

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

1. File Number: 44,661	2. Status Change Date: 8/3/2022	3. Change Num: C1	4. Field Office: 02	5. GMD:
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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: 3/4/2020
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8a. Applicant(s) New to system <input type="checkbox"/> CORNEJO & SONS LLC PO BOX 16204 WICHITA KS 67216	8c. Landowner(s) New to system <input type="checkbox"/> Person ID <u>38760</u> Add Seq# _____
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8b. Landowner(s) New to system <input type="checkbox"/> CORNEJO & SONS LLC PO BOX 16204 WICHITA KS 67216	8d. WUC New to system <input type="checkbox"/> Person ID _____ Add Seq# _____
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9. Documents and Enclosure(s): ~~DWR Meter(s) Date to Comply: 12/31/22~~ N & P Date to Comply: 12/31/22

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: _____

7/25/2022 Llreland	Date Prepared: 7/12/22 By: JNE
	Date Entered: 8/10/2022 By: LMoody

File No. **44,661** 11. County: **CL** Basin: **ARKANSAS RIVER** Stream: **N/A** Formation Code: **113** Special Use:

12. Points of Diversion										Rate and Quantity						
CHK	MOD	DEL	PDIV	Qualifier	S	T	R	ID	'N	'W	Comment (AKA Line)	Rate gpm	Quantity af	Rate gpm	Quantity af	Overlap PD Files
DEL				66147 SE SE NW	6	32	3E	5	2,900	2,800		NE	315 AF	NE	315 AF	NONE
ENT				89736 SE SE NW	6	32	3E		3,055	2,992		NE	315 AF	NE	315 AF	NONE

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				
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						
MOD				38201	6	32	S	3E	2	W½ and the (W½ of the E½) Sand Pit 215 Acres																	7a		NO	41346
949049 - DISMISSED																														

Base Acres: _____ Year: _____ Minimum Reasonable Quantity: _____
 Comments: **PU Partial Overlap with 41346**

KANSAS DEPARTMENT OF AGRICULTURE
Division of Water Resources

M E M O R A N D U M

TO: Files

DATE: June 30, 2022

FROM: Jessica Engelbrecht

RE: File Nos. 44,661 & 49,741

Steven P. Hatfield on behalf of Cornejo & Sons, Incorporated, as owner of the referenced files authorized for industrial use, completed applications to change the place of use and point of diversion under both of the referenced files. The applications were received on March 4, 2020. The applications for the above referenced files were filed to bring both industrial groundwater pits into compliance. File Nos. 44,661 & 49,741 are an incomplete overlap in place of use. The place of use for both of the above referenced files will be changed, but no increase to the permitted surface area will occur. The files are still within the perfection period.

The referenced water rights are considered in good standing as per K.S.A. 82a-718 and 82a-732. The applicant did not list any known wells in the area. Therefore, no nearby notification letters were mailed out on the above referenced file nos. It appears the requirements of K.S.A. 82a-1906 have been met. The applications apply with K.A.R. 5-5-2a, *Complete change application*.

Both of the above referenced groundwater pits for industrial use were expanded outside of their authorized place of use. Due to the difference in location of the groundwater pits, the geographic center of the pits is low located more than 300 feet away from the authorized point of diversion for both of the above referenced files.

File No. 44,661 is presently authorized 102.64 million gallons per year for industrial use, at the rate of natural evaporation, from a sand and gravel pit with a surface area of 215 acres, located in Northeast Quarter (NE $\frac{1}{4}$) and the South-Half (S $\frac{1}{2}$) of Section 6, Township 32 South, Range 3 East, with a geographic center located in the Southeast Quarter of the Southeast Quarter of the Northwest Quarter (SE $\frac{1}{4}$ SE $\frac{1}{4}$ NW $\frac{1}{4}$) of Section 6, more accurately described as a point located 2,900 feet North and 2,800 feet West of the Southeast corner of said section, in Township 32 South, Range 3 East, all in Cowley County, Kansas.

The proposed change in place of use and change in point of diversion will change the appropriation to an authorized quantity of 102.64 million gallons per year for industrial use, at a rate of natural evaporation, from a sand and gravel pit with a maximum surface area of 215 acres located in the West Half (W $\frac{1}{2}$) and the West Half, and the East Half (W $\frac{1}{2}$ E $\frac{1}{2}$) of Section 6, Township 32 South, Range 3 East, with a geographic center located in the Southeast Quarter of the Southeast Quarter of the Northwest Quarter (SE $\frac{1}{4}$ SE $\frac{1}{4}$ NW $\frac{1}{4}$) of Section 6, more accurately described as a point located 3,055 feet North and 2,800 feet West of the Southeast corner of said section in Township 32 South, Range 3 East, in Cowley County, Kansas.

File No. 49,741 is presently authorized 427 acre-feet per year for industrial use, at the rate of natural evaporation, from a groundwater pit with a surface area of 256 acres, located in the South Half of the Northeast Quarter (S $\frac{1}{2}$ NE $\frac{1}{4}$), and the Southeast Quarter (SE $\frac{1}{4}$) of Section 31, Township 31 South, Range 3 East, and the North Half of the Northeast Quarter (N $\frac{1}{2}$ SE $\frac{1}{4}$) of Section 6, Township 32 South, Range 3 East, with the geographic center located Near Center of the Southeast Quarter (NC SE $\frac{1}{4}$) of Section 31, more particularly described as being a point located 1,320 feet North, and 1,320 feet West of the Southeast Quarter of said section, in Township 31 South, Range 3 East, all in Cowley County, Kansas.

The proposed change in place of use and point of diversion will change the appropriation to a an authorized quantity of 427 acre-feet per year for industrial use, at a rate of natural evaporation, from a groundwater pit with a maximum surface area of 256 acres, located in the South-Half of the Northeast Quarter (S $\frac{1}{2}$ NE $\frac{1}{4}$) and the Southeast Quarter (SE $\frac{1}{4}$) of Section 31, Township 31 South, Range 3 East, and the Northeast Quarter (NE $\frac{1}{4}$) of Section 6, Township 32 South, Range 3 East, with the geographic center located in the Southwest Quarter of the Northeast Quarter of the Southeast Quarter (SW $\frac{1}{4}$ NE $\frac{1}{4}$ SE $\frac{1}{4}$) of Section 31, more particularly described as a point located 1,353 feet North and 1,255 feet West of the Southeast corner of said section, in Township 31 South, Range 3 East, all in Cowley County, Kansas.

In an e-mail dated July 8, 2022, Jeff Lanterman, Water Commissioner of the Stafford indicated no objection to the approval of both referenced applications.

Based on the above discussion, that the changes are reasonable, that impairment to existing water rights is likely unlikely, and that no change in the same local source of supply will occur, it is recommended that the change application be approved.

THE STATE  OF KANSAS

KANSAS DEPARTMENT OF AGRICULTURE
Mike Beam, Secretary of Agriculture

DIVISION OF WATER RESOURCES
Earl D. Lewis Jr., Chief Engineer

**APPROVAL OF APPLICATION
FOR CHANGE IN POINT OF DIVERSION AND PLACE OF USE
UNDER APPROPRIATION OF WATER,
FILE NO. 44,661**

The Chief Engineer, Division of Water Resources, Kansas Department of Agriculture, after due consideration of the written application of Debbie L. Ring on behalf of Cornejo & Sons LLC, 2060 E Tulsa, PO Box 16204, Wichita, Kansas 67216, received in this office on March 4, 2020, for approval of a change point of diversion and place of use under the Approval of Application and Permit to Proceed issued pursuant to the Appropriation of Water, File No. 44,661, 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 point of diversion shall be:

one (1) sand and gravel pit with a geographic center located in the Southeast Quarter of the Southeast Quarter of the Northwest Quarter (SE $\frac{1}{4}$ SE $\frac{1}{4}$ NW $\frac{1}{4}$) of Section 6, more particularly described as being near a point 3,055 feet North and 2,992 feet West of the Southeast corner of said section, Township 32 South, Range 3 East, Cowley County, Kansas,

and the authorized place of use shall be described as:

a sand and gravel pit with a projected surface area not to exceed 215 acres located in the West Half (W $\frac{1}{2}$) and the West Half of the East-Half (W $\frac{1}{2}$ E $\frac{1}{2}$) of Section 6, Township 32 South, Range 3 East, Cowley County, Kansas,

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

Installation of the works for diversion of water shall be completed on or before December 31, 2022, or within any authorized extension of time. The applicant shall notify the Chief Engineer of the Division of Water Resources, Kansas Department of Agriculture, when construction of the works for diversion has been completed.

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.

In all other respects, the Approval of Application and Permit to Proceed issued pursuant to Appropriation of Water, File No. 44,661, dated November 14, 2001, subsequently modified and amended on _____, remains as authorized.

Ordered this 3 day of August, 2022, Manhattan, Riley County, Kansas.

Lane P. Letourneau

Lane P. Letourneau, P.G.
Water Appropriation Program Manager
Division of Water Resources
Kansas Department of Agriculture

State of Kansas)
) SS
County of Riley)

The foregoing instrument was acknowledged before me this 3 day of August, 2022, by Lane P. Letourneau, P.G., Water Appropriation Program Manager, Division of Water Resources, Kansas Department of Agriculture.

Ashlee Freeman
Notary Public



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



900 SW Jackson, Room 45
Topeka, KS 6661
785-296-355

Mike Beam, Secretary

Laura Kelly, Governor

August 16, 2022

CORNEJO & SONS LLC
DEBBIE L RING
PO BOX 16204, 2060E TULSA
WICHITA KS 67216

RE: Appropriation of Water, File Nos. 44,661 & 49,741

Dear Ms. Ring:

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 files.

Your attention is directed to the enclosures and to the terms, conditions, and limitations specified in the approvals for change. Please return the required and enclosed forms, for the notification of completion for the requested changes in the points of diversion.

Since these orders modify 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 at 785-564-6640 or your local Stafford Field office at 620-234-5311. If you call, please reference the file number so we can help you more efficiently.

Sincerely,

Kristen A. Baum
New Applications and Changes Supervisor
Division of Water Resources

KAB:jne:li
Enclosures

pc: Stafford Field Office

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 request an evidentiary hearing before the Chief Engineer or 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 Division, 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 review 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.

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.

CERTIFICATE OF SERVICE

On this 16 day of August, 2022, I hereby certify that the attached Approval of Application for Change, File No. 49,741, dated 3 August, 2022, was mailed postage prepaid, first class, U.S. Mail to the following:

Original to:
CORNEJO & SONS LLC
DEBBIE L RING
2060 E TULSA, PO BOX 16204
WICHITA KS 67216

Photocopy to
Stafford Field Office


DWR Staff