

File No. **38550** 11. County: **MG** Basin: **ELK RIVER** Stream: **NA** Formation Code: **650** Special Use: **NA**

12. Points of Diversion
 CHK
 MOD
 DEL PDIV
 ENT

Qualifier	S	T	R	ID	'N	'W	Comment (AKA Line)	Rate gpm/cfs	Quantity af/mgy	Rate gpm/cfs	Quantity af/mgy	Overlap PD Files
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NO CHANGE

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

14. Limitation: _____ af/yr at _____ gpm (_____ cfs) when combined with file number(s) **NONE NO CHANGE**
 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 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				
MOD	5205	23	31	15E	2	HOGS (NW NW) & (N/2 SW NW)																	8b	YES	38549 44157 44170 50304
ENT	64560	23	31	15E		HOGS (NW NE) & (N/2 SW NE)																	8b	YES	38549 44157 44170 50304

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: November 15, 2022

FROM: Leslie Ireland

RE: Water Right,
File Nos. 38,549; 38,550 & 44,157
Appropriations,
File Nos. 47,710 & 50,304

The Trustees of the Graydon Dale Springer Revocable Trust and Judith A. Springer Revocable Trust, Dale & Judith Springer, filed applications for approval to change the place of use authorized for stockwatering use in Montgomery County. The applications were received on February 22, 2022. In conjunction with the changes for File Nos. 38,549; 38,550; 44,157 & 47,710, a Findings and Order has been recommended to correct the place of use for File No. 50,304.

The rights are in compliance per K.S.A. 82-732, while K.S.A. 82a-718, is not applicable in this area. It appears the changes and Order are to authorize existing places of use and notice per K.S.A. 82a-1906 would not be needed. The applications appear to be complete.

Together the referenced files provide a combined limited total of 20.668 (mgy) of stockwater at the currently authorized place of use described a swine facility in the Northwest Quarter of the Northwest Quarter (NW¹/₄ NW¹/₄) of Section 23, Township 31 South, Range 15 East, Montgomery County, Kansas. It appears the place of use has been in error for several years per the 2021 Memorandum of the area Water Commissioner. This memo details the history and proposed action. It would appear File No. 44,157, permit and then certified in 2014 that failed to identify the expansion to the Northeast and to the South, is being corrected by the proposed change. The same oversite of the expansion of the facility was missed on the permit for File No. 50,304. The aerial maps showed the large facilities in nonpermitted areas and Springer as the owner of these areas. As it appears the failure to identify the nonpermitted facilities were our error for this junior file the place of use will be corrected by a Findings and Order.

The applications were submitted listing all of the Northeast Quarter, but as a portion of this is under different ownership and appears to have a rock quarry operation in the East Half of the Northeast Quarter and a road not utilized for swine production all as detailed on the map, the description was downsized to more accurately reflect the proposed existing place of use. The changes for the referenced files and the Findings and Order, File No. 50,304, will list the place of use to include the missed portions of the facility to authorize a complete overlap as being:

in the Northwest Quarter of the Northeast Quarter (NW¹/₄ NE¹/₄), the North Half of the Southwest Quarter of the Northeast Quarter (N¹/₂ SW¹/₄ NE¹/₄) and in the Northwest Quarter of the Northwest Quarter (NW¹/₄ NW¹/₄), the North Half of the Southwest Quarter of the Northwest Quarter (N¹/₂ SW¹/₄ NW¹/₄), all in Section 23, Township 31 South, Range 15 East, Montgomery County, Kansas.

The authorized quantity of the referenced files is limited to 20.668 million gallons per year for 6,000 finishing hogs as detailed in File No. 50,304. The junior files provide alternate points of diversion with no additional quantity.

As the proposed changes are to fix existing facilities, it appears the changes meet the requirements of K.A.R. 5-3-22, *Maximum reasonable quantity of water for livestock and poultry*.

The area Water Commissioner assisted with the applications and as the proposed place of use is straight forward the Topeka Field Office, was not contacted for a recommendation.

The 2017 Compliance Investigations of the water flowmeters that were them to be in compliance will continue to be required. Check valve will be 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 the change in place of use is reasonable, that impairment to existing water rights is unlikely, that there should be no increase in the consumptive use, and that no change in the local source of supply will occur, it is recommended that the changes be approved.



Leslie Ireland
Environmental Scientist
Water Appropriation Program

THE STATE OF KANSAS



KANSAS DEPARTMENT OF AGRICULTURE
Mike Beam, Secretary of Agriculture

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

APPROVAL OF APPLICATION FOR CHANGE IN PLACE OF USE WATER RIGHT FILE NO. 38,550

The Chief Engineer, Division of Water Resources, Kansas Department of Agriculture, after due consideration of the written application of G. Dale Springer, Trustee, Graydon Dale Springer Revocable Trust and Judith A. Springer, Trustee, Judith A. Springer Revocable Trust, 5816 County Road 3300, Independence, Kansas 67301, received in this office on February 22, 2022, for approval of a change in the location of the place of use under the certificate of application, issued pursuant to the permit to appropriate water for beneficial use, finds that the change is reasonable and will not impair existing rights 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 location of the place of use shall be:

in the Northwest Quarter of the Northeast Quarter (NW $\frac{1}{4}$ NE $\frac{1}{4}$), the North Half of the Southwest Quarter of the Northeast Quarter (N $\frac{1}{2}$ SW $\frac{1}{4}$ NE $\frac{1}{4}$) and in the Northwest Quarter of the Northwest Quarter (NW $\frac{1}{4}$ NW $\frac{1}{4}$), the North Half of the Southwest Quarter of the Northwest Quarter (N $\frac{1}{2}$ SW $\frac{1}{4}$ NW $\frac{1}{4}$), all in Section 23, Township 31 South, Range 15 East, Montgomery County, Kansas,

located substantially as shown on the map accompanying the application to change the place of use.

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 each of 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. 38,550, for permit to appropriate water for beneficial use, is as stated and set forth in the Certificate of Appropriation dated June 23, 2000.

Ordered this 21 day of December, 2022, in Manhattan, Riley County, Kansas.

Lane P. Letourneau

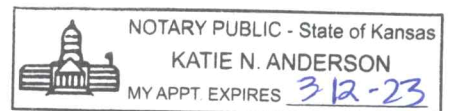
Lane P. Letourneau, P.G.
Water Appropriation Program Manager
Division of Water Resources
Kansas Department of Agriculture

State of Kansas)
) SS
County of Riley)

The foregoing instrument was acknowledged before me this 21 day of December, 2022, by Lane P. Letourneau, P.G., Program Manager, Division of Water Resources, Kansas Department of Agriculture.

Katie Anderson

Notary Public



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

January 9, 2023

GRAYDON DALE SPRINGER REV TRST
Attn: JUDITH A SPRINGER REV TRST
5816 COUNTY RD 3300
INDEPENDENCE, KS 67301

RE: Water Right, File Nos. 38,549; 38,550 & 44,157
Appropriation of Water, File No. 47,710 & 50,304

Dear Mr. & Mrs. Springer:

Enclosed are the orders executed by the Chief Engineer, Division of Water Resources, Kansas Department of Agriculture, approving the applications for change, under the referenced files and the Findings and Order for File No. 50,304.

Please be reminded the referenced files authorize a combined total of 20.668 million gallons per year for stockwater use. All diversions of water require a water flowmeter meeting K.A.R. 5-1-4 through 5-1-12 be installed on the diversion works authorized. Records in this office indicate that meters are installed for the referenced files, however if the meter has been updated or changed please contact your area field office.

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

An annual water use report must be filed with the Chief Engineer by March 1, following the end of each calendar year. If a complete annual water use report is not received by the deadline, then a fine may be assessed and all water use under such permit or right may be suspended. Reports submitted in paper form will be assessed a \$20 per file number paper filing fee. In order to avoid this filing fee, you may submit your report online at www.kswaterusereport.org.

If you have any questions, regarding the enclosed approval documents please contact us at 785-564-6640. Should you have questions regarding the meter requirement or additional requirements please contact our staff at the Topeka Field Office at 785-296-5733. If you wish to discuss a specific file, please have the file number ready so that we may help you more efficiently.

Sincerely,

A handwritten signature in black ink that reads "Kristen A. Baum". The signature is written in a cursive style.

Kristen A. Baum
New Application and Change Unit Supervisor
Water Appropriation Program

KAB:LI:
Enclosures
pc: Topeka Field Office

RIGHT TO A HEARING AND TO ADMINISTRATIVE REVIEW

If you are aggrieved by this Order, then pursuant to K.S.A. 82a-1901, you may request an evidentiary hearing before the Chief Engineer or request administrative review by the Secretary of Agriculture. Failure to request an evidentiary hearing before the Chief Engineer does not preclude your right to administrative review by the Secretary.

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

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

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

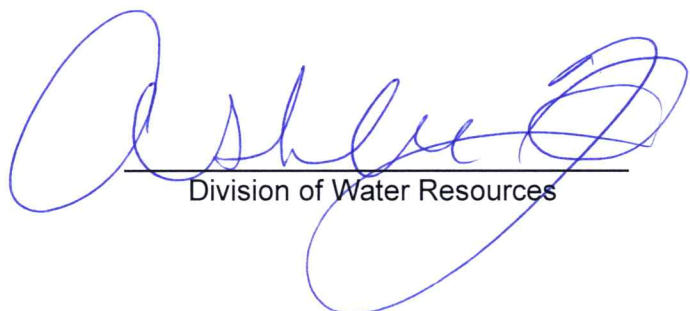
CERTIFICATE OF SERVICE

On this 9 day of January, 2023, I hereby certify that the attached Approval of Application for the Change in Place of Use for File Nos. 38,549; 38,550; 44,157 & 47,710 dated 21 December, 2022, was mailed postage prepaid, first class, US mail to the following:

GRAYDON DALE SPRINGER REV TRST
JUDITH A SPRINGER REV TRST
5816 COUNTY RD 3300
INDEPENDENCE, KS 67301

With photocopies sent to:

Topeka Field Office



Division of Water Resources