-4 through 5-1-12, and they shall be installed prior to water being put to beneficial use. The applicant shall file an annual water use report with the Chief Engineer by March 1, following the end of each calendar year.

The approval of your application constitutes a term permit to appropriate water for beneficial use as set forth in the application. It does not constitute authority under K.S.A. 82a-301 through 305a, to construct any dam or other obstruction. It does not give authority to access any right-of-way, or authorize injury to, or trespass upon, public or private property, nor does it obviate the necessity of obtaining assent from Federal or Local Governmental authorities, when necessary. Please be advised that K.S.A. 82a-728 sets forth, in essence, that it is unlawful to divert or threaten to divert water for the type of use you propose without first acquiring approval of the Chief Engineer of the Division of Water Resources.

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
Enclosures
pc: Stafford Field Office
GMD No. 5
ILS Land LLC

KANSAS DEPARTMENT OF AGRICULTURE
Division of Water Resources

M E M O R A N D U M

TO: Files

DATE: May 10, 2018

FROM: Brent A. Turney

RE: Water Right
File Nos. 24,999, 31,940 &
31,941

Lee Borck on behalf of ILS Land, LLC, and Ward Feed Yard Inc., owner of the referenced water rights, has filed applications for approval to change the place of use, use made of water for Water Right, File No. 24,999, and applications for approval to change the place of use under File Nos. 31,940 and 30,941, all filed on September 29, 2016 and an application for approval to change the point of diversion under File No. 24,999 on February 20, 2018. File No. 24,999 is currently authorized for irrigation use while File Nos. 31,940 and 31,941 are authorized for stockwatering use. The referenced files are located in the Arkansas River Basin in GMD No. 5. The referenced file numbers do not appear to be abandoned as per K.S.A. 82a-718.

File No. 24,999 is authorized two irrigation wells (authorized 142 acre-feet and 53 acre-feet) for the irrigation of the 160 acre place of use. Water Right, File Nos. 31,940 and 31,941, for stockwatering use at a feedlot in the Southeast Quarter of Section 21. The water right owner is proposing to move water between the existing wells under File No. 24,999, and convert one of the wells to dual use to provide an additional 15.08 million gallons (46.3 acre-feet) to stockwatering use and irrigation use. The additional stockwater will provide a total of 141.61 million gallons (434.59 acre-feet) for stockwatering use.

Based K.A.R. 5-5-9, the well to be converted will be 53 acre-feet x 0.873 = 46.3 acre-feet for stockwatering. The authorized quantity for the referenced file will remain 195 acre-feet, however, it will be limited to 188.3 acre-feet (61.358 million gallons) until such a time the additional stockwatering quantity is no longer desired. Based upon the attached power point presentation, there will be no reduction in the number of acres that may be irrigated due to the change in the use made of water.

In letters dated October 23, 2016 and March 23, 2018, Orrin Feril, Manager of Big Bend Groundwater Management District No. 5, indicated that applications comply with the current management program and he further recommends approval of the applications at this time.

In a telephone conversation dated May 4, 2018, Jeff Lanterman, Water Commissioner of the Stafford Field Office, indicated that he is not opposed to approval of the applications.

Water flow meters are required. Check valves are required if any chemical or foreign substance is injected into the water through the diversion works

THE STATE



OF KANSAS

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
ORDER BETTER DEFINING THE
LOCATION OF THE POINT OF DIVERSION
WATER RIGHT
FILE NO. 31,940**

The Chief Engineer, Division of Water Resources, Kansas Department of Agriculture, after due consideration of the written application of Lee Borck on behalf of Ward Feed Yard Inc., PO Box H, Larned, KS 67550, received in this office on September 29, 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 order of the Chief Engineer, dated September 26, 1996, approving the application to change the authorized 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, the authorized place of use shall be described as:

a feedlot located in the East Half (E $\frac{1}{2}$) of Section 21, Township 22 South, Range 16 West, Pawnee County, Kansas, and

the location of the Point of Diversion shall be better defined as being:

one (1) well located in the Southeast Quarter of the Northwest Quarter of the Southeast Quarter (SE $\frac{1}{4}$ NW $\frac{1}{4}$ SE $\frac{1}{4}$) of Section 21, more particularly described as being near a point 1,336 feet North and 1,709 feet west of the Southeast Quarter of said Section, Township 22 South, Range 16 West, Pawnee County, Kansas,

located substantially as shown on the topographic map accompanying the application to change the place of use:

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. 31,940, for permit to appropriate water for beneficial use, is as stated and set forth in the Certificate of Appropriation dated November 2, 1987, as modified and amended by the aforementioned order.

RIGHT TO A HEARING AND TO ADMINISTRATIVE REVIEW

If you are aggrieved by this Order, then pursuant to K.S.A. 82a-1901, you may:

- 1) request an evidentiary hearing before the Chief Engineer, or
- 2) request administrative review by the Secretary of Agriculture.

Failure to request an evidentiary hearing before the Chief Engineer does not preclude your right to administrative review by the Secretary.

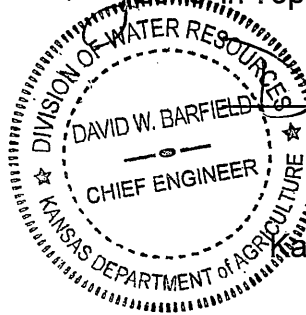
To obtain an evidentiary hearing before the Chief Engineer, a written request for hearing must be filed within 15 days after service of this Order as provided in K.S.A. 77-531 **(i.e., within a total of 18 days after this Order was mailed to you)**, with: Kansas Department of Agriculture, Attn: Legal Section, 1320 Research Park Drive, Manhattan, KS 66502, FAX (785) 564-6777.

If you do not file a request for an evidentiary hearing before the Chief Engineer, you may petition for administrative review of the Order by the Secretary of Agriculture. A petition for review shall be in writing and state the basis for requesting administrative review. The request for hearing may be denied if the request fails to clearly establish factual or legal issues for review. See K.S.A. 77-527. The petition must be filed within 30 days after service of this Order as provided in K.S.A. 77-531 **(i.e., within a total of 33 days after this Order was mailed to you)**, and be filed with: Secretary of Agriculture, Attn: Legal Division, Kansas Department of Agriculture, 1320 Research Park Drive, Manhattan, KS 66502, FAX (785) 564-6777.

If neither a request for an evidentiary hearing nor a petition for administrative review is filed as set forth above, then this Order shall be effective and become a final agency action as defined in K.S.A. 77-607(b). Failure to timely request either an evidentiary hearing or administrative review may preclude further judicial review under the Kansas Judicial Review Act.

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 22nd day of May, 2018, in Topeka, Shawnee County, Kansas.



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 22nd day of May, 2018, by David W. Barfield, P., Chief Engineer, Division of Water Resources, Kansas Department of Agriculture.



Karen Hunter
Notary Public

CERTIFICATE OF SERVICE

On this 4th day of June, 2018, I hereby certify that the attached original Approval of Change in Place of Use, File No. 31,940, dated May 22nd, 2018, was mailed postage prepaid, first class, US mail to the following:

WARD FEED YARD INC
WARD FEED YARD SOUTH
PO BOX H
LARNED KS 67550

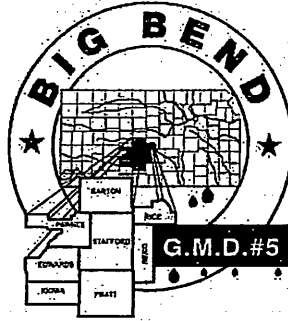
With photocopies to:

Stafford Field Office
GMD No. 5

ILS LAND LLC
PO BOX 1506
GREATBEND KS 67530-1506

Danielle Wilson
Staff

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

October 23, 2017

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OCT 23 2017

Brent Turney
Division of Water Resources
Kansas Department of Agriculture
109 SW 9th St 2nd Floor
Topeka, Kansas 66612-1283

KS DEPT OF AGRICULTURE

RE: Water Right File Nos. 24999, 31940, 31941
Term Permit Application No. 20169090

Dear Mr. Turney,

The Big Bend Groundwater Management District #5 has reviewed the above referenced change applications for Water Right File Nos. 24999, 31940 & 31941. Additionally the District has reviewed the Term Permit Application No. 20169090. The term permit application does not meet K.A.R. 5-25-13 (Term Permits).

The application was presented to the Board of Directors at the October regular board meeting. Based upon information received in the District office and provided at the board meeting, the Board voted to waive the K.A.R. 5-25-13 as a pilot project for five years. Therefore, the applications for change and the application for term permit are recommended for approval.

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

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

Sincerely,

Orrin Feril
Manager

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
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SEP 29 2016

11:35

KS DEPT OF AGRICULTURE

File No. 31940

2. Name of applicant: ILS Land LLC

Address: Kelly Meyer, PO Box 1506

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

Phone Number: (620)793-9200

E-mail address: kelly.meyer@ilsbeef.com

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

Name of water use correspondent: Ward Feed Yard Inc

Address: Ward Feed Yard South, PO Box H

City, State and Zip: Larned KS 67550

Phone Number: (620) 285-2145

E-mail address: _____

3. The change(s) proposed herein are desired for the following reasons (please be specific): To overlap the place of use with File No. 31941. Currently both permits do not both cover the entire feedlot.

The change(s) 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 STK Source G S County _____ By _____ Date 9/29/16
Code CPU Fee \$ 200 TR # _____ Receipt Date 9/29/16 Check # 14452

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

APPLICATION COMPLETE
3/23/16
Reviewer DAK

Assisted by: EKF/SFFO

SCANNED

10/14/2016 UCM

4. The presently authorized place of use is:

Owner of Land — NAME: Ward Feed Yard Inc

ADDRESS: PO Box H, Larned KS 67550

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

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

Owner of Land — NAME: _____

ADDRESS: _____

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

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

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

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

Owner of Land — NAME: Ward Feed Yard Inc

ADDRESS: PO Box H, Larned KS 67550

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

List any other water rights that cover this place of use. 31941 & 24999 (proposed)

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

WATER RESOURCES RECEIVED

SCANNED

SEP 29 2016

6. The presently authorized point(s) of diversion is one well _____
(Provide description and number of points)
7. The proposed point(s) of diversion (is) (are) no change _____
(Provide description and number of points)

List all presently authorized point(s) of diversion:

8. **Presently authorized point of diversion:**

One in the SE^F Quarter of the NW^{*} Quarter of the NC E2 W2 SE^{*} Quarter of Section 21, Township 22 South, Range 16 W, in Pawnee County, Kansas, 1,310 feet North 1,645 feet West of Southeast corner of section. Authorized Rate 350 gpm Authorized Quantity 62,962,500 gallons (193.22 AF)
(DWR use only: Computer ID No. 6 GPS 1,336 feet North 1,709 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 *BAT/DWE 11-21-17

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 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

SEP 29 2016

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12. The presently authorized use of water is for Stockwater purposes.
It is proposed that the use be changed to no change purposes.

13. If changing the place of use and/or use made of water, describe how the consumptive use will not be increased.
The proposed change will create a complete place of use overlap with File No. 31941. There will not be a net increase in the authorized place of use as a result of these changes.

(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 NA gallons per minute (--- c.f.s.).

16. The application must include either a topographic map or detailed plat. A U.S. Geological Survey Topographic Map, scale 1:24,000, is available through the Kansas Geological Survey, 1930 Constant Avenue, University of Kansas, Lawrence, Kansas 66047-3726 (www.usgs.gov). The map should show the location of the presently authorized point(s) of diversion. Distances North and West of the Southeast corner of the section must be shown. The presently authorized place of use should also be shown. Identify the center of the section, the section lines and the section corners and show the appropriate section, township, and range numbers on the map. In addition the following information must also be shown on the map.

- 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.

There is not a proposed change to the point of diversion or the authorized quantity.

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 are anticipated

IF MORE SPACE IS NEEDED, ATTACH ADDITIONAL SHEETS AS NECESSARY

**WATER RESOURCES
RECEIVED**

SEP 29 2016

KS DEPT OF AGRICULTURE

SCANNED

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

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

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

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

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

Dated at Great Bend, Kansas, this 27th day of September, 2016.

Lee Barck
(Owner)

(Spouse)

LEE BARCK
(Please Print)

(Please Print)

(Owner)

(Spouse)

(Please Print)

(Please Print)

(Owner)

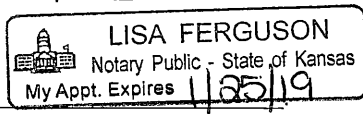
(Spouse)

(Please Print)

(Please Print)

State of Kansas }
County of Barton } SS

I hereby certify that the foregoing application was signed in my presence and sworn to before me this 27th day of September, 2016.



Lisa Ferguson
Notary Public

My Commission Expires _____

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 29 2016

ADDRESS LISTING NEARBY NOTIFICATION LETTER DATED
Water Right, File Nos. 24,999, 31,940 & 31,941
Permit, File No. 20169090

File No. 16,111 NW/4 27-22-16w
JOHN G HALLOCK
854 100TH AVE
LARNED KS 67550

File No. 16,125 NE/4 28-22-16w
BRUCE L PETERS
141 N CHELMSFORD CT
WICHITA KS 67230-6914

File No. 17,091 NW/4 28-22-16w
RICHARD D HORNING ESTATE
BROCK MCPHERSON EXECUTOR
2109 12TH ST
GREAT BEND KS 67530

File No. 38623 Well in the NE SE 16-22-16W
WFY HOLDING COMPANY
PO BOX 1506
GREAT BEND KS 67530

File No. 20,826 NE 22-22-16W
PAWNEE COUNTY CATTLE COMPANY INC
2660 N ROCKY VIEW RD
CASTLE ROCK CO 80108

FILE COPY

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

January 27, 2017

ADDRESS LIST

RE: Water Right, File Nos. 24,999; 31,940 & 31,941

Dear Sir or Madam:

This letter is to **provide notice** as required by Kansas Senate House Bill No. 337, which became effective on July 1, 2016.

The owner of the referenced appropriations of water has filed applications for approval of the Chief Engineer, Division of Water Resources, Kansas Department of Agriculture.

The application for File No. 24,999, proposes a change in use made of water and place of use. The application proposes to change the authorized use from irrigation to irrigation and stockwatering uses, with the stockwatering use to be at an existing stockwatering facility. The irrigated place of use under File No. 24,999, is the Northwest Quarter (NW¼) of Section 22, Township 22 South, Range 16 West, Pawnee County, Kansas.

The applications under File Nos. 31,940 & 31,941, which authorized only stockwatering use, propose a change in place of use to allow each right to be utilized within the currently authorized footprint of the facility. The description of the stockwatering facility proposed to be authorized by File Nos. 24,999; 31,940 & 31,941, is a feedlot located in the East Half of Section 21, in Township 22 South, Range 16 West, Pawnee County, Kansas.

If you have any questions, please contact our office, my desk phone is (785) 564-6633. If you wish to discuss a specific file, please have the file numbers ready so that we may help you more efficiently.

Sincerely,

A handwritten signature in cursive script that reads "Leslie Ireland".

Leslie Ireland
Environmental Scientist
Water Appropriation Program

pc: Stafford Field Office

FILE COPY

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

January 27, 2017

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854 100TH AVE
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Environmental Scientist
Water Appropriation Program

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Jackie McClaskey, Secretary

Governor Sam Brownback

January 27, 2017

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141 N CHELMSFORD CT
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Leslie Ireland
Environmental Scientist
Water Appropriation Program

pc: Stafford Field Office

FILE COPY

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Manhattan, Kansas 66502
(785) 564-6700



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

Jackie McClaskey, Secretary

Governor Sam Brownback

January 27, 2017

RICHARD D HORNING ESTATE
BROCK MCPHERSON EXECUTOR
2109 12TH ST
GREAT BEND KS 67530

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Sincerely,

Leslie Ireland
Environmental Scientist
Water Appropriation Program

pc: Stafford Field Office

SEARCHED

FILE COPY

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

January 27, 2017

WFY HOLDING COMPANY
PO BOX 1506
GREAT BEND KS 67530

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Leslie Ireland
Environmental Scientist
Water Appropriation Program

pc: Stafford Field Office

FILE COPY

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Manhattan, Kansas 66502
(785) 564-6700



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

Jackie McClaskey, Secretary

Governor Sam Brownback

January 27, 2017

PAWNEE COUNTY CATTLE COMPANY INC
2660 N ROCKY VIEW RD
CASTLE ROCK CO 80108

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Leslie Ireland
Environmental Scientist
Water Appropriation Program

pc: Stafford Field Office

FILE COPY


Kansas
Department of Agriculture
Division of Water Resources

109 SW 9th Street, 2nd Floor
Topeka, Kansas 66612-1283

phone: (785) 296-3717
fax: (785) 296-1176
www.ksda.gov/dwr

Dale A. Rodman, Secretary
David W. Barfield, Chief Engineer

Sam Brownback, Governor

October 3, 2017

BIG BEND GROUNDWATER
MANAGEMENT DISTRICT NO 5
ATTN ORRIN FERIL
125 S MAIN ST
STAFFORD KS 67578-0007

FILE COPY

Re: Water Right
File Nos. 24,999; 31,940 & 31,941
Term Permit
File No. 20169090

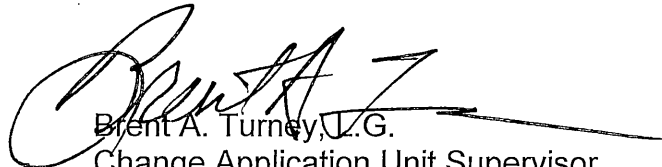
Dear Mr. Feril:

As per our telephone conversation on today's date, the Chief Engineer has granted your request for an extension of time to supply a recommendation under the above referenced file numbers.

We are delaying any further action November 1, 2017, to allow you time to submit your recommendations concerning this application.

Please submit your recommendation within the allotted time, or any authorized extension of time thereof. If you have any questions, please contact me at (785) 564-6645. If you wish to discuss a specific file, please have the file number ready so that we may help you more efficiently.

Sincerely,


Brent A. Turney, U.G.

Change Application Unit Supervisor
Water Appropriation Program

BAT
Enclosures

pc: Stafford Field Office

SCANNED


Kansas
Department of Agriculture
Division of Water Resources

109 SW 9th Street, 2nd Floor
Topeka, Kansas 66612-1283

phone: (785) 296-3717
fax: (785) 296-1176
www.ksda.gov/dwr

Dale A. Rodman, Secretary
David W. Barfield, Chief Engineer

Sam Brownback, Governor

August 23, 2017

FILE COPY

BIG BEND GROUNDWATER
MANAGEMENT DISTRICT NO 5
ATTN ORRIN FERIL
125 S MAIN ST
STAFFORD KS 67578-0007

Re: Water Right
File Nos. 24,999; 31,940 & 31,941
Term Permit
File No. 20169090

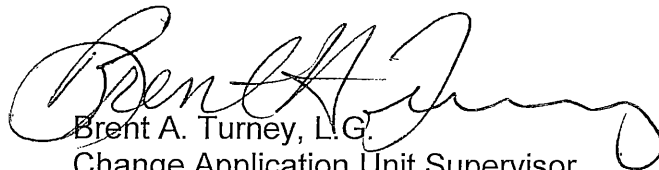
Dear Mr. Feril:

We are in receipt of your request for an extension of time to supply a recommendation to the Chief Engineer, dated August 23, 2017.

We are delaying any further action September 22, 2017, to allow you time to submit your recommendations concerning this application.

Please submit your recommendation within the allotted time, or any authorized extension of time thereof. If you have any questions, please contact me at (785) 564-6645. If you wish to discuss a specific file, please have the file number ready so that we may help you more efficiently.

Sincerely,



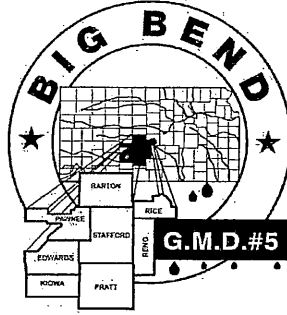
Brent A. Turney, L.G.
Change Application Unit Supervisor
Water Appropriation Program

BAT
Enclosures

pc: Stafford Field Office

SCANNED

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

August 23, 2017

Brent Turney
Division of Water Resources
Kansas Department of Agriculture
1320 Research Park Drive
Manhattan, KS 66502

Re: Water Right File Nos. 24999, 31940, 31941
Term Permit File No. 20169090

Dear Mr. Turney,

The Big Bend Groundwater Management District #5 requests a thirty-day extension on the above referenced application in order to be reviewed at the September board meeting. This meeting is tentatively scheduled for September 14, 2017.

Sincerely,

Orrin Feril
Manager

c: ILS Land LLC (Applicant)
DWR – Stafford Field Office

SCANNED


Kansas
Department of Agriculture
Division of Water Resources

109 SW 9th Street, 2nd Floor
Topeka, Kansas 66612-1283

phone: (785) 296-3717
fax: (785) 296-1176
www.ksda.gov/dwr

Dale A. Rodman, Secretary
David W. Barfield, Chief Engineer

Sam Brownback, Governor

August 9, 2017

FILE COPY

BIG BEND GROUNDWATER
MANAGEMENT DISTRICT NO 5
ATTN ORRIN FERIL
125 S MAIN ST
STAFFORD KS 67578-0007

Re: Water Right
File Nos. 24,999; 31,940 f& 39,941
Term Permit
File No. 20169090

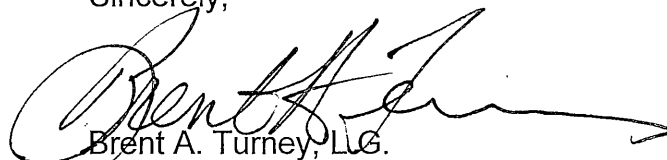
Dear Mr. Feril:

We are enclosing a copy of the applications under the above referenced file numbers, received in the office of the Chief Engineer on September 29, 200.

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 this application.

Please submit your recommendations within the allotted time, or any authorized extension of time thereof. If you have any questions, please contact me at (785) 296-4617. If you wish to discuss a specific file, please have the file number ready so that we may help you more efficiently.

Sincerely,



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

BAT
Enclosures

pc: Stafford Field Office

SCANNED

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

May 17, 2017

BIG BEND GROUNDWATER
MANAGEMENT DISTRICT NO 5
ATTN ORRIN FERIL
125 S MAIN ST
STAFFORD KS 67578-0007

FILE COPY

Re: Water Right
File No. 24,999, 31,940 and 31,941
Term Permit
File No. 20169090

Dear Mr. Feril:

We are enclosing copies of the applications for change under File Nos. 24,999, 31,941 and 31,941, and Term Permit, File No. 20169090 received in the office of the Chief Engineer on September 29, 2016.

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 these applications.

Please submit your recommendations within the allotted time, or any authorized extension of time thereof. If you have any questions, please contact me at (785) 296-4617. If you wish to discuss a specific file, please have the file number ready so that we may help you more efficiently.

Sincerely,

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

BAT
Enclosures

pc: Stafford Field Office

SCANNED



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

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

Jackie McClaskey, Secretary

Governor Sam Brownback

FILE COPY

September 30, 2016

ILS LAND LLC
PO BOX H
LARNED , KS 67550

RE: File No. 31940

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,

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

BAT: dlw
pc: STAFFORD Field Office GMD 5 5

SCANNED

KANSAS STATE BOARD OF AGRICULTURE
Division of Water Resources

M E M O R A N D U M

To: Files

Date: August 27, 1987


From: Kent Askren

Re: Appropriation of Water
File No. 31,941

The Field Inspection Report for the above referenced file, conducted under contract by Evans-Bierly-Hutchison, has been reviewed. It meets the requirements specified in the Scope of Work. The certificate of appropriation has been drafted accordingly.

There are two (2) wells covered under the above referenced file which operate simultaneously to run a center pivot. There are 130 acres irrigated with said center pivot. The amount considered reasonable for irrigating 130 acres in this area is 195 AF. We have prorated the quantity per well based upon the tested rates of diversion.

We have been informed that the sale of the land covered under this right hinges upon the issuance of the certificate. Thus, this certificate should be promptly processed.


Kent Askren
Hydrologist

KA:dfh

CERTIFICATE OF APPROPRIATION FOR BENEFICIAL USE OF WATER

WATER RIGHT, File No 31,941
PRIORITY DATE July 13, 1978

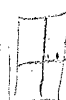
WHEREAS, It has been determined by the undersigned that construction of the appropriation diversion works has been completed, that water has been used for beneficial purposes and that the appropriation right has been perfected, all in conformity with the conditions of approval of the application pursuant to the water right referred to above and in conformity with the laws of the State of Kansas,

NOW, THEREFORE, Be It Known that DAVID L. POPE, the duly appointed, qualified and acting Chief Engineer of the Division of Water Resources of the Kansas State Board of Agriculture, by authority of the laws of the State of Kansas, and particularly K.S.A. 82a-714, does hereby certify that, subject to vested rights and prior appropriation rights, the appropriator is entitled to make use of groundwater in the drainage basin of the Arkansas River to be withdrawn by means of two (2) wells: one well located near the center of the Northeast Quarter (NE $\frac{1}{4}$) of Section 21, more particularly described as being near a point 3,960 feet North and 1,300 feet West of the Southeast corner of said Section, at a diversion rate not in excess of 370 gallons per minute (0.82 c.f.s.) and in a quantity not to exceed 102 acre-feet per calendar year; and one (1) well located near the center of the West Half of the East Half of the Northeast Quarter (W $\frac{1}{2}$ E $\frac{1}{2}$ NE $\frac{1}{4}$) of Section 21, more particularly described as being near a point 3,960 feet North and 750 feet West of the Southeast corner of said Section, at a diversion rate not in excess of 335 gallons per minute (0.75 c.f.s.) and in a quantity not to exceed 93 acre-feet per calendar year; both in Township 22 South, Range 16 West, Pawnee County, Kansas, for irrigation use on the following described property:

160 acres in the Northeast Quarter (NE $\frac{1}{4}$)

of Section 21, Township 22 South, Range 16 West, Pawnee County, Kansas.

N. well	$\frac{\text{GPM}}{370}$	$\frac{\text{AF}}{102}$
S. well	335	93



THE STATE



OF KANSAS

STATE BOARD OF AGRICULTURE
Alice Devine, Secretary

DIVISION OF WATER RESOURCES
David L. Pope, Chief Engineer

APPROVAL OF APPLICATION

FOR
CHANGE IN PLACE OF USE
AND USE MADE OF WATER
WATER RIGHT
FILE NO. 31,941

The Chief Engineer, Division of Water Resources, Kansas State Board of Agriculture, after due consideration of the written application of Harold Koehn, Vice President, in behalf of Pawnee Beef Builders Incorporated, P. O. Box 134, Larned, Kansas 67550, received in this office on February 9, 1990, for approval of a change in use made of water and place of use, under the certificate of appropriation issued pursuant to the application for permit to appropriate water for beneficial use, finds that the change is reasonable and will not impair existing rights, and that the application should be and is hereby approved.

The application, therefore, is approved subject to the condition that the water right will be further limited to a quantity of water, not to exceed 117.31 million gallons (360 acre-feet) per five (5) year period from the well located near the center of the Northeast Quarter (NE $\frac{1}{4}$) and further limited to a quantity of water not to exceed 107.53 million gallons (330 acre-feet) per five (5) year period from the well located near the center of the West Half of the East Half of the Northeast Quarter (W $\frac{1}{2}$ E $\frac{1}{2}$ NE $\frac{1}{4}$), both wells in Section 21, Township 22 South, Range 16 West, Pawnee County, Kansas; the first period being calendar years 1995 thru 1999, the second period being calendar years 2000 through 2004, ad infinitum. The maximum authorized quantity of water per calendar year from each of the wells is unchanged, and remains at 102 acre-feet from the well located near the center of the Northeast Quarter (NE $\frac{1}{4}$) and 93 acre-feet from the well located near the center of the West Half of the East Half of the Northeast Quarter (W $\frac{1}{2}$ E $\frac{1}{2}$ NE $\frac{1}{4}$) of Section 21, Township 22 South, Range 16 West, Pawnee County, Kansas.

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

Stockwatering Use,

and the authorized place of use shall be:

at a feedlot located in the Northeast Quarter (NE $\frac{1}{4}$) of Section 21, Township 22 South, Range 16 West, Pawnee County, Kansas,

N₁ WELL 360 AF OVER 5 YRS -
W $\frac{1}{2}$ E $\frac{1}{2}$ NE $\frac{1}{4}$ 330 AF OVER 5 YRS -

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

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 landowner shall properly install an acceptable water meter, on the diversion works authorized under this water right, prior to use of water, in strict accordance with the specifications adopted by the Chief Engineer on February 27, 1985. The landowner shall notify the Chief Engineer when installation of the water meter has been completed. The landowner 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 landowner 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. 31,941, for permit to appropriate water for beneficial use, is as stated and set forth in the Certificate of Appropriation dated November 2, 1987.

Dated at Topeka, Kansas, this 14th day of April, 1995.

David L. Pope

David L. Pope, P.E.
Chief Engineer
Division of Water Resources
Kansas State Board of Agriculture

State of Kansas)
) SS
County of Shawnee)

The foregoing instrument was acknowledged before me this 14th day of April, 1995 by David L. Pope, P.E., Chief Engineer, Division of Water Resources, Kansas State Board of Agriculture.

Shelli A. Thompson
Notary Public

My appointment expires: 7/30/97



KANSAS STATE BOARD OF AGRICULTURE
Division of Water Resources

MEMORANDUM

TO: Files

DATE: April 3, 1995


FROM: Jim Congrove

RE: Water Right
File No. 31,941

Reference is made to my March 30, 1995 memorandum to David L. Pope. In his response to my memorandum, Mr. Pope advised that the application should be analyzed under provisions set forth in Administrative Policy No. 93-5, even though the application was filed prior to the effective date of the policy.

He suggested that if the applicant desires more flexibility, a maximum of 195 acre-feet as certified, could be approved with a five year allocation of 138 acre-feet/year X 5 years which equals 590 acre-feet per five year period.

I called David Bevans, manager and told him that the Chief Engineer would approve the five year allocation in this situation. Mr. Bevans requested this condition on the approval.


Jim Congrove
Environmental Scientist
Water Rights Section

JEC:dfh

KANSAS STATE BOARD OF AGRICULTURE
Division of Water Resources

MEMORANDUM

TO: David L. Pope

DATE: March 30, 1995

FROM: Jim Congrove

RE: Water Right File No. 31,941



In response to my memorandum of January 5, 1995, you suggested that I review the Application for Approval to Change the Use Made of Water from irrigation to stockwatering. You stated that you had met with the applicant and they had indicated they would submit additional information to demonstrate why they should be able to convert more water than what is normally allowed.

On January 17, 1995, I called and talked to David Bevins, Manager of Pawnee Beef Builders. During that conversation he indicated that if the conversion formula under the rules and regulations adopted November 28, 1994, was not different from that under Administrative Policy 93-5, then he was agreeable to the processing of the application under Administrative Policy No. 93-5.

This File No. authorizes two wells; one (1) well is certified a rate of 370 gallons per minute and a quantity of 102 acre feet, and one (1) well is certified a rate of 335 gallons per minute and a quantity of 93 acre feet. The total quantity authorized for irrigation from the two wells is 195 acre feet.

The maximum number of acres reported irrigated is 130 acres. The net irrigation requirement for corn in Pawnee County at 50% chance rainfall is 1.06 acre feet per acre. The 130 acres reported irrigated times 1.06 AF/acre equals 138 acre feet, which is the quantity that can be converted to stockwatering under provisions of Administrative Policy No. 93-5. This quantity has been prorated to the two wells, based on their certified quantity for irrigation.

During my March 29, 1995 telephone conversation with Bruce Falk, he pointed out that the application was received February 9, 1990, which was prior to Administrative Policy No. 93-5, and that he would favor approving the change application under policy in effect at the time the change was filed, which he believes allowed the conversion of the entire authorized quantity for irrigation use to stockwatering use.

We discussed the change approval for File No. 16,953, which was filed March 13, 1991 and approved June 24, 1992. I have attached a copy of the memorandum that you wrote regarding that approval.

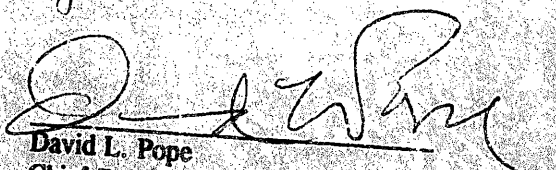
Bruce suggested that we present some options to you for a possible decision. If you need additional information or would want to discuss this with me or other staff, please let me know.

David, would you indicate below your decision regarding this:

Process under provisions of Administrative Policy No. 93-5.

✓
Process according to policy of Chief Engineer regarding approval of change in use made of water at time of filing (2/9/90). Please define if different than Administrative Policy No. 93-5. *While we were not explicitly using all of the provisions later put in AP 93-5 similar systems and results were used. 16953 File is an example. In other cases we used averages of reported use. In this case, I believe the results of further review by staff requested.*
analysis for 93-5 one representative i.e. use the 138 d/yr. If they want it on a 5 yr basis (138 x 5) with a max of 195 d/yr, as certified - this OK - give the flexibility.

Comments: I don't believe we routinely approved a Ch 401 for all of the certified quantities, even in 1990 - unless all the quantities were routinely used each year.


David L. Pope
Chief Engineer-Director

JEC:dv
pc: Bruce Falk
Doug Helrake

KANSAS STATE BOARD OF AGRICULTURE
Division of Water Resources

MEMORANDUM

TO: Jim Congrove

DATE: March 31, 1995

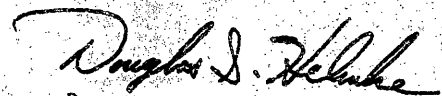
FROM: Douglas S. Helake

RE: Water Right
File No. 31,941

I have received your memorandum dated March 30, 1995. Please consider the following information before proceeding with the application to change the authorized use made of water.

Before the adoption of Administrative Policy No. 93-5 and the internal moratorium on processing of applications to change the use made of water, attempts to prevent substantial increases in consumptive use were taken with the internally identified "L&L Policy". This procedure used the average of the three (3) highest annual quantities of water use in the previous five (5) years to determine the quantity to be allowed for the new use. Using this procedure, the quantity to be allowed under the proposed use would be reduced to approximately 76 acre-feet.

After adoption of Administrative Policy No. 93-5, Mr. Pope gave me verbal instructions to use the criteria in the policy to process the applications held pending formal adoption of criteria. It therefore appears to me that the owners of File No. 31,941 are benefitting from the criteria in A.P. 93-5 in respect to that used in the past.



Douglas S. Helake
Environmental Scientist
Water Rights Section

DSH
pc: Bruce Falk

KANSAS DEPARTMENT OF AGRICULTURE
Division of Water Resources

MEMORANDUM

TO: David L. Pope

DATE: January 5, 1995

FROM: Jim Congrove

RE: Water Right File No. 31,941

Jim Congrove

Dave

~~Don~~ Bevens, Manager, Pawnee Beef Builders, called January 4, 1995, regarding this file. There is a change application filed February 9, 1990, requesting that the use of water be changed from irrigation to stockwatering.

The index card file indicates that the folder is in your office for review. After talking to Doug Helmke, he indicated that a decision may have been waiting for adoption of the new rules and regs.

If I can be of any assistance in resolving the matter, let me know.

JEC:dy

Jim
w/ing, but you take a
look at this - I forget the details -
but I did meet with the applicant
and with (Murray I think) as I
recall, they were going to submit information
to us to demonstrate that more ~~water~~ that
should be allowed to be converted than we normally
allow - present over demand - we can
take the file review - I think that's



Pawnee Beefbuilders Inc.
Harold Kohn
Sincerely,

If you need additional information call me at 318-285-2145.
I believe item no 4 needs to be changed to ME # 21-22-106. As
previously stated, except in emergency that will be the location
of water use.
program.
stations. We cattle were considered to be on a "background"
hd. On 18-11-93 our population was 24,201 hd., all on grain
in every part. Our total available permitted capacity is 30,400
Pawnee Beefbuilders Inc. is not a paid for. We do have mounts

30,000 head

are served by separate power companies.
emergency. Each well has its own motor and the two systems
irrigation in elevated water between systems in case of
a total forward permitted capacity of 30,000 hd. There is a
both water has been collected for approximately 15,000 hd for
approximation file no. 11,910.
an error. The items on the SE 1 are watered by a stockwell with
21-22-106 not the SE 1 as written on the application. That is
but, the item of cattle to be watered are also in the NE 1 of
of water use. The wells are located as stated in the application
two wells but we are not requesting a change in the location
change from irrigation to a stockwater appropriation on there
I believe there needs to be some clarification. We do wish to
information for water right file no. 31941.

Dear Sir,
Water Rights Section
Hydrologist
Douglas A. Helms

10-11-93

PHONE
1-800-225-8724
318/285-2145



PO BOX 131 R.R. 2
Leland, Kansas 67550

11/18/93

5. The presently authorized point(s) of diversion (is) (are) 2 WELLS, 2 PUMPS, 2 MOTORS & DISTRIBUTION SYSTEM

SOURWATER SYSTEM located as follows:
(wells, pumps, or other works for diversion of water)

One in the NEAR THE CENTER quarter of the NE quarter of Section 21, Township 22, Range 16 WEST in PAWNEE County, Kansas, ~ 3960' N. & 1300' W. OF THE SOUTHWEST CORNER OF SEC. 21.

and one in the NEAR THE CENTER OF THE NW 1/2 E 1/2 quarter of the NE quarter of Section 21, Township 22, Range 16 WEST in PAWNEE County, Kansas. ~ 3955' N. & 790' W. OF THE SOUTHWEST CORNER OF SEC. 21.

(If more space is needed, attach additional sheets as necessary.)

6. The proposed location of the point(s) of diversion (is) (are) NO CHANGE

located as follows:
(wells, pumps, or other works for diversion of water)

One in the _____ quarter of the _____ quarter of the _____ quarter of Section _____ Township _____ Range _____ in _____ County, Kansas.

and one in the _____ quarter of the _____ quarter of the _____ quarter of Section _____ Township _____ Range _____ in _____ County, Kansas.

(If more space is needed, attach additional sheets as necessary.)

7. The works for diversion of water at the proposed location will consist of _____

2 WELLS, 2 PUMPS, 2 MOTORS & DISTRIBUTION SYSTEM

and (was) (will be) completed by APPROX. 1962

8. The presently authorized use of water is for IRRIGATION purposes.

It is proposed that the use be changed to STOCK WATERING purposes.

9. The change(s) proposed herein are desired for the reason that THE INCREASED CAPACITY OF "BODLEY"

TO 30,000 GALLONS A MINUTE IN ORDER TO SUPPLY FARMERS WATER IN THE COUNTY WHICH IS TO CHANGE THE USE OF THE WATER COVERED UNDER THIS FILE NO. 31,291 FROM IRRIGATION TO STOCK WATERING.

10. The application must be supplemented either by a detailed plat, topographic map or an aerial photograph. An aerial photograph, scale one inch equals 1320 feet, can be obtained from the Department of Agriculture, Western Laboratory, Salt Lake City, Utah, through the County _____ Office of the Department of Agriculture in the county wherein the point of diversion is located. A U.S. Geological Survey Topographic Map, scale 1:24,000, is available through the Kansas Geological Survey, 1930 Avenue "A", Campus West, University of Kansas, Lawrence, Kansas, 66044. The following information must be shown on the aerial photograph, plat or map. If a change in the location of the point(s) of diversion is desired, show both the location of the presently authorized point(s) of diversion and the location of the proposed point(s) of diversion. These locations should be shown by plotting the position accurately on the photograph and giving the distance and direction from a section corner or some permanent point. If the source of supply is groundwater, then please show the location of existing water wells of any kind 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 advise us. If a change in the place of use is desired, show the proposed place of use by crosshatching on the photograph. Identify the center of the section, the section lines or the section corners and show the appropriate section, township, and range numbers on the aerial photograph. Please be certain that the information shown on the aerial photograph agrees with the information shown in the application.



KANSAS STATE BOARD OF AGRICULTURE

General Superintendent/Secretary

Phillip A. Fishburn, Acting Secretary

DIVISION OF WATER RESOURCES

David L. Pope, Chief Engineer-Director

901 S. Kansas Avenue, Second Floor

Topeka, Kansas 66612-1283

(913) 296-3717 Fax (913) 296-1176

October 19, 1993

PANNEE BEEFBUILDERS INC
ATTN HAROLD KOEHN
P O BOX 134
LARNED KS 67550

RE: Water Right
File No. 31,941

Dear Mr. Koehn:

Reference is made to your application for approval of the Chief Engineer to change the place of use and use made of water under the referenced file number which was received in this office on February 9, 1990. Upon review of your application, we note that additional information is needed.

Enclosed is a copy of the application with the modifications specified in your letter dated October 11, 1993. Please review it for accuracy.

In the October 3, 1993 letter to you, paragraph Nos. 3 & 4 stated that a reduction in the authorized quantity to 44.83 million gallons per year was required. These paragraphs also requested that you recommend how this reduction should be applied to the two authorized wells. As this information has not been provided, it is proposed that the reduced quantities reflect the same percentages of the total as the currently authorized quantities. The well located near the Center of the Northeast Quarter (NE $\frac{1}{4}$) which is currently authorized 52% of the total quantity, is proposed to be reduced to 23.45 million gallons per year. The well located near the Center of the West Half of the East Half of the Northeast Quarter (W $\frac{1}{2}$ E $\frac{1}{2}$ NE $\frac{1}{4}$) which is currently authorized 48% of the total quantity, is proposed to be reduced to 21.38 million gallons per year.

You are being notified of these proposals so that you may have the opportunity to comment on them. If you do not reply by November 3, 1993, it will be assumed that you have no objections to the modifications of the application and to the quantities proposed to be authorized per well.

For your information, File No. 31,940 is authorized a quantity of 62,962,500 gallons per year. This quantity is sufficient for use by 11,500 cattle at 15 gallons per head per day. The quantity of 44,830,000 is sufficient for 8,188 cattle at 15 gallons per head per day. To operate your feedlot with 24,200 head of cattle and stay within the terms and conditions of your water rights, it appears that no more than 12.2 gallons per head per day can be consumed.

Sincerely,

Douglas S. Helmke
Douglas S. Helmke
Environmental Scientist

DSH:dfh
Enclosure
pc: Stafford Field Office
Groundwater Management District No. 5

Compliance, Enforcement,
Water Use and Certificates 296-2456

Legal 296-4623
Technical Services 296-6081

Office Services 296-2458
Water Structures 296-2938

Water Appropriation Permits
and Changes 296-2709



DEPARTMENT OF AGRICULTURE
ADRIAN J. POLANSKY, SECRETARY

KATHLEEN SEBELIUS, GOVERNOR

August 22, 2006

Heritage Acquisition Company LLC
P.O. Box 134
Larned, KS 67550-0134

RE: Water Right, File No. 31941

Dear Michael Schartz,

The information gathered during a field investigation conducted on August 1, 2006 indicates that 105.7 AF was pumped from the west well covered under this file number. This water right indicates the authorized quantity for the west well is 102.1 AF and the authorized quantity for the east well is 92.98 AF. Based on the information gathered, the east well had only pumped 8.26 AF. Therefore, it appears that you need to adjust how much each well is pumped.

Please address this issue for the remainder of this year and at all times in the future. I am assuming that both wells can be used on the same areas in the feedlot but if this is not correct, you may need to formally change your water right. If you have any questions, or disagree with any of the above determinations, please feel free to contact me at the Stafford Field Office.

Sincerely,

Ms. Cory Curran
Environmental Scientist II
ccurran@kda.state.ks.us

pc: Compliance and Enforcement

GMD 5

WATER RESOURCES
RECEIVED

AUG 23 2006

DEPARTMENT OF AGRICULTURE

Division of Water Resources - Stafford Field Office - M. Bruce Falk, Water Commissioner
105 North Main Street, Drawer F, Stafford, KS 67578-0357
Voice (620) 234-5311 Fax (620) 234-6900



KANSAS

DEPARTMENT OF AGRICULTURE
ALRIAN J. POLANSKY, SECRETARY

KATHLEEN SEBELIUS, GOVERNOR

August 23, 2006

Heritage Acquisition Company LLC
P.O. Box 134
Larned, KS 67550-0134

RE: Water Right File No. 31941

Dear Michael Schartz,

This letter is a follow up to a phone conversation between me & Barry on August 23, 2006. This discussion was in reference to my letter of August 22, 2006 regarding water usage during this (2006) water year. Based on information from Barry, neither well was overpumped this year. I believe/agree with Barry but it appears that the wells are being reported "backward".

When we were on site, the west well (ID04: 1300'W) was reading 50,975,700 & the east well (ID05: 790W) was reading 40,084,300. Please see the enclosed 2005 water use report. Based on Barry's information, you have been reporting the west well under the east well & visa versa.

I have also enclosed the past few year's of water use reports and it appears that this has occurred for some time. Please keep this in mind when filling out these reports in the future. If you have any questions please feel free to contact me at the Stafford Field Office.

Sincerely,



Ms. Cory Curran
Environmental Scientist II
ccurran@kda.state.ks.us

pc: Compliance and Enforcement

GMD 5

WATER RESOURCES
RECEIVED

AUG 24 2006

KS DEPT OF AGRICULTURE

Division of Water Resources Stafford Field Office M. Bruce Falk, Water Commissioner

105 North Main Street, Drawer F, Stafford, KS 67578-0357

Voice (785) 324-2333

**KANSAS DEPARTMENT OF AGRICULTURE
DIVISION OF WATER RESOURCES**



NOTICE OF NON-COMPLIANCE

DATE: May 16, 2007
FILE NO. 31941

Except for domestic use, the Kansas Water Appropriations Act, K.S.A. 82a-701, et seq., establishes requirements for the all diversion of water within the state. Every water right of every kind includes terms and conditions with which the water user must comply. This document indicates a compliance problem may exist which needs your attention.

TO:
Heritage Acquisition Co. Llc
PO Box 134
Larned, KS 67550

Your attention to this Notice is required.
Please take corrective action
by _____.

This notice may not be a complete listing
of all violations which may be identified for
the file referenced above.

Any response to this notice
Must be submitted to:

Division of Water Resources
Stafford Field Office
105 N. Main Street, Drawer F
Stafford KS 67578-1342

Telephone: (620)234-5311
FAX: (620)234-6900

By: M. Bruce Zulk
(authorized representative of the chief engineer)

CITATION:

K.A.R. 5-14-10(c)(1) - CATEGORY 1

- (A) Threat to divert water without a permit
- (B) Unauthorized Place of Use < 10 acres
- (C) Excessive rate of diversion < 115%
- (D) Failure to maintain meter/wm device
- (E) Other - _____

K.A.R. 5-14-10(c)(1) - CATEGORY 2

- (A) Unauthorized Point of Diversion
- (B) Unauthorized Piece of Use > 10 acres
- (C) Water Conservation Plan Failure
- (D) Waste of Water
- (E) Excessive rate of diversion > 115%
- (F) Failure to install a meter as required
- (G) Failure to make required special reports
- (H) Exceeding authorized annual quantity
 - '00-'04 5-yr allocation & '05 & '06 water use report
 - From Field Investigation 12/27/05
- (I) Unauthorized Use Made of Water

K.A.R. 5-14-10(e)(1) - CATEGORY 3

- (A) Meter tampering
- (B) Altering meter readings
- (C) Failure to timely install meter/wm device
- (D) Falsifying water use / other data
- (E) Denying access to DWR personnel
- (F) Violating Cease and Desist Order
- (G) Impediment to securing water

Failure to comply with the Water Appropriation Act and associated regulations may result in civil penalties, suspension, and/or civil injunction

Description of Non-Compliance: The authorized quantity for Water Right, File No. 31914 ID#04 was exceeded in 2005 and for Water Right, File No. 31914 ID#05 in 2006. Please see the reverse side for details on authorized quantities and the usage for specific wells and years within the 5-year allocations.

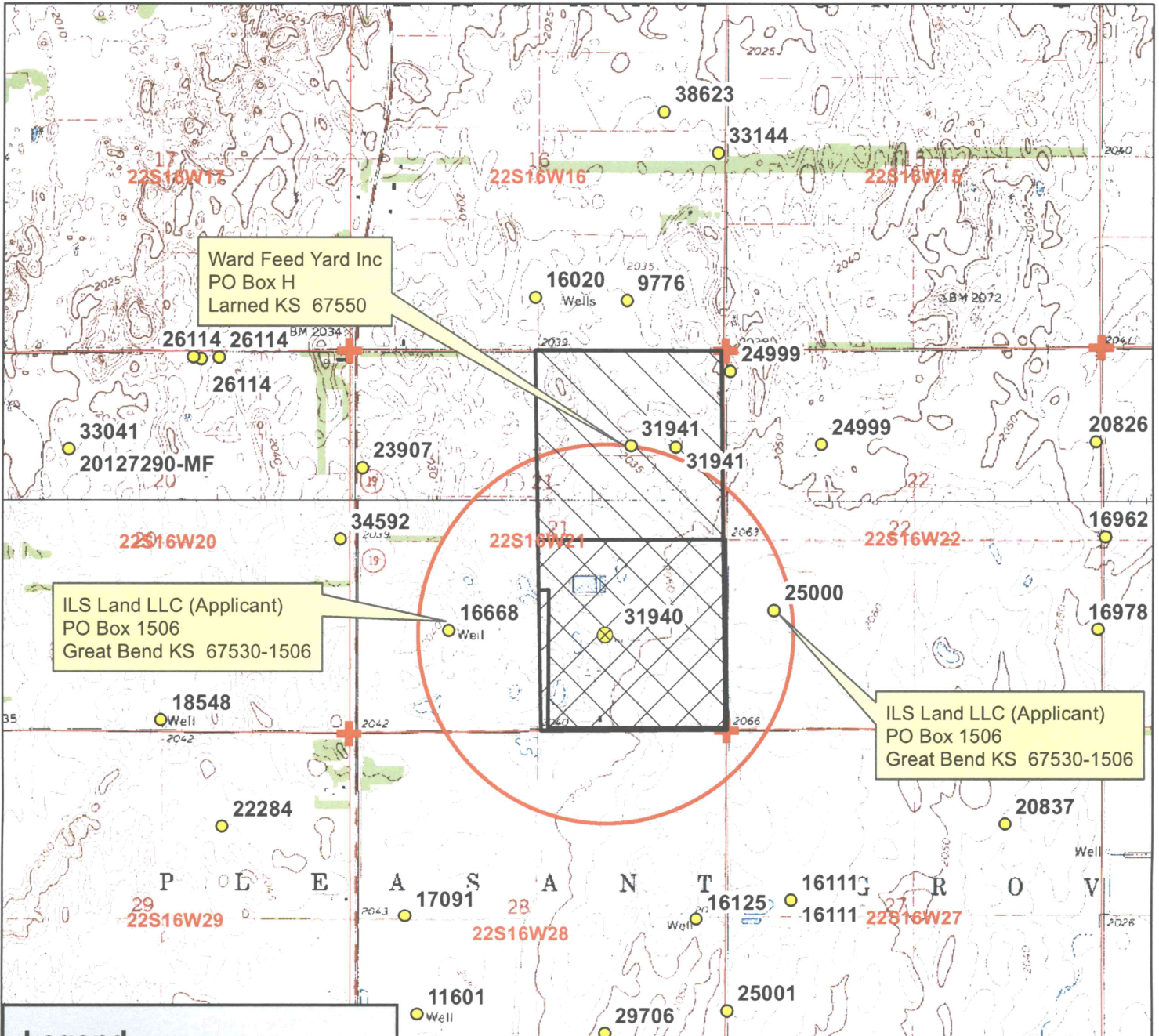
More information on reverse
DWR 1-333 (Mar. 1 2007)

WATER RESOURCES
RECEIVED

MAY 24 2007

Date Entered 5/9/07 by EKF

KS DEPT OF AGRICULTURE

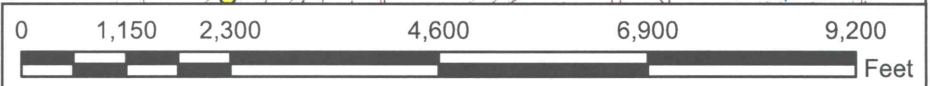


Legend

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

Place of Use

- ▨ Authorized
- ▩ Proposed



Water Right, File No. 31940

WATER RESOURCES RECEIVED

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

SEP 29 2016



KS DEPT OF AGRICULTURE

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

Signature *[Handwritten Signature]*

SCANNED