

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

1. File Number: <b>20725</b>	2. Status Change Date: <b>4/27/2020</b>	3. Change Num: <b>C5</b>	4. Field Office: <b>03</b>	5. GMD: <b>04</b>
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: <b>06-DEC-2019</b>
8a. Applicant(s) New to system <input type="checkbox"/>  <b>COTTONWOOD CORRAL INC MICHAEL J MACNAIR PRESIDENT 24089 NW X ROAD JETMORE KS 67854-9540</b>		Person ID <b>22642</b> Add Seq# <b>1</b>		
8b. Landowner(s) New to system <input type="checkbox"/>  <b>COTTONWOOD CORRAL INC MICHAEL J MACNAIR PRESIDENT 24089 NW X ROAD JETMORE KS 67854-9540</b>		Person ID _____ Add Seq# _____		
8c. Landowner(s) New to system <input type="checkbox"/>  <b>COTTONWOOD CORRAL INC MICHAEL J MACNAIR PRESIDENT 24089 NW X ROAD JETMORE KS 67854-9540</b>		Person ID <b>22642</b> Add Seq# <b>1</b>		
8d. WUC New to system <input type="checkbox"/>  <b>COTTONWOOD CORRAL INC MICHAEL J MACNAIR PRESIDENT 24089 NW X ROAD JETMORE KS 67854-9540</b>		Person ID _____ Add Seq# _____		
9. Documents and Enclosure(s): <input checked="" type="checkbox"/> DWR Meter(s) Date to Comply: <b>12/31/20</b> <input checked="" type="checkbox"/> N & P Date to Comply: <b>12/31/20</b>				
<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: _____    To: _____				
Date Prepared: <b>04/21/20</b> By: <b>RAK</b> Date Entered: <b>5/4/2020</b> By: <b>LMoody</b>				

File No. **20725**      11. County HG      Basin **PAWNEE RIVER**      Stream:      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)	Authorized		Additional		Overlap PD Files
ENT												Rate gpm/cfs	Quantity af/mgy	Rate gpm/cfs	Quantity af/mgy	
STK ENT	48712	NCS2S2NW4		9	21S	24W	4		<b>3216</b>	<b>3922</b>	STANDBY WELL (better described w gps - ft distances feet distances were 3090'N 3830'W)					NO
STK MOD	87742	SESWNW		9	21S	24W	9		3115	4013	PRIMARY WELL (Data Entry/ - please make sure rate and quantity for stock show in KWIS)	16 gpm	6.52 m.g.y.(20AF)	16 gpm	6.52 m.g.y.(20AF)	NO
IRR ✓	2829	CW NW¼		9	21S	24W	3		3934	5241	WELL #3	86 gpm	51AF	86 gpm	51 AF	NO
IRR MOD	14010	NW¼ NE¼ NW¼		9	21S	24W	6		<b>4953</b>	<b>3753</b>	 (better described w gps - ft distances feet distances were 4980'N 3750'W)	185 gpm	62.09 AF	35 gpm	62.09 AF	3593
IRR ✓	39624	NCN2S2 NW¼		9	21S	24W	7		3755	3575	WELL #4	130 gpm	76 AF	130 gpm	76 AF	NO
IRR MOD	67537	NENWNW		9	21S	24W	8		<b>4862</b>	<b>4597</b>	 (better described w gps - ft distances feet distances were 4822'N 4733'W)	175 gpm	2 AF	0 g.p.m.	2 AF	3593

13. Storage: Rate \_\_\_\_\_ NF      Quantity \_\_\_\_\_ ac/ft      Additional Rate \_\_\_\_\_ NF      Additional Quantity \_\_\_\_\_ ac/ft

14. Limitation: **185GPM-ID06&175GPM-ID08 COM/W3593 (KEEP)**  
 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																			Total	Owner	Chg?	Overlap Files					
CHK	MOD	DEL	PUSE	S	T	R	ID	NE¼				NW¼				SW¼				SE¼							
ENT								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				
<b>no changes to pu</b>																											

Base Acres:      Year:      Minimum Reasonable Quantity:      Comments:

**KANSAS DEPARTMENT OF AGRICULTURE**  
**Division of Water Resources**

**M E M O R A N D U M**

**TO:** Files  
**DATE:** April 21, 2020  
**FROM:** Richelle A. Krueger  
**RE:** Water Right  
File No. 20,725

Michael J. MacNair, on behalf of Cottonwood Coral, Inc. has filed an application for approval to change the point of diversion for the referenced file number, currently authorized groundwater for irrigation and stockwatering uses in the Pawnee River basin.

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

File No. 20,725 is authorized a total of 191.09 acre-feet of groundwater for irrigation use from four wells and a total of 6.52 million gallons (20 acre-feet) for stockwatering use from one well, all wells and places of use located in Section 9, Township 21 South, Range 24 West, Hodgeman County, Kansas. File No. 20,725 has always been authorized for both irrigation and stockwatering uses. The stockwatering point of diversion and place of use have no overlaps while the irrigation place of use and two of the four irrigation wells are overlapped by Water Right, File No. 3,593. The water right owner recently relocated the well authorized for stockwatering use to a point located 3,115 feet North and 4,013 feet West of the Southeast corner of Section 9 and is now proposing to add the previously authorized stockwatering well as a standby well pursuant to K.A.R. 5-1-2 *Standby well*. In accordance with K.A.R. 5-1-2, a limitation clause shall be placed on the water right authorizing a standby well to no more than the rate and quantity authorized for the above referenced file. The proposed standby well is authorized at a point located 3,090 feet North and 3,830 feet West of the Southeast corner of Section 9 (g.p.s. 3216'N,3922'W), and is located approximately 136 feet from the presently authorized stockwatering well (proposed primary stockwatering well).

The proposed standby well appears to meet spacing requirements of K.A.R. 5-4-4 to all wells located within one-half (1/2) mile. The standby well will only be used in the event the primary well is temporarily out of service because of mechanical failure, maintenance, or power failure, so direct impairment appears unlikely. All wells will be updated with g.p.s. feet distances described on the application.


According to the application map, there are two domestic wells and the irrigation wells authorized by File Nos. 3,593 and 20,725 located with one-half mile of the proposed existing standby well which appear to be under common ownership, so no notification letters sent.

The same local source of supply will not change, which has been previously determined to be Main Stem Alluvium (113).

In an e-mail dated March 24, 2020, Jeff Lanterman, Water Commissioner of the Stafford Field Office, recommended approval of the application.

Water flow meters will be required. Check valves are required if any chemical or foreign substance is injected into the water through the diversion works according to K.A.R. 5 -3-5(c).

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

  
Richelle A. Krueger  
Environmental Scientist

DEC 06 2019

Dept Of Agriculture



State of Kansas

Submit To: CHIEF ENGINEER  
Division of Water Resources  
Kansas Department of Agriculture  
1320 Research Park Drive  
Manhattan, Kansas 66502  
http://agriculture.ks.gov/dwr

**APPLICATION FOR APPROVAL TO  
CHANGE THE PLACE OF USE, THE  
POINT OF DIVERSION OR THE USE  
MADE OF THE WATER UNDER AN  
EXISTING WATER RIGHT**

**Filing Fee Must Accompany the Application**

(Please refer to Fee Schedule on signature page of application form.)

Paragraph Nos. 1, 2, 3, 4 & 8 must be completed. Complete all other applicable portions. A topographic map or detailed plat showing the authorized and proposed points(s) of diversion and /or place of use must accompany this application.

1. Application is hereby made for approval of the Chief Engineer to change the

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

File No. 20725

2. Name of applicant: Michael J MacNair, Cottonwood Corral Inc

Address: 24089 NW X Road

City, State and Zip: Jetmore KS 67854-9540

Phone Number: (620)393-1365 E-mail address: mickmacnair@gmail.com

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

Name of water use correspondent: Cottowood Corral Inc, Michael J MacNair President

Address: 24089 NW X Road

City, State and Zip: Jetmore KS 67854-9540

Phone Number: (620)393-1365 E-mail address: mickmacnair@gmail.com

3. The change(s) proposed herein are desired for the following reasons (please be specific): A standby well is needed to protect the feedlot in case the primary well is compromised. The proposed standby well will actually be an old well previously authorized for use at the feedlot.

The change(s) (will be) completed by as soon as this application is approved.  
(Date)

<b>For Office Use Only:</b>						
F.O. Code	<u>2</u>	GMD	<u>0</u>	Meets K.A.R. 5-5-1 (YES/NO)	<u>(YES)</u>	Use
	<u>CLT</u>			Fee \$	<u>100</u>	TR #
				Source	<u>G/S</u>	County
				Receipt Date	<u>12/6/19</u>	Check #
				By	<u>KJN</u>	Date
						<u>12/6/19</u>

APPLICATION COMPLETE  
3/24/20  
Reviewer RAIC **SCANNED**

## Krueger, Richelle [KDA]

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**From:** Krueger, Richelle [KDA]  
**Sent:** Monday, April 6, 2020 11:37 AM  
**To:** 'yobyor@wheatstate.com'  
**Subject:** FW: Request for Recommendation Change in PD File No. 20725 Cottonwood Coral Inc.  
**Attachments:** 20725pdstandbywellstkirrmem.doc

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**From:** Lanterman, Jeff [KDA] <Jeff.Lanterman@ks.gov>  
**Sent:** Tuesday, March 24, 2020 3:08 PM  
**To:** Krueger, Richelle [KDA] <Richelle.Krueger@ks.gov>  
**Cc:** Conant, Cameron [KDA] <Cameron.Conant@ks.gov>  
**Subject:** FW: Request for Recommendation Change in PD File No. 20725 Cottonwood Coral Inc.

Richelle, I recommend approval of this change application.

Thank You.  
Jeff

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**From:** Conant, Cameron [KDA] <Cameron.Conant@ks.gov>  
**Sent:** Friday, March 13, 2020 10:11 AM  
**To:** Lanterman, Jeff [KDA] <Jeff.Lanterman@ks.gov>  
**Subject:** FW: Request for Recommendation Change in PD File No. 20725 Cottonwood Coral Inc.

Jeff, Tyler and I worked directly with Mick MacNair on this project. Mick has a small feedlot in HG County. They have struggled with water quality at this well for a while now. In December we approved a field office change to relocate the primary feedlot well. Now they are requesting the old well to be authorized for use as the standby well. We could have done this all on an HQ change, but didn't because Mick wanted to drill the new well in a shorter time frame than it would take to get the standby well application approved.

Mick understands the definition of "standby" in this instance and the well will only be used for that purpose. It was the old well for stock use, so it is piped in already and should be metered.

This application for a standby well can be approved. Please pass on to Richelle.

Cameron

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**From:** Krueger, Richelle [KDA] <Richelle.Krueger@ks.gov>  
**Sent:** Thursday, February 20, 2020 2:55 PM  
**To:** Lanterman, Jeff [KDA] <Jeff.Lanterman@ks.gov>  
**Cc:** Conant, Cameron [KDA] <Cameron.Conant@ks.gov>  
**Subject:** Request for Recommendation Change in PD File No. 20725 Cottonwood Coral Inc.

Hi Jeff,  
Attached is a draft memo for the referenced pd change, which proposes to authorize the previously authorized stock well as a standby stock well. Do you recommend approval?

Thanks,

Richelle

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



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

Mike Beam, Secretary

Laura Kelly, Governor

COTTONWOOD CORRAL INC  
Attn: MICHAEL J MACNAIR PRESIDENT  
24089 NW X ROAD  
JETMORE, KS 67854-9540

RE: Water Right, File Nos. 3,593 and 20,725

Dear Mr. MacNair:

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

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

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

Also enclosed is the Findings and Order by the Chief Engineer, Division of Water Resources, Kansas Department of Agriculture, which better describes the locations of the authorized points of diversion under File No. 3,593. Please advise us if you no longer have an interest in the above referenced water right so that we may bring our records up to date.

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

If you have any questions, please contact this office. If you call, please reference the file number so we can help you more efficiently.

Sincerely,

Richelle A. Krueger  
Environmental Scientist  
Water Appropriation Program

RAK

pc: Stafford Field Office

# THE STATE OF KANSAS



**KANSAS DEPARTMENT OF AGRICULTURE**  
Mike Beam, Secretary of Agriculture

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

## **APPROVAL OF APPLICATION FOR CHANGE IN POINT OF DIVERSION WATER RIGHT FILE NO. 20,725**

The Chief Engineer, Division of Water Resources, Kansas Department of Agriculture, after due consideration of the written application of Michael J. MacNair, on behalf of Cottonwood Coral Incorporated 24089 Northwest X Road, Jetmore, Kansas 67854-9540, received in this office on December 6, 2019, for approval of a change in the location of the point of diversion under the certificate of appropriation issued pursuant to the application for permit to appropriate water for beneficial use, as modified and amended by the Order of the Chief Engineer dated March 19, 1990, approving the application to change the point of diversion, by the Order of the Chief Engineer dated May 31, 2002, approving the application to change the point of diversion and place of use, by the Order of the Chief Engineer dated April 24, 2013, approving the application to change the point of diversion and use made of water, and by the Order of the Chief Engineer dated November 19, 2019, approving the application to change the point of diversion, finds that the change is reasonable and will not impair existing rights, that the change relates to the same local source of supply and that the application should be and is hereby approved.

The effective date of the change shall be the date this order is executed by the Chief Engineer, after which the authorized locations of the points of diversion for stockwatering use shall be;

one (1) well located near the center of the South Half of the South Half of the Northwest Quarter ( $S\frac{1}{2} S\frac{1}{2} NW\frac{1}{4}$ ) of Section 9, more particularly described as being near a point 3,216 feet North and 3,922 feet West of the Southeast corner of said section, to be used as a standby well, and

one (1) well located in the Southeast Quarter of the Southwest Quarter of the Northwest Quarter ( $SE\frac{1}{4} SW\frac{1}{4} NW\frac{1}{4}$ ) of Section 9, more particularly described as being near a point 3,115 feet North and 4,013 feet West of the Southeast corner of said section, at a diversion rate not in excess of 16 gallons per minute (0.04 c.f.s.) and a quantity of water not to exceed 6.52 million gallons (20 acre-feet) per calendar year, to be used as a primary well,

both in Township 21 South, Range 24 West, Hodgeman County, Kansas,

and the locations of the authorized points of diversion for irrigation use shall be:

one (1) well located in the Northwest Quarter of Northeast Quarter of the Northwest Quarter ( $NW\frac{1}{4} NE\frac{1}{4} NW\frac{1}{4}$ ) of Section 9, more particularly described as being near a point 4,953 feet North and 3,573 feet West of the Southeast corner of said section, at a diversion rate not in excess of 185 gallons per minute (0.41 c.f.s.) and a quantity of water not to exceed 62.09 acre-feet per calendar year,

one (1) well located in the Northeast Quarter of the Northwest Quarter of the Northwest Quarter ( $NE\frac{1}{4} NW\frac{1}{4} NW\frac{1}{4}$ ) of Section 9, more particularly described as being near a point 4,862 feet North and 4,597 feet West of the Southeast corner of said section, at a diversion rate not in excess of 175 gallons per minute (0.39 c.f.s.) and a quantity of water not to exceed 2 acre-feet per calendar year,

one (1) well located near the center of the West side of the Northwest Quarter (CW NW $\frac{1}{4}$ ) of Section 9, more particularly described as being near a point 3,934 feet North and 5,241 feet West of the Southeast corner of said section, at a diversion rate not in excess of 86 gallons per minute (0.19 c.f.s.) and a quantity of water not to exceed 51 acre-feet per calendar year, and

one (1) well located near the center of 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 9, more particularly described as being near a point 3,755 feet North and 3,575 feet West of the Southeast corner of said section, at a diversion rate not in excess of 130 gallons per minute (0.29 c.f.s.) and a quantity of water not to exceed 76 acre-feet per calendar year,

all in Township 21 South, Range 24 West, Hodgeman County, Kansas,

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

The well described herein as the standby well shall be used exclusively at such time the well herein described as the primary well is inoperable due to mechanical, maintenance or power failure. Use of the standby well under these limiting conditions does not allow the authorized quantity of water or rate of diversion under this file to be exceeded.

Installation of the works for diversion of water shall be completed on or before December 31, 2020, 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 an acceptable water meter on the diversion works authorized under this water right, prior to the use of water, in strict accordance with the Kansas Administrative Regulations 5-1-4 through 5-1-12 adopted by the Chief Engineer. The water right owner shall notify the Chief Engineer when installation of the water meter has been completed. The water right owner shall maintain the water meter in an operating condition satisfactory to the Chief Engineer, at all times during diversion of water and shall maintain records from which the total quantity of water diverted may be determined. The water right owner shall also report the reading of said water meter and the total quantity of water diverted annually to the Chief Engineer. Such records shall be furnished to the Chief Engineer by March 1 following the end of each calendar year.



In all other respects, the Certificate of Appropriation issued pursuant to Approval of Application, File No. 20,725, for permit to appropriate water for beneficial use, is as stated and set forth in the Certificate of Appropriation dated February 14, 1986, as modified and amended by the aforementioned orders.

Ordered this 27<sup>th</sup> day of April, 2020, in Manhattan, Riley County, Kansas.

Lane P. Letourneau

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

State of Kansas )  
                          ) SS  
County of Riley )

April The foregoing instrument was acknowledged before me this 27<sup>th</sup> day of \_\_\_\_\_, 2020, by Lane P. Letourneau, P.G., Program Manager, Water Appropriation Program, Division of Water Resources, Kansas Department of Agriculture.

Katie Anderson

Notary Public



**RIGHT TO A HEARING AND TO ADMINISTRATIVE REVIEW**

If you are aggrieved by this Order, then pursuant to K.S.A. 82a-1901, you may:

- 1) request an evidentiary hearing before the Chief Engineer, or
- 2) request administrative review by the Secretary of Agriculture.

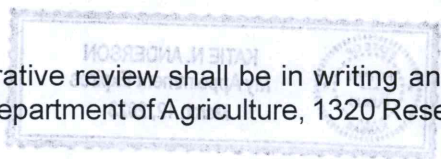
Failure to request an evidentiary hearing before the Chief Engineer does not preclude your right to administrative review by the Secretary.

To obtain an evidentiary hearing before the Chief Engineer, a written request for hearing must be filed within 15 days after service of this Order as provided in K.S.A. 77-531 (i.e., within a total of 18 days after this Order was mailed to you), with: Kansas Department of Agriculture, Attn: Legal Section, 1320 Research Park Drive, Manhattan, KS 66502, FAX (785) 564-6777.

If you do not file a request for an evidentiary hearing before the Chief Engineer, you may petition for administrative review of the Order by the Secretary of Agriculture. A petition for review shall be in writing and state the basis for requesting administrative review. The request for hearing may be denied if the request fails to clearly establish factual or legal issues for review. See K.S.A. 77-527. The petition must be filed within 30 days after service of this Order as provided in K.S.A. 77-531 (i.e., within a total of 33 days after this Order was mailed to you), and be filed with: Secretary of Agriculture, Attn: Legal Division, Kansas Department of Agriculture, 1320 Research Park Drive, Manhattan, KS 66502, FAX (785) 564-6777.

If neither a request for an evidentiary hearing nor a petition for administrative review is filed as set forth above, then this Order shall be effective and become a final agency action as defined in K.S.A. 77-607(b). Failure to timely request either an evidentiary hearing or administrative review may preclude further judicial review under the Kansas Judicial Review Act.

Any request for hearing or petition for administrative review shall be in writing and shall be submitted to the attention of: Chief Legal Counsel, Kansas Department of Agriculture, 1320 Research Park Drive, Manhattan, Kansas 66502, Fax: (785) 564 - 6777.



**CERTIFICATE OF SERVICE**

On this      day of      , 2020, I hereby certify that the foregoing Approval of Application for Change in Point of Diversion, File No. 20,725, dated      was mailed postage prepaid, first class, US mail to the following:

COTTONWOOD CORRAL INC  
Attn: MICHAEL J MACNAIR PRESIDENT  
24089 NW X ROAD  
JETMORE, KS 67854-9540

With photocopies to:

Stafford Field Office

**RIGHT TO A HEARING AND TO ADMINISTRATIVE REVIEW**

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- 1) request an evidentiary hearing before the Chief Engineer, or
- 2) request administrative review by the Secretary of Agriculture.

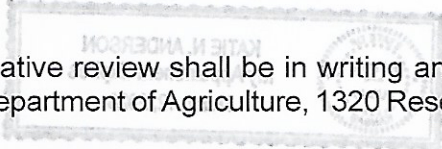
Failure to request an evidentiary hearing before the Chief Engineer does not preclude your right to administrative review by the Secretary.

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Any request for hearing or petition for administrative review shall be in writing and shall be submitted to the attention of: Chief Legal Counsel, Kansas Department of Agriculture, 1320 Research Park Drive, Manhattan, Kansas 66502, Fax: (785) 564 - 6777.



**CERTIFICATE OF SERVICE**

On this 6<sup>th</sup> day of May, 2020, I hereby certify that the foregoing Approval of Application for Change in Point of Diversion, File No. 20,725, dated April 27, 2020 was mailed postage prepaid, first class, US mail to the following:

COTTONWOOD CORRAL INC  
Attn: MICHAEL J MACNAIR PRESIDENT  
24089 NW X ROAD  
JETMORE, KS 67854-9540

With photocopies to:

Stafford Field Office

*Kate Anderson*

Division of Water Resources