

Kansas Department of Agriculture
Division of Water Resources
PERMIT OF NEW APPLICATION WORKSHEET

1. File Number: 50,158	2. Status Change Date: 4/11/2019	3. Field Office: 1	4. GMD: 0
5. Status: <input checked="" type="checkbox"/> Approved <input type="checkbox"/> Denied by DWR/GMD <input type="checkbox"/> Dismiss by Request/Failure to Return			
6. Enclosures: <input checked="" type="checkbox"/> Check Valve <input checked="" type="checkbox"/> N of.C Form <input type="checkbox"/> Water Tube <input type="checkbox"/> Driller Copy <input checked="" type="checkbox"/> Meter			
<p>7a. Applicant(s) New to system <input type="checkbox"/></p> <p>Person ID 60473 Add Seq# _____</p> <p>2 I FEEDERS LLC 884 RD 350 ALLEN KS 66833</p>	<p>7c. Landowner(s) New to system <input type="checkbox"/></p> <p>Person ID _____ Add Seq# _____</p>		
<p>7b. Landowner(s) New to system <input type="checkbox"/></p> <p>Person ID _____ Add Seq# _____</p> <p>7a.</p>	<p>7d. Misc. New to system <input type="checkbox"/></p> <p>Person ID _____ Add Seq# _____</p>		
<p>8. WUR Correspondent New to system <input type="checkbox"/> Overlap File (s) WUC Agree <input type="checkbox"/> Yes <input type="checkbox"/> No</p> <p>Person ID _____ Add Seq# _____ Notarized WUC Form <input type="checkbox"/></p> <p>7a.</p>	<p>9. Use of Water: Changing? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No</p> <p style="padding-left: 40px;"><input type="checkbox"/> Groundwater <input checked="" type="checkbox"/> Surface Water</p> <p><input type="checkbox"/> IRR <input type="checkbox"/> REC <input type="checkbox"/> DEW <input type="checkbox"/> MUN</p> <p><input checked="" type="checkbox"/> STK <input type="checkbox"/> SED <input type="checkbox"/> DOM <input type="checkbox"/> CON</p> <p><input type="checkbox"/> HYD DRG <input type="checkbox"/> WTR PWR <input type="checkbox"/> ART RECHRG</p> <p><input type="checkbox"/> IND SIC: _____ <input type="checkbox"/> OTHER: _____</p>		
10. Completion Date: 12/31/2020		11. Perfection Date: 12/31/2024	
12. Exp Date: _____			
13. Conservation Plan Required? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No Date Required: _____ Date Approved: _____ Date to Comply: _____			
14. Water Level Measuring Device? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No Date to Comply: _____ Date WLMD Installed: _____			
THIS IS A STORAGE AND REDIVERSION FILE		Date Prepared: 2/12/2019 By: DWS Date Entered: 4/16/2019 By: LLM	

File No. 50,158	15. Formation Code: 550	Drainage Basin: NEOSHO RIVER	County: LY	Special Use:	Stream: Allen Crk Tribl (Neosho)																																																																																																																				
<table border="1" style="width:100%; border-collapse: collapse;"> <tr> <th colspan="10">16. Points of Diversion</th> <th colspan="5">17. Rate and Quantity MOD ADDL QTY</th> </tr> <tr> <th rowspan="2">MOD DEL ENT</th> <th rowspan="2">T PDIV</th> <th rowspan="2">Qualifier</th> <th rowspan="2">S</th> <th rowspan="2">T</th> <th rowspan="2">R</th> <th rowspan="2">ID</th> <th rowspan="2">'N</th> <th rowspan="2">'W</th> <th colspan="2">Authorized</th> <th colspan="2">Additional</th> <th rowspan="2">Overlap PD Files</th> </tr> <tr> <th>Rate gpm</th> <th>Quantity mgy</th> <th>Rate gpm</th> <th>Quantity mgy</th> </tr> <tr> <td>√</td> <td></td> <td>64474 SE SW NW</td> <td>9</td> <td>16</td> <td>11E</td> <td>1</td> <td>2834</td> <td>4480</td> <td>800</td> <td>32.585</td> <td>800</td> <td>0</td> <td>44,071</td> </tr> <tr><td> </td><td> </td><td> </td><td> </td><td> </td><td> </td><td> </td><td> </td><td> </td><td> </td><td> </td><td> </td><td> </td><td> </td></tr> <tr><td> </td><td> </td><td> </td><td> </td><td> </td><td> </td><td> </td><td> </td><td> </td><td> </td><td> </td><td> </td><td> </td><td> </td></tr> <tr><td> </td><td> </td><td> </td><td> </td><td> </td><td> </td><td> </td><td> </td><td> </td><td> </td><td> </td><td> </td><td> </td><td> </td></tr> <tr><td> </td><td> </td><td> </td><td> </td><td> </td><td> </td><td> </td><td> </td><td> </td><td> </td><td> </td><td> </td><td> </td><td> </td></tr> <tr><td> </td><td> </td><td> </td><td> </td><td> </td><td> </td><td> </td><td> </td><td> </td><td> </td><td> </td><td> </td><td> </td><td> </td></tr> </table>					16. Points of Diversion										17. Rate and Quantity MOD ADDL QTY					MOD DEL ENT	T PDIV	Qualifier	S	T	R	ID	'N	'W	Authorized		Additional		Overlap PD Files	Rate gpm	Quantity mgy	Rate gpm	Quantity mgy	√		64474 SE SW NW	9	16	11E	1	2834	4480	800	32.585	800	0	44,071																																																																						
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19. Limitation: 112.42 MG/yr at _____ gpm (_____ cfs) when combined with file number(s) 44,071; 47,208; 49,697; and 50,157																																																																																																																									
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20. Meter Required? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No To be installed by 12/31/2020 Date Acceptable Meter Installed _____																																																																																																																									
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Comments: File Nos. 44,071; 47,208; 49,697; 50,157; and 50,158 overlap in STK place of Use.																																																																																																																									

KANSAS DEPARTMENT OF AGRICULTURE
Division of Water Resources
MEMORANDUM

TO: Files

DATE: February 12, 2019

FROM: Doug Schemm

RE: Applications, File Nos. 50,157 and 50,158

2 I Feeders LLC has filed the above referenced applications proposing to appropriate additional water for stockwatering use. File No. 50,157 is requesting 20 million gallons (61.38 acre-feet) of groundwater per calendar year at a diversion rate not to exceed 80 gallons per minute. File No. 50,158 is requesting 32.585 million gallons (100 acre-feet) of storage and the redirection of 32.585 million gallons (100 acre-feet) of surface water from an existing reservoir. The feedlot is located in Sections 8, 9, 16 and 17, all in Township 16 South, Range 11 East, in Lyon County, within the Neosho River Drainage Basin. The applicant is the owner of the place of use, and a representative has signed the applications stating they have access to the points of diversion. Note that both overlapping Water Right, File Nos. 44,071 and 47,208 exceeded their authorized quantity of water in 2017. These new applications will ensure the owner has adequate water authorized for future years. Note that File Nos. 44,071; 47,208; and 49,697 will all overlap in Place of Use after approval of pending change applications.

APPLICATION, FILE NO. 50,157

File No. 50,157 will overlap in point of diversion with File No. 47,208, which authorizes 4 wells, per K.A.R. 5-3-4, wherein a single application can include "Not more than four wells within a circle with a quarter-mile radius in the same local source of supply that do not exceed a maximum diversion rate of 20 gallons per minute per well." Therefore, this pending application must have a rate of diversion limitation of 80 gallons per minute and not to exceed 20 gallons per minute per well, with the senior file. File No. 47,208 is authorized 62 gpm, so this new application will provide for 18 gpm additional rate.

The applicant did not identify any other wells within one-half (½) mile of the proposed point of diversion, other than his own stockwatering and domestic wells. Therefore, no notification letters are required. The application complies with minimum well spacing criteria of 1,320 feet to all other existing non-domestic wells and 660 to any domestic wells. There are no other permitted wells within a 2-mile radius circle.

A review of the applicant's well logs shows alternating shales and limestones, with water encountered in the limestone layers at depths of 40 feet to 50 feet, with static water levels from 25 feet to 35 feet. Based on the senior file, and well logs, it appears the source of water is the Permian system (more specifically the Council Grove group). Total depths of the wells range from 80 to 100 feet. With water encountered at depths below where static water levels, this indicates that the bedrock aquifer is under confined conditions. Again, this is also typical for wells in this area where the limestone strata are believed to be the water source for the wells. Since the aquifer is likely confined, K.A.R. 5-3-14 describes the methodology to determine safe yield, as follows:

- (a) Each application to appropriate water from a confined aquifer shall be processed on a case by case basis so that the safe yield of the source of water supply is not exceeded.
- (b) Until a specific regulation is adopted by the chief engineer for the confined source of water supply, the analysis shall be made using the best information reasonably available to the chief engineer.

No specific regulation has been adopted by the chief engineer for the Permian bedrock aquifer; therefore the best information available should be utilized. The potential annual recharge established for this area for unconfined aquifers (5.2 inches) would provide a maximum quantity of recharge possible. Although it is likely that the confined bedrock aquifer system would receive somewhat less recharge than a near-surface, unconfined aquifer, this safe yield value for unconfined aquifers per K.A.R. 5-3-11 provides a maximum quantity of water available in the area of consideration.

If there is a significant quantity of water still remaining, then even with significant reduced recharge to the confined aquifer (in this case it would require only 4% of the maximum recharge value or 0.2 inches of recharge) there would still be sufficient water available. Therefore, based on the above discussion, it appears that this application can be approved per K.A.R. 5-3-14, using the best information reasonably available to the chief engineer. Also in keeping with the senior file, safe yield was evaluated using the extent of the bedrock aquifer, which is also consistent with other applications completed in this area of the state. Using the extent of the bedrock aquifer as the area of consideration provides a total of 8,042 acres. Based on a potential recharge of 5.2 inches, with 75% available for appropriation, safe yield was determined to be 2,613.8 acre-feet. With only 11.32 acre-feet previously appropriated in this area, there is sufficient quantity of water available for appropriation, and this application meets safe yield criteria.

APPLICATION, FILE NO. 50,158

File No. 50,158 will overlap in point of diversion with File No. 44,071, which authorizes one dam and reservoir. Documentation in the senior file shows that the capacity of the reservoir is 32 acre-feet, and the drainage area will provide for 203 acre-feet of runoff in 1 out of every five (5) years (a 20% chance). The dam is already permitted under the structures program under File No. DLY-151. The senior file storage quantity was based on 1 year of direct use (84 AF) + capacity (32 AF) + 1 year of evaporation (8.2 AF) for a total of 124 acre-feet. File No. 44,071 is certified with 75 acre-feet of storage, and 11.498 million gallons of direct use. The pending application is requesting 100 acre-feet of storage for a combined total of 175 acre-feet of storage, which is less than the basin runoff potential. The storage and redirection quantity requested under the pending application (100 acre-feet) is to supply additional water from this reservoir and is significantly less than one year of direct use of 345 acre-feet (112.42 million gallons). Upstream and downstream landowners were notified of both the new application and change application for File No. 44,071. No responses of any kind were received. As noted, this is an existing reservoir that has been in place for many years, and the applicant owns all of the property for over a mile below the dam. The applicant also owns the property upstream for one-half mile, and the stream only extends into the upstream property for a few hundred feet. There will be no impairment of senior water rights with approval of this application.

Finally, File No. 49,697 also overlaps in place of use. It is authorized to divert 96.452 million gallons from a proposed reservoir, which is owned by Allen Creek Watershed District No. 89.

File No. 44,071 is authorized 11.498 million gallons (direct use), File No. 47,208 is authorized 3.692 million gallons (limited to 13.295 million gallons with senior file), and File No. 49,697 is authorized 96.452 million gallons (limited to 96.452 million gallons direct use with the senior files). The applicant has provided information with the new application, to justify the requested quantity of water, as follows: 17,600 head of cattle x 15.0 gallons per head per day x 365 days = 96.4 million gallons. However, similar stockwatering facilities typically request additional water for cooling and sanitation, as follows:

Drinking water	=	96.4 million gallons
Cooling = 80 gpm x 60 min/hr x 10 hrs/day x 240 Days/year	=	11.52 million gallons
Sanitation, pen cleaning, etc.	=	3.5 million gallons
Other (Misc.)	=	<u>1.0 million gallons</u>
Total	=	112.42 million gallons

These pending applications will be limited to 112.42 million gallons when combined with the senior files, with File No. 50,157 providing 15.968 million gallons additional water (112.42 mgy – 96.452 mgy). File No. 50,158 will not provide any additional water when combined with the senior files, however, these new applications will provide greater flexibility in management of water for stockwatering use.

The applicant has submitted a signed and notarized Minimum Desirable Streamflow (MDS) statement for each application. By completing these statements, the applicant affirms his knowledge that there could be times when the diversion of water may not be allowed under these permits.

In accordance with K.S.A. 82a-706c, the Chief Engineer retains full authority to require any water user to install meters, gages, or other measuring devices, which devices he or she or his or her agents may read at any time. Water flowmeter requirements are further described in K.A.R. 5-1-4 through K.A.R 5-1-12. The applications indicate that no chemicals will be injected into the water pumped under these permits, therefore check valves will not be required. A diversion rate of less than 100 gallons per minute has been proposed, so a water level measurement tube is not required by regulation for File No. 50,157.

In a February 11, 2019 discussion, Katie Tietsort, Water Commissioner, Topeka Field Office, recommended approval of the referenced applications. Based on the above discussion, well spacing and safe yield criteria are met for File No. 50,157, approval gives the applicant adequate water for this facility, and approval of the applications will not impair senior water rights nor prejudicially or unreasonably affect the public interest, it is recommended that the referenced applications be approved.

Douglas W. Schemm
Environmental Scientist
Topeka Field Office

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

April 19, 2019

2 I FEEDERS LLC
884 RD 350
ALLEN KS 66833

FILE COPY

Re: Appropriation of Water, File Nos. 50,157 and 50,158

Dear Sir or Madam:

There are enclosed permits to appropriate water authorizing you to proceed with construction of the proposed diversion works (except those dams and stream obstructions regulated by K.S.A. 82a-301 through 305a), to divert such unappropriated water as may be available from the source and at the locations specified in these permits, and to use it for the purpose and at the location described in these permits.

Your attention is directed to the enclosures and to the terms, conditions, and limitations specified in these approval documents. Water meters are required on the proposed diversion works and you must install them prior to water being put to beneficial use in order for you to maintain accurate records of water use. The meters should be used to provide the information required on the annual water use reports.

Failure to notify the Chief Engineer of the Division of Water Resources of the completion of the diversion works within the time allowed, or within any authorized extension of time thereof, will result in the dismissal of these permits. Enclosed are forms which may be used to notify the Chief Engineer that the proposed diversion works have been completed. All requests for extensions of time to complete diversion works, or to perfect appropriations, must be submitted to the Chief Engineer before the expiration of time originally set forth in these permits to complete diversion works or to perfect an appropriation. If for any reason, you require an extension of time, you must request it before the expiration of time set forth in these permits. Failure to comply with this regulation will result in the dismissal of your permits or your water rights. Any request for an extension of time shall be accompanied by the required statutory fee, which is currently \$100.00 per file number. There is also enclosed an information sheet setting forth the procedure to obtain a Certificate of Appropriation which will establish the extent of your water rights.

Sincerely,

Kristen A. Baum
New Application Unit Supervisor
Water Appropriation Program

KAB:dws

Enclosures

pc: Topeka Field Office

THE STATE OF KANSAS



KANSAS DEPARTMENT OF AGRICULTURE
Mike Beam, Secretary of Agriculture

DIVISION OF WATER RESOURCES
David W. Barfield, Chief Engineer

APPROVAL OF APPLICATION and PERMIT TO PROCEED

(This is not a Certificate of Appropriation)

This is to certify that I have examined Application, **File No. 50,158** of the applicant

**2 I FEEDERS LLC
884 RD 350
ALLEN KS 66833**

for a permit to appropriate water for beneficial use, together with the maps, plans and other submitted data, and that the application is hereby approved and the applicant is hereby authorized, subject to vested rights and prior appropriations, to proceed with the construction of the proposed diversion works (except those dams and stream obstructions regulated by K.S.A. 82a-301 through 305a, as amended), and to proceed with all steps necessary for the application of the water to the approved and proposed beneficial use and otherwise perfect the proposed appropriation subject to the following terms, conditions and limitations:

1. That the priority date assigned to such application is **November 8, 2018**.
2. That the water sought to be appropriated shall be used for stockwatering use at a cattle feedlot located in the Southeast Quarter (SE $\frac{1}{4}$) of Section 8, the Southwest Quarter (SW $\frac{1}{4}$) of Section 9, the North Half of the North Half (N $\frac{1}{2}$ N $\frac{1}{2}$) of Section 16, and the North Half of the Northeast Quarter (N $\frac{1}{2}$ NE $\frac{1}{4}$) of Section 17, all in Township 16 South, Range 11 East, Lyon County, Kansas.
3. That the appropriation sought shall be limited to all natural flows of an unnamed tributary to Allen Creek, designated in the office of the Chief Engineer as Allen Creek Trib 1 (Neosho), not needed to satisfy all vested rights and prior appropriation rights to be incrementally accumulated as reservoir storage space becomes available to a maximum extent of **100 acre-feet** per calendar year in one (1) reservoir created by a dam 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 2,834 feet North and 4,480 feet West of the Southeast corner of said section, in Township 16 South, Range 11 East, Lyon County, Kansas, to provide **32.585 million gallons** (100 acre-feet) of water as needed for direct stockwatering use to be withdrawn, released or otherwise diverted from the reservoir at a re-diversion rate of approximately **800 gallons per minute (1.78 c.f.s.)**. A reasonable maximum re-diversion rate will be established during the perfection period and assigned at certification.
4. That installation of works for diversion of water shall be completed on or before **December 31, 2020** or within any authorized extension thereof. The applicant shall notify the Chief Engineer and pay the statutorily required field inspection fee, which is currently \$400.00, when construction of the works has been completed. Failure to timely submit the notice and the fee will result in revocation of the permit. Any request for an extension of time shall be submitted prior to the expiration of the deadline and shall be accompanied by the required statutory fee, which is currently \$100.00.

5. That the proposed appropriation shall be perfected by the actual application of water to the proposed beneficial use on or before **December 31, 2024** or any authorized extension thereof. Any request for an extension of time shall be submitted prior to the expiration of the deadline and shall be accompanied by the required statutory fee, which is currently \$100.00.

6. That the applicant shall not be deemed to have acquired a water appropriation for a quantity in excess of the amount approved herein nor in excess of the amount found by the Chief Engineer to have been actually used for the approved purpose during one calendar year subsequent to approval of the application and within the time specified for perfection or any authorized extension thereof.

7. That the use of water herein authorized shall not be made so as to impair any use under existing water rights nor prejudicially and unreasonably affect the public interest.

8. That the right of the appropriator shall relate to a specific quantity of water and such right must allow for a reasonable raising or lowering of the static water level and for the reasonable increase or decrease of the streamflow at the appropriator's point of diversion.

9. That this permit does not constitute authority under K.S.A. 82a-301 through 305a to construct any dam or other obstruction; nor does it grant any right-of-way, or authorize entry upon or injury to, public or private property.

10. That all re-diversion works constructed under the authority of this permit into which any type of chemical or other foreign substance will be injected into the water pumped from the re-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.

11. That an acceptable water flow meter shall be installed and maintained on the re-diversion works authorized by this permit in accordance with the Kansas Administrative Regulations 5-1-4 through 5-1-12 adopted by the Chief Engineer. This water flow meter shall be used to provide an accurate quantity of water diverted as required for the annual water use report (including the meter reading at the beginning and end of the report year).

12. That the applicant shall maintain accurate and complete records from which the quantity of water diverted during each calendar year may be readily determined and the applicant shall file an annual water use report with the Chief Engineer by March 1 following the end of each calendar year. Failure to file the annual water use report by the due date shall cause the applicant to be subject to a civil penalty.

13. That no water user shall engage in nor allow the waste of any water diverted under the authority of this permit.

14. That failure without cause to comply with provisions of the permit and its terms, conditions and limitations will result in the forfeiture of the priority date, revocation of the permit and dismissal of the application.

15. That the right to appropriate water under authority of this permit is subject to any minimum desirable streamflow requirements identified and established pursuant to K.S.A. 82a-703c for the source of supply to which this water right applies.

16. That the quantity of water approved under this permit is further limited to the quantity which combined with Water Right, File Nos. 44,071 and 47,208, and Appropriation of Water, File Nos. 49,697 and 50,157, will provide a **total not to exceed 112.42 million gallons** of water per calendar year for stockwatering use as described herein.

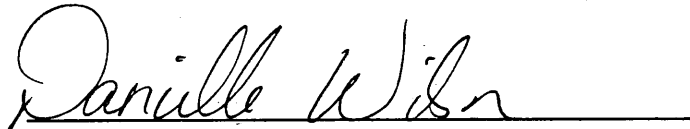
CERTIFICATE OF SERVICE

On this 19th day of April, 2019, I hereby certify that the foregoing Approval of Application, File No. 50,158, dated April 11th, 2019 was mailed postage prepaid, first class, US mail to the following:

2 I FEEDERS LLC
884 RD 350
ALLEN KS 66833

With photocopies to:

Topeka Field Office



Division of Water Resources

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, Kansas 66502, FAX (785) 564-6777.

If you do not file a request for an evidentiary hearing before the Chief Engineer, you may petition for administrative review of the Order by the Secretary of Agriculture. A petition for review shall be in writing and state the basis for requesting administrative review. The request for 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, Kansas 66502, FAX (785) 564-6777.

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

Ordered this 14th day of April, 2019, 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)

The foregoing instrument was acknowledged before me this 14th day of April, 2019, by Lane P. Letourneau, P.G., Program Manager, Division of Water Resources, Kansas Department of Agriculture.



Danielle Wilson

Notary Public

THE STATE OF KANSAS



KANSAS DEPARTMENT OF AGRICULTURE
Jackie McClaskey, Secretary of Agriculture

DIVISION OF WATER RESOURCES
David W. Barfield, Chief Engineer

File Number 5058
This item to be completed by the Division of Water Resources.

WATER RESOURCES
RECEIVED

NOV 08 2018

11:51

APPLICATION COMPLETE
4/8/19
Reviewer KAB

APPLICATION FOR PERMIT TO
APPROPRIATE WATER FOR BENEFICIAL USE

Filing Fee Must Accompany the Application
(Please refer to Fee Schedule attached to this application form.)

To the Chief Engineer of the Division of Water Resources, Kansas Department of Agriculture,
1320 Research Park Drive, Manhattan, KS 66502:

1. Name of Applicant (Please Print): 2 I FEEDERS LLC
Address: 884 RD 350
City: ALLEN State KS Zip Code: 66833
Telephone Number: (785) 289-0042

2. The source of water is: surface water in ALLEN CREEK TRIB 1 (stream)
OR groundwater in NEOSHO RIVER (drainage basin)

Certain streams in Kansas have minimum target flows established by law or may be subject to administration when water is released from storage for use by water assurance district members. If your application is subject to these regulations on the date we receive your application, you will be sent the appropriate form to complete and return to the Division of Water Resources. REDIVERT 100 AF @ 800 GPM

3. The maximum quantity of water desired is 100 (Storage) acre-feet OR 32.585 million gallons per calendar year, to be diverted at a maximum rate of NF gallons per minute OR _____ cubic feet per second.

Once your application has been assigned a priority, the requested maximum rate of diversion and maximum requested quantity of water under that priority number can **NOT** be increased. Please be certain your requested maximum rate of diversion and maximum quantity of water are appropriate and reasonable for your proposed project and are in agreement with the Division of Water Resources' requirements.

4. The water is intended to be appropriated for (Check use intended):
(a) Artificial Recharge (b) Irrigation (c) Recreational (d) Water Power
(e) Industrial (f) Municipal (g) Stockwatering (h) Sediment Control
(i) Domestic (j) Dewatering (k) Hydraulic Dredging (l) Fire Protection
(m) Thermal Exchange (n) Contamination Remediation

SCANNED

YOU **MUST** COMPLETE AND ATTACH ADDITIONAL DIVISION OF WATER RESOURCES FORM(S) PROVIDING INFORMATION TO SUBSTANTIATE YOUR REQUEST FOR THE AMOUNT OF WATER FOR THE INTENDED USE REFERENCED ABOVE. 11/15/2018

For Office Use Only:
F.O. 1 GMD 0 Meets K.A.R. 5-3-1 (YES/NO) Use STK Source G/S County LY By DAW Date 11/8/18
Code PEC Fee \$ 200 TR # _____ Receipt Date 11/15/18 Check # CC

5. The location of the proposed wells, pump sites or other works for diversion of water is:

Note: For the application to be accepted, the point of diversion location must be described to at least a 10 acre tract, unless you specifically request a 60 day period of time in which to locate the site within a specifically described, minimal legal quarter section of land.

- (A) One in the SE of the SW quarter of the NW quarter of Section 9, more particularly described as being near a point 2,834 feet North and 4,480 feet West of the Southeast corner of said section, in Township 16 South, Range 11 EAST, LYON County, Kansas. (PDIV: 64474)
- (B) One in the _____ quarter of the _____ quarter of the _____ quarter of Section _____, more particularly described as being near a point _____ feet North and _____ feet West of the Southeast corner of said section, in Township _____ South, Range _____ East/West (circle one), _____ County, Kansas.
- (C) One in the _____ quarter of the _____ quarter of the _____ quarter of Section _____, more particularly described as being near a point _____ feet North and _____ feet West of the Southeast corner of said section, in Township _____ South, Range _____ East/West (circle one), _____ County, Kansas.
- (D) One in the _____ quarter of the _____ quarter of the _____ quarter of Section _____, more particularly described as being near a point _____ feet North and _____ feet West of the Southeast corner of said section, in Township _____ South, Range _____ East/West (circle one), _____ County, Kansas.

If the source of supply is groundwater, a separate application shall be filed for each proposed well or battery of wells, except that a single application may include up to four wells within a circle with a quarter (1/4) mile radius in the same local source of supply which do not exceed a maximum diversion rate of 20 gallons per minute per well.

A battery of wells is defined as two or more wells connected to a common pump by a manifold; or not more than four wells in the same local source of supply within a 300 foot radius circle which are being operated by pumps not to exceed a total maximum diversion rate of 800 gallons per minute and which supply water to a common distribution system.

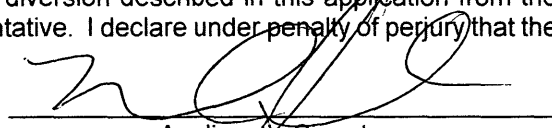
6. The owner of the point of diversion, if other than the applicant is (please print):

APPLICANT Michael Hurk 884 Rd 350 Allen KS 785 207 2360
(name, address and telephone number)

You must provide evidence of legal access to, or control of, the point of diversion from the landowner or the landowner's authorized representative. Provide a copy of a recorded deed, lease, easement or other document with this application. In lieu thereof, you may sign the following sworn statement:

I have legal access to, or control of, the point of diversion described in this application from the landowner or the landowner's authorized representative. I declare under penalty of perjury that the foregoing is true and correct.

Executed on 11-8, 2018.


Applicant's Signature

7. The proposed project for diversion of water will consist of ONE DAM AND RESERVOIR
(number of wells, pumps or dams, etc.)
and (was)(will be) completed (by) EXISTING
(Month/Day/Year - each was or will be completed)

8. The first actual application of water for the proposed beneficial use was or is estimated to be Fall 2018
(Mo/Day/Year)

9. Will pesticide, fertilizer, or other foreign substance be injected into the water pumped from the diversion works?
 Yes No If "yes", a check valve shall be required.

All chemigation safety requirements must be met including a chemigation permit and reporting requirements.

10. If you are planning to impound water, please contact the Division of Water Resources for assistance, prior to submitting the application. Please attach a reservoir area capacity table and inform us of the total acres of surface drainage area above the reservoir.

Have you also made an application for a permit for construction of this dam and reservoir with the Division of Water Resources? Yes No

- If yes, show the Water Structures permit number here DLY-0151
- If no, explain here why a Water Structures permit is not required _____
Already permitted by Structures.

11. The application must be supplemented by a U.S.G.S. topographic map, aerial photograph or a detailed plat showing the following information. On the topographic map, aerial photograph, or plat, identify the center of the section, the section lines or the section corners and show the appropriate section, township and range numbers. Also, please show the following information:

- (a) The location of the proposed point(s) of diversion (wells, stream-bank installations, dams, or other diversion works) should be plotted as described in Paragraph No. 5 of the application, showing the North-South distance and the East-West distance from a section line or southeast corner of section.
- (b) If the application is for groundwater, please show the location of any existing water wells of any kind within 1/2 mile of the proposed well or wells. Identify each existing well as to its use and furnish the name and mailing address of the property owner or owners. If there are no wells within 1/2 mile, please advise us.
- (c) If the application is for surface water, the names and addresses of the landowner(s) 1/2 mile downstream and 1/2 mile upstream from your property lines must be shown.
- (d) The location of the proposed place of use should be shown by crosshatching on the topographic map, aerial photograph or plat.
- (e) Show the location of the pipelines, canals, reservoirs or other facilities for conveying water from the point of diversion to the place of use.

A 7.5 minute U.S.G.S. topographic map may be obtained by providing the section, township and range numbers to: Kansas Geological Survey, 1930 Constant, Campus West, University of Kansas, Lawrence, Kansas 66047.

12. List any application, appropriation of water, water right, or vested right file number that covers the same diversion points or any of the same place of use described in this application. Also list any other recent modifications made to existing permits or water rights in conjunction with the filing of this application.

Water Right File No. 44,071 overlaps in Place of Use and Point of Diversion. File Nos. 47,208 and 49,697 overlap in Place of Use. This application is more water from existing reservoir. Runoff from basin is 203 acre-feet, therefore, not limiting factor.

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13. Furnish the following well information if the proposed appropriation is for the use of groundwater. If the well has not been completed, give information obtained from test holes, if available.

Information below is from: Test holes Well as completed Drillers log attached

Well location as shown in paragraph No.	(A)	(B)	(C)	(D)
Date Drilled	_____	_____	_____	_____
Total depth of well	_____	_____	_____	_____
Depth to water bearing formation	_____	_____	_____	_____
Depth to static water level	_____	_____	_____	_____
Depth to bottom of pump intake pipe	_____	_____	_____	_____

14. The relationship of the applicant to the proposed place where the water will be used is that of

Owner
(owner, tenant, agent or otherwise)

15. The owner(s) of the property where the water is used, if other than the applicant, is (please print):

(name, address and telephone number)

(name, address and telephone number)

× 16. The undersigned states that the information set forth above is true to the best of his/her knowledge and that this application is submitted in good faith.

Dated at 11/08/2018, Kansas, this _____ day of _____, 2018
(month) (year)

DAVID G BERGER, REPRESENTATIVE
(Applicant Signature)

APPLICANT(S) SOCIAL SECURITY IDENTIFICATION NUMBER(S)

By _____
(Agent or Officer Signature)

and/or APPLICANT(S) TAXPAYER I.D. NO.(S)

(Agent or Officer - Please Print)

Assisted by DWS TOPEKA FO Date: 9/6/2018
(office/title)

**STOCKWATER USE
SUPPLEMENTAL SHEET**

File No. 50,158

Name of Applicant (Please Print): 2 I FEEDERS LLC

1. Please indicate type of livestock (cattle, hogs, etc.): Cattle

2. Please complete the following table showing past and present water requirements:

PAST NUMBER OF HEAD AND WATER DIVERTED, IF APPLICABLE

LAST 5 YEARS	NUMBER OF HEAD	WATER DIVERTED (GALLONS)	GALLONS PER HEAD PER DAY
5 years ago			
Last year			
Present Year			

3. Please complete the following table showing estimated future water requirements:

ESTIMATED FUTURE NUMBER OF HEAD AND WATER DIVERTED

NEXT 5 YEARS	NUMBER OF HEAD	WATER TO BE DIVERTED (GALLONS)	GALLONS PER HEAD PER DAY
Year 1	17,600	112.42 million gallons	15 gphd + other uses
Year 2	17,600	112.42 million gallons	15 gphd + other uses
Year 3	17,600	112.42 million gallons	15 gphd + other uses
Year 4	17,600	112.42 million gallons	15 gphd + other uses
Year 5	17,600	112.42 million gallons	15 gphd + other uses

Please attach any additional information, tables, or curves showing past, present and estimated future water requirements to substantiate the amount of water requested.

4. Please designate the legal description of the location where the water is to be used. Show in the space provided below the Section (S), Township (T), and Range (R), and the number of acres in each forty acre tract or fractional portion thereof.

S	T	R	NE¼				NW¼				SW¼				SE¼				TOTAL
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
8	16	11E	Feedlot (SE)																
9	16	11E	Feedlot (SW)																
16	16	11E	Feedlot (N1/2 N1/2)																
17	16	11E	Feedlot (N1/2 NE)																

5. Show quantities of water used and all associated water uses at the feedlot such as water used in feed mills, cooling of animals, washing, flushing of wastes, etc.:

DRINKING

17600 head of CATTLE x 15 gallons/head (avg.) x 365 days = 96.4 MILLION gallons

_____ head of _____ x _____ gallons/head (avg.) x _____ days = _____ gallons

_____ head of _____ x _____ gallons/head (avg.) x _____ days = _____ gallons

COOLING

80 _____ gpm x 60 min/hr x 10 hours/day x 240 days = 11.52 Million _____ gallons

SANITATION

80 _____ g.p.m. x 60 min/hr x 14 hr/wk x 52 wks/yr = 3.5 Million _____ gallons

OTHER USE (Explain) Keep waterers from freezing, etc. = 1 Million _____ gallons

TOTAL ----- **112.42 Million** _____ gallons

6. Show location of present and future location of confinement pens on your attached maps or photographs.
7. Total feed bunk space for cattle or livestock is _____ linear feet.
8. Total size of stock pens for confinement area of cattle, hogs, etc. is _____ square feet.

You may attach any additional information you believe will assist in informing the Division of Water Resources of the need for your request.

AMOUNT STATISTICS REPORT FOR POINTS OF DIVERSION UNDER A 50158 00

#####

AMOUNT STATISTICS REPORT FOR POINTS OF DIVERSION UNDER A 50158 00 STK

Water Right and Points of Diversion Within 2.00 miles of point defined as:

2834 Feet North and 4480 Feet West of the Southeast Corner of Section 9 T 16S R 11E

SURFACE WATER ONLY

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=====
File Number   Use ST SR Dist (ft) Q4 Q3 Q2 Q1 FeetN FeetW Sec Twp Rng ID Batt Auth_Quan Add_Quan Unit
A__ 44071 00 STK NK S*      0 -- SE SW NW 2834 4480 9 16 11E 1 35.29 35.29 AF
A__ 45516 00 SED NK S      9116 -- NE SW NE 3414 1909 18 16 11E 1 .00 .00 AF
A__ 45961 00 STK NK S      7719 -- NW NW SE 2522 2021 10 16 11E 1 12.27 12.27 AF
A__ 49697 00 SED HK S*     6678 -- SE SE SE 550 350 7 16 11E 1 296.00 296.00 AF
A__ 49697 00 STK HK S*     6678 -- SE SE SE 550 350 7 16 11E 1 .00 .00 AF
A__ 49850 00 STK KE S      7719 -- NW NW SE 2522 2021 10 16 11E 1 58.80 58.80 AF
A__ 50158 00 STK AY S      0 -- SE SW NW 2834 4480 9 16 11E 1 100.00 100.00 AF
=====

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Total Net Quantities Authorized:   Direct      Storage
Total Requested Amount (AF) =      100.00         .00
Total Permitted Amount (AF) =      354.80        569.06
Total Inspected Amount (AF) =         .00         .00
Total Pro_Cert Amount (AF) =         .00         .00
Total Certified Amount (AF) =         47.55        646.96
Total Vested Amount (AF) =          .00         .00
TOTAL AMOUNT (AF) =          502.35       1216.02
=====

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An * after the source of supply indicates a pending application for change under the file number.
 An * after the ID indicates a 15 AF exemption was granted under the file number.
 A "G" in the Batt column indicates the GEO CTR of a battery. A "B" indicates a well in the battery.
 The number in the Batt column is the number of wells in the battery.

Water Rights and Points of Diversion Within 2.00 miles of point defined as:

2834 Feet North and 4480 Feet West of the Southeast Corner of Section 9 T 16S R 11E

SURFACE WATER ONLY

WATER USE CORRESPONDENTS:

```

=====
File Number   Use ST SR
A__ 44071 00 STK NK S
> 2 I FEEDERS LLC
>
> 884 RD 350
> ALLEN KS 66833
>-----
A__ 45516 00 SED NK S
> ALLEN CREEK WATERSHED DIST #89
>
> 280 HWY K-68
> LYNDON KS 66451
>-----
A__ 45961 00 STK NK S
> BRIAN KEITH
>
> 3505 ROAD L
> ALLEN KS 66833
=====

```

>-----
A__ 49697 00 SED HK S
> ALLEN CREEK WATERSHED DIST #89
>
> 280 HWY K-68
> LYNDON KS 66451
>-----

A__ 49697 00 STK HK S
> 2 I FEEDERS LLC
>
> 884 RD 350
> ALLEN KS 66833
>-----

A__ 49850 00 STK KE S
> BRIAN KEITH
>
> 3505 ROAD L
> ALLEN KS 66833
>-----

A__ 50158 00 STK AY S
> 2 I FEEDERS LLC
>
> 884 RD 350
> ALLEN KS 66833
>-----

=====

|

Topeka Field Office
6531 SE Forbes Ave., Suite B
Topeka, KS 66619



Phone: 785-296-5733
Fax: 785-296-8298
www.agriculture.ks.gov

Mike Beam, Interim Secretary

Laura Kelly, Governor

January 28, 2019

W S & E C JONES TRUST
% HARDING & CARBONE
1235 NORTH LOOP W STE 205
HOUSTON TX 77025-4701

Re: Pending New Application, File No. 50,158; and
Change Application, File No. 44,071 (Place of Use)

Dear Sir or Madam:

This is to advise you that 2 I Feeders LLC has filed the new application referred to above for a permit to appropriate 32.585 million gallons (100 acre-feet) of additional surface water per calendar year at the rate of natural flows to be stored in an existing reservoir, and re-divert 32.585 million gallons of the stored water for stockwatering use. Note that this is an **existing reservoir** currently authorized under Water Right, File No. 44,071. The pending change application for File No. 44,071 will increase its authorized place of use to match the new application stockwatering project.

The point of diversion for File No. 50,158 (where the dam crosses the centerline of the stream) is 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, in Township 16 South, Range 11 East, Lyon County, Kansas.

Records in this office indicate that you own land along the stream in this vicinity and you are being notified of receipt of these applications in order that you may be fully informed of the proposed location of the applicant's point of diversion and proposed use of water. Consideration will be given to comments or other information which you desire to submit to this office **within 15 days** from the date of this letter.

You can find the new and change applications and site maps posted by the file numbers referenced above at: <http://agriculture.ks.gov/divisions-programs/dwr/water-appropriation/notices>

If you have any questions or comments, you may also contact me at (785) 296-3495. If you call, please reference the file number so I can help you more efficiently.

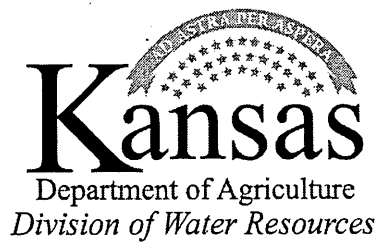
Sincerely,

A handwritten signature in cursive script that reads "Doug Schemm".

Douglas W. Schemm
Environmental Scientist
Topeka Field Office

pc: 2 I Feeders LLC

Topeka Field Office
6531 SE Forbes Ave., Suite B
Topeka, KS 66619



Phone: 785-296-5733
Fax: 785-296-8298
www.agriculture.ks.gov

Mike Beam, Interim Secretary

Laura Kelly, Governor

January 28, 2019

F G DAY REVOCABLE LIVING TRUST
4527 BANNING DR
HOUSTON TX 77027-4508

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Records in this office indicate that you own land along the stream in this vicinity and you are being notified of receipt of these applications in order that you may be fully informed of the proposed location of the applicant's point of diversion and proposed use of water. Consideration will be given to comments or other information which you desire to submit to this office **within 15 days** from the date of this letter.

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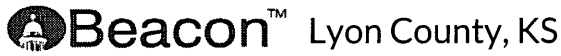
Sincerely,

A handwritten signature in cursive script that reads "Doug Schemm".

Douglas W. Schemm
Environmental Scientist
Topeka Field Office

pc: 2 I Feeders LLC

Downstream



Summary

Parcel ID 064170000012000
 Quick Ref ID R716
 Property Address 800 HWY 56
 Brief Tax Description S17, T16S, R11E, ACRES 287.9, SE1/4 FR & SW1/4 EXC BEG NE COR W1/2 SW1/4 S686.35 SWLY286.43 NWLY389.29 NLY560(S) E620(S) TO POB LESS ROW
 (Note: Not to be used on legal documents)
 Taxing Unit Group 041
 Lot Size (SF) N/A
 Acreage 287.9
 Property Class Agricultural Use
 Zoning Agricultural
 Lot Block Subdivision ---
 S-T-R 17-16S-11E
 Deed Book & Page
 Neighborhood Rural Nbhd 860 - Allen/Admire Hinterland

Owner

Primary Owner
 Day, F G; Revocable Liv Tr
 4527 Banning Dr
 Houston, TX 77027-4508

Agricultural Land

Details:			Summary:	
Ag Type	Ag Acres	Ag Soil	Dry Land Acres	Irrigated Acres
TG	4.83	4051		242.51
TG	1.61	4590		45.39
TG	6.42	4740		
TG	4.74	7302		
TG	27.79	8775		
NG	13.53	4051		
NG	11.65	4052		
NG	64.50	4590		
NG	39.47	4740		
NG	13.38	4744		
NG	0.23	7170		
NG	61.02	7302		
NG	7.06	7306		
NG	31.64	8775		
NG	0.03	4052		
			Total Ag Acres	287.90

Valuation

Class	2018 Appraised Value		Total	2017 Appraised Value
	Land	Building		
A	\$24,780	\$0	\$24,780	
ED	\$0	\$0	\$0	
Total	\$24,780	\$0	\$24,780	

No data available for the following modules: Lot, Residential Information, Commercial Information, Other Buildings, Building Permits, Sales, SVQ Documents, Photos, Sketches.

No warranty, express or implied, is provided for the data herein, or its use.

Last Data Upload: 1/2/2019 11:20:15 PM

Developed by



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

November 15, 2018

2i FEEDERS, LLC
884 RD 350
ALLEN, KS 66833

RE: Application, File No. **50158**

Dear Sir or Madam:

The Division of Water Resources (Division) has received your application for a permit to appropriate water for beneficial use. Your application has been assigned the file number referenced above. Please be aware that the Division may have a large number of pending applications on hand at times and makes every attempt to process them in the order in which they are received. You will be contacted if additional information is required.

Please note, this letter only acknowledges receipt of your application and does not guarantee approval. In accordance with the provisions of the Kansas Water Appropriation Act, the use of water as proposed prior to approval of the application is unlawful.

Additional information about the process may be found on our website at agriculture.ks.gov/divisions-programs/dwr. If you have any other questions, please contact our office at 785-564-6640 or your local Topeka Field Office at 785-296-5733. If you call, please reference the file number so we can help you more efficiently.

Sincerely,

Kristen A. Baum
New Application Unit Supervisor
Division of Water Resources

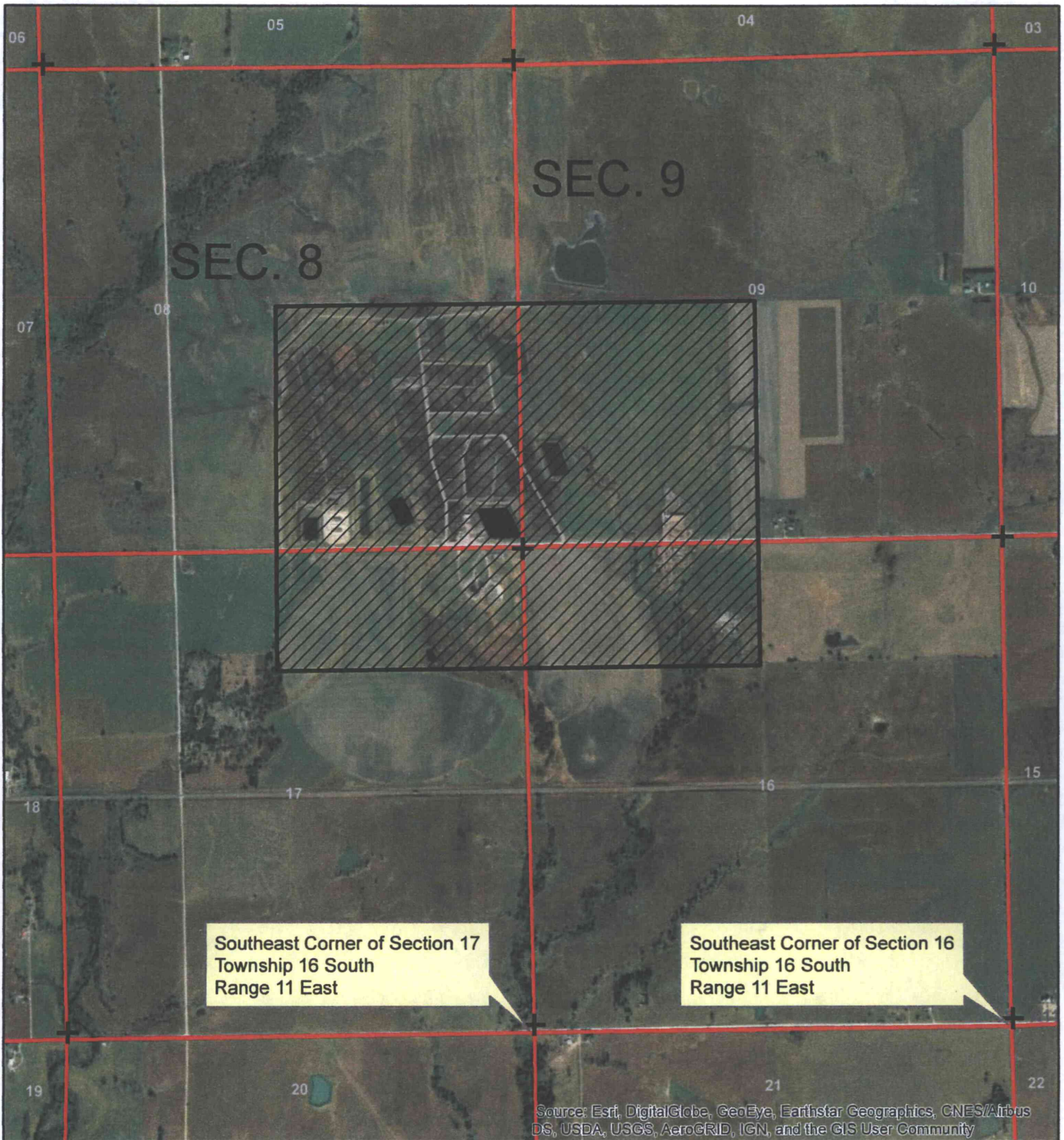
SCANNED

1:18,000

2 I FEEDERS - FILE NOS. 44,071; 47,208; & 49,697

AUTHORIZED PLACE OF USE SITE MAP

50158



Authorized Place of Use

WATER RESOURCES RECEIVED

NOV 08 2018

[Handwritten signature]
CEO Zi feeders

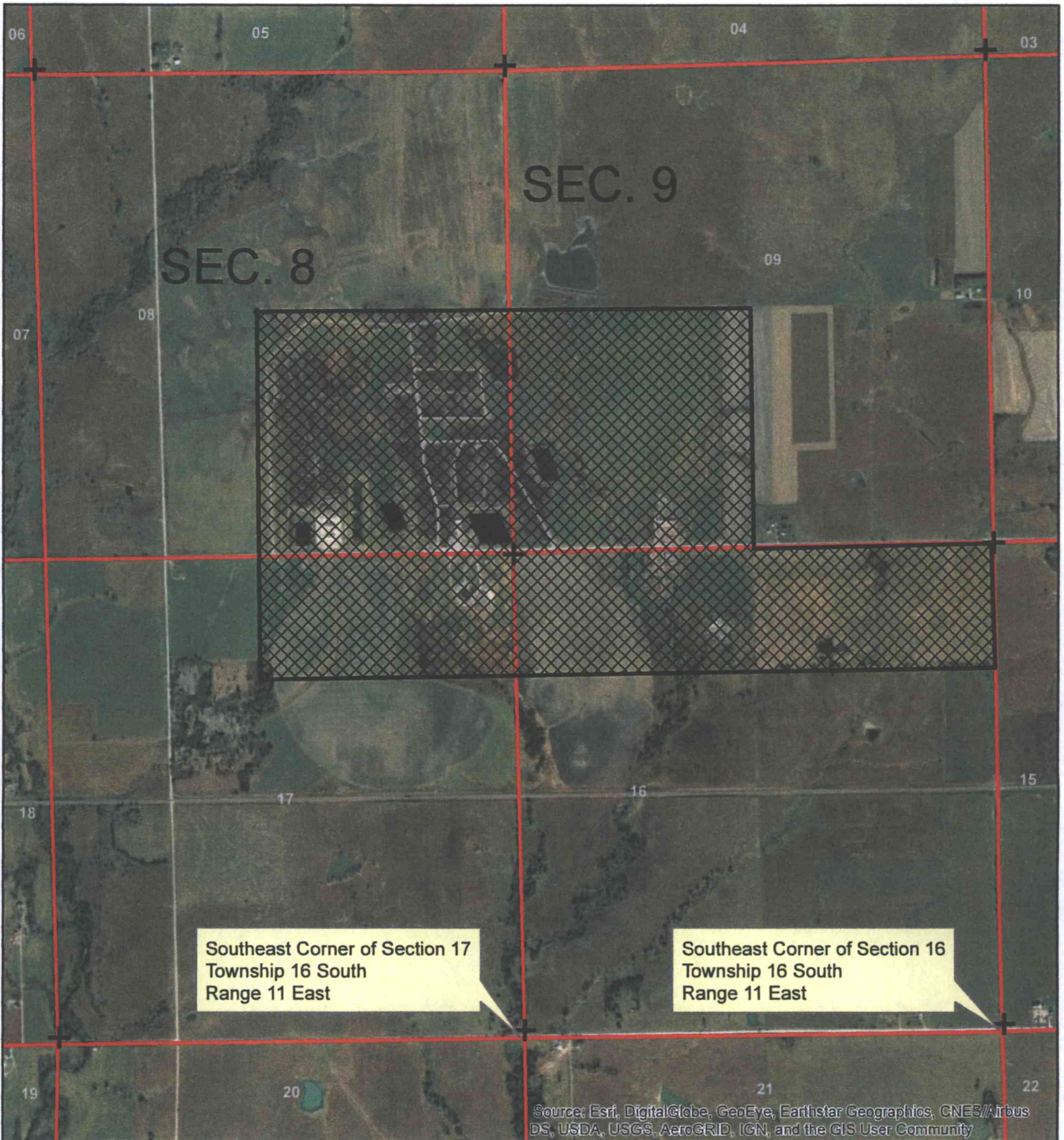
KS DEPT OF AGRICULTURE

SCANNED

1:18,000

2 I FEEDERS - FILE NOS. 44,071; 47,208; & 49,697
PROPOSED PLACE OF USE SITE MAP

50158



Proposed Place of Use

All Known Landowners and Well Owners within 1/2 mile have been identified.

WATER RESOURCES RECEIVED

NOV 08 2018

[Signature]
CEO 2i feeders

KS DEPT OF AGRICULTURE

SCANNED

1:18,000

2 | FEEDERS - FILE NOS. 50,157 & 50,158
PROPOSED PLACE OF USE SITE MAP



Southeast Corner of Section 17
Township 16 South
Range 11 East

Southeast Corner of Section 16
Township 16 South
Range 11 East

Source: Esri, DigitalGlobe, GeoEye, Earthstar Geographics, CNES/Airbus DS, USDA, USGS, AeroGRID, IGN, and the GIS User Community



Proposed Place of Use

All Known Landowners and Well Owners within
1/2 mile have been identified.