

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

1. File Number: 16181	2. Status Change Date: 3/18/2019	3. Change Num: C5	4. Field Office: 03	5. GMD: 04
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: 30-NOV-2018
8a. Applicant(s) New to system <input type="checkbox"/> PIONEER FEEDYARD LLC 1021 COUNTY RD CC OAKLEY KS 67748		Person ID <u>63414</u> Add Seq# <u>1</u>		
8b. Landowner(s) New to system <input type="checkbox"/> PIONEER FEEDYARD LLC 1021 COUNTY RD CC OAKLEY KS 67748		Person ID <u>63414</u> Add Seq# <u>1</u>		
8c. Landowner(s) New to system <input type="checkbox"/>		Person ID _____ Add Seq# _____		
8d. WUC New to system <input type="checkbox"/> <u>PIONEER FEEDYARD LLC</u> <u>1021 COUNTY RD CC</u> <u>OAKLEY KS 67748</u>		Person ID <u>63414</u> Add Seq# <u>1</u>		
9. Documents and Enclosure(s): <input checked="" type="checkbox"/> DWR Meter(s) Date to Comply: <u>12/31/19</u> <input checked="" type="checkbox"/> N & P Date to Comply: <u>12/31/19</u>				
<input type="checkbox"/> Anti-Reverse Meter <input type="checkbox"/> Meter Seal <input checked="" type="checkbox"/> Check Valve <input checked="" type="checkbox"/> N & P Form <input type="checkbox"/> Water Tube <input type="checkbox"/> Driller Copy <input type="checkbox"/> H & E Letter				
<input type="checkbox"/> Conservation Plan Date Required: _____ Date Approved: _____ Date to Comply: _____				
10. Use Made of Water From: <u>IRR AND STK</u> To: <u>IRR AND STK (DUAL USE)</u>				
Date Prepared: 3/13/19 By: RAK Date Entered: 3/18/2019 By: LLM				

File No. **16181** 11. County: **GO** Basin: **HACKBERRY CREEK** Stream: Formation Code: **211** Special Use:

12. Points of Diversion CHK MOD DEL ENT	PDIV	Qualifier	S	T	R	ID	'N	'W	Comment (AKA Line)	Rate and Quantity				
										Authorized		Additional		
										Rate gpm/cfs	Quantity af/mgy	Rate gpm/cfs	Quantity af/mgy	Overlap PD Files
IRR MOD 12814	NW SW NE¼	16 11 31W 2 3772 2264							IRR/STK DUAL USE	750gpm	379.7 af	750gpm	379.7 af	16181-STK
STK MOD 12814	NW SW NE¼	16 11 31W 2 3772 2264							IRR/STK DUAL USE	750gpm	123.72 mgy	0	0	16181-IRR
IRR MOD 29503	NW¼NW¼NW¼	16 11 31W 1 5040 4753							IRR/STK DUAL USE; AKA NW 16 435	435 gpm	379.7 af	435 g.p.m.	0	16181-STK
STK MOD 29503	NW¼NW¼NW¼	16 11 31W 1 5040 4753							IRR/STK DUAL USE; AKA NW 16 435	435 gpm	123.72 mgy	0	0	16181-IRR

DUAL USE BLANKET QUANTITY BUT ASSIGNED DIVERSION RATES PER WELL

PERMANENT QUANTITY 379.7AF (123.72 m.g.y.) BUT TEMPORARY REDUCTION TO 377 AF (122.85 m.g.y.) WHILE IRR/STK DUAL USE

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

14. REMOVE Limitation: **STDBY WELL** af/yr at _____ gpm (_____)
 ADD Limitation: **LIMITED TO 377 AF (122.85 m.g.y.) IRR/STK COMBINED DUAL USE** 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 CHK MOD DEL ENT	PUSE	S	T	R	ID	NE¼				NW¼				SW¼				SE¼				Total	Owner	Chg?	Overlap Files
						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				
STK ✓	16573	18	11S	31W	1																		8B	NO	see above
STK ✓	25859	19	11S	31W	1																				
IRR ✓	19964	16	11S	31W	1	31.00	31.00	31.00	31.00													124.00	8B	NO	NO

Base Acres: Year: Minimum Reasonable Quantity:

Comments: **REMOVE MAIN ACTION TRAIL ENTRY STANDBY WELL?**

BS comment in Main Action Trail

NEED POP UP BOX FOR TEMPORARY QUANTITY REDUCTION

QUANTITY LIMITED TO 377 ACRE-FEET (122.85 m.g.y.) as long as additional stockwatering desired.

KANSAS DEPARTMENT OF AGRICULTURE
Division of Water Resources
MEMORANDUM

TO: Files

DATE: March 13, 2019

FROM: Richelle A. Krueger

RE: Water Right
File No. 16,181

Scott Foote, on behalf of Pioneer Feedyard, Inc., owner of the above referenced water right, filed an application for approval to change the point of diversion and use made of water for Water Right, File No. 16,181, authorized for both irrigation and stockwatering uses.

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

File No. 16,181 is authorized two wells located in Section 16, Township 11 South, Range 31 West, Gove County, Kansas for irrigation use in Section 16 and for stockwatering use in a feedlot located in the North Half (N $\frac{1}{2}$) and the Southwest Quarter (SW $\frac{1}{4}$) of Section 18, and in the North Half of the Northwest Quarter (N $\frac{1}{2}$ NW $\frac{1}{4}$) and the North Half of the South Half of the Northwest Quarter (N $\frac{1}{2}$ S $\frac{1}{2}$ NW $\frac{1}{4}$) of Section 19 in the aforementioned township and range. There are no overlaps in the irrigation place of use but the stockwatering place of use overlaps Water Right, File Nos. 35,587; 35,594; 35,597; 35,598; 35,599 and 35,600, and Appropriation of Water, File No. 48,933. The easternmost well (3772'N,2264'W) is authorized 20 acre-feet and 750 gallons per minute for irrigation use and is also authorized as a standby stockwatering well for File No. 16,181. The westernmost well (5040'N,4753'W) is authorized 117.2 million gallons (359.7 acre-feet) per calendar year and 435 gallons per minute solely for stockwatering use. The water right owner proposes to convert the entire file to a dual use of water that will allow for up to 122.85 million gallons (377 acre-feet) of water for both stockwatering and irrigation uses in any calendar year. The temporary reduced quantity is based on K.A.R. 5-5-9/5-5-10 calculations. If the file would revert to irrigation use only, the authorized quantity would revert to the 379.7 acre-feet authorized in the August 27, 2018 change approval. No changes to the irrigation or stockwatering places of use are proposed.

The water right owner also proposes both wells be authorized as dual use irrigation/stockwatering wells with a blanket quantity of 377 acre-feet (122.85 m.g.y.) and the diversion rates presently assigned to each well unchanged. File No. 16,181 was originally certified for two wells with assigned rates and quantities for irrigation use. In an e-mail dated February 28, 2019, Kelly Stewart, Water Commissioner of the Stockton Field Office, indicated that on the last change they moved quantity closer to nearby wells and left a very small quantity (20 acre-feet) on the well that was further from the nearby wells. By allowing the blanket quantity, it will effectively shift more pumping from the higher density well location to a lesser one, and the blanket quantity in combination with dual use will give the feedyard the flexibility they need to adapt.

No other wells were identified in WRIS or on the application map within one half mile of the proposed wells so no nearby well owner letters sent.

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

In a letter dated March 6, 2019, received via e-mail on the same day, Ray Luhman, Manager of Northwest Kansas Groundwater Management District No. 4, indicated that the Board of Directors of GMD No. 4 recommended approval of the application.

In an e-mail dated March 12, 2019 Kelly indicated no objection to approval of the application.

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

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

PIONEER FEEDYARD LLC
1021 COUNTY RD CC
OAKLEY KS 67748

March 20, 2019

FILE COPY

RE: Water Right, File No. 16,181

Dear Sir or Madam:

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.

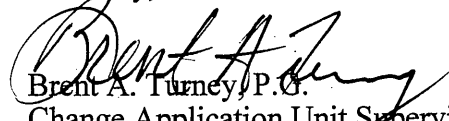
Your attention is directed to the enclosures and to the terms, conditions, and limitations specified in this approval for change. A condition of the approval is that acceptable water flow meters must be installed so that both irrigation and stockwatering uses can be metered independent of each other. Please return the required notification of completion of the diversion works and/or installation of the required meters as soon as these actions are completed.

Please be reminded that reports of water usage must be submitted to this office annually. Records indicating the amount of water used should be furnished to the Chief Engineer by March 1 following the end of the previous calendar year so that the continued use of water becomes a matter of record in this office.

Since this order modifies the original documents 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,


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

BAT:rak

pc: Stockton Field Office
Groundwater Management District No. 4

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 POINT OF DIVERSION AND USE MADE OF WATER AND ORDER IN THE MATTER OF THE AUTHORIZED QUANTITY OF WATER WATER RIGHT FILE NO. 16,181

The Chief Engineer, Division of Water Resources, Kansas Department of Agriculture, after due consideration of the written application of Scott Foote, on behalf of Pioneer Feedyard, L.L.C., 1021 County Road CC, Oakley, Kansas 67748, received in this office on November 30, 2018, for approval of a change in the location of the authorized point of diversion and use made of water 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 22, 2003, approving the application to change the place of use and use made of water, by the Order of the Chief Engineer dated April 24, 2014, approving the application to change the point of diversion, and by the Order of the Chief Engineer dated August 27, 2018, approving the applications to change the point of diversion and use made of water, finds that the changes are reasonable and will not impair existing rights, that the changes relate to the same local source of supply and that the application should be and are hereby approved.

The authorized quantity under this water right will remain 379.7 acre-feet (123.72 million gallons). This order effectively limits the authorized quantity of water to 377 acre-feet (122.85 million gallons) per calendar year for both stockwatering and irrigation uses combined. That the limitation on the quantity of water shall exist until such a time that the quantity of water for stockwatering use authorized by this approval is no longer required.

The effective date of the change shall be the date this order is executed by the Chief Engineer, after which the authorized points of diversion for dual irrigation and stockwatering purposes are authorized from the following dual use points of diversion:

one(1) well located in the Northwest Quarter of the Southwest Quarter of the Northeast Quarter (NW $\frac{1}{4}$ SW $\frac{1}{4}$ NE $\frac{1}{4}$) of Section 16, more particularly described as being near a point 3,772 feet North and 2,264 feet West of the Southeast corner of said section, in a quantity not to exceed 377 acre-feet (122.85 million gallons) of groundwater per calendar year at a rate of diversion not in excess of 750 gallons per minute (1.67 c.f.s.), and

one(1) well located in the Northwest Quarter of the Northwest Quarter of the Northwest Quarter (NW $\frac{1}{4}$ NW $\frac{1}{4}$ NW $\frac{1}{4}$) of Section 16, more particularly described as being near a point 5,040 feet North and 4,753 feet West of the Southeast corner of said section, in a quantity not to exceed 377 acre-feet (122.85 million gallons) of groundwater per calendar year at a rate of diversion not in excess of 435 gallons per minute (0.97 c.f.s.),

both in Township 11 South, Range 31 West, Gove County, Kansas,

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

That the above described dual use points of diversion are further limited to a total of 377 acre-feet (122.85 million gallons) of groundwater per calendar year for the dual stockwatering and irrigation uses combined.

Installation of the works for diversion of water shall be completed on or before December 31, 2019, or within any authorized extension of time. The water right owner 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.

The water right owner shall properly install a separate acceptable water meter for each use made of water for 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 meters has been completed. The water right owner shall maintain the water meters 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 for irrigation and stockwatering use may be determined. The water right owner shall also report the reading of said water meters and the total quantity of water diverted annually to the Chief Engineer. Such records shall be furnished to the Chief Engineer by March 1 following the end of each calendar year.

In all other respects, the Certificate of Appropriation issued pursuant to Approval of Application, File No. 16,181, for permit to appropriate water for beneficial use, is as stated and set forth in the Certificate of Appropriation dated May 27, 1982, as modified and amended by the aforementioned orders.

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.

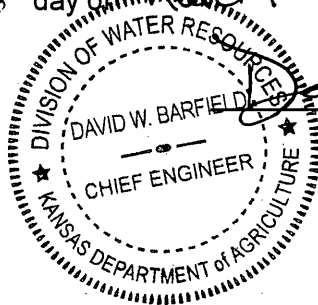
To obtain an evidentiary hearing before the Chief Engineer, a written request for hearing must be filed within 15 days after service of this Order as provided in K.S.A. 77-531 (i.e., within a total of 18 days after this Order was mailed to you), with the Kansas Department of Agriculture, Attn: Legal Section, 1320 Research Park Drive, Manhattan, Kansas 66502, or by 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 the Secretary of Agriculture, Attn: Legal Division, Kansas Department of Agriculture, 1320 Research Park Drive, Manhattan, Kansas 66502, or by 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.

Ordered this 18th day of March, 2019, in Manhattan, Riley County, Kansas.



David W. Barfield

David W. Barfield, P.E.
Chief Engineer
Division of Water Resources
Kansas Department of Agriculture

State of Kansas)
) SS
County of Riley)

The foregoing instrument was acknowledged before me this 18th day of March 2019, by David W. Barfield, P.E., Chief Engineer, Division of Water Resources, Kansas Department of Agriculture.



Karen Hunter

Notary Public

CERTIFICATE OF SERVICE

On this 20th day of March, 2019, I hereby certify that the attached original Approval of Change in Point of Diversion and Use Made of Water, File No. 16,181, dated March 18th, 2019 was mailed postage prepaid, first class, US mail to the following:

PIONEER FEEDYARD LLC
1021 COUNTY RD CC
OAKLEY KS 67748

With photocopies to:

Stockton Field Office
Groundwater Management District No. 4

Danielle Wilson

Staff

Submit To: CHIEF ENGINEER
Division of Water Resources
Kansas Department of Agriculture
1320 Research Park Drive
Manhattan, KS 66502
www.ksda.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

- (Check one or more)
- Place of Use
 - Point of Diversion
 - Use Made of Water

Water Resources
Received
NOV 30 2018
11:34
KS Dept Of Agriculture

File No. 16181

2. Name of applicant: Pioneer Feedyard LLC

Address: 1021 County RD CC

City, State and Zip: Oakley, KS 67748

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

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): This change is proposed

to fix a change previously made that was incorrect in terms of what the owner thought was occurring with the water right.

Additionally, the owner wishes to have dual use (IRR and STK) associated with this water right for additional flexibility

The change(s) are completed by NA

(Date)

For Office Use Only:	
F.O. <u>3</u> GMD <u>4</u> Meets K.A.R. 5-5-1 (YES / NO) Use <u>IRR/STK</u> Source <u>G</u> S County <u>GO</u> By <u>DAW</u> Date <u>11/30/18</u>	
Code <u>C-2</u> Fee \$ <u>400</u> TR # _____ Receipt Date <u>11/30/18</u> Check # <u>23203</u>	

APPLICATION COMPLETE

DWR 1-120 (Revised 06/29/2009) 316119
Reviewer RAK

Assisted by: _____

SCANNED

12/4/2018 UM

4. The presently authorized place of use is:

Owner of Land — NAME: Pioneer Feedyard LLC

ADDRESS: 1021 County RD CC, Oakley, KS 67748

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	
18	11S	31W	Feedlot (N2 & SW)																
19	11S	31W	FEEDLOT (N2 NW) & (N2 S2 NW)																
16	11S	31W	31	31	31	31													124

* All * List any other water rights that cover this place of use. 35587, 35594, 35597, 35598, 35599, 35600, 48933

STK pu o lps

Owner of Land — NAME: _____

ADDRESS: _____

Sec.	Twp.	Range	NE¼				NW¼				SW¼				SE¼				TOTAL ACRES
			NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	

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

Owner of Land — NAME: _____

ADDRESS: _____

Sec.	Twp.	Range	NE¼				NW¼				SW¼				SE¼				TOTAL ACRES
			NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	

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

5. It is proposed that the place of use be changed to:

Owner of Land — NAME: No change

ADDRESS: _____

Sec.	Twp.	Range	NE¼				NW¼				SW¼				SE¼				TOTAL ACRES
			NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	

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

IF MORE SPACE IS NEEDED, ATTACH ADDITIONAL SHEETS AS NECESSARY

Water Resources
Received

NOV 30 2018

KS Dept Of Agriculture

** per WRTS*

** ROK/pur 2/28/19*

SCANNED

6. The presently authorized point(s) of diversion is 2 wells
(Provide description and number of points)

7. The proposed point(s) of diversion is 2 wells
(Provide description and number of points)

List all presently authorized point(s) of diversion:

8. **Presently authorized point of diversion: Irrigation Use**
 One in the NW Quarter of the SW Quarter of the NE Quarter of Section 16, Township 11 South, Range 31 W, in Gove County, Kansas, 3772 feet North 2264 feet West of Southeast corner of section.
 Authorized Rate 750 gpm Authorized Quantity 20 AF
 (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 Dual Use (STK & IRR)
Proposed point of diversion: (Complete only if change is requested)
 One in the NW Quarter of the SW Quarter of the NE Quarter of Section 16, Township 11 South, Range 31 W, in Gove County, Kansas, 3772 feet North 2264 feet West of Southeast corner of section.
 Proposed Rate 750 gpm Proposed Quantity ***
 This point is: Additional Well Geo Center List other water rights that will use this point _____

9. **Presently authorized point of diversion: STK Use**
 One in the NW Quarter of the NW Quarter of the NW Quarter of Section 16, Township 11S South, Range 31 W, in Gove County, Kansas, 5040 feet North 4753 feet West of Southeast corner of section.
 Authorized Rate 435 Authorized Quantity 117.2 MGY
 (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 Dual Use (STK & IRR)
Proposed point of diversion: (Complete only if change is requested)
 One in the NW Quarter of the NW Quarter of the NW Quarter of Section 16, Township 11S South, Range 31 W, in Gove County, Kansas, 5040 feet North 4753 feet West of Southeast corner of section.
 Proposed Rate 435 Proposed Quantity ***
 This point is: Additional Well Geo Center List other water rights that will use this point _____

10. **Presently authorized point of diversion: Standby well to be changed to primary**
 One in the NW Quarter of the SW Quarter of the NE Quarter of Section 16, Township 11 South, Range 31 W, in Gove County, Kansas, 3772 feet North 2264 feet West of Southeast corner of section.
 Authorized Rate 750 Authorized Quantity 117.2
 (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 Dual Use (STK & IRR)
Proposed point of diversion: (Complete only if change is requested)
 One in the NW Quarter of the SW Quarter of the NE Quarter of Section 16, Township 11 South, Range 31 W, in Gove County, Kansas, 3772 feet North 2264 feet West of Southeast corner of section.
 Proposed Rate 750 Proposed Quantity ***
 This point is: Additional Well Geo Center List other water rights that will use this point _____

***The proposed change in point of diversion and use made of water will give a blanket quantity between the two wells of 122.85 MGY

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

Water Resources
 Received
 NOV 30 2018
 .SCANNED
 KS Dept Of Agriculture

File No. 16181

11. The presently authorized use of water is for IRR and STK purposes.
It is proposed that the use be changed to IRR and STK purposes.
12. If changing the place of use and/or use made of water, describe how the consumptive use will not be increased.
The proposed change in use made of water will convert the remaining 20 AF of irrigation to Irrigation and stockwater use.
The conversion allows for 17.34 AF (5.65 MGY) to be converted to dual use 20 AF x 0.867 = 17.34 AF). Per previous
change in use made of water this allows for a maximum of 122.85 mgy to be used for stockwater or irrigation use
- (Please show any calculations here.)
13. It is requested that the maximum annual quantity of water be reduced to 122.85 mgy (acre-feet or million gallons).
14. It is requested that the maximum rate of diversion of water be reduced to NA gallons per minute (____ c.f.s.).
15. 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 ½ 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 ½ 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) ½ mile downstream and ½ 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.
16. 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 source of supply.
17. 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.

IF MORE SPACE IS NEEDED, ATTACH ADDITIONAL SHEETS AS NECESSARY

Water Resources
Received

NOV 30 2018

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 Hoxie, Kansas, this 26th day of November, 2018

[Signature]

(Owner)

(Spouse)

Scott Foote

(Please Print)

(Please Print)

(Owner)

(Spouse)

(Please Print)

(Please Print)

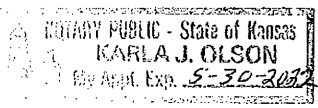
(Owner)

(Spouse)

(Please Print)

(Please Print)

State of Kansas }
County of Sheridan } SS



I hereby certify that the foregoing application was signed in my presence and sworn to before me this 26 day of November, 2018.

[Signature]

Notary Public

My Commission Expires 5-30-2022

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

NOV 30 2018

Krueger, Richelle [KDA]

From: Krueger, Richelle [KDA]
Sent: Wednesday, March 13, 2019 9:07 AM
To: Stewart, Kelly [KDA]
Cc: Billinger, Mark [KDA]; Turney, Brent [KDA]; Hageman, Rebecca [KDA]
Subject: RE: Request for Recommendation Change in PD UMW File No. 16181 Pioneer Feedyard

Okay, will do, just wanted to double check. Thanks Kelly!

From: Stewart, Kelly [KDA]
Sent: Wednesday, March 13, 2019 9:06 AM
To: Krueger, Richelle [KDA] <Richelle.Krueger@ks.gov>
Cc: Billinger, Mark [KDA] <Mark.Billinger@ks.gov>; Turney, Brent [KDA] <Brent.Turney@ks.gov>; Hageman, Rebecca [KDA] <Rebecca.Hageman@ks.gov>
Subject: RE: Request for Recommendation Change in PD UMW File No. 16181 Pioneer Feedyard

Richelle,

We can leave each well with its assigned rate. We only need the quantity to be a "blanket".

From: Krueger, Richelle [KDA]
Sent: Wednesday, March 13, 2019 8:34 AM
To: Stewart, Kelly [KDA] <Kelly.Stewart@ks.gov>
Cc: Billinger, Mark [KDA] <Mark.Billinger@ks.gov>; Turney, Brent [KDA] <Brent.Turney@ks.gov>; Hageman, Rebecca [KDA] <Rebecca.Hageman@ks.gov>
Subject: RE: Request for Recommendation Change in PD UMW File No. 16181 Pioneer Feedyard

Hi Kelly,

I just wanted to make sure on this, am I supposed to leave assigned diversion rates to the wells (435 g.p.m. and 750 g.p.m.) or should it be a blanket diversion rate(1185 g.p.m.)?

Also, I am writing this up with a path back to 379.7 acre-feet if they go back to strictly irrigation....

Thanks,
Richelle

From: Stewart, Kelly [KDA]
Sent: Tuesday, March 12, 2019 11:02 AM
To: Krueger, Richelle [KDA] <Richelle.Krueger@ks.gov>
Cc: Billinger, Mark [KDA] <Mark.Billinger@ks.gov>; Turney, Brent [KDA] <Brent.Turney@ks.gov>; Hageman, Rebecca [KDA] <Rebecca.Hageman@ks.gov>
Subject: RE: Request for Recommendation Change in PD UMW File No. 16181 Pioneer Feedyard

Richelle,

I have no objection to the approval of this application.

Kelly

From: Krueger, Richelle [KDA]
Sent: Tuesday, March 12, 2019 10:59 AM

To: Stewart, Kelly [KDA] <Kelly.Stewart@ks.gov>

Cc: Billinger, Mark [KDA] <Mark.Billinger@ks.gov>; Turney, Brent [KDA] <Brent.Turney@ks.gov>

Subject: Request for Recommendation Change in PD UMW File No. 16181 Pioneer Feedyard

Hi Kelly,

Attached is a draft memo for the referenced change, do you recommend approval?

Thanks,

Richelle

Krueger, Richelle [KDA]

From: Stewart, Kelly [KDA]
Sent: Tuesday, March 12, 2019 11:02 AM
To: Krueger, Richelle [KDA]
Cc: Billinger, Mark [KDA]; Turney, Brent [KDA]; Hageman, Rebecca [KDA]
Subject: RE: Request for Recommendation Change in PD UMW File No. 16181 Pioneer Feedyard

Richelle,

I have no objection to the approval of this application.

Kelly

From: Krueger, Richelle [KDA]
Sent: Tuesday, March 12, 2019 10:59 AM
To: Stewart, Kelly [KDA] <Kelly.Stewart@ks.gov>
Cc: Billinger, Mark [KDA] <Mark.Billinger@ks.gov>; Turney, Brent [KDA] <Brent.Turney@ks.gov>
Subject: Request for Recommendation Change in PD UMW File No. 16181 Pioneer Feedyard

Hi Kelly,

Attached is a draft memo for the referenced change, do you recommend approval?

Thanks,

Richelle

Krueger, Richelle [KDA]

From: Jody McCain <jmccain@gmd4.org>
Sent: Wednesday, March 6, 2019 3:46 PM
To: Krueger, Richelle [KDA]
Subject: Rec #16,181
Attachments: REC - 03-06-19 PIONEER FEEDYARD LLC.doc

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.

Richelle,

Attached is Ray's recommendation for WR #16,181.

Thank you,

Jody McCain
Administrative Assistant
NW KS Groundwater
Management District No 4
P O Box 905 – 1290 West Fourth
Colby KS 67701
785-462-3915
jmccain@gmd4.org

Water Resources
Received
MAR 06 2019
KS Dept Of Agriculture

SCANNED

March 6, 2019

Richelle Krueger
Division of Water Resources
1320 Research Park Drive
Manhattan KS 66502

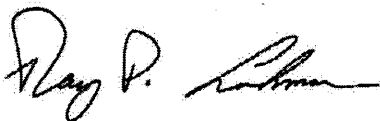
RE: Application 16,181
Pioneer Feedyard LLC

Dear Richelle,

The Northwest Kansas Groundwater Management District has reviewed the above referenced application and based on our records and the information supplied by the applicant, we have determined that the following recommendations be made to the Chief Engineer:
If you have any questions, please contact this office.

Approve application

Sincerely,



Ray Luhman
Manager

RPL: jem

Water Resources
Received
MAR 06 2019
KS Dept Of Agriculture

SCANNED

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

NORTHWEST KANSAS GROUNDWATER March 1, 2019
MANAGEMENT DISTRICT NO 4
ATTN RAY LUHMAN
PO BOX 905
COLBY KS 67701-0905

FILE COPY

RE: Water Right, File No. 16,181

Dear Ray:

We are enclosing a copy of the application to change the point of diversion and use made of water for the above referenced file number.

We are delaying 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 allowed time, or any authorized extension of time thereof. If you have any questions, please contact me at (785) 564-6635. If you call, please reference the file number so we can help you more efficiently.

Sincerely,

Richelle A. Krueger
Environmental Scientist
Water Appropriation Program

Enclosures

pc: Stockton Field Office

SCANNED

Krueger, Richelle [KDA]

From: Stewart, Kelly [KDA]
Sent: Thursday, February 28, 2019 1:27 PM
To: Krueger, Richelle [KDA]
Cc: Billinger, Mark [KDA]; Turney, Brent [KDA]
Subject: RE: Question File No. 16181 Change in PD UMW Pioneer Feedyard LLC

Richelle,

I am okay with this proposal. On the last change they did, they moved quantity closer to nearby wells and left a very small quantity on the well that was further from the nearby wells. By allowing the blanket quantity, it will effectively shift more pumping from the higher density well location to a lesser one. The blanket quantity in combination with dual use, will give the feed yard the flexibility they need to adapt.

Kelly

From: Krueger, Richelle [KDA]
Sent: Thursday, February 28, 2019 12:25 PM
To: Stewart, Kelly [KDA] <Kelly.Stewart@ks.gov>
Cc: Billinger, Mark [KDA] <Mark.Billinger@ks.gov>; Turney, Brent [KDA] <Brent.Turney@ks.gov>
Subject: Question File No. 16181 Change in PD UMW Pioneer Feedyard LLC

Hi Kelly,

I have begun reviewing the referenced change, they are proposing to make both wells dual use irr/stk wells. The file was certified for two wells with assigned rates and quantities for irrigation use. They are now proposing to convert to a blanket rate and quantity for the two existing wells. Are you okay with them having dual use on File No. 16181 and having a blanket rate and quantity on the two wells?

Thanks,
Richelle

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

PIONEER FEEDYARD, LLC
1021 COUNTY RD CC
OAKLEY, KS 67748

December 4, 2018

RE: File No 16181

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 PD/UMW
- 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,

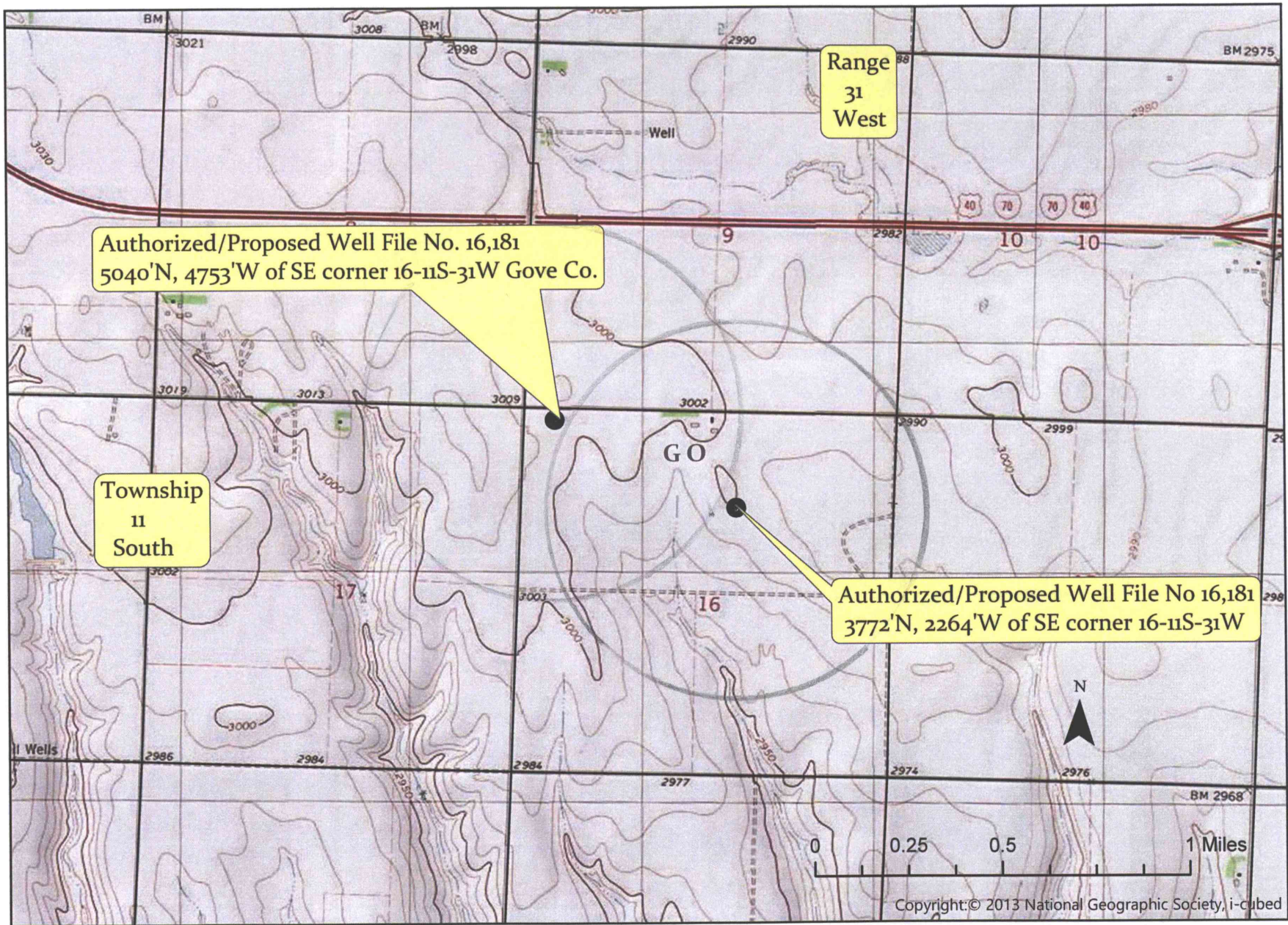
Brent Tourney, L.G.
Change Applications Unit Supervisor
Water Appropriation Program

BAT: DLW
pc: STOCKTON Field Office GMD4

SCANNED

*

Change in Point of Diversion File No. 16,181



* Map added to application 2/28/19
RAK/DWA