

File No. **31,941** 11. County: PN Basin: Stream: Formation Code: 211 Special Use:

12. Points of Diversion										Rate and Quantity				
MOD DEL ENT	PDIV	Qualifier	S	T	R	ID	'N	'W	Comment	Authorized		Additional		Overlap PD Files
										Rate gpm/cfs	Quantity af/mgy	Rate gpm/cfs	Quantity af/mgy	
MOD	16306	W2 E2 NE	21	22	16W	5	3,940	713						20169090
MOD	21522	NCNE	21	22	16W	4	3,958	1,346						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										NE¼				NW¼				SW¼				SE¼				Total	Owner	Chg?	Overlap Files
MOD DEL ENT	PUSE	S	T	R	ID	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE								
						¼	¼	¼	¼	¼	¼	¼	¼	¼	¼	¼	¼	¼	¼	¼	¼								
MOD	38533	21	22S	16W	4																		8c	NO	SEE BELOW				

Comments: PLACE OF USE OVERLAP 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

WARD FEED YARD INC
PO BOX H
LARNED KS 67550

June 4, 2018

FILE COPY

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 POINTS OF DIVERSION
WATER RIGHT
FILE NO. 31,941**

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 April 14, 1995, approving the application to change the authorized place of use and use made of water, 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 Points of Diversion shall be better defined as being:

one (1) well located near the center of the Northeast Quarter (NE $\frac{1}{4}$) of Section 21, more particularly described as being near a point 3,958 feet North and 1,346 feet west of the Southeast Quarter of said Section, and

one (1) well located in 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 3,940 feet North and 713 feet west of the Southeast Quarter of said Section,

both in 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. 31,941, 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.

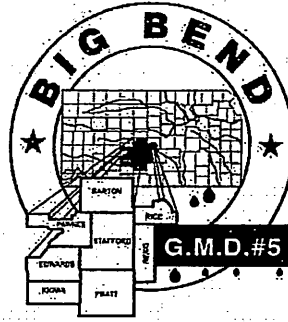
Failure to request an evidentiary hearing before the Chief Engineer does not preclude your right to administrative review by the Secretary.

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.

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

WATER RESOURCES
RECEIVED

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
 RECEIVED**

SEP 29 2016

11:36

KS DEPT OF AGRICULTURE

File No. 31941

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. 31940. 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 3 Meets K.A.R. 5-5-1 (YES / NO) Use STK/IRN Source G S County PN By AIW 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

3/23/18
 Reviewer BK

SCANNED

Assisted by: EKF/SFFO

SCANNED

10/14/2016 ULM

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 Northeast 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. 31940 & 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

SEP 29 2016

SCANNED

KS DEPT OF AGRICULTURE

6. The presently authorized point(s) of diversion are two wells _____
(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 _____ Quarter of the _____ Quarter of the NC NE Quarter
 of Section 21, Township 22 South, Range 16 W,
 in Pawnee County, Kansas, 3,960 feet North 1,300 feet West of Southeast corner of section.
 Authorized Rate 3710 gpm Authorized Quantity 102 AF (limited to 360 AF per 5 year period)
(DWR use only: Computer ID No. 4 GPS 3,958 feet North 1,346 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 _____

9. **Presently authorized point of diversion:**
 One in the _____ Quarter of the _____ Quarter of the W2 E2 NE Quarter
 of Section 21, Township 22 South, Range 16 W,
 in Pawnee County, Kansas, 3,960 feet North 790 feet West of Southeast corner of section.
 Authorized Rate 335 gpm Authorized Quantity 93 AF (limited to 330 AF per 5 year period)
(DWR use only: Computer ID No. 5 GPS 3,940 feet North 713 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

SOIL & WATER RESOURCES
RECEIVED

SCANNED

SEP 29 2016

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. 31940. 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

SCANNED

KS DEPT OF AGRICULTURE

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, 2014.

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

State of Kansas }
County of Barton } SS

I hereby certify that the foregoing application was signed in my presence and sworn to before me this 27th day of September, 2014.

LISA FERGUSON
 Notary Public - State of Kansas
 My Commission Expires 1/25/19

Lisa Ferguson
Notary Public

FEES 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

SCANNED

SEP 29 2016

KS DEPT OF AGRICULTURE

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

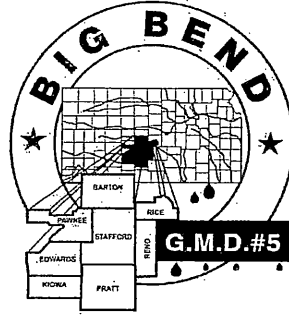
File No. 38623 Well in the NE SE 16-22-16W
WFY HOLDING COMPANY
PO BOX 1506
GREAT BEND KS 67530

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

FILE COPY

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

October 3, 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:

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

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:

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


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

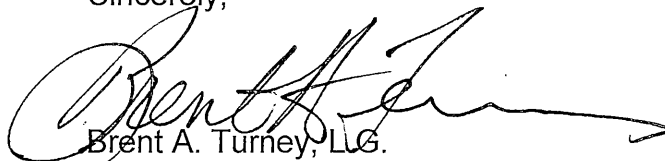
Dear Mr. Feril:

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

FILE COPY

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

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,

A handwritten signature in black ink, appearing to read "Brent A. Turney".

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

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 (NW $\frac{1}{4}$) 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 black ink that reads "Leslie Ireland". The signature is written in a cursive, flowing style.

Leslie Ireland
Environmental Scientist
Water Appropriation Program

pc: Stafford Field Office

FILE COPY

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

January 27, 2017

JOHN G HALLOCK
854 100TH AVE
LARNED KS 67550.

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

SCANNED

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

BRUCE L PETERS
141 N CHELMSFORD CT
WICHITA KS 67230-6914

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

SCANNED

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

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

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

SCANNED

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

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,

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

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

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

SCANNED

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

September 30, 2016

ILS LAND LLC
PO BOX H
LARNED, KS 67550

FILE COPY

RE: File No. 31941

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.

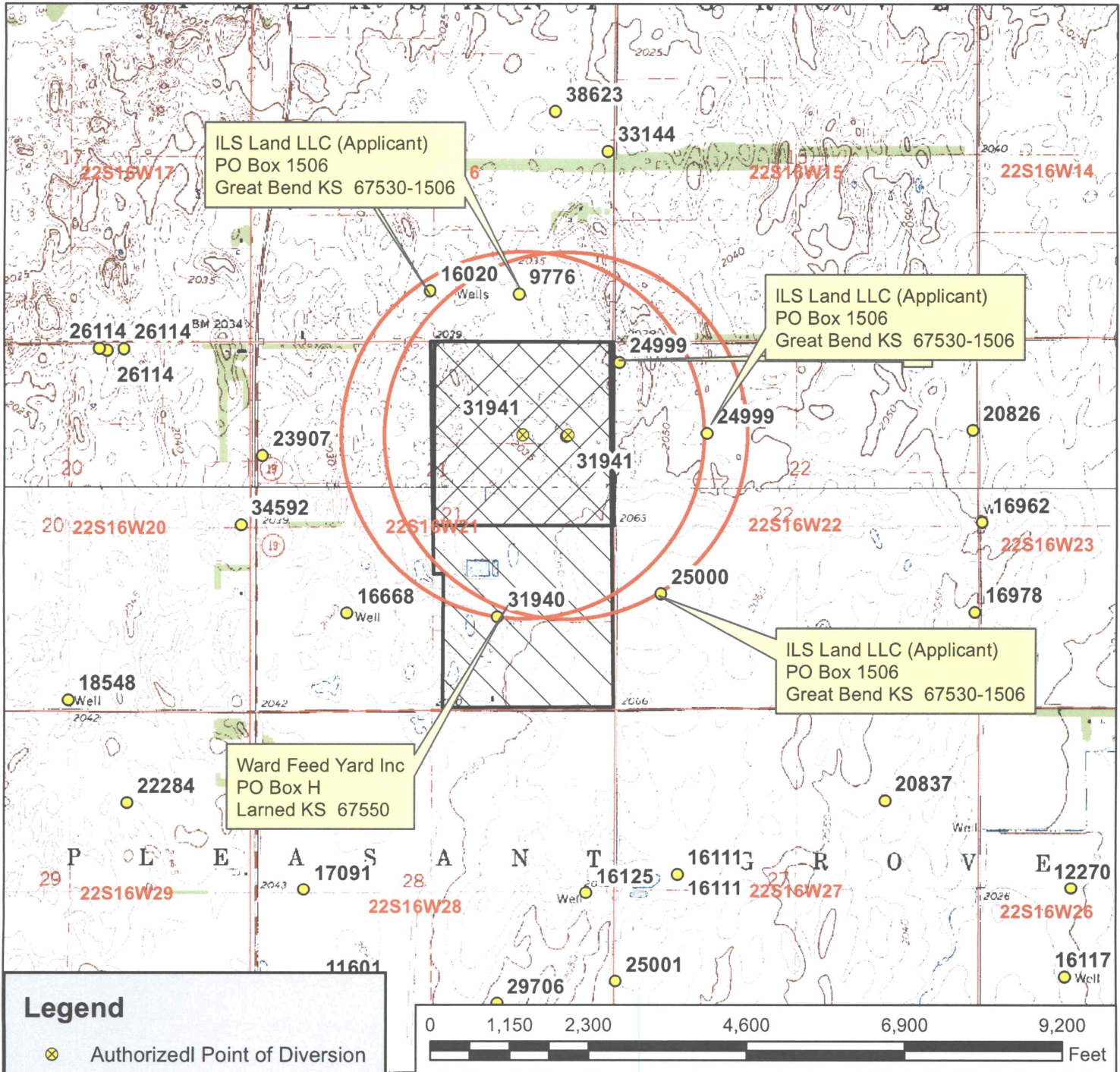
Sincerely,

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

SCANNED



Water Right, File No. 31941

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

WATER RESOURCES RECEIVED

SEP 29 2016



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.

KS DEPT OF AGRICULTURE

[Handwritten Signature]

Signature

9/20/16 EKF-SFFO

SCANNED