

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

Document Signature DWB _____

1. File Number: RC 002	2. Status Change Date: 3/6/2019	3. Change Num: 2	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: 12/3/18
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8a. Applicant(s) New to system <input type="checkbox"/> CITY OF LYONS CITY HALL BOX 808 201 WEST MAIN LYONS KS 67554	8c. Landowner(s) New to system <input type="checkbox"/> SAME AS 8A
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8b. Landowner(s) New to system <input type="checkbox"/> SAME AS 8A	8d. WUC New to system <input type="checkbox"/> SAME AS 8A
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9. Documents and Enclosure(s): DWR Meter(s) Date to Comply: 12/31/2019 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: _____

By **BAT**
Entered **3/12/2019** **ULM**

File No. **RC 002** 11. County: Basin: Stream: Formation Code: Special Use:

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

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	
T							NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE					
MOD	DEL	ENT	PUSE	S	T	R	ID	¼	¼	¼	¼	¼	¼	¼	¼	¼	¼	¼	¼	¼	¼	¼	¼				
MOD	17245	23	19S	8W	2			FEEDLOT IN SECTION 23																	8a	NO	RC2, 3,543 9,997
CHK	36262	9	20S	8W	1			SEE DOCUMENT																	8a	NO	RC2, 3,543 9,997
CHK	58563	27	20S	8W	4			SEE DOCUMENT																	8a	NO	RC2, 3,543 9,997

Comments:

KANSAS DEPARTMENT OF AGRICULTURE
Division of Water Resources

M E M O R A N D U M

TO: Files

DATE: March 4, 2019

FROM: Brent A. Turney

RE: Vested Right
File No. RC 002
Water Right
File Nos. 3,543, 9,997,
34,290, 38,175, 38,177,
42,276 and 42,277

Jerald W. Minix on behalf of the City of Lyons, owner of File Nos. RC 002, 35,43 and 9,997, and Luke Knight, owner of File Nos. 34,290, 38,175, 38,177, 42,276 and 42,277, have filed applications for approval to change the place of use. The applications propose to change the location of a feedlot located in Section 23, Township 19 South, Range 8 West, Rice County, Kansas. The proposed changes in the place of use will create a complete overlap in the place of use with new Application, File Nos. 50,093, 50,094 and 50,153.

The referenced file numbers do not appear to be abandoned as per K.S.A. 82a-718.

The change in place of use proposes to create a complete overlap in the place of use with new Application, File Nos. 50,093, 50,094 and 50,153, from the existing feedlot in the East Half of Section 23 to all of Section 23.

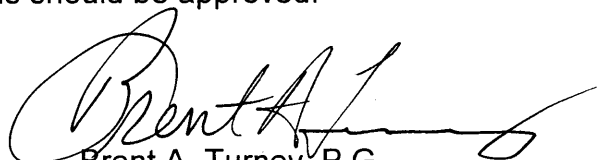
As the changes in place of use only request a complete overlap in the place of use, no notices were sent to nearby well owners.

Because the points of diversion for File Nos. RC 002, 3,543 and 9,997 are located within the boundaries of GMD No. 5, a request for recommendation was submitted to the GMD in a letter dated February 6, 2019. In a letter dated March 4, 2019, Orrin Feril, Manager of GMD No. 5 recommended that the applications be approved.

In a telephone conversation on today's date, Jeff Lanterman, Water Commissioner, Stafford Field Office recommended approval of the referenced changes.

A check valve will be required if any chemical or foreign substance is injected into the water through the diversion works.

Based on the above discussion, that the Stafford Field Office recommends approval, that impairment to existing water rights is unlikely, that no change in the local source of supply will occur and that the new application will account for any increase in the consumptive use, the referenced applications should be approved.


Brent A. Turney, P.G.
Change Application Unit Supervisor

1320 Research Park Drive
Manhattan, KS 66502
785-564-6700
www. agriculture.ks.gov



900 SW Jackson, Room 456
Topeka, KS 66612
785-296-3556

Mike Beam, Acting Secretary

Laura Kelly, Governor

March 15, 2019

FILE COPY

CITY OF LYONS
PO BOX 808
LYONS KS 67554

RE: Vested Right
File No. RC 002
Water Right
File Nos. 3,543 and 9,997

Dear Sir or Madam:

Enclosed are the orders executed by the Chief Engineer, Division of Water Resources, Kansas Department of Agriculture, approving the applications for change under the above referenced file numbers.

Your attention is directed to the enclosures and to the terms, conditions, and limitations specified in these approvals for change. A condition of these approvals is that an acceptable water flow meter must be installed on the diversion works authorized under the referenced file numbers. Please return the required notification of completion of the diversion works and installation of the required meter as soon as these actions are completed.

Since these orders modify the original documents referred to above, they should be recorded with the Register of Deeds as other instruments affecting real estate.

If you have any questions, please contact this 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

BAT
Enclosures
pc: Stafford Field Office
GMD No. 5
Knight Feedlot

THE STATE OF KANSAS



KANSAS DEPARTMENT OF AGRICULTURE
Mike Beam, Acting Secretary of Agriculture

DIVISION OF WATER RESOURCES
David W. Barfield, Chief Engineer

APPROVAL OF APPLICATION FOR CHANGE IN PLACE OF USE VESTED RIGHT FILE NO. RC 002

The Chief Engineer, Division of Water Resources, Kansas Department of Agriculture, after due consideration of the written application of Jerald W. Minix, on behalf of the City of Lyons, Kansas, PO Box 808, Lyons, Kansas, 67554, and Luke Knight on behalf of Knight Feedlot, 1768 Avenue J, Lyons, Kansas 67554-8805, received in this office on December 3, 2018, for approval of a change in the location of the place of use under the vested right order, determining and establishing a vested right to continue the beneficial use of water, then identified in the office of the Chief Engineer as Vested Right, Code 622, Rice County, now identified as Vested Right, File No. RC 002, by the Order of the Chief Engineer dated May 24, 1988, approving the application to change the place of use and use made of water, by the Correctional Order of the Chief Engineer dated May 31, 1988, to correct the authorized quantity of water, by the Orders of the Chief Engineer dated October 20, 1994, August 14, 2002, and February 19, 2007, approving the applications to change the place of use, finds that the change is reasonable and will not impair existing rights, and that the application should be and is hereby approved.

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

within the boundaries of the City of Lyons, Kansas and immediate vicinity, within the boundaries of Rural Water District No. 1 Rice County, Kansas, an ethanol plant located in the Northeast Quarter of the Northwest Quarter (NE $\frac{1}{4}$ NW $\frac{1}{4}$) of Section 27 and a manufacturing plant in the Northwest Quarter of the Northeast Quarter (NW $\frac{1}{4}$ NE $\frac{1}{4}$) of Section 27, both in Township 20 South, Range 8 West, Rice County, Kansas and the immediate vicinity of the pipeline to their authorized place of use, and

the authorized location of the stockwatering place of use shall be:

a feedlot in Section 23, Township 19 South, Range 8 West, Rice 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 vested right order, determining and establishing a vested right to continue the beneficial use of water, identified in the office of the Chief Engineer as Vested Right, File No. RC 002, is as stated and set forth in the vested right order executed by the Chief Engineer on January 26, 1955, as modified and amended by the aforementioned orders.

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

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, Kansas 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, Kansas 66502, FAX (785) 564-6777.

1320 Research Park Drive
Manhattan, KS 66502
785-564-6700
www. agriculture.ks.gov



900 SW Jackson, Room 456
Topeka, KS 66612
785-296-3556

Mike Beam, Interim Secretary

Laura Kelly, Governor

February 6, 2019

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

FILE COPY

Re: Vested Right
File No. RC 002
Water Right
File Nos. 3,543 and 9,997

Dear Mr. Feril:

We are enclosing copies of the applications to change the place of use under the above referenced files, received in the office of the Chief Engineer on December 3, 2018.

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) 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 black ink, appearing to read "Brent A. Turney".

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

BAT
Enclosures

pc: Stafford Field Office

Water Resources
Received

MAR 04 2019

KS Dept Of Agriculture

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



Darrell Wood - Edwards (Pres.)
Fred Grunder - Pratt (V Pres.)
John Janssen - Kiowa (Treas.)
Jerry Cullop - Rice (Sec.)
Justin Gatz - Reno
Marlyn Spare - Stafford
Phil Martin - Barton
Kerry Froetschner - Pawnee
Tom Taylor - At-Large

March 4, 2019

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

RE: Vested Water Right File No. RC002,
Water Right File Nos. 3543 & 9997
Change in the Place of Use

Dear Mr. Turney,

Big Bend Groundwater Management District #5 has reviewed the above referenced applications. It is the understanding of the District that these changes are intended to create a complete overlap of the places of use for the three water rights. Based on the information received in the office, the applications appear to be consistent with 5-25-20(b) and are recommended for approval.

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

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
DEC 03 2018
1:51
KS Dept Of Agriculture

File No. RC-2 (STK)

2. Name of applicant: CITY OF LYONS

Address: CITY HALL BOX 808, 201 WEST MAIN

City, State and Zip: LYONS KS 67554

Phone Number: () _____ E-mail address: _____

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

Name of water use correspondent: Same as applicant

Address: _____

City, State and Zip: _____

Phone Number: () _____ E-mail address: _____

3. The change(s) proposed herein are desired for the following reasons (please be specific): _____

Change will create a complete overlap with new applications and other water rights in expanded place of use.

NOTE: Knight Feedlot will be filing PU changes on File Nos. 34,290; 38,175; 38,177; 47,276; and 47,277.

The change(s) (was) (will be) completed by Fall 2018

(Date)

For Office Use Only:	
F.O. <u>2</u> <u>GMD</u> <u>S</u> Meets K.A.R. 5-5-1 (YES / NO) Use <u>STK</u> Source <u>G/S</u> County <u>RC</u> By <u>DWB</u> Date <u>12/3/18</u>	
Code <u>CPD</u> Fee \$ <u>200</u> TR # _____ Receipt Date <u>12/3/18</u> Check # <u>60042</u>	

APPLICATION COMPLETE

314119
Reviewer BAT

12/4/2018 ULM
Assisted by: DWS – FO 1 _____

SCANNED

4. The presently authorized place of use is:

Owner of Land — NAME: KNIGHT FEEDLOT INC.

ADDRESS: 1768 AVENUE J, LYONS, KS 67554-8805

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	
			Stockwatering use at Knight Feedlot located in the East Half of Section 23, in Township 19 South, Range 8 West, Rice County, Kansas																

List any other water rights that cover this place of use. 3,443 and 9,997

Owner of Land — NAME: *City of Lyons

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	
			<u>*City of Lyons + Immediate Vicinity</u>																
			<u>*Rice Co. RWD 1</u>																

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: KNIGHT FEEDLOT INC.

ADDRESS: 1768 AVENUE J, LYONS, KS 67554-8805

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	
			Stockwatering use at Knight Feedlot located in Section 23, in Township 19 South, Range 8 West, Rice County, Kansas																

List any other water rights that cover this place of use. 3,443 and 9,997

Owner of Land — NAME: *City of Lyons

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	
			<u>*City of Lyons + Immediate Vicinity</u>																
			<u>*RICE CO RWD 1</u>																

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

LETHANOL PLANT (WENW) WATER RIGHTS (NWNE) + Immediate Vicinity
IF MORE SPACE IS NEEDED, ATTACH ADDITIONAL SHEETS AS NECESSARY
 Received _____ of Pipeline

*BATDWB
12-11-18

DEC 03 2018

6. The presently authorized point(s) of diversion (is) (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 _____ 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 _____

9. **Presently authorized point of diversion:**
 One in the _____ Quarter of the _____ Quarter of the _____ Quarter
 of Section _____, Township _____ South, Range _____ (E/W),
 in _____ County, Kansas, _____ feet North _____ feet West of Southeast corner of section.
 Authorized Rate _____ Authorized Quantity _____
 (DWR use only: Computer ID No. _____ GPS _____ feet North _____ feet West)
 This point will not be changed This point will be changed as follows:
Proposed point of diversion: (Complete only if change is requested)
 One in the _____ Quarter of the _____ Quarter of the _____ Quarter
 of Section _____, Township _____ South, Range _____ (E/W),
 in _____ County, Kansas, _____ feet North _____ feet West of Southeast corner of section.
 Proposed Rate _____ Proposed Quantity _____
 This point is: Additional Well Geo Center List other water rights that will use this point _____

10. **Presently authorized point of diversion:**
 One in the _____ Quarter of the _____ Quarter of the _____ Quarter
 of Section _____, Township _____ South, Range _____ (E/W),
 in _____ County, Kansas, _____ feet North _____ feet West of Southeast corner of section.
 Authorized Rate _____ Authorized Quantity _____
 (DWR use only: Computer ID No. _____ GPS _____ feet North _____ feet West)
 This point will not be changed This point will be changed as follows:
Proposed point of diversion: (Complete only if change is requested)
 One in the _____ Quarter of the _____ Quarter of the _____ Quarter
 of Section _____, Township _____ South, Range _____ (E/W),
 in _____ County, Kansas, _____ feet North _____ feet West of Southeast corner of section.
 Proposed Rate _____ Proposed Quantity _____
 This point is: Additional Well Geo Center List other water rights that will use this point _____

11. Describe the current condition of and future plans for any point(s) of diversion which will no longer be used. _____

IF MORE SPACE IS NEEDED, ATTACH ADDITIONAL SHEETS AS NECESSARY

Received
DEC 03 2018

KS Dept Of Agriculture
SCANNED

12. The presently authorized use of water is for STOCKWATERING 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.
NEW APPLICATIONS WILL ENSURE NO INCREASE IN CONSUMPTIVE USE.

(Please show any calculations here.)

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

15. It is requested that the maximum rate of diversion of water be reduced to _____ 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.

NO CHANGE IN WELL LOCATION OR LOCAL SOURCE OF SUPPLY WATER.

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.

N/A

IF MORE SPACE IS NEEDED, ATTACH ADDITIONAL SHEETS AS NECESSARY

Water Resources
Received

DEC 03 2018

SCANNED

KS Dept Of Agriculture

File No. RC 002

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.

X Dated at Lyons, Kansas, this 22 day of Jan, 2019.

X LUKE Knight - Knight Feedlot
(Owner) _____ (Spouse) _____

X Luce Knight
(Please Print) _____ (Please Print) _____

(Owner) _____ (Spouse) _____

(Please Print) _____ (Please Print) _____

(Owner) _____ (Spouse) _____

(Please Print) _____ (Please Print) _____

State of Kansas }
County of Re } SS

LISA MCKINNIS
Notary Public - State of Kansas
My Appt. Expires 12-31-19

I hereby certify that the foregoing application was signed in my presence and sworn to before me this 22 day of Jan, 2019.

X Lisa McKinnis
Notary Public

My Commission Expires 12-31-19

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

Water Resources
Received

Make check payable to Kansas Department of Agriculture.

JAN 28 2019

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 Lawrence, Kansas, this 8th day of Nov, 2018.

Gerald W. Minix, Pres. of City Council
(Owner) (Spouse)

JERALD W. MINIX
(Please Print) (Please Print)

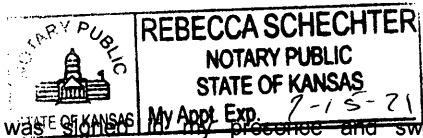
(Owner) (Spouse)

(Please Print) (Please Print)

(Owner) (Spouse)

(Please Print) (Please Print)

State of Kansas }
County of Deer } SS



I hereby certify that the foregoing application was signed by presence and sworn to before me this 8 day of Nov, 2018.

Rebecca Schechter
Notary Public

My Commission Expires 7-15-21

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
DEC 03 2018 SCANNED
KS Dept Of Agriculture

1700 E. IRON AVE. • SALINA, KS 67401
T 785.823.0097 F 913.273.1493



1303 YUCCA ST. • SCOTT CITY, KS 67871
WWW.KLAENVIRO.COM

November 27, 2018

Water Resources
Received

DEC 03 2018

KS Dept Of Agriculture

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

Subject: Knight Feedlot, Inc. - Application for Change in Place of Use for Existing Appropriations

Dear Mr. Barfield:

Enclosed are three (3) Change in Place of Use applications for the existing Knight Feedlot, Inc. water supply sources owned by the City of Lyons, Kansas. These include water rights RC-2 (STK), 9,997 (STK), and 3,543 (STK).

The application filing fee is \$200 per application for the three Change in Place of Use applications. The total application filing fee of \$600 is enclosed with two checks from Knight Feedlot, Inc.

Mr. Doug Schemm, Topeka Field Office, assisted with the preparation of the Change in Place of Use applications.

Please contact me if you have any questions concerning the enclosed applications or the associated supporting documentation. Thank you for your consideration of this matter.

Respectfully,

Kevin L. Shamburg, P.E.
785-820-6087 (cell)
kshamburg@klaenviro.com

Enclosures

cc/enc: Luke Knight, Knight Feedlot, Inc.

SCANNED

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

CITY OF LYONS
PO BOX 808
LYONS, KS 67554

December 4, 2018

RE: File No RC-2

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

BAT: DLW
pc: STAFFORD Field Office GMD5

SCANNED

1:12,000

KNIGHT FEEDLOT INC - PLACE OF USE CHANGE
SITE MAP FILE NOS. 34,290; 38,175; 38,177; 47,276; 47,277;
and RC-2 (STK); 3,543 (STK); & 9,997 (STK)



Authorized Place of Use



Proposed Place of Use

DEC 03 2018

KS Dept Of Agriculture

SCANNED

Water Resources
Received
All known wells within 1/2 mile
have been identified.