

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

1. File Number: 26280	2. Status Change Date: 8/28/2020	3. Change Num: C2	4. Field Office: 02	5. GMD: 03
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6. Status: <input type="checkbox"/> Approved <input type="checkbox"/> Denied by DWR/GMD <input type="checkbox"/> Dismiss by Request/Failure to Return	7. Filing Date of Change: 14-FEB-2020
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8a. Applicant(s) Person ID <u>14594</u> New to system <input type="checkbox"/> Add Seq# <u>1</u> REX STANLEY FEEDYARD INC 10763 106 RD DODGE CITY, KS 67801	8c. Landowner(s) Person ID _____ New to system <input type="checkbox"/> Add Seq# _____
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8b. Landowner(s) Person ID <u>14594</u> New to system <input type="checkbox"/> Add Seq# <u>1</u> REX STANLEY FEEDYARD INC 10763 106 RD DODGE CITY, KS 67801	8d. WUC Person ID <u>14594</u> New to system <input type="checkbox"/> Add Seq# <u>1</u> REX STANLEY FEEDYARD INC 10763 106 RD DODGE CITY, KS 67801
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9. Documents and Enclosure(s): DWR Meter(s) Date to Comply: 12/31/20 N & P Date to Comply: 12/31/20

Anti-Reverse Meter Meter Seal 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: _____

Date Prepared: **08/25/20** By: **RAK**
 Date Entered: **8/31/2020** By: **L Moody**

File No. **26280** 11. County: **FO** Basin: **BUCKNER CREEK** Stream: Formation Code: **211** Special Use:

12. Points of Diversion											Rate and Quantity										
CHK	MOD	DEL	ENT	PDIV	Qualifier	S	T	R	ID	'N	'W	Comment (AKA Line)	Authorized		Additional		Overlap PD Files				
													Rate gpm/cfs	Quantity af/mgy	Rate gpm/cfs	Quantity af/mgy					
BLANKET QUANTITY													33.563 mgy		33.563 mgy						
CHK	^				45703	NE¼	NE¼	SE¼	12	26	26W	9	2544	213	PRIMARY WELL	98 gpm		98 gpm		NONE	
CHK	^				7656	NW¼	NE¼	SE¼	12	26	26W	2	2330	1307	PRIMARY WELL	16 gpm	--	16 gpm	--	NONE	
MOD	^				87667	NE¼	NW¼	SE¼	12	26	26W	12	2060	1771	PRIMARY WELL (was standby well)	26 gpm	--	26 gpm	--	NONE	
MOD	^				50205	NW¼	NE¼	SE¼	12	26	26W	3	2210	1282	STANDBY WELL (was primary well)					NONE	
MOD	^				63029	NC	N½	S½	S½	12	26	26W	11	1091	2685	PRIMARY WELL (was 1137'N 2551'W)	59 gpm	--	59 gpm	--	NONE

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

14. **ADD** Limitation: **STANDBY WELL** _____ 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
CHK	MOD	DEL	ENT	PUSE	S	T	R	ID	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							
No changes to pu																															

Base Acres: Year: Minimum Reasonable Quantity: Comments:

Kansas Department of Agriculture
 Division of Water Resources
WAIVER REQUEST & WAIVER RULE WORKSHEET

File Number: **26,280**

FO: 2

GMD: 3

WAIVER REQUEST:

UMW	Date Requested	Rule ID	Applies	Rule Type	Rule Subtype
STK	02/14/20	27		Well Spacing	Well to Well Spacing
Rule Number	Date Granted	Date Denied	Justification:	GMD No. 3 recommends approval of the application since their analysis indicated the change will have minimal effects in the area. The wells in question are under common ownership and serve the same place of use.	
K.A.R. 5-23-3(a)(1)	8/28/2020				

WAIVER RULE:

Rule ID	Applicability	Type	Subtype	Rule Number	Date Active	Date Inactive

Date Prepared **08/25/20** By **RAK**

Date Entered **8/31/2020** By **LMoody**

KANSAS DEPARTMENT OF AGRICULTURE
Division of Water Resources
MEMORANDUM

TO: Files
FROM: Richelle A. Krueger

DATE: August 25, 2020
RE: Water Right
File No. 26,280

Ronnie Stanley, on behalf of Rex Stanley Feedyard, Inc., owner of the above referenced water right, filed an application for approval to change the point of diversion under Water Right, File No. 26,280, authorized stockwatering use in the Buckner Creek drainage basin.

The referenced file number does not appear abandoned pursuant to K.S.A. 82a-718.

File No. 26,280 is authorized one standby well and four primary wells with a blanket quantity of 33.563 million gallons per calendar year and assigned diversion rates per well, for stockwatering use at a feedlot in the East Half (E½) of Section 12, Township 26 South, Range 26 West, Ford County, Kansas. There are no overlaps in the authorized points of diversion but the place of use overlaps Water Right, File No. 43,431. The water right owner proposes to authorize an existing primary well as a standby well and to authorize the existing standby well as a primary well. The current primary/proposed standby well is located 2,210 feet North and 1,282 feet West of the Southeast corner the aforementioned Section 12, and the current standby/proposed primary well is located 2,060 feet North and 1,771 feet West of the Southeast corner of Section 12.

According to WRIS and the application map, there are two irrigation wells (File No. 19,888) and the stockwatering wells under common ownership authorized by File Nos. 26,280 and 43,431 within one-half mile of the proposed points of diversion. The nearby irrigation well owner was notified by a letter dated April 10, 2020, of the proposed change in point of diversion, no response has been received as of today's date.

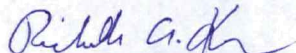
The local source of supply will not change, previously determined to be Ogallala Formation (211).

In a letter dated May 19, 2020 Jason Norquest, Manager of Southwest Kansas Groundwater Management District No. 3, indicated that the Board of Directors of GMD No. 3 recommended approval of the application. Although the stockwatering wells under File No. 26,280 do not meet well spacing regulations to each other or to the well authorized by File No. 43,431, they indicate that the wells have been established and are not new wells, they have never met spacing, and by switching the standby well, it will spread out the primary wells a little more. In a May 27, 2020 e-mail Jason indicated the wells are in the same footprint of the overall water right and within the same system of the feedyard. Their analysis indicated the change will have minimal effects in the area, so they recommend approval of the application.

In an e-mail dated August 25, 2020, Jeff Lanterman, Water Commissioner of the Stafford Field Office, indicated no objection to approval of the application.

Water flow meters are required. Check valves are required if chemigating.

Based on the above discussion, that the changes are reasonable, that impairment to existing water rights is unlikely, that no change in the same local source of supply will occur, and if the Chief Engineer waives K.A.R. 5-23-3(a)(1), it has been recommended that the referenced application be approved.


Richelle A. Krueger
Environmental Scientist

THE STATE OF KANSAS



KANSAS DEPARTMENT OF AGRICULTURE
Mike Beam, Secretary of Agriculture

DIVISION OF WATER RESOURCES
Christopher W. Beightel, Acting Chief Engineer

WAIVER OF REGULATION
K.A.R 5-23-3(a)(1) Well Spacing

Date: 28 August, 2020

Re: Water Right, File No. 26,280

1. That K.A.R. 5-23-3(a)(1) states in part that the minimum well spacing shall be based on the maximum annual quantity of water in acre-feet either authorized and requested for the proposed well, or authorized and requested by a senior application, permit, or water right for the nontemporary, nondomestic well to which the spacing is being measured, whichever is greater.
2. File No. 26,280 is authorized one standby well and four primary wells with a blanket quantity of 33.563 million gallons (103 AF) per calendar year and assigned diversion rates per well, for stockwatering use at a feedlot in the East Half (E½) of Section 12, Township 26 South, Range 26 West, Ford County, Kansas. There are no overlaps in the authorized points of diversion but the place of use overlaps Water Right, File No. 43,431. The water right owner proposes to authorize an existing primary well as a standby well and to authorize the existing standby well as a primary well. The current primary/proposed standby well is located 2,210 feet North and 1,282 feet West of the Southeast corner the aforementioned Section 12, and the current standby/proposed primary well is located 2,060 feet North and 1,771 feet West of the Southeast corner of Section 12.
3. The proposed existing standby and primary wells will not meet well spacing requirements of K.A.R. 5-23-3(a)(1) *Minimum well spacing requirements: high plains aquifer* since the wells do not meet 1,300 feet well spacing requirements to all but one of the wells authorized by File No. 26,280 or to a stockwatering well authorized by Water Right, File No. 43,431, all wells under common ownership.
4. That in a letter dated May 19, 2020, Jason L. Norquest, Assistant Manager of Southwest Kansas Groundwater Management District No. 3, indicated that the Board of Directors of Southwest Kansas Groundwater Management District No. 3 reviewed the application, and has recommended approval of the application since their evaluations showed a minimal effect on the area, and that the proposal is unlikely to cause impairment.
5. That the referenced application for File No. 26,280 should be approved with a waiver of the well spacing requirement of K.A.R. 5-23-3(a)(1).
6. That the waiver of K.A.R. 5-23-3(a)(1) will neither prejudicially nor unreasonably affect the public interest and it will not impair an existing water right.

Comments:

A handwritten signature in blue ink that reads "Christopher W. Beightel".

Christopher W. Beightel, P.E.
Acting Chief Engineer
Division of Water Resources
Kansas Department of Agriculture

THE STATE OF KANSAS



KANSAS DEPARTMENT OF AGRICULTURE
Mike Beam, Secretary of Agriculture

DIVISION OF WATER RESOURCES
Christopher W. Beightel, Acting Chief Engineer

APPROVAL OF APPLICATION
FOR
CHANGE IN
POINT OF DIVERSION
WATER RIGHT
FILE NO. 26,280

The Chief Engineer, Division of Water Resources, Kansas Department of Agriculture, after due consideration of the written application of Ronnie Stanley, on behalf of Rex Stanley Feedyard, Incorporated, 10763 106 Road, Dodge City, Kansas 67801, received in this office on February 14, 2020, for approval of a change in the location of the point of diversion 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 December 9, 1998, approving the application to change the place of use and point of diversion, and by the Order of the Chief Engineer dated August 12, 2019, approving the application to change the point of diversion, finds that the change is reasonable and will not impair existing rights, that the change relates to the same local source of supply 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 quantity shall remain 33.563 million gallons per calendar year (103 acre-feet), and the authorized locations of the points of diversion shall be:

one (1) well located in the Northeast Quarter of the Northeast Quarter of the Southeast Quarter (NE $\frac{1}{4}$ NE $\frac{1}{4}$ SE $\frac{1}{4}$) of Section 12, more particularly described as being near a point 2,554 feet North and 213 feet West of the Southeast corner of said section, at a diversion rate not in excess of 98 gallons per minute (0.22 c.f.s.), to be used as a primary well,

one (1) well located in the Northwest Quarter of the Northeast Quarter of the Southeast Quarter (NW $\frac{1}{4}$ NE $\frac{1}{4}$ SE $\frac{1}{4}$) of Section 12, more particularly described as being near a point 2,330 feet North and 1,307 feet West of the Southeast corner of said section, at a diversion rate not in excess of 16 gallons per minute (0.04 c.f.s.), to be used as a primary well,

one (1) well located in the Northwest Quarter of the Northeast Quarter of the Southeast Quarter (NW $\frac{1}{4}$ NE $\frac{1}{4}$ SE $\frac{1}{4}$) of Section 12, more particularly described as being near a point 2,210 feet North and 1,282 feet West of the Southeast corner of said section, to be used as a standby well,

one (1) well located in the Northeast Quarter of the Northwest Quarter of the Southeast Quarter (NE $\frac{1}{4}$ NW $\frac{1}{4}$ SE $\frac{1}{4}$) of Section 12, more particularly described as being near a point 2,060 feet North and 1,771 feet West of the Southeast corner of said section, at a diversion rate not in excess of 26 gallons per minute (0.06 c.f.s.), to be used as a primary well, and

one (1) well located near the center of the North Half of the South Half of the South Half (N $\frac{1}{2}$ S $\frac{1}{2}$ S $\frac{1}{2}$) of Section 12, more particularly described as being near a point 1,091 feet North and 2,685 feet West of the Southeast corner of said section, at a diversion rate not in excess of 59 gallons per minute (0.13 c.f.s.), to be used as a primary well,

all in Township 26 South, Range 26 West, Ford County, Kansas,

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

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, Secretary

Laura Kelly, Governor

REX STANLEY FEEDYARD INC
10763 106 RD
DODGE CITY, KS 67801

August 31, 2020

RE: Water Right, File No. 26,280

Dear Mr. Stanley:

Enclosed is the order executed by the Chief Engineer, Division of Water Resources, Kansas Department of Agriculture, approving the application for change under the above referenced file number.

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

Please note that the well described in the approval document as the standby well shall be used exclusively at such time the wells described in the approval document as the primary wells are inoperable due to mechanical, maintenance or power failure. Use of the standby well under these limiting conditions does not allow the authorized quantity of water or rate of diversion under this file to be exceeded.

Since this order modifies the original document referred to above, it 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 call, please reference the file number so we can help you more efficiently.

Sincerely,

Richelle A. Krueger
Environmental Scientist
Water Appropriation Program

RAK

pc: Stafford Field Office
Groundwater Management District No. 3

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.

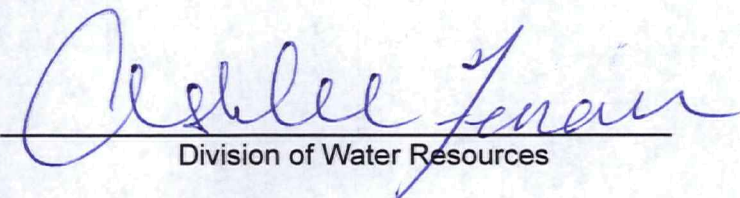
CERTIFICATE OF SERVICE

On this 1 day of September, 2020, I hereby certify that the foregoing Approval of Application for Change in Point of Diversion, File No. 26,280, dated 28 August 2020 was mailed postage prepaid, first class, US mail to the following:

REX STANLEY FEEDYARD INC
10763 106 RD
DODGE CITY, KS 67801

With photocopies to:

Stafford Field Office
Groundwater Management District No. 3



Division of Water Resources