

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

1. File Number: 17580	2. Status Change Date: 1/31/23	3. Change Num: C1	4. Field Office: 02	5. GMD: 05
---------------------------------	--	-----------------------------	-------------------------------	----------------------

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: 12/20/22
--	--

8a. Applicant(s) New to system <input type="checkbox"/> Person ID _____ Add Seq# _____	8c. Landowner(s) New to system <input type="checkbox"/> Person ID _____ Add Seq# _____
--	--

8b. Landowner(s) New to system <input type="checkbox"/> Person ID 59931 Add Seq# 1 ILS LAND LLC 551 SW 30 RD GREAT BEND KS 67530-9730	8d. WUC New to system <input type="checkbox"/> Person ID 59931 Add Seq# 1 8B
---	--

9. Documents and Enclosure(s): DWR Meter(s) Date to Comply: **12/31/23** N & P Date to Comply: **12/31/23**

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: **1/24/23** By: **TMA**
 Date Entered: **2/1/2023** By: **LMoody**

File No. **17580** 11. County: **BT** Basin: **WALNUT CREEK** Stream: --- Formation Code: **113** Special Use: **033**

12. Points of Diversion										Rate and Quantity							
CHK	MOD	DEL	ENT	PDIV	Qualifier	S	T	R	ID	'N	'W	Comment (AKA Line)	Rate gpm	Quantity af	Rate gpm	Quantity af	Overlap PD Files
DEL		52269			NW NW SW	2	19S	14W	17	2200	4815		335	84	335	84	N
ENT		90021			NE NW SW	2	19S	14W		2600	4211		335	84	335	84	15185

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								
CHK		38726			2	19S	14W	3						40	20	9	36										105	8B	N	15185			
ENT		23447			3	19S	14W	2		38	6		19														63	8B	N	15185			

Base Acres: **N/A** Year: **N/A** Minimum Reasonable Quantity: **1.20**
 Comments:

Submit completed application to:
 Kansas Department of Agriculture
 Division of Water Resources
 Field Office for your area.
 Call for address:

Topeka -- (785) 296-5733
 Stafford -- (620) 234-5311
 Stockton -- (785) 425-6787
 Garden City -- (620) 276-2901
<http://agriculture.ks.gov/dwr>

DWR FIELD OFFICE APPLICATION FOR APPROVAL TO CHANGE THE PLACE OF USE AND/OR THE POINT OF DIVERSION WATER METER REQUIRED



STATE OF KANSAS

Filing Fee Must Accompany the Application, K.S.A. 82a-708b(b), as amended.
 Fee Schedule is on the third page of this application form.

Paragraph Nos. 1, 2, 3 & 5 must be completed. Complete all other applicable portions. If change in point of diversion is greater than 100 feet, or if place of use will be changed, include a topographic map or detailed plat showing the authorized and proposed point(s) of diversion and/or place of use.

RECEIVED
 DEC 20 2022
 12:45 PM
 Stafford Field Office
 Division of Water Resources

File No. 17580

1. Application is hereby made for approval of the Chief Engineer to change the (check one or both):

Place of Use Point of Diversion

under the water right which is the subject of this application in accordance with the conditions described below.

The source of supply is: Groundwater Surface water

2. Name and address of Applicant: ILS LAND LLC

551 SW 30 RD, Great Bend, KS 67530-9730

Phone Number: (620)792-6166

Email address: water@ILSbeef.com

Name and address of Water Use Correspondent: ILS LAND LLC

551 SW 30 RD, Great Bend, KS 67530-9730

Phone Number: (620)792-6166

Email address: water@ILSbeef.com

3. The presently authorized place of use is:

Owner of Land ---- NAME: ILS LAND LLC

ADDRESS: 551 SW 30 RD, GREAT BEND, KS 67530-9730

(If there is more than one landowner, attach supplemental sheets as necessary.)

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	
2	19S	14W									40	20	9	36					105

4. If this application is for a change in place of use, it is proposed that the place of use be changed to:

Owner of Land ---- NAME: ILS LAND LLC

ADDRESS: 551 SW 30 RD, GREAT BEND, KS 67530-9730

(If there is more than one landowner, attach supplemental sheets as necessary.)

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	
2	19	14W									40	20	9	36					105
3	19	14W	38	6		19													63
																Tot: 168			

For Office Use Only: Code <u>CLT4</u> <u>CPA</u>	Fee \$ <u>400.00</u>	TR # _____	Receipt Date _____	Check # <u>22873</u>
---	----------------------	------------	--------------------	----------------------

5. **Presently authorized point of diversion:**
 One in the NW Quarter of the NW Quarter of the SW Quarter of Section 2, Township 19 South, Range 14 W, in Barton County, Kansas, 2,200 feet North 4,815 feet West of Southeast corner of section.
 Authorized Rate 335 gpm Authorized Quantity 84 AF Depth of well 90 (feet)
(DWR use only: Computer ID No. 17 GPS N/A feet North N/A feet West)
 This point will not be changed This point will be changed as follows: No change, point better described with GPS as follows:
Proposed point of diversion: (Complete only if change is requested or if existing point is better described by GPS)
 One in the NE Quarter of the NW Quarter of the SW Quarter of Section 2, Township 19 South, Range 14 W, in Barton County, Kansas, 2,600 feet North 4,211 feet West of Southeast corner of section.
 Proposed Rate 335 gpm Proposed Quantity 84 AF Proposed well depth (feet) 90-112 ft.
 This point is: Additional Well Geo Center List other water rights that will use this point 15185.

6. **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 _____ Depth of well _____ (feet)
(DWR use only: Computer ID No. _____ GPS _____ feet North _____ feet West)
 This point will not be changed This point will be changed as follows: No change, point better described with GPS as follows:
Proposed point of diversion: (Complete only if change is requested or if existing point is better described by GPS)
 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 _____ Proposed well depth (feet) _____.
 This point is: Additional Well Geo Center List other water rights that will use this point _____.

7. The changes herein are desired for the following reasons?
 (please be specific) Applicant desires a place of use overlap of water rights 15185 and 17580. Additionally, the PDs will now be overlapped at a new well (see map).

8. If a well, is the test hole log attached? Yes No

9. The change(s) (was)(will be) completed by?
ASAP

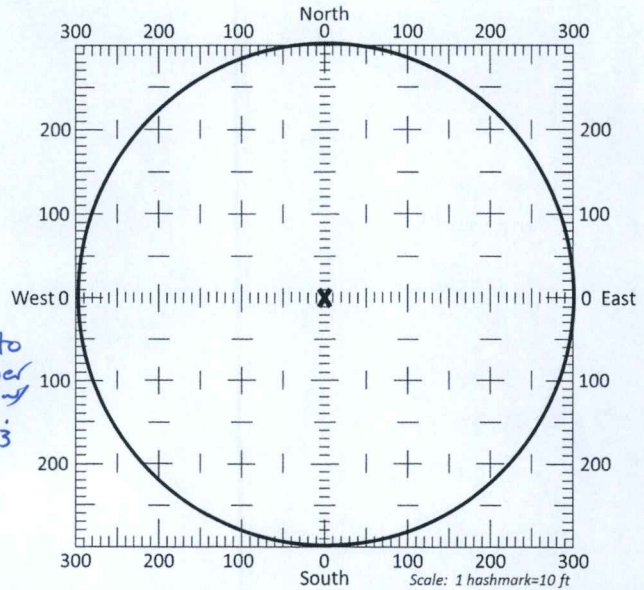
10. If the point of diversion is a well:
 (a) What are you going to do with the old well?
Plugging old well properly cap well & allow KDA-DWR to continue measuring water level. CPC per emc. 5-4

(b) When will this be done? ASAP
Hard Jo. 1/31/23

11. Groundwater Management District recommendation attached?
 Yes No
1/31/23 CPC

12. Assisted by TMA SFFO

13a. If the proposed point of diversion will be relocated more than 300 feet but within 2,640 feet of the existing point of diversion, attach a topographic map or aerial photograph. For groundwater sources, show all wells (including domestic) within one-half mile of the proposed point of diversion and the names and mailing addresses of the owners. For surface water sources, show the names and addresses of the landowner(s) one-half mile downstream and one-half mile upstream from your property lines



13b. If the proposed point of diversion will be relocated within a 300 foot radius of the existing point of diversion, indicate its location on the diagram shown above in relation to the existing point of diversion. The proposed point of diversion must be located within the circle shown above. **(PLEASE NOTE: The "X" in center of diagram above represents the presently authorized point of diversion.)**

14. If the proposed groundwater point of diversion is 300 or fewer feet from the existing point of diversion, complete the following:

- (a) Does the undersigned represent all owners of the currently authorized place(s) of use identified in this application?
 Yes No (If no, all owners must sign this application.)
- (b) Will the ownership interest of any owner of the currently authorized place(s) of use identified in this application be adversely affected if this application is approved as requested?
 Yes No (If yes, all owners must sign this application.)
- (c) If this application is not approved expeditiously, will there be substantial damage to property, public health or safety?
 Yes No (If no, all owners must sign this application.)

If the application proposes a surface water change in point of diversion, a groundwater change in point of diversion greater than 300 feet, or a change in place of use, the application must be signed by all owners of the currently authorized place of use, or their duly authorized agent (attach notarized statement authorizing representation).

I hereby verify, being first duly sworn upon my oath or affirmation and under penalty of perjury, that I am of lawful age and the owner, the spouse of the owner, or a duly authorized agent of the owner(s) to make this application on their behalf, in regards to the water right(s) to which this application pertains. I further verify that the statements contained in this application are true, correct and complete.

Dated at Great Bend, Kansas, this 20 day of December, 2022.

Mike Barton
 (Owner)

MIKE BARTON
 (Please Print)

 (Owner)

 (Please Print)

 (Owner)

 (Please Print)

 (Spouse)

 (Please Print)

 (Spouse)

 (Please Print)

 (Spouse)

 (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 20 day of December, 2022.



Heidi Jo Burt
Notary Public

My Commission Expires 2-3-23.

ONLY COMPLETE APPLICATIONS WILL BE PROCESSED. To be complete, all of the applicable portions of the application form must be completed with accurate information; maps, if necessary, must be included; signatures of all the appropriate owners' must be affixed to the application and notarized; and the appropriate fee must be paid.

FEE SCHEDULE

Each application to change the place of use or the point of diversion under this section shall be accompanied by the application fee set forth in the schedule below: Make checks payable to: **Kansas Department of Agriculture**

- (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

RECEIVED
DEC 20 2022
Stafford Field Office
Division of Water Resources

SUMMARY ORDER APPROVING APPLICATION FOR CHANGE AND IMPOSING CONDITIONS

This Summary Order is issued under authority of K.S.A. 82a-708b, as amended, and K.A.R. 5-5-1, *et seq.* and other applicable provisions of the *Kansas Water Appropriation Law, K.S.A. 82a-701 et. seq.*, and rules and regulations promulgated thereunder, With the exception of those conditions expressly contained herein, this Summary Order does not change the terms, conditions and limitations of File No. 17580.

1. A change application was received on December 20, 2022 requesting that the place of use and / or point of diversion authorized under the above-referenced file number be changed as described in the application.
2. On and after the effective date of this summary order, the authorized place(s) of use shall be located substantially as shown on the topographic map accompanying the application to change the place of use. Applicable Not Applicable
3. The change in point of diversion shall not impair existing rights and shall be limited to the same source or sources of water as previously authorized. The point of diversion authorized by this summary order shall be located within a 300 foot radius of the authorized point(s) of diversion. Applicable Not Applicable
4. The point(s) of diversion described herein is administratively corrected to be more accurately described using the Global Positioning System (GPS), as described in the application. Applicable Not Applicable
5. The point(s) of diversion authorized herein shall not actually be located more than 1025 feet from the previously authorized point(s) of diversion. Applicable Not Applicable
6. As required by K.A.R. 5-3-5d, if the works for diversion is a well with a diversion rate of 100 gallons per minute or more, a tube or other device suitable for making water level measurements shall be installed, operated and maintained in accordance with K.A.R. 5-6-13. Applicable Not Applicable
7. **The owner of the authorized place(s) of use shall properly install an acceptable water flow meter on or before December 31, 2023**, or before the first use of water, whichever occurs first. The water flow meter shall be installed, operated and maintained in accordance with K.A.R. 5-1-4 through 5-1-12. As required by K.S.A. 82a-732, as amended, and K.A.R. 5-3-5e, the owner shall maintain records and report the reading of the water flow meter and the total quantity of water diverted annually to the Chief Engineer by March 1 following the end of each calendar year. Applicable Not Applicable
8. **Installation of the works for diversion of water shall be completed on or before December 31, 2023**, or within any authorized extension of time. By March 1, 2024 the applicant shall notify the Chief Engineer that construction of the works for diversion has been completed, on the form provided by the Chief Engineer, as required by K.A.R. 5-8-4e. Applicable Not Applicable
9. **The completed well log shall be submitted with the required notice.** Applicable Not Applicable
10. All diversion works into which any type of chemical or other foreign substance will be injected into the water shall be equipped with an in-line, automatic, quick-closing check valve capable of preventing pollution of the source of the water supply. The check valve(s) shall be installed, operated and maintained in accordance with K.A.R. 5-3-5c. Applicable Not Applicable
11. Additional Conditions are attached. Yes No
12. In accordance with K.S.A. 82a-708a, as amended, and K.A.R. 5-5-14, all of the owners of the authorized place(s) of use of water appropriated under the above-referenced file number are responsible for compliance with its terms, conditions and limitations, as amended and/or supplemented by this Summary Order, and with applicable provisions of the *Kansas Water Appropriation Law* and the *Rules and Regulations* promulgated thereunder. Failure to comply with these provisions may result in civil penalties pursuant to K.S.A. 82a-737, as amended, and/or the suspension or revocation and dismissal of the water or appropriation right or any other enforcement actions authorized by law.

Administrative Appeal and Effective Date of Order

If you are aggrieved by this order, 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. A request for hearing by the Chief Engineer must be filed within **15 days** of service of this Order and a request for administrative review by the Secretary must be filed within **30 days** pursuant to K.S.A. 77-531. Any request for administrative review must state a basis for review pursuant to K.S.A. 77-527. File any request with **Kansas Department of Agriculture, Legal Division, 1320 Research Park Drive, Manhattan, KS 66502**. Failure to timely request a hearing or review may preclude review under the Kansas Judicial Review Act.

For Use by Register of Deeds

FOR OFFICE USE ONLY
**APPLICATION APPROVED AND
SUMMARY ORDER ISSUED**

By: Cameron R. Conant
Duly Authorized Designee of the Chief Engineer
(Print Name): Cameron R. Conant
Division of Water Resources - Kansas Department of Agriculture
Date of Issuance: January 31, 2023
State of Kansas)
County of Stafford) SS
Acknowledged before me on 1-31-2023
by Faith Curtis
Signature: Faith Curtis
Notary Public

My commission expires:



RECEIVED
DEC 20 2022

Stafford Field Office
Division of Water Resources

Authorized P/D: Sec. 2 2,200' N, 4,815' W

Proposed P/D: Sec. 2 2,600' N, 4,211' W

-----2021 NAIP Aerial Imagery-----



Legend

- Proposed Point of Diversion
- Authorized Point of Diversion
- Domestic Well
- Groundwater
- Surfacewater
- Section Corner
- Section Line
- Half Mile Circle
- Authorized Place of Use (15185)
- Authorized Place of Use (17580)

Water Right, File No. 17580

Change in Point of Diversion AND Change in Place of Use Map 02/03-19-14W // Barton County

To the best of my knowledge, all known wells within one-half mile of the proposed point(s) of diversion have been shown.

Mike Barton

Signature / Date

12-20-2022

12/19/2022 TMA/SFFO 1:15,000 scale

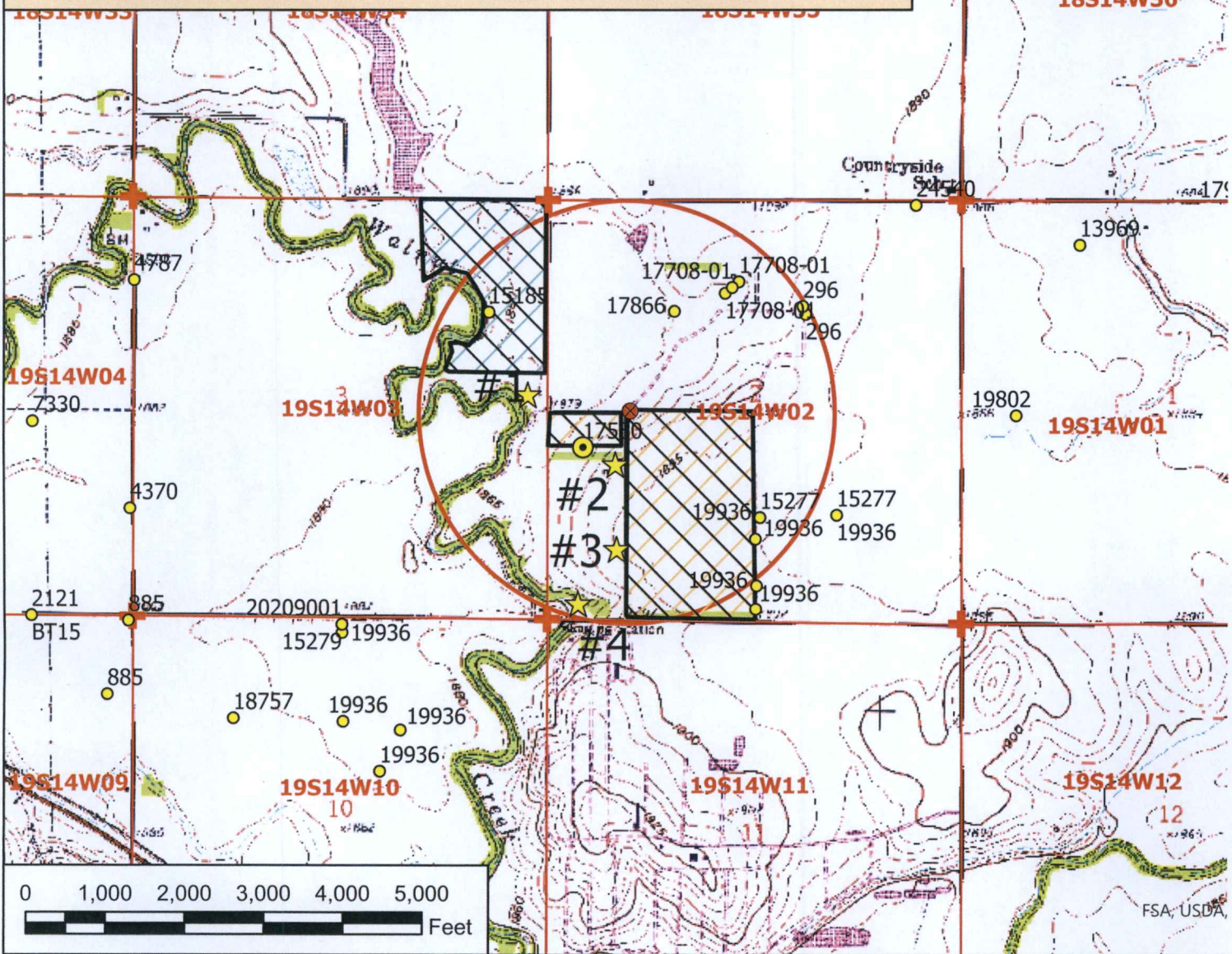
RECEIVED
DEC 20 2022
Stafford Field Office
Division of Water Resources



Authorized P/D: Sec. 2 2,200' N, 4,815' W

Proposed P/D: Sec. 2 2,600' N, 4,211' W

-----2021 NAIP Aerial Imagery-----



Legend

- Proposed Point of Diversion
- Authorized Point of Diversion
- Domestic Well
- Groundwater
- Surfacewater
- Section Corner
- Section Line
- Half Mile Circle
- Authorized Place of Use (15185)
- Authorized Place of Use (17580)

Water Right, File No. 17580

Change in Point of Diversion AND
Change in Place of Use Map

02/03-19-14W // Barton County

To the best of my knowledge, all known wells within one-half mile of the proposed point(s) of diversion have been shown.

Mike Barton

12-20-2022

Signature / Date

12/19/2022 TMA/SFFO 1:24,000 scale

RECEIVED
DEC 20 2022
Stafford Pingree
Division of Water Resources



Stafford Field Office
300 S. Main Street
Stafford, KS 67578-1521



Phone: 620-234-5311
Fax: 620-234-6900
www.agriculture.ks.gov

Mike Beam, Secretary

Laura Kelly, Governor

January 31, 2023

ILS Land LLC
551 SW 30 Rd
Great Bend, KS 67530-9730

Re: Water Right, File No(s). 15185 & 17580

Dear Water Right Owner:

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(s).

Your attention is directed to the enclosures and to the terms, conditions and limitations specified in this approval for change. An acceptable water flow meter must be installed on your well before any water is applied as authorized under this change approval. A copy of the approved list of Certified Water Flowmeters as well as the regulations regarding the installation of flowmeters, measurement tubes and check valves can be found at <https://www.agriculture.ks.gov/divisions-programs/dwr/water-appropriation/new-applications-and-permits>. If you do not have access to the internet, please contact this office and we will send you a paper copy of the referenced information.

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.

This order requires that a notice and completion of works form be submitted once the diversion works are completed, including a properly installed flowmeter. This form is available at the referenced website.

Any abandoned well must be plugged in accordance with the requirements of Article 30 of the Rules and Regulations as adopted by the Kansas Department of Health and Environment.

Should you have any questions, please feel free to contact this office. If you wish to refer to a specific file, please reference it when you contact us.

Sincerely,

A handwritten signature in black ink, appearing to read "Jeff Lanterman".

Jeff Lanterman
Water Commissioner

Enclosures

pc: Water Rights Section
Groundwater Management District No. 5

CERTIFICATE OF SERVICE

On this **31st** day of **January, 2023**, I hereby certify that the attached Change in Point of Diversion and Place of Use for Water Right, File No. **15185 & 17580**, dated **January 31st, 2023** was mailed via First Class U.S. mail to the following:

ILS Land LLC
551 SW 30 RD
Great Bend, KS 67530-9730

A copy of the letter was sent via electronic mail to the following:

GMD 5

Faith Curtis

Staff

Change in Point of Diversion >300 feet Application

File No. 17580

Nearby Well Owners

Domestic Wells:

- #1: Dustin Turner
451 NW 40 Ave
Great Bend, KS 67530
- #2: Susan K & Karl H Wilson
439 NW 40 Ave
Great Bend, KS 67530
- #3: Kenneth A & Donna M Birt
417 NW 40 Ave
Great Bend, KS 67530
- #4: GREAT BEND FEEDING INC
355 NW 30 Ave
Great Bend, KS 67530

Irrigation Wells:

- 15185: ILS LAND LLC (Applicant)
551 SW 30 RD
Great Bend, KS 67530-9730
- 17866: GREAT BEND FEEDING INC
551 SW 30 RD
Great Bend, KS 67530

RECEIVED
DEC 20 2022
Stafford Field Office
Division of Water Resources

17708-01:

GREAT BEND FEEDING INC

551 SW 30 RD

Great Bend, KS 67530

296:

GREAT BEND FEEDING INC

551 SW 30 RD

Great Bend, KS 67530

15277/19936:

GREAT BEND FEEDING INC

551 SW 30 RD

Great Bend, KS 67530

RECEIVED

DEC 20 2022

Stafford Field Office
Division of Water Resources

Conant, Cameron [KDA]

From: Conant, Cameron [KDA]
Sent: Monday, January 30, 2023 10:31 AM
To: 'Heidi Jo Burton'; Farm Water
Cc: Arrowood, Taylor [KDA]
Subject: RE: Change application File Nos. 15185 & 17580

Thank you very much Heidi Jo, appreciate you guys being willing to do that so we can maintain that long term record of water levels into the future! I will modify Page 2, No. 10 accordingly and finish the changes up.

Cameron

From: Heidi Jo Burton <heidijo.burton@ilsbeef.com>
Sent: Monday, January 30, 2023 9:55 AM
To: Conant, Cameron [KDA] <Cameron.Conant@ks.gov>; Farm Water <water@ilsbeef.com>
Cc: Arrowood, Taylor [KDA] <Taylor.Arrowood@ks.gov>
Subject: RE: Change application File Nos. 15185 & 17580

EXTERNAL: This email originated from outside of the organization. Do not click any links or open any attachments unless you trust the sender and know the content is safe.

Cameron,
We are willing to make your proposal below work.

15185 (454)

Instead of plugging this well, are you willing to just cap the well casing in a safe manner while leaving the measurement tube intact so we can continue to measure this well? Please let me know if you are willing and able to make that work.

Let us know if you need anything further.
Thank you,
Heidi Jo

Heidi Jo Burton



ILS FARMS

551 SW 30 Road
Great Bend, KS 67530
620-792-6166 Office

620-792-7178 Fax
heidijo.burton@ilsbeef.com

From: Conant, Cameron [KDA] <Cameron.Conant@ks.gov>
Sent: Thursday, January 26, 2023 10:58 AM
To: Heidi Jo Burton <heidijo.burton@ilsbeef.com>; Farm Water <water@ilsbeef.com>
Cc: Arrowood, Taylor [KDA] <Taylor.Arrowood@ks.gov>
Subject: Change application File Nos. 15185 & 17580

Hello Heidi Jo, I am working through this change application to move both of the existing wells to a new well and to completely overlap the place of use on the files. I see on the change application that you are planning to plug the old well authorized by 15185 (the existing well in section 3) if the changes are approved. We have measured this well for 30 years now on a bi-annual basis. It began getting measured right after the Walnut Creek IGUCA went into effect. I hate to lose this long term, consecutive record of well measurements at this location. We did have some concern from nearby well owners about the possible impact this change could have on their domestic well and having this continued record of bi-annual water levels from the same well is something that could be beneficial to all of us

Instead of plugging this well, are you willing to just cap the well casing in a safe manner while leaving the measurement tube intact so we can continue to measure this well? Please let me know if you are willing and able to make that work.

Here is a link to the well hydrograph in case you were interested. https://geohydro.kgs.ku.edu/geohydro/wizard/wizardwelldetail.cfm?usgs_id=382529098503301

Once I hear back from you, I'll try to finish up the processing on my end. Thanks,

Cameron R. Conant
Assistant Water Commissioner
Stafford Field Office
(620) 234-5311

KANSAS DEPARTMENT OF AGRICULTURE
Division of Water Resources

M E M O R A N D U M

TO: Files

DATE: January 24, 2023

FROM: Taylor Arrowood

RE: Water Right, File Nos. 15185,17580
Change in Point of Diversion & Place
of Use

On December 9, 2022, a test log for an intended redrill of an irrigation well was received in the Stafford Field Office by Elizabeth Fitch. Soon after, correspondence began with ILS LAND LLC to begin working on some change applications. Initially the changes were only for the point of diversion change. After further discussion with ILS, DWR learned that ILS intended to pursue a place of use change to overlap the acres between the two referenced file numbers as well.

The referenced file is in compliance with 82a-732. A review of the application finds that it complies with K.A.R. 5-5-1, *Filing an application for change*. The referenced file does not appear abandoned as per K.S.A 82a-718.

The presently authorized points of diversion and any modifications are as follows:

File No. 15185: Currently located at 3,860' N & 780' W of the SE corner of Section 3, Township 19 South, Range 14 West in Barton County, KS. The point of diversion will move to a new location and be overlapped w/ 17580 on a new well located at footages 2,600' N & 4,211' W of the SE corner of Section 2, Township 19 South, Range 14 West in Barton County. The file will be authorized the same rate and quantity of 990 gpm, 95 AF.

File No. 17580: Currently located at 2,200' N & 4,815' W of the SE corner of Section 2, Township 19 South, Range 14 West in Barton County, KS. The point of diversion will move to a new location and be overlapped w/ 15185 on a new well located at footages 2,600' N & 4,211' W of the SE corner of Section 2, Township 19 South, Range 14 West in Barton County. The file will be authorized a rate of 335 gpm and quantity of 84 AF.

The proposed well depth is a range between 90' and 112' (the range between the two existing well depths). It is also worth mentioning that the spacing from the proposed well location to a nearby domestic and irrigation well is close. The nearest domestic well owner is just over 660 feet away. The irrigation well is ~1350-1360' to the northwest of the proposed well location under water right file no. 17866 but I believe to be owned by the applicant.

The place of use will be modified such that the actual irrigated acres changes to that outlined on the place of use map in the application. The place of use will now be overlapped between the two files for a total of 168 acres to be irrigated. Base acres and K.A.R. 5-5-11 not considered because this is a complete place of use overlap covering no new acres.

This approval would comply with K.A.R. 5-5-3, *Change in consumptive use*, since there is no proposed change in rate or overall quantity of water. The number of acres being irrigated is changing from 105 -> 168 on file no. 15185 and 63 -> 168 on file no. 17580. The total AF/acre within the place of use overlap will be 179 AF/168 acres for 1.066 AF/acre. The minimum reasonable for Barton County is 1.20 AF/acre, so it is below this threshold, however these are the two quantities the water right was perfected for. The maximum AF/acre for Barton County is 1.5 AF for these two files.

The application was received in the Stafford Field Office on December 20, 2022 with all the correct payment and necessary signatures present.

Nearby letters were sent out on December 21, 2022 and one response was received from a Susan Wilson, the closest nearby domestic well owner to the proposed well location. Susan Wilson expressed concerns regarding the noise of the irrigation well, ILS nearby water rights, as well as potential drawdown that could affect their domestic well. Susan Wilson called the office on a few occasions but also wrote a letter addressed to this office and dated December 28, 2022 expressing her concerns about this change. The letter will be kept in both files.

A GMD 5 recommendation request was sent out to Orrin Ferril on January 9, 2023. The recommendation was received back at the Stafford Field Office on January 23, 2023 with recommendation for approval. * *

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

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

Taylor M. Arrowood
Environmental Scientist
Stafford Field Office

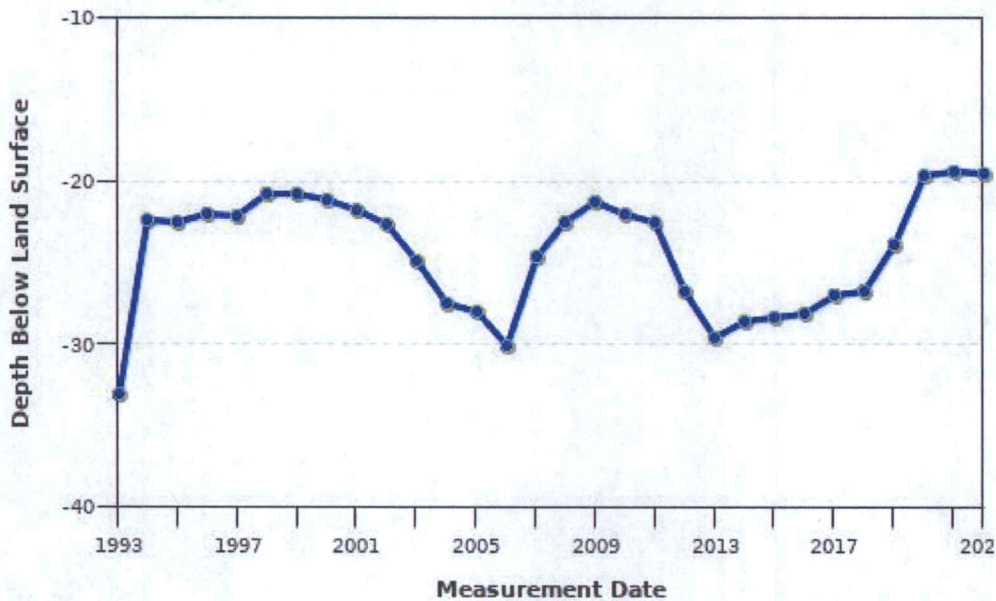
* see additional Hydrograph page from
Teff & Cameron in addition to memo, CFC

* * Cameron called Orrin to check if he had spoken w/ the nearby concerned well owner, since that is standard practice in the GMD's. Cameron wanted to know if there was any additional information about that. Orrin said he called multiple times but never was able to get in touch with them.
CFC

Below is the hydrograph from the irrigation well currently authorized by 17580, which sits about 500-600' from Mrs. Lewis' home. This well has been measured bi-annually as a part of the Walnut Creek IGUCA measurement program since 1993. The last point on the graph is from April 2022. We measured this well on October 25, 2022 but it has not been updated. The most recent measurement is as follows:

$$\text{Hold} - \text{Cut} - \text{MP} = \text{DBLS} \quad 30' - 4.6' - 1.3' = 24.1' \text{ DBLS}$$

This hydrograph shows what is considered a steady water level with declines during pronounced drought periods. After both of the more recent droughts, the water level did recover to early 1990 levels. It does seem to take an awfully wet year to get the water level to bounce back, 2007 and 2019 are good examples. In both of those years there was high rainfall totals and large amounts of high streamflow events which likely accelerated the recharge. The area is closed and the IGUCA continues to limit the amount of area pumping. It appears the aquifer will continue to be fairly stable in the area and we would expect the decline during dry periods and recovery during wet periods will continue.



Cameron and Jeff reviewed together and considered a Tech Services study to determine potential impact on the nearby well. But ultimately decided it was not necessary at this location given the steady long-term hydrograph and more importantly, the good well log showing 2 zones of about 42' of good sands and gravels, coupled with the total saturated thickness of 60' to 70' depending on water level.

CAC

JL

1/26/23

1/26/23

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



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

January 23, 2023

Taylor Arrowood
Division of Water Resources
Kansas Department of Agriculture
300 S. Main Street
Stafford, Kansas 67578-1342

RE: Water Right File Nos. 15185 & 17580
Change in the Point of Diversion &
Change in the Place of Use

Dear Mr. Arrowood,

The Big Bend Groundwater Management District #5 reviewed the above referenced applications to change the point of diversion and place of use. It is the understanding of the District that this change is intended to create a complete overlap in place of use and point of diversion for these two water right files. Based upon information received in the District office, the applications appear to be consistent with 5-25-20(b) and are therefore recommended for approval.

The application to change is 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,

A handwritten signature in black ink, appearing to read "Orrin Feril".

Orrin Feril
Manager

RECEIVED

JAN 23 2023

Stafford Field Office
Division of Water Resources

Arrowood, Taylor [KDA]

From: Arrowood, Taylor [KDA]
Sent: Monday, January 9, 2023 10:18 AM
To: Orrin Feril
Subject: Change in Place of Use & Point of Diversion Application(s) File No(s). 15185,17580
Attachments: 15185,17580_GMD5_CoverLetter.pdf; 15185_PDPUchange_Application_scanned.pdf; 17580_PDPUchange_scanned.pdf

Hello Orrin,

I have attached a cover letter and change in place of use and point of diversion for both file nos. referenced above. The files propose to overlap the respective places of use and move the point of diversion for both files to one location as described in the application(s).

The new well location is quite close on spacing to the nearest IRR well (only has about 30-50 feet to play with). It is also close to the nearest domestic well minimum spacing of 660' but does meet spacing, and that nearby well owner has voiced complaints and concerns regarding the change (#2 domestic well on map). Even though they are consolidating from two wells and one is moving farther from the domestic well, the other one (15185) is moving much closer from its currently authorized location, and the new well will be authorized 990 gpm, whereas the previous well under 17580 was only 335 gpm. I figured I would tack this on just in case you guys do any follow up on nearbys or have any discussion points from the GMD perspective on this. The concerned nearby domestic well owner is Susan Wilson at (620)617-4925 if you would like to reach out.

Please provide a GMD recommendation on this change. Let me know if you have any further questions regarding this change. If you need an extension of the 15 business days, as stated in the cover letter, please let me know. As of now, the deadline for the recommendation will be **January 27, 2023**.

Thank you,

Taylor M. Arrowood
Environmental Scientist
Kansas Department of Agriculture
Division of Water Resources
Stafford Field Office
(620) 234-5311
taylor.arrowood@ks.gov

Stafford Field Office
300 S. Main Street
Stafford, KS 67578-1521



Phone: 620-234-5311
Fax: 620-234-6900
www.agriculture.ks.gov

Mike Beam, Secretary

Laura Kelly, Governor

January 9, 2023

Orrin Feril
Big Bend – GMD No. 5
125 S Main St.
Stafford, KS 67578

RE: Point of Diversion & Place of Use Change Application,
File Nos. 15185,17580

Dear Mr. Feril,

We are enclosing a copy of the application, as referenced above, for your review and recommendation. At this time the application appears to be in proper form. Notification letters were sent to all nearby well owners shown on the application map. These owners were given a 15 day comment period; no responses were received.

This office will delay any further action on this file for a period of 15 business days from the date of this letter to allow you time to submit your recommendations concerning the application. Please submit your recommendation within the allotted time, or any authorized extension of time thereof.

If you have any questions, please feel free to contact the office.

Sincerely,

Taylor M. Arrowood
Environmental Scientist
Stafford Field Office
taylor.arrowood@ks.gov

Enclosure

File Nos. 15185, 17580

RECEIVED

page 1

JAN 03 2023

Stafford Field Office
Division of Water Resources

To Whom This may Concern,

12-28-22

This letter is in reference to ILS Land LLC filing an application for approval to change the point of diversion.

Our concern with this proposed change are many. Starting with the reality of availability of water for not just ILS, but for ourselves and our neighbors. I know that pivot systems use hundreds of gallons of water per minute which concerns me as far as running any one of us out of water, from our personal water wells.

My next concern is the noise from a water well. I know this may not be a big concern to most people but considering that we are the closest residence to this well, it does concern me. We already deal with the noise of the machinery from the south feedlot from 5:00 A.M. to 8:00 P.M. and have no real peace and quiet.

This water well I am afraid is only going to add to the noise. I have also been made aware, by a reliable source, that there are times that the feedlot takes & uses water from their run off ponds to water (maybe fertilize) their fields. My twin brother tests water all

15185.17580

RECEIVED

page 2

JAN 03 2023

Stafford Field Office
Division of Water Resources

around the area here & says that we have the most 'contaminated' water anywhere & suggests that nobody drink tap water!

My great grandmother purchased this land that our farm sits on back in the 1890's, it has been aquired through generations of my family until present! The feedlot only started in the 1970's. I have letters that my mother had written back in the late 70's early 80's where she too expressed her concern over the continuance of the production of the feedlot whether it be the south or north one. Unfortunately her words fell on deaf ears, much to which I feel mine will also! We have learned that money speaks louder than words, but I will keep on voicing my concerns!

All I ask is that you take all of this into consideration.

Thank You!

Susan Wilson

1518517586

Stafford Field Office
300 S. Main Street
Stafford, KS 67578-1521



Phone: 620-234-5311
Fax: 620-234-6900
www.agriculture.ks.gov

Mike Beam, Secretary

Laura Kelly, Governor

December 21, 2022

Dustin Turner
451 NW 40th Ave
Great Bend KS 67530

RE: Water Right, File No(s). 15185, 17580

Dear Dustin,

This is to advise you that ILS LAND LLC has filed an application for approval of the Chief Engineer, Division of Water Resources, Kansas Department of Agriculture, to change the point of diversion and place of use under the above referenced file number(s). You are being notified of the proposed change because it appears you have a groundwater well within one-half mile of the proposed point of diversion. As such, you may provide this office any comments or other information you may want to submit regarding the proposed change. Such comments or other information must be received in this office within 15 days of the date of this letter, or any authorized extension of time.

You can find the complete application posted by the water right file number(s) as referenced above at www.agriculture.ks.gov/divisions-programs/dwr/water-appropriation/notices. If you do not have access to the internet and would like a copy of the application, please contact the Stafford Field Office. If you have any additional questions about the application, please contact the Stafford Field Office at (620) 234-5311.

Sincerely,

A handwritten signature in blue ink, appearing to read "Taylor M. Arrowood".

Taylor M. Arrowood
Environmental Scientist
taylor.arrowood@ks.gov

pc: GMD



Stafford Field Office
300 S. Main Street
Stafford, KS 67578-1521

Phone: 620-234-5311
Fax: 620-234-6900
www.agriculture.ks.gov

Mike Beam, Secretary

Laura Kelly, Governor

December 21, 2022

Susan K & Karl H Wilson
439 NW 40 Ave
Great Bend KS 67530

RE: Water Right, File No(s). 15185, 17580

Dear Susan & Karl,

This is to advise you that ILS LAND LLC has filed an application for approval of the Chief Engineer, Division of Water Resources, Kansas Department of Agriculture, to change the point of diversion and place of use under the above referenced file number(s). You are being notified of the proposed change because it appears you have a groundwater well within one-half mile of the proposed point of diversion. As such, you may provide this office any comments or other information you may want to submit regarding the proposed change. Such comments or other information must be received in this office within 15 days of the date of this letter, or any authorized extension of time.

You can find the complete application posted by the water right file number(s) as referenced above at www.agriculture.ks.gov/divisions-programs/dwr/water-appropriation/notices. If you do not have access to the internet and would like a copy of the application, please contact the Stafford Field Office. If you have any additional questions about the application, please contact the Stafford Field Office at (620) 234-5311.

Sincerely,

A handwritten signature in blue ink that reads "Taylor Arrowood".

Taylor M. Arrowood
Environmental Scientist
taylor.arrowood@ks.gov

pc: GMD

Stafford Field Office
300 S. Main Street
Stafford, KS 67578-1521



Phone: 620-234-5311
Fax: 620-234-6900
www.agriculture.ks.gov

Mike Beam, Secretary

Laura Kelly, Governor

December 21, 2022

Kenneth A & Donna M Birt
417 NW 40 Ave
Great Bend KS 67530

RE: Water Right, File No(s). 15185, 17580

Dear Kenneth & Donna,

This is to advise you that ILS LAND LLC has filed an application for approval of the Chief Engineer, Division of Water Resources, Kansas Department of Agriculture, to change the point of diversion and place of use under the above referenced file number(s). You are being notified of the proposed change because it appears you have a groundwater well within one-half mile of the proposed point of diversion. As such, you may provide this office any comments or other information you may want to submit regarding the proposed change. Such comments or other information must be received in this office within 15 days of the date of this letter, or any authorized extension of time.

You can find the complete application posted by the water right file number(s) as referenced above at www.agriculture.ks.gov/divisions-programs/dwr/water-appropriation/notices. If you do not have access to the internet and would like a copy of the application, please contact the Stafford Field Office. If you have any additional questions about the application, please contact the Stafford Field Office at (620) 234-5311.

Sincerely,

A handwritten signature in blue ink, appearing to read "Taylor M. Arrowood".

Taylor M. Arrowood
Environmental Scientist
taylor.arrowood@ks.gov

pc: GMD



Stafford Field Office
300 S. Main Street
Stafford, KS 67578-1521

Phone: 620-234-5311
Fax: 620-234-6900
www.agriculture.ks.gov

Mike Beam, Secretary

Laura Kelly, Governor

December 21, 2022

GREAT BEND FEEDING INC
551 SW 30 Rd
Great Bend KS 67530

RE: Water Right, File No(s). 15185, 17580

Dear Great Bend Feeding Inc,

This is to advise you that ILS LAND LLC has filed an application for approval of the Chief Engineer, Division of Water Resources, Kansas Department of Agriculture, to change the point of diversion and place of use under the above referenced file number(s). You are being notified of the proposed change because it appears you have a groundwater well within one-half mile of the proposed point of diversion. As such, you may provide this office any comments or other information you may want to submit regarding the proposed change. Such comments or other information must be received in this office within 15 days of the date of this letter, or any authorized extension of time.

You can find the complete application posted by the water right file number(s) as referenced above at www.agriculture.ks.gov/divisions-programs/dwr/water-appropriation/notices. If you do not have access to the internet and would like a copy of the application, please contact the Stafford Field Office. If you have any additional questions about the application, please contact the Stafford Field Office at (620) 234-5311.

Sincerely,

A handwritten signature in blue ink, appearing to read "Taylor M. Arrowood".

Taylor M. Arrowood
Environmental Scientist
taylor.arrowood@ks.gov

pc: GMD

Arrowood, Taylor [KDA]

From: Heidi Jo Burton <heidijo.burton@ilsbeef.com>
Sent: Thursday, December 15, 2022 1:57 PM
To: Arrowood, Taylor [KDA]
Cc: Fitch, Elizabeth [KDA]
Subject: POD Combine 15185 (454) & 17580 (453)

Follow Up Flag: Follow up
Flag Status: Flagged

EXTERNAL: This email originated from outside of the organization. Do not click any links or open any attachments unless you trust the sender and know the content is safe.

Hello Taylor,
Please use the attached POD for this project. (Let me know if you find a problem with the POD)

After adding water rights the end results would look something like this:

Acres = $105 + 63 = 168$ acres

GPM = 990 GPM

Allotment = 179 ac/ft

5 Year allocation would be $473.41 = 94.69$ ac/ft per year.

Please proceed with putting together the application.

Thank you,
Heidi Jo

Heidi Jo Burton



ILS FARMS

551 SW 30 Road
Great Bend, KS 67530
620-792-6166 Office
620-792-7178 Fax
heidijo.burton@ilsbeef.com

12:30 ↗

📶 LTE 🔋

◀ Messages



7 40 AVE

My Location



My Location



New Well: 2600'N, 4211'W

Arrowood, Taylor [KDA]

From: Fitch, Elizabeth [KDA]
Sent: Friday, December 9, 2022 12:53 PM
To: Arrowood, Taylor [KDA]
Subject: FW: ILS Land #453 test log
Attachments: ILS Farms #453 Test Log #1-22 (SW 2-19-14).xlsx

Follow Up Flag: Follow up
Flag Status: Flagged

Heads up. I haven't talked to ILS about this yet (that I remember).

Elizabeth

From: Rosencrantz Bemis <R-Bwater@hotmail.com>
Sent: Friday, December 9, 2022 12:08 PM
To: Fitch, Elizabeth [KDA] <Elizabeth.Fitch@ks.gov>
Subject: ILS Land #453 test log

EXTERNAL: This email originated from outside of the organization. Do not click any links or open any attachments unless you trust the sender and know the content is safe.

Elizabeth,

I have attached the test log for ILS Land #453 in SW 2-19-14

Please let us know if you need anything else.

Thank you,

Bobbie Milford
secretary, Rosencrantz-Bemis

DRILLER'S TEST LOG

Customer Name: ILS Farms #453 *File No. 17580,15185* Date: 12/8/2022
 Address _____ Test No: #1-22
 County: Barton Quarter: SW Section: 2 Township: 19 Range: 14

Drilled Footage		Description of Strata	Indicate Test Location by an X			
From	To					
0	3	Top soil				
3	6	Brown clay				
6	30	Tan clay				
30	35	Dark gray clay				
35	41	Tan clay				
41	62	Sand & gravel- fine to small med clean				
62	67	Gray clay	X			
67	85	Sand & gravel- small med clean				
85	88	Sand & gravel- fine to small med clean				
		w/ broken rock				
88	95	Fire clay				
			Static Water Level: <u>30</u> Ft			
			Remarks: <u>Supply well for Rig #8</u>			
			Garmin GPS: NAD 83			
			Latitude: 38.42671 N			
			Longitude: 98.84500 W			
			Elevation:			
			Driller: <u>Luis Luna</u>			
			Spot Location: <u>NE/ NE/ NW/ SW</u>			

ROSENCRANTZ-BEMIS EQUIPMENT CO., INC

Telephone (620) 792-2488 or (620) 793-5512

P.O. Box 713, Great Bend, KS 67530