

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

Document Signature LPL

1. File Number: 28,014	2. Status Change Date: 10/12/2016	3. Change Num: C2	4. Field Office: 04	5. GMD: 03
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6. Status: <input checked="" type="checkbox"/> Approved <input type="checkbox"/> Denied by DWR/GMD <input type="checkbox"/> Dismiss by Request/Failure to Return	7. Filing Date of Change: 1/25/2016
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8a. Applicant(s) New to system <input type="checkbox"/> GREEN PLAINS CATTLE CO LLC 19016 ROAD I KISMET KS 67859-6026	Person ID 64148 Add Seq# 2	8c. Landowner(s) New to system <input type="checkbox"/>	Person ID _____ Add Seq# _____
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8b. Landowner(s) New to system <input type="checkbox"/>	Person ID _____ Add Seq# _____	8d. WUC New to system <input type="checkbox"/> 8a.	Person ID _____ Add Seq# _____
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9. Documents and Enclosure(s): DWR Meter(s) Date to Comply: **12/31/17** N & P Date to Comply: _____

Anti-Reverse Meter Meter Seal Check Valve N & P Form Water Tube Driller Copy H & E Letter

Conservation Plan Date Required: _____ Date Approved: _____ Date to Comply: _____

10. Use Made of Water From: _____ To: _____

Date Prepared: **9/28/2016** By: **AM**
Date Entered: **10/13/2016** By: **UM**

KANSAS DEPARTMENT OF AGRICULTURE
Division of Water Resources

M E M O R A N D U M

TO: Files

DATE: September 28, 2016

FROM: Austin McColloch

RE: Water Right,
File Nos. 28,014

On January 25, 2016, Benjamin Fuentes on behalf of Green Plains Cattle Co., LLC, owners of the referenced water right, has filed an application for approval to change the authorized point of diversion under the above referenced file, authorized for stockwatering use in the Cimarron River Basin.

The above referenced water right does not appear to be abandoned as per K.S.A. 82a-718.

The referenced Water Right currently authorizes two (2) primary wells with one (1) standby well for stockwatering use on a feedlot located in Section 16, Township 32 South, Range 33 West, Seward County, Kansas. Other Water Rights that overlap the place of use include File Nos. 17,833, 39,722 and 39,734 with no overlaps in points of diversion for any of the files. The application proposes moving rate and quantity from File No. 28,014 onto an additional well, adding another point of diversion for File No. 28,014 which creates additional authority to a well currently authorized by File No. 39,722.

The currently authorized points of diversion are located as:

one (1) primary well located Near Center of the Southeast Quarter of the Northwest Quarter (NC $\frac{1}{4}$ SE $\frac{1}{4}$ NW $\frac{1}{4}$) of Section 16, more particularly described as being near a point 3,226 feet North and 3,394 feet West of the Southeast corner of said section, in Township 32 South, Range 33 West, Seward County, Kansas currently authorized 213.84 mgy at a diversion rate of 540 gpm

one (1) primary well located in the Northeast Quarter of the Southeast Quarter of the Northeast Quarter (NE $\frac{1}{4}$ SE $\frac{1}{4}$ NE $\frac{1}{4}$) of Section 16, more particularly described as being near a point 3,592 feet North and 100 feet West of the Southeast corner of said section, in Township 32 South, Range 33 West, Seward County, Kansas, currently authorized 66.456 mgy at a diversion rate of 710 gpm

one (1) standby well located in the Northeast Quarter of the Northeast Quarter of the Northeast Quarter (NE $\frac{1}{4}$ NE $\frac{1}{4}$ NE $\frac{1}{4}$) of Section 16, more particularly described as being near a point 4,900 feet North and 100 feet West of the Southeast corner of said section, in Township 32 South, Range 33 West, Seward County, Kansas currently authorized 0 mgy at a diversion rate of 0 gpm (standby well).

The entire water right is further limited to 262.8 mgy at 1,600 gpm when combined with File No. 17,833

The proposed additional well, which is authorized under File No. 39,722 is located as:

one (1) well located in the Northwest Quarter of the Northwest Quarter of the Northwest Quarter (NW¼NW¼NW¼) of Section 16, more particularly described as being near a point 5,150 feet North and 5,271 feet West of the Southeast corner of said section, in Township 32 South, Range 33 West, Seward County, Kansas; currently authorized 101.34 mgd at a diversion rate of 320 gpm.

The application proposes to move 32.585 mgd and 80 gpm onto this additional well from the currently authorized well located in the Northwest Quarter (NW¼) under File No. 28,014. The current limitation will remain on the entire water right.

K.A.R. 5-5-16 *Additional wells* is applicable and K.A.R. 5-5-16 (a)(2)(C)(ii) is implemented due to the fact that the beneficial use is not irrigation, instead stockwatering, thus consumptive use is already 100%. This affords File No. 28,014 to not lose any quantity in order to prevent an increase in consumptive use.

A required rate test was conducted on the authorized well by Jason Norquest, GMD 3 Assistant Manager. The results of the rate test provided no change in the currently authorized rate that will be divided between the currently authorized well and proposed well. The rate and quantity for both wells were assigned by the applicant per email conversation dated September 9, 2016 and are as follows:

28,014

Currently Authorized Well:

Authorized – 213.84 mgd 540 gpm Reduced to – 181.255 mgd 460 gpm

Proposed Additional Well:

Moving – 32.585 mgd 80 gpm

GPS readings obtained from a GMD 3 flow test (reports and calculations in file) show that the proposed distance moved to be less than a half mile, consistent with K.A.R. 5-23-3(b).

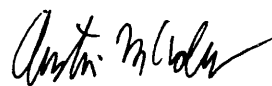
Spacing to neighboring wells is also in accordance with K.A.R. 5-23-3(a).

Approval of the application will be subject to the condition that for the sole purpose of administering wells concerning direct impairment, the additional well shall be considered to have the priority of the date the application was filed (January 25, 2016) to add the additional well.

The point of diversion is located within the boundary of Groundwater Management District No. 3. A letter was sent to GMD No. 3 for a recommendation on the application on September 13, 2016. GMD No. 3 provided a recommendation for approval on September 21, 2016. Per GMD No. 3 review, the application meets their rules and regulations.

In an email dated September 28, 2016, with Michael Meyer, Water Commissioner, Garden City Field Office, indicated he is not opposed to approval of the request.

Based on the above discussion, that the changes are reasonable, that impairment to existing water rights is unlikely. It is recommended that if the change application for File No. 28,014 are approved.



Austin McColloch
Environmental Scientist

1320 Research Park Drive
Manhattan, Kansas 66502
(785) 564-6700



900 SW Jackson, Room 456
Topeka, Kansas 66612
(785) 296-3556

Jackie McClaskey, Secretary

Governor Sam Brownback

GREEN PLAINS CATTLE CO LLC
ATTN BENJAMIN FUENTES
19016 ROAD I
KISMET KS 67859-6026

October 13, 2016

FILE COPY

RE: Water Right
File No. 28,014

Dear Mr. Fuentes:

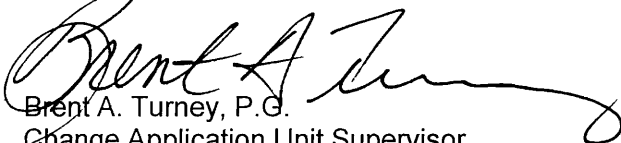
Enclosed is the order executed by the Chief Engineer, Division of Water Resources, Kansas Department of Agriculture, approving the application for change under the above referenced file.

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 an acceptable water flowmeter must be installed on the diversion works authorized. Please return the required and enclosed form, Notification of Completion of the Diversion Works and/or Installation of the Required Flowmeter, as soon as these actions are completed.

Since this order modifies the original document referred to above, it should be recorded with the Register of Deeds as other instruments affecting real estate.

If you have any questions, please contact me at 785-464-6645. If you call, please reference the file number so we can help you more efficiently.

Sincerely,



Brent A. Turney, P.G.
Change Application Unit Supervisor
Division of Water Resources

BAT:am

Enclosure(s)

pc: Garden City Field Office
Groundwater Management District No. 3



KANSAS DEPARTMENT OF AGRICULTURE
Jackie McClaskey, Secretary of Agriculture

DIVISION OF WATER RESOURCES
David W. Barfield, Chief Engineer

**APPROVAL OF APPLICATION
FOR
CHANGE IN
POINT OF DIVERSION
WATER RIGHT
FILE NO. 28,014**

The Chief Engineer, Division of Water Resources, Kansas Department of Agriculture, after due consideration of the written application of Benjamin Fuentes on behalf of Green Plains Cattle Company LLC, 19016 Road I, Kismet, Kansas, 67859, received in this office on January 25, 2016, 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 Orders of the Chief Engineer dated September 2, 1982, approving the application to change the authorized point of diversion, and by the Orders of the Chief Engineer dated February 17, 2000, approving the application to change the authorized place of use, and by the Orders of the Chief Engineer dated January 17, 2005, approving the application to change the authorized point of diversion, finds that the change is reasonable and will not impair existing rights, and that the application should be and is hereby approved.

The application, therefore, is approved subject to the condition that for the sole purpose of administering wells concerning direct impairment, the additional well shall be considered to have the priority of the date the application was filed (January 26, 2016) to add the additional well.

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 point of diversion shall be:

one (1) primary well located in Southwest Quarter of the Southeast Quarter of the Northwest Quarter (SW $\frac{1}{4}$ SE $\frac{1}{4}$ NW $\frac{1}{4}$) of Section 16, more particularly described as being near a point 3,226 feet North and 3,394 feet West of the Southeast corner of said section, at a diversion rate not in excess of 460 gallons per minute (1.02 c.f.s.) and in a quantity not to exceed 181.255 million gallons of water per calendar year, in Township 32 South, Range 33 West, Seward County, Kansas,

one (1) primary well located in the Northeast Quarter of the Southeast Quarter of the Northeast Quarter (NE $\frac{1}{4}$ SE $\frac{1}{4}$ NE $\frac{1}{4}$) of Section 16, more particularly described as being near a point 3,592 feet North and 100 feet West of the Southeast corner of said section, at a diversion rate not in excess of 710 gallons per minute (1.58 c.f.s.) and in a quantity not to exceed 66.456 million gallons of water per calendar year, in Township 32 South, Range 33 West, Seward County, Kansas,

one (1) primary 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 5,150 feet North and 5,271 feet West of the Southeast corner of said section, at a diversion rate not in excess of 80 gallons per minute (0.17 c.f.s.) and in a quantity not to exceed 32.585 million gallons of water per calendar year, in Township 32 South, Range 33 West, Seward County, Kansas,

This Order shall become a final agency action, as defined by K.S.A. 77-607(b), without further notice to the parties, if a request for hearing or a petition for administrative review is not filed as set forth below.

Request for Hearing. According to K.A.R. 5-14-3(c), any party who desires a hearing must submit a request within 15 days after the date shown on the Certificate of Service attached to this Order. Filing a request for a hearing will give you the opportunity to submit additional facts for consideration, contest any findings made by the Chief Engineer or present any other information you believe should be considered in this matter. A timely-filed request for hearing will stay the deadline for requesting administrative review of this Order pending the outcome of the hearing.

Petition for Review. Any person aggrieved by this Order may petition for administrative review, pursuant to K.S.A. 82a-708b(a) and K.S.A. 82a-1901(a). The petition must be filed within 30 days after the date shown on the Certificate of Service attached to this Order and must set forth the basis for the review, unless stayed by the timely filing of a request for hearing.

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 12th day of October, 2016, in Topeka, Shawnee 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 12th day of October, 2016, by Lane P. Letourneau, P.G., Program Manager, Water Appropriation Program, Chief Engineer, Division of Water Resources, Kansas Department of Agriculture.

Danielle Wilson

Notary Public



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**



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

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

**WATER RESOURCES
RECEIVED**

JAN 25 2016

12:59

KS DEPT OF AGRICULTURE

File No. 28014

2. Name of applicant: GREEN PLAINS CATTLE CO LLC, ATTN BENJAMIN FUENTES

Address: 19016 ROAD I,

City, State and Zip: KISMET KS

Phone Number: (620)624-6296 E-mail address: cell: 620-629-0196 benjamin.fuentes@gpreinc.com

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

Name of water use correspondent: SAME NO CHANGE

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): _____

TO MOVE 100 AF FROM THE REFERENCED WATER RIGHT TO THE WELL AUTHORIZED
UNDER FILE NO. 39722

The change(s) (was) (will be) completed by SPRING 2016 (Date)

For Office Use Only:

F.O. 4 GMD 3 Meets K.A.R. 5-5-1 (YES/NO) Use STK Source GYS County SW By ASW Date 1/25/16
Code CGT Fee \$ 200 TR # _____ Receipt Date 1/25/16 Check # 12953

APPLICATION COMPLETE

9/28/16
Reviewer AM

SCANNED

Assisted by: _____

1/20/2016 LLM

4. The presently authorized place of use is:

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. _____

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 there are more than two landowners, attach additional sheets as necessary.)

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. _____

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

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SCANNED 25 2016

6. The presently authorized point(s) of diversion (is) (are) TWO PRIMARY WELLS AND ONE STANDBY WELL

(Provide description and number of points)

7. The proposed point(s) of diversion (is) (are) THREE PRIMARY WELLS AND ONE STANDBY WELL

(Provide description and number of points)

List all presently authorized point(s) of diversion:

8. Presently authorized point of diversion:

One in the NE Quarter of the SE Quarter of the NE Quarter of Section 16, Township 32 South, Range 33 W, in SW County, Kansas, 3592 feet North 100 feet West of Southeast corner of section.

Authorized Rate 710 GPM Authorized Quantity 66.456 MGY

(DWR use only: Computer ID No. 03 GPS _____ feet North _____ feet West)

This point will not be changed This point will be changed as follows:

Proposed point of diversion: (Complete only if change is requested)

One in the _____ Quarter of the _____ Quarter of the _____ Quarter of Section _____, Township _____ South, Range _____, in _____ County, Kansas, _____ feet North _____ feet West of Southeast corner of section.

Proposed Rate _____ Proposed Quantity _____

This point is: Additional Well Geo Center List other water rights that will use this point _____

9. Presently authorized point of diversion:

One in the NC Quarter of the SE Quarter of the NW Quarter of Section 16, Township 32 South, Range 33 W, in SW County, Kansas, 3300 feet North 3300 feet West of Southeast corner of section.

Authorized Rate 540 GPM Authorized Quantity 213.84 MGY

(DWR use only: Computer ID No. 05 GPS 37.26620 3373 feet North -100.91602 3406 feet West)

This point will not be changed This point will be changed as follows:

Proposed point of diversion: (Complete only if change is requested)

One in the NC Quarter of the SE Quarter of the NW Quarter of Section 16, Township 32 South, Range 33 W, in SW County, Kansas, 3300 feet North 3300 feet West of Southeast corner of section.

Proposed Rate 460 Proposed Quantity 181.255 MGY

This point is: Additional Well Geo Center List other water rights that will use this point _____

* AM rate test 1/2/1

* Compliance * E-mail AM 2006

10. Presently authorized point of diversion:

One in the NE Quarter of the NE Quarter of the NE Quarter of Section 16, Township 32 South, Range 33 W, in SW County, Kansas, 4900 feet North 100 feet West of Southeast corner of section.

Authorized Rate _____ Authorized Quantity _____ STANDBY WELL

(DWR use only: Computer ID No. 11 GPS _____ feet North _____ feet West)

This point will not be changed This point will be changed as follows:

Proposed point of diversion: (Complete only if change is requested)

One in the _____ Quarter of the _____ Quarter of the _____ Quarter of Section _____, Township _____ South, Range _____ (E/W), in _____ County, Kansas, _____ feet North _____ feet West of Southeast corner of section.

Proposed Rate _____ Proposed Quantity _____

This point is: Additional Well Geo Center List other water rights that will use this point _____

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

IF MORE SPACE IS NEEDED, ATTACH ADDITIONAL SHEETS AS NECESSARY

- 6. The presently authorized point(s) of diversion (is) (are) CONTINUED
(Provide description and number of points)
- 7. The proposed point(s) of diversion (is) (are) _____
(Provide description and number of points)

List all presently authorized point(s) of diversion:

8. **Presently authorized point of diversion:**
 One in the _____ Quarter of the _____ Quarter of the _____ Quarter of Section _____, Township _____ South, Range _____ (E/W), in _____ County, Kansas, _____ feet North _____ feet West of Southeast corner of section.
 Authorized Rate _____ Authorized Quantity _____
 (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 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 _____ 32 _____ South, Range _____ 33 _____ W, in SW _____ County, Kansas, ~~5240~~⁵²⁵⁰ feet North ~~5260~~⁵²⁷⁰ feet West of Southeast corner of section.
 Proposed Rate *80 Proposed Quantity 32.585 MGY N: 37.27148 W: -100.92247
 This point is: Additional Well Geo Center List other water rights that will use this point 39722

* Am
 9-21
 * Email
 9-12

9. **Presently authorized point of diversion:**
 One in the _____ Quarter of the _____ Quarter of the _____ Quarter of Section _____, Township _____ South, Range _____ (E/W), in _____ County, Kansas, _____ feet North _____ feet West of Southeast corner of section.
 Authorized Rate _____ Authorized Quantity _____
 (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 point of diversion: (Complete only if change is requested)
 One in the _____ Quarter of the _____ Quarter of the _____ Quarter of Section _____, Township _____ South, Range _____ (E/W), in _____ County, Kansas, _____ feet North _____ feet West of Southeast corner of section.
 Proposed Rate _____ Proposed Quantity _____
 This point is: Additional Well Geo Center List other water rights that will use this point _____

10. **Presently authorized point of diversion:**
 One in the _____ Quarter of the _____ Quarter of the _____ Quarter of Section _____, Township _____ South, Range _____ (E/W), in _____ County, Kansas, _____ feet North _____ feet West of Southeast corner of section.
 Authorized Rate _____ Authorized Quantity _____
 (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 point of diversion: (Complete only if change is requested)
 One in the _____ Quarter of the _____ Quarter of the _____ Quarter of Section _____, Township _____ South, Range _____ (E/W), in _____ County, Kansas, _____ feet North _____ feet West of Southeast corner of section.
 Proposed Rate _____ Proposed Quantity _____
 This point is: Additional Well Geo Center List other water rights that will use this point _____

WATER RESOURCES
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 JAN 25 2016
 KS DEPT OF AGRICULTURE

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

IF MORE SPACE IS NEEDED, ATTACH ADDITIONAL SHEETS AS NECESSARY

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 19016 Rd I, Kusmet, Kansas, this 21 day of January, 2016.

Green Plains Cattle Co/Benjamin Fuentes _____
(Owner) (Spouse)

Benjamin Fuentes/Green Plains Cattle Comp. _____
(Please Print) (Please Print)

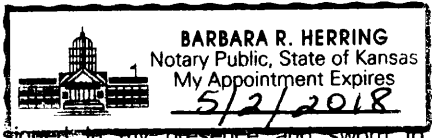
(Owner) (Spouse)

(Please Print) (Please Print)

(Owner) (Spouse)

(Please Print) (Please Print)

State of Kansas }
County of Seward } SS



I hereby certify that the foregoing application was signed in my presence and sworn to before me this 21st day of January, 2016.

Barbara R. Herring
Notary Public

My Commission Expires 5/02/2018.

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.**

12. The presently authorized use of water is for STK purposes.

It is proposed that the use be changed to _____ purposes.

13. If changing the place of use and/or use made of water, describe how the consumptive use will not be increased.

NO INCREASE IS CONSUMPTIVE USE AS ALL USE IS ALREADY 100% CONSUMPTIVE.

(Please show any calculations here.)

14. It is requested that the maximum annual quantity of water be reduced to 247.711 (acre-feet or **million gallons**).

15. It is requested that the maximum rate of diversion of water be reduced to _____ gallons per minute (____ c.f.s.).

16. 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 1/2 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 1/2 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) 1/2 mile downstream and 1/2 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.

17. 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.

SAME LOCAL SOURCE OF SUPPLY

WATER RESOURCES
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JAN 25 2016

KS DEPT OF AGRICULTURE

18. 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.

REQUEST A WAIVER OF KAR 5-23-3 IF THE WELL ARE ACTUALLY OVER 2640 FEET APART

WILL SUPPLY ADDITIONAL INFORMATION TO DOCUMENT DISTANCE

GPS data shows 2687' apart.

IF MORE SPACE IS NEEDED, ATTACH ADDITIONAL SHEETS AS NECESSARY

McColloch, Austin

From: Meyer, Mike
Sent: Wednesday, September 28, 2016 11:24 AM
To: McColloch, Austin
Subject: RE: Change PD File No. 28,014 Recommendation

I recommend approval
thanks

Mike

From: McColloch, Austin
Sent: Wednesday, September 28, 2016 10:40 AM
To: Meyer, Mike <Mike.Meyer@ks.gov>
Cc: Makens, Thom <Thom.Makens@ks.gov>
Subject: Change PD File No. 28,014 Recommendation

Mike,

Attached is my memo for a change in PD for File No. 28,014 proposing to do an additional well. Let me know if you have any questions.

Thanks,

Austin McColloch
Environmental Scientist
(785) 546-6643



Southwest Kansas
Groundwater Management District No. 3
2009 E. Spruce Street
Garden City, Kansas 67846
(620) 275-7147 phone (620) 275-1431 fax
www.gmd3.org

September 21, 2016

Austin J. McColloch
Kansas Department of Agriculture
Division of Water Resources
1320 Research Park Drive
Manhattan, Kansas 66502

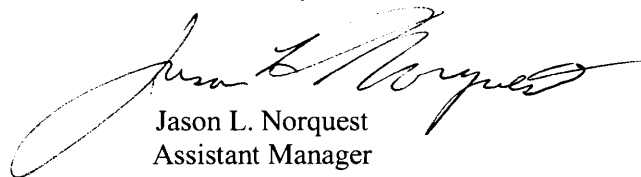
RE: Change Application,
Water Right, File No. 28,014

Dear Leslie:

We have completed a review of the application for the above referenced water right. The proposal is not in conflict with the Management Program of the Southwest Kansas Groundwater Management District No. 3 (GMD3). This application is add additional authority to a well currently authorized by File No. 39,722. GPS readings obtained from a GMD3 flow test (reports and calculations attached) show that the proposed distance moved to be less than a half mile, consistent with K.A.R. 5-23-3(b). Spacing to neighboring wells is in accordance with K.A.R. 5-23-3(a). The application also appears to meet the criteria for an additional well set forth in KAR 5-5-16. It is therefore recommended that the application be approved at this time.

Thank you for the opportunity to review the applications and to provide a recommendation. If you have any questions, please don't hesitate to contact us.

Sincerely,



Jason L. Norquest
Assistant Manager

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KS DEPT OF AGRICULTURE

1320 Research Park Drive
Manhattan, Kansas 66502
(785) 564-6700



900 SW Jackson, Room 456
Topeka, Kansas 66612
(785) 296-3556

Jackie McClaskey, Secretary

Governor Sam Brownback

September 13, 2016

GROUNDWATER MANAGEMENT DISTRICT #3
2009 E SPRUCE ST
GARDEN CITY KANSAS 67846

FILE COPY

Re: Change Application,
File No. 28,014

Dear Sir or Madam:

We are enclosing a copy of the referenced applications, which were submitted by Benjamin Fuentes on behalf of Green Plains Cattle Co. LLC, and appears to be in proper form, for your review.

We are delaying any further action for a period of 15 days from the date of this letter to allow you time to submit your recommendations concerning these applications. Please submit your recommendations within the allotted time, or any authorized extension of time thereof.

If you have any questions, please contact me at (785) 564-6643. If you wish to discuss a specific file, please have the file number ready to that I may help you more efficiently.

Sincerely,

Austin McColloch
Environmental Scientist
Water Appropriation Program

Enclosure
pc: Garden City Field Office

SCANNED

McColloch, Austin

From: Meyer, Mike
Sent: Monday, September 12, 2016 2:04 PM
To: McColloch, Austin
Subject: RE: File No. 28,014 - Change PD

I spoke to Benjamin today, move 80 GPM to the proposed well. That should give it 400 GPM and leave 460 GPM for the current well. Correct?

Mike

From: McColloch, Austin
Sent: Monday, September 12, 2016 1:48 PM
To: Meyer, Mike <Mike.Meyer@ks.gov>
Subject: RE: File No. 28,014 - Change PD

Mike,

Thanks for getting this in. Do you happen to know the rates they want to assign to the two wells?

Austin McColloch
Environmental Scientist
(785) 546-6643

From: Meyer, Mike
Sent: Thursday, September 08, 2016 9:39 AM
To: McColloch, Austin
Cc: Turney, Brent
Subject: RE: File No. 28,014 - Change PD

Austin
Attached is the flow test to verify the aquifer yield of the proposed project. As you can see they exceeded the authorized rate, therefore, we can split the authorized amount.
Let me know if you need anything else.
You may go ahead and scan these docs in docuwater

thanks

Mike

From: Meyer, Mike
Sent: Monday, July 18, 2016 3:09 PM
To: McColloch, Austin <Austin.McColloch@ks.gov>
Subject: RE: File No. 28,014 - Change PD

**SOUTHWEST KANSAS GROUNDWATER MANAGEMENT DISTRICT #3
FLOWMETER TEST REPORT**

FILE(S) **39722** COUNTY: Seward TEST CONDUCTED BY: CL

DATE March 13, 2012 TIME: 3:40

GPS N: 37.27148 W: 100.92247 Taken at: Well

WELL LOCATION **Section: 16 Township: 32 Range: 33**
ID: 6 QUARTER: NW
Distance from SE corner: 5240 feet North 5260 feet West

METER LOCATION Well NW Corner well

METER INFORMATION

Serial Number: **96-6-1293N** Model: MO306-2200
Manufacturer: McCrometer Meter Type: Propeller
Pipe Size: OD: 6.625 ID: 6.356
Totalizer units: Acre Feet
Multiplier: 0.001 Remarks:

METER INSTALLATION

Full pipe flow: Yes
Straightening vanes: Yes
Straight Run (inches) Upstream: 50 Downstream: 22 *Measurements to meter stem.*
Seal GLB

PUMP INFORMATION

Power: Electric
Manufacturer: Randolph Horsepower: 60 Ratio:
Engine rpm: Pump rpm:
Pressure (psi): 53 Measured at: discharge

INSTALLED METER TIME TEST

Visual Rate: 300 - 320 gpm
Calculated rate:
End Read 195.991 End Time 36:36
Begin Read 195.959 Begin Time 0
Difference 0.032 Time (min.)
Diff. Gal. 10427.2 Time (.00) 36.6
Installed Meter gpm 284.9

NON-INTRUSIVE FLOWMETER TEST

Manufacturer: FUJI
Model: PORTAFLOW Serial number: Q6J4361T
Pipe OD 6.66 Thickness 0.257 Material: Steel
Test location: Well, 64" downstream of gearhead
Transducer spacing: 4.974
Signal Strength: 4 bars, normal
Sound Speed (ft/s): 4642 Velocity (ft/s): 2.9

RESULT **Standard meter rate: 274 gpm Installed meter rate: 284.9 gpm**

Remarks: 10 minute flow test
Installed gpm - Standard gpm = **10.9 gpm difference**
GPM Difference + Standard gpm = calculated % difference
Calculated % difference 4.0%

**WATER RESOURCES
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INPUTS	
Target Section Definition	
Section	16
Township	32
Range	33
Range Direction	w
Target Point Coordinates (NAD27 or NAD83)	
Target Longitude	-100.916060
Target Latitude	37.266600



- Instructions**
1. Enter values for section, township, range and range direction.
 2. Enter **NAD27** or **NAD83** longitude and latitude of target point.
 3. Click "Load Data and Compute" button.
 4. Use feet distances corresponding to datum of target point.

Loaded Section Data From LEQBASE using NAD83		
Corner	Corner Latitudes	Corner Longitudes
SW	37.25723992	-100.92286427
NW	37.27184304	-100.92294155
NE	37.27178169	-100.90488894
SE	37.25738146	-100.90479775
Degrees Longitude per Foot		3.43612778E-06
Degrees Latitude per Foot		2.74643935E-06
Target Point Distances from Corners using NAD83		
Corner	Feet North(+)/South(-)	Feet East(-)/West(+)
SW	3408	-1980
NW	-1909	-2003
NE	-1887	3251
SE	3364	3278

Loaded Section Data From LEQBASE using NAD27		
Corner	Corner Latitudes	Corner Longitudes
SW	37.25723700	-100.92286400
NW	37.27184000	-100.92294100
NE	37.27178000	-100.90488800
SE	37.25738000	-100.90479700
Degrees Longitude per Foot		3.43612778E-06
Degrees Latitude per Foot		2.74643935E-06
Target Point Distances from Corners using NAD27		
Corner	Feet North(+)/South(-)	Feet East(-)/West(+)
SW	3417	-1983
NW	-1911	-2007
NE	-1879	3279
SE	3373	3408

Difference (NAD83 Minus NAD27)		
Corner	Corner Latitudes	Corner Longitudes
SW	0.00002292	-0.00044027
NW	0.00002304	-0.00044055
NE	0.00002269	-0.00043994
SE	0.00002246	-0.00043975
Difference (NAD83 Minus NAD27)		
Corner	Feet North(+)/South(-)	Feet East(-)/West(+)
SW	-8.90997182	-128.12913574
NW	-8.07493091	-128.21061607
NE	-7.95116384	-128.03467286
SE	-8.73514089	-127.97938603

INPUTS	
Target Section Definition	
Section	16
Township	32
Range	33
Range Direction	w
Target Point Coordinates (NAD27 or NAD83)	
Target Longitude	-100.922470
Target Latitude	37.271480



- Instructions**
1. Enter values for section, township, range and range direction.
 2. Enter **NAD27** or **NAD83** longitude and latitude of target point.
 3. Click "Load Data and Compute" button.
 4. Use feet distances corresponding to datum of target point.

Loaded Section Data From LEOBASE using NAD83		
Corner	Corner Latitudes	Corner Longitudes
SW	37.25723992	-100.92286427
NW	37.27184304	-100.92294155
NE	37.27178169	-100.90488894
SE	37.25738146	-100.90479775
Degrees Longitude per Foot		3.43612778E-06
Degrees Latitude per Foot		2.74643935E-06
Target Point Distances from Corners using NAD83		
Corner	Feet North(+)/South(-)	Feet East(-)/West(+)
SW	5185	-115
NW	-132	-137
NE	-110	5117
SE	5141	5143

Loaded Section Data From LEOBASE using NAD27		
Corner	Corner Latitudes	Corner Longitudes
SW	37.25721700	-100.92282400
NW	37.27182000	-100.92290100
NE	37.27175600	-100.90484900
SE	37.25732000	-100.90475800
Degrees Longitude per Foot		3.43612878E-06
Degrees Latitude per Foot		2.74643935E-06
Target Point Distances from Corners using NAD27		
Corner	Feet North(+)/South(-)	Feet East(-)/West(+)
SW	5184	-115
NW	-124	-137
NE	-102	5243
SE	5160	5271

Difference (NAD83 Minus NAD27)		
Corner	Corner Latitudes	Corner Longitudes
SW	0.00002292	-0.00044027
NW	0.00002304	-0.00044055
NE	0.00002269	-0.00043994
SE	0.00002246	-0.00043975
Difference (NAD83 Minus NAD27)		
Corner	Feet North(+)/South(-)	Feet East(-)/West(+)
SW	-9.20362526	-128.12969756
NW	-8.36858435	-128.21117789
NE	-8.24481728	-128.03523468
SE	-9.02879433	-127.97994785

**SOUTHWEST KANSAS GROUNDWATER MANAGEMENT DISTRICT #3
FLOWMETER TEST REPORT**

FILE(S) **28014** COUNTY: Seward TEST CONDUCTED BY: CL

DATE March 13, 2012 TIME: 2:55

GPS N: 37.26660 W: 100.91606 Taken at: Well

WELL LOCATION **Section: 16 Township: 32 Range: 33**
ID: 5 QUARTER: NW
Distance from SE corner: 3300 feet North 3300 feet West

METER LOCATION Well Pen 302 Well

METER INFORMATION

Serial Number: **98-8-2181N** Model: MO308-1200ov
Manufacturer: McCrometer Meter Type: Propeller
Pipe Size: OD: 8.625 ID: 8.356
Totalizer units: Acre Feet
Multiplier: 0.001 Remarks:

METER INSTALLATION

Full pipe flow: Yes
Straightening vanes: Yes
Straight Run (inches) Upstream: 68 Downstream: 6 *Measurements to meter stem.*
Seal GLB

PUMP INFORMATION

Power: Natural Gas
Manufacturer: Randolph Horsepower: 125 Ratio: 1:1
Engine rpm: Pump rpm:
Pressure (psi): 46 Measured at: discharge

INSTALLED METER TIME TEST

Visual Rate: 500 gpm
Calculated rate:
End Read 589.310 End Time 24:26
Begin Read 589.273 Begin Time 0
Difference 0.037 Time (min.)
Diff. Gal. 12056.5 Time (.00) 24.43
Installed Meter gpm 493.5

NON-INTRUSIVE FLOWMETER TEST

Manufacturer: FUJI
Model: PORTAFLOW Serial number: Q6J4361T
Pipe OD 8.68 Thickness 0.192 Material: Steel
Test location: Well, 34" downstream of cooler
Transducer spacing: 6.595
Signal Strength: 3 bars, normal (4x)
Sound Speed (ft/s): 4708 Velocity (ft/s): 2.8

RESULT **Standard meter rate: 482.2 gpm Installed meter rate: 493.5 gpm**

Remarks: 10 minute flow test
Installed gpm - Standard gpm = **11.3 gpm difference**
GPM Difference ÷ Standard gpm = calculated % difference
Calculated % difference 2.3%

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DIVISION OF WATER RESOURCES—KANSAS DEPARTMENT OF AGRICULTURE
METER FLOW RATE/VOLUME TEST

FILE NO. 28014 45 Date: 9/21/16 Tester: CAC Tested 1 of 1 installations
 Point of Diversion: N. S. E. W. Sec. 16, T. 32 S, R. 33 W
 Approximately 3300 ft. North and 3300 ft. West of SE corner of Sec 16.
 How were distances determined? files Latitude _____ Longitude _____
 Person(s) present at the test: BENJAMIN FUENTES Relationship(s) to owner: Op. Mgr.

TEST METER INFORMATION: Test meter location _____ Last verified _____
 Manufacturer Fus. Direct Model # PT 878 Serial # 07765
 Sensor is 24" + in upstream from 2160W
 Sensor is 60" + in downstream from 2160W

NORMAL CONDITIONS:

R.P.M. POWER UNIT _____
 R.P.M. PUMP UNIT _____
 Pressure at Pump _____ psi

MAXIMUM CONDITIONS

R.P.M. POWER UNIT _____
 R.P.M. PUMP UNIT _____
 Pressure at Pump _____ psi

Meter Test Meter Type Parameetrics 878 Meter Serial No. _____
 Ending 6100.1 gal. Ending _____ gal.
 Beginning 0 gal. Meas. O.D. 6.45 Beginning _____ gal.
 Difference 6100.1 gal. Meas. Wall 0.121 Difference _____ gal.
 Time 143.1 sec min. XDCR Setting 45.68 mm Time _____ min.
 Rate 826.01 gpm. Material Type _____ Rate _____ gpm.

Diagnostics:

Signal Strength SS up: 67.2 SS dn: 67.2 (Should be over 55 highest on PVC, up and dn should be close to the same)
 SNDSP: 508.1 (Should be close to book value for the soundspeed at measured temp) Temp _____ F
 Delta T (<Delta>): 343.13 Is this number stable? Yes If no please explain: _____
 T up: _____ T dn: _____ (Bad: continuous large fluctuations of 1 microsecond or more)
 Signal Quality: Q up 274.41 Q dn 274.08 (Should be + - 300 or greater)
 AMP up: 28 AMP dn: 29.1 (Should be 20 - 28 fluctuations)
 P# up: 303 P# dn: 300 (100 to 900, closest to 500 is best)
 Nf up: _____ Nf dn: _____ (Should Be 0.85 to 1.0)

Installed Meter Test Manufacturer McCrone Serial # 98-8-21814 Model # MD308-1200
 Sensor is 22" in upstream from check valve
 Sensor is 41" in downstream from C.P.

Outside Diameter (Stamped) _____ inches (Measured) _____ inches
 Inside Diameter (Stamped) 8.256 inches (Measured) _____ inches
 Ending 881.599 AF Ending _____ gal./AF
 Beginning 881.584 AF Beginning _____ gal./AF
 Difference 49107.76 gal. Difference _____ gal./AF
 Time 6:30.72 (.6251) min. Time _____ min.
 Rate 750.80 gpm. Rate _____ gpm.

% Error Calculation: $\frac{\text{Test} - \text{Meter}}{\text{Test}} \times 100$ % error 9.1%

Other Flowmeter Use Supplemental Sheet (include meter identification, data and calculations).

COMMENTS: FR=1250 / Commis pump 3/4" Randrup 125, 1:1,
serial 914523 / no limit / 4CB seal

Good test to demonstrate aquifer yield. Comparisons not relevant to flow test intent.

- Good Test
- Adequate Test
- Unacceptable Comparison

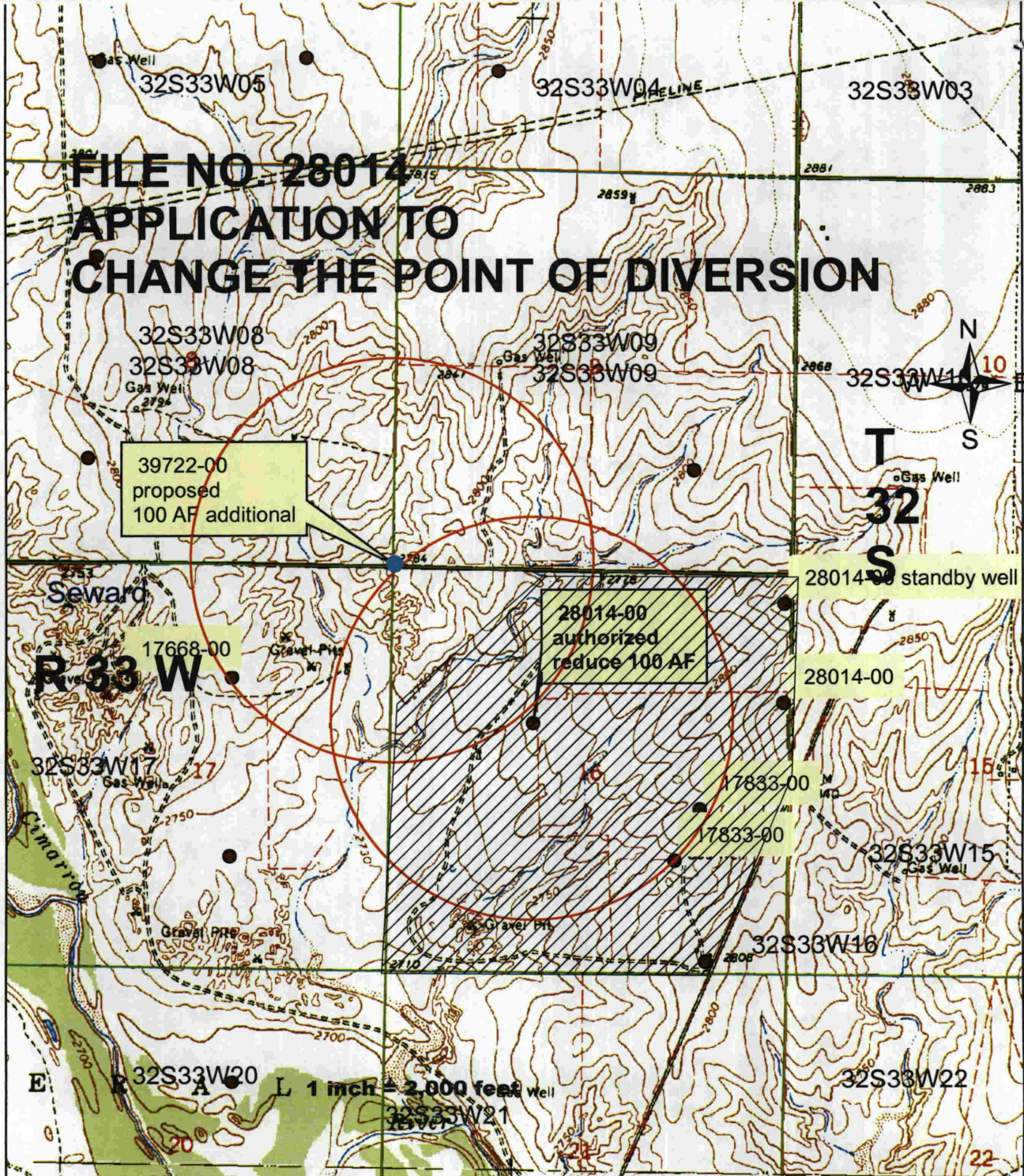
Reviewed by Michael My Date 9-8-16 Entered by _____ Date _____

Benjamin
(20) 629-0196

Rak
Sew Co.

28014 #5
37.26641 100.915696

Seward



FILE NO. 28014
APPLICATION TO
CHANGE THE POINT OF DIVERSION

X Benjamin Fuentes
 APPLICANT SIGNATURE

No other wells within 1/2 mile of the proposal.

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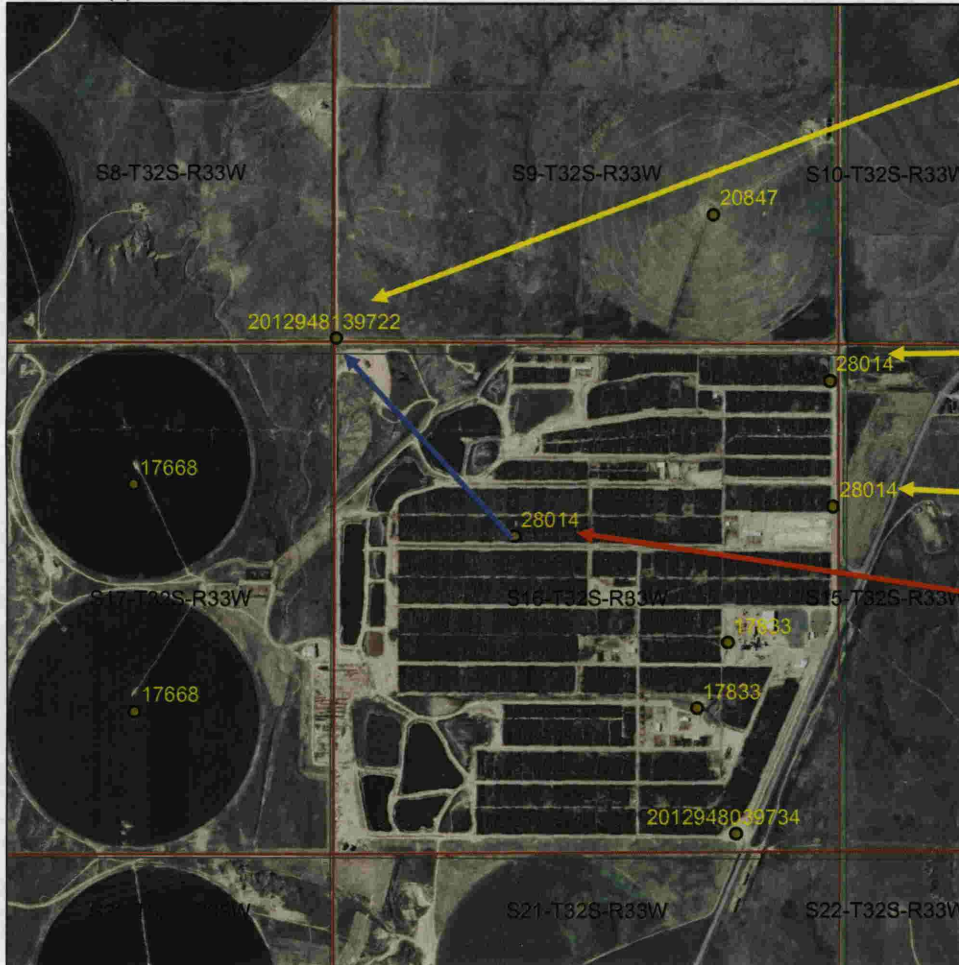
JAN 25 2016

SCANNED

KS DEPT OF AGRICULTURE

GMD3 Change Review

Change Application(s); PD
 File No(s). 28014, Green Plains Cattle LLC



Stack 100AF w/39722.
 Total possible authority
 would be 411AF.

Standby Well

ID 3, Authorized
 203.9AF

Currently Authorized
 656.2AF
 Proposed
 556.2AF
 Moving 100AF

WRIS and GPS presented on the application show that the distance moved would be over half mile (2687'). GPS from a flow test performed by GMD3 staff show the move would be under a half mile(2576')

	ft. North	ft. West	
Authorized P/D	3300	3300	Sect. 16-32-33
Proposed P/D	5240	5260	
Difference	-1940	-1960	
$a^2 + b^2 = c^2$	3763600	3841600	2757.8 foot move NW

Neighboring wells: Spacing MET, see WRIS report
 Domestic wells: None found in area of concern
 Regulation(s) Reviewed: KAR 5-23-3 & KAR 5-5-16
 Board Review Date: NA
 Board Recommendation: NA
 Waiver Reason: NA

Final Recommendation: After review of all available information, it appears that the area rules are met. Information from GMD3 tests verify that the distance moved is less than half mile. Staff therefore recommends approval of the application.

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