

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

**Document Signature DWB**

1. File Number: <b>34554</b>	2. Status Change Date: <i>12/16/2016</i>	3. Change Num: <b>C3</b>	4. Field Office: <b>04</b>	5. GMD: <b>03</b>
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6. Status: <input checked="" type="checkbox"/> Approved <input type="checkbox"/> Denied by DWR <input type="checkbox"/> Dismiss by Request/Failure to Return	7. Filing Date of Change: <b>9/16/16</b>
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8a. Applicant(s) New to system <input type="checkbox"/> Person ID <b>2662</b> Add Seq# _____  <b>CATTLE EMPIRE <del>FEEDYARD</del> INC</b> <b>ROY N BROWN</b> <b>1174 EMPIRE CIR</b> <b>SATANTA KS 67870</b>	8c. Landowner(s) New to system <input type="checkbox"/> Person ID _____ Add Seq# _____
---	--

8b. Landowner(s) New to system <input type="checkbox"/> Person ID _____ Add Seq# _____	8d. WUC & Landowner New to system <input type="checkbox"/> Person ID <b>2662</b> Add Seq# _____  <b>CATTLE EMPIRE <del>FEEDYARD</del> INC</b> <b>ROY N BROWN</b> <b>1174 EMPIRE CIR</b> <b>SATANTA KS 67870</b>
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9. Documents and Enclosure(s): DWR Meter(s) Date to Comply: 12/31/17     N & P Date to Comply: 12/31/17

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: **12/6/16**    By: **LI**  
 Date Entered: *12/7/2016*    By: *LUM*

File No. **34554**      11. County: **HASKELL**      Basin: **CIMMARON RIVER**      Stream: **NA**      Formation Code: **211 & 331 & 200**      Special Use: **NA**

12. Points of Diversion										Rate and Quantity						
MOD	DEL	ENT	PDIV	Qualifier	S	T	R	ID	'N	'W	Comment	Authorized		Additional		Overlap PD Files
												Rate gpm	Quantity mgy	Rate gpm	Quantity mgy	
DEL	66572	SW SW SW			9	28	33W	10	121	4634		98	33.240	98	33.240	34236
ENT	45663	SW SW NW			9	28	33W	8	2685	5248		98	33.240	98	33.240	NONE

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**  
 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	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				
NO CHANGE																				

Comments: **PD WILL MOVE TO EXISTING WELL THAT HAS BEEN UPDATED TO ACTUAL GPS COORDINATES**

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

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

**TO:** Files  
**DATE:** December 6, 2016

**FROM:** Leslie Ireland  
**RE:** Water Right  
File No. 34,554

Roy N. Brown, Chief Executive Officer and President of Cattle Empire LLC, owner of the feed lot authorized as the place of use under the referenced stockwatering right, filed an application on September 16, 2016, for approval to change the point of diversion. The application proposes to authorize a well which had been authorized under Water Right, File No. 14,091.

The application complies with K.A.R. 5-5-2a, *Complete change application*. It does not appear to be abandoned per K.S.A. 82a-718 and is in compliance with K.S.A. 82a-732.

The referenced file authorizes one (1) well located in the Southwest Quarter (SW $\frac{1}{4}$ ) of Section 9, Township 28, Range 33 West, Haskell County, to divert 33.240 million gallons (360 acre-feet) at a maximum rate of 98 gallons per minute. The right has no additional limitations, and is not located within a special use area. The source of supply for the presently authorized point of diversion was classified as Ogallala formation (Code 211) and unconfined Dakota formation (Code 331). The proposed existing well has been classified with the same formations, indicating that the source of supply will remain unchanged. A January 5, 2015, change approval overlapped the referenced file with Right, File No. 34,236, which is also authorized for stockwatering use. The place of use is authorized by File Nos. 14,091; 16,955; 34,236; 34,553 and 34,554.

The currently authorized point of diversion for File No. 34,554 and 34,236 is located in the Southwest Quarter of the Southwest Quarter of the Southwest Quarter (SW $\frac{1}{4}$  SW $\frac{1}{4}$  SW $\frac{1}{4}$ ) of Section 9, approximately 121 feet North and 4,634 feet West of the Southeast corner of said section. The proposal is to move File No. 34,554 to the well historically authorized by File No. 14,091. The currently authorized well will remain authorized under File No. 34,236. This change that will unstack these rights is not an considered an additional well per K.A.R. 5-5-16, *Additional well*, as the rights were developed separately and overlapped by the January 2015 approval to change to change the point of diversion under File No. 34,554.

The proposed existing well is located in the Northwest Quarter of the Northwest Quarter of the Southwest Quarter (NW $\frac{1}{4}$  NW $\frac{1}{4}$  SW $\frac{1}{4}$ ) at 2,630 feet North and 5,030 feet West of the Southeast corner of Section 9. A December 2, 2016 GPS check by DWR staff determined the actual location of the proposed existing point of diversion to be 2,685 feet North and 5,248 West from the Southeast corner. This would shift the well to the North and modify the description qualifiers to being the Southwest Quarter of the Southwest Quarter of the Northwest Quarter (SW $\frac{1}{4}$  SW $\frac{1}{4}$  NW $\frac{1}{4}$ ) of Section 9, Township 28, Range 33 West, Haskell County. A review of ownership records finds Cattle Empire to be the owner of the land. In an email dated December 6, 2016, Vicky Zanghi with Cattle Empire was sent an updated map and information on the ownership of the land on which the actual well location was determined. It appears the update will not alter the ownership of the well. The point of diversion will be moved approximately 2,636 feet to the Northwest. The proposed change complies with the maximum allowed distance of 2,640 feet as detailed in Part(b) of K.A.R. 5-23-3, *Minimum well spacing requirements: high plains aquifer*.

The proposed well is subject to part (a) of K.A.R. 5-23-3; *Minimum well spacing requirements: high plains aquifer*. K.A.R. 5-23-3(a) indicates that the minimum well spacing requirement to other nontemporary and nondomestic wells for the 102 acre-feet authorized by this well needs to be a minimum of 1,300 feet. There are three(3) other stockwatering wells and one(1) irrigation well located within one-half ( $\frac{1}{2}$ ) mile of the proposed existing point of diversion. One is the well that had been authorized and will remain under File No. 34,236 and two(2) other stockwatering wells owned by the applicant. The well authorized under File No. 14,091, is authorized 939 acre-feet which requires 2,300 feet of spacing. The GPS determination found this well to be 2,450 feet away. The well under File No. 34,553, authorizes 104 acre-feet needs 1,300 feet of spacing by regulation. This well was indicated by WRIS with the newly determined well location to be approximately 1,680 feet to the South. The irrigation well under File No. 23,409, authorizes 373 acre-feet and was initial thought to be within 2,604 feet of the proposed well. It was determined to be over a half mile away. The GPS determination and the feet distances in WRIS indicate the well to well spacing has been met.

All of the stockwatering wells are owned by the applicant. The nearby well under File No. 23409 is partially owned by F & E Cox Farms. They were sent a notification of the change. On November 15, 2016, a Consent to Change Point of Diversion signed by Kenneth Cox, President, of F & E Farms was received in the office of the Chief Engineer. It detailed the change and his consent to the change.

In a letter dated December 5, 2016, Jason Norquest, Assistant Manager, of the Southwest Kansas Groundwater Management District No. 3, recommended that the change in point of diversion be approved as the proposal complies with their adopted regulations.

Michael Meyer, Water Commissioner of the Garden City Field Office has reviewed the application. In an email dated December 6, 2016, he indicated his support for the approval of the application for change in point of diversion.

The existing well will be required to have a water flowmeter installed. A check valve will be required, if the owner will be chemigating. As the proposal is to move to an old existing well, a well log and water level measurement tube will not be a condition of the approval.

The proposed change appears to be reasonable and the source of supply will remain unchanged. As it is unlikely that the change will cause impairment to any existing water rights, approval of the proposed change in point of diversion is recommended.



Leslie Ireland  
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

December 7, 2016

Governor Sam Brownback

CATTLE EMPIRE LLC  
ROY N BROWN  
1174 EMPIRE CIR  
SATANTA KS 67870-9600

**FILE COPY**

RE: Water Right, File No. 34,554

Dear Mr. Brown:

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

Your attention is directed to the enclosures and to the terms, conditions, and limitations specified in the change approval. A condition of the approval is that an acceptable water flowmeter must be installed on the diversion works authorized. Please return the required enclosed form for the *Notification of the Completion of the Diversion Works and/or Installation of the Required Flowmeter*.

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 Leslie Ireland, Environmental Scientist, at (785) 564-6633. If you wish to discuss a specific file, please have the file number ready so that we may help you more efficiently.

Sincerely,

Brent A. Turney, P.C.  
Change Application Unit Supervisor

BAT:LI:li:  
Enclosures

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

THE STATE



OF KANSAS

**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. 34,554**

The Chief Engineer, Division of Water Resources, Kansas Department of Agriculture, after due consideration of the written application of Roy N. Brown, Chief Executive Officer and President of Cattle Empire LLC, 1174 Empire Circle, Satanta, Kansas 67870-9600, received in this office on September 16, 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 Order of the Chief Engineer dated May 20, 1989, approving the application to change the point of diversion and the Order of the Chief Engineer dated January 5, 2015, approving the application to change the point of diversion and place of use, finds that the change is reasonable and will not impair existing rights, that the change relates to the same local source of supply and that the application should be and is hereby approved.

The effective date of the change shall be the date this order is executed by the Chief Engineer, after which the authorized location of the point of diversion shall be:

one (1) well located in the Southwest Quarter of the Southwest Quarter of the Northwest Quarter (SW $\frac{1}{4}$  SW $\frac{1}{4}$  NW $\frac{1}{4}$ ) of Section 9, more particularly described as being near a point 2,685 feet North and 5,248 feet West of the Southeast corner of said section, in Township 28 South, Range 33 West, Haskell County, Kansas,

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

Installation of the works for diversion of water shall be completed on or before December 31, 2017, or within any authorized extension of time. The applicant shall notify the Chief Engineer of the Division of Water Resources, Kansas Department of Agriculture, when construction of the works for diversion has been completed.

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.

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.

In all other respects, the Certificate of Appropriation issued pursuant to Approval of Application, File No. 18046, for permit to appropriate water for beneficial use, is as stated and set forth in the Certificate of Appropriation dated September 23, 1993, as modified and amended by the aforementioned orders.

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 Summary 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.

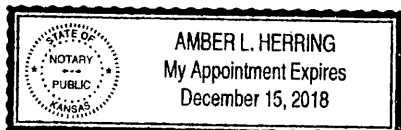
Ordered this 6<sup>th</sup> day of December, 2016, at Topeka, Shawnee County, Kansas.

*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 6<sup>th</sup> day of December 2016, by Lane P. Letourneau, P.G., Program Manager, Water Appropriation Program, Division of Water Resources, Kansas Department of Agriculture.



*Amber L. Herring*  
Notary Public

**CERTIFICATE OF SERVICE**

On this 7<sup>th</sup> day of December, 2016, I hereby certify that the attached Approval of Application for the Change in Point of Diversion authorized under Water Right, File No. 34,554, dated December 16, 2016 was mailed postage prepaid, first class, US mail to the following:

Cattle Empire LLC  
Roy N. Brown  
1174 Empire Circle  
Satanta, KS 67870-9600

With a Photocopy to:

Garden City Field Office  
Groundwater Management District No. 3

  
\_\_\_\_\_  
Division of Water Resources



Submit completed application to:  
 Kansas Department of Agriculture  
 Division of Water Resources  
 Field Office for your area.  
 Call for address:  
 Topeka -- (785) 296-5733  
 Stafford -- (620) 234-5311  
 Stockton -- (785) 425-6787  
 Garden City -- (620) 276-2901  
<http://agriculture.ks.gov/dwr>

## DWR FIELD OFFICE APPLICATION FOR APPROVAL TO CHANGE THE PLACE OF USE AND/OR THE POINT OF DIVERSION



**STATE OF KANSAS**

**Filing Fee Must Accompany the Application, K.S.A. 82a-708b(b), as amended.**  
 Fee Schedule is on the third page of this application form.

**Paragraph Nos. 1, 2, 3 & 5 must be completed. Complete all other applicable portions.** If change in point of diversion is greater than 100 feet, or if place of use will be changed, include a topographic map or detailed plat showing the authorized and proposed point(s) of diversion and/or place of use.

\_\_\_\_\_   
 File No. 34, 554

WATER RESOURCES  
 RECEIVED

SEP 16 2016

11:18  
 KS DEPT OF AGRICULTURE

1. Application is hereby made for approval of the Chief Engineer to change the (check one or both):

Place of Use                       Point of Diversion

under the water right which is the subject of this application in accordance with the conditions described below.

The source of supply is:                       Groundwater                       Surface water

2. Name and address of Applicant: Cattle Empire LLC

1174 Empire Circle, Satanta, KS 67870-9600

Phone Number: (620)649-2235

Email address: \_\_\_\_\_

Name and address of Water Use Correspondent: Cattle Empire LLC

1174 Empire Circle, Satanta, KS 67870-9600

Phone Number: (620)649-2235

Email address: \_\_\_\_\_

3. The presently authorized place of use is:

Owner of Land ---- NAME: Cattle Empire LLC

ADDRESS: 1174 Empire Circle, Satanta, KS 67870-9600

(If there is more than one landowner, attach supplemental sheets as necessary.)

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	
<u>9</u>	<u>28</u>	<u>33</u>					X	X	X	X	X	X	X	X					Feedyard

4. If this application is for a change in place of use, it is proposed that the place of use be changed to:

Owner of Land ---- NAME: No change

ADDRESS: \_\_\_\_\_

(If there is more than one landowner, attach supplemental sheets as necessary.)

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	

For Office Use Only: Code CBT Fee \$ 200 TR # \_\_\_\_\_ Receipt Date 9/19/16 Check # 105005

5. **Presently authorized point of diversion:**  
 One in the SW Quarter of the SW Quarter of the SW Quarter of Section 9, Township 28 South, Range 33 W, in HASKELL County, Kansas, 121 feet North 4634 feet West of Southeast corner of section. Authorized Rate 98 GPM Authorized Quantity 102.01 AF Depth of well \_\_\_\_\_ (feet)  
 (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 SW X Quarter of the NW SW Quarter of the SW NW Quarter of Section 9, Township 28 South, Range 33 (W), in HASKELL County, Kansas, 2630 feet North 5480 feet West of Southeast corner of section. Proposed Rate 98 GPM Proposed Quantity 102.01 AF Proposed well depth (feet) \_\_\_\_\_  
 This point is:  Additional Well  Geo Center List other water rights that will use this point NONE Y

6. **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 \_\_\_\_\_ Depth of well \_\_\_\_\_ (feet)  
 (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 \_\_\_\_\_ Proposed well depth (feet) \_\_\_\_\_  
 This point is:  Additional Well  Geo Center List other water rights that will use this point \_\_\_\_\_

7. Why do you need a new point of diversion? Original well  
location (1720' N, 4615' W) failed; current location is  
inadequate for both file no. 34236 and 34554

8. If a well, is the test hole log attached?  Yes  No

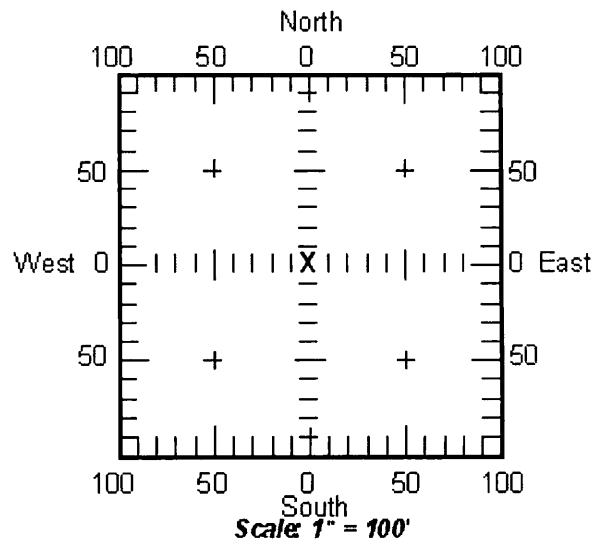
9. When do you propose to complete the new point of diversion?  
pre-existing; former location of well under file no. 14091

10. If the point of diversion is a well:  
 (a) What are you going to do with the old well?  
retain for file no. 34236  
 (b) When will this be done? immediately on approval

11. Groundwater Management District recommendation attached?  Yes  No

12. Assisted by \_\_\_\_\_

13a. If the proposed point of diversion will be relocated within 100 feet of the existing point of diversion, indicate its location on the diagram below in relation to the existing point of diversion. (PLEASE NOTE: The "X" in center of diagram below represents presently authorized point of diversion.)



13b. If the proposed point of diversion will be relocated more than 100 feet but within 1320 feet from the existing point of diversion, attach a topographic map or aerial photograph. For groundwater sources, show all wells (including domestic) within one-half mile of the proposed point of diversion and the names and mailing addresses of the owners. For surface water sources, show the names and addresses of the landowner(s) one-half mile downstream and one-half mile upstream from your property lines.

\* GPS UPDATE MODIFICATION WATER RESOURCES RECEIVED  
 12/6/16 -  
 SEP 16 2016

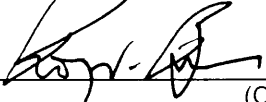
14. If the proposed groundwater point of diversion is 300 or fewer feet from existing point of diversion, complete the following:

- (a) Does the undersigned represent all owners of the currently authorized place(s) of use identified in this application?  
 Yes     No    (If no, all owners must sign this application.)
- (b) Will the ownership interest of any owner of the currently authorized place(s) of use identified in this application be adversely affected if this application is approved as requested?  
 Yes     No    (If yes, all owners must sign this application.)
- (c) If this application is not approved expeditiously, will there be substantial damage to property, public health or safety?  
 Yes     No    (If no, all owners must sign this application.)

If the application proposes a surface water change in point of diversion, a groundwater change in point of diversion greater than 300 feet, or a change in place of use, the application must be signed by all owners of the currently authorized place of use, or their duly authorized agent (attach notarized statement authorizing representation).

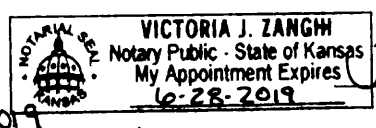
I hereby verify, being first duly sworn upon my oath or affirmation and under penalty of perjury, that I am of lawful age and the owner, the spouse of the owner, or a duly authorized agent of the owner(s) to make this application on their behalf, in regard to the water right(s) to which this application pertains. I further verify that the statements contained in this application are true, correct and complete.

Dated at Santamba, Kansas \_\_\_\_\_, Kansas, this 9<sup>th</sup> day of September, 2016.

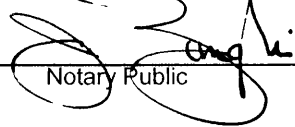
 _____ (Owner)	_____ (Spouse)
<u>Roy N. Brown, Chief Executive Officer / President</u> _____ (Please Print)	_____ (Please Print)
_____ (Owner)	_____ (Spouse)
_____ (Please Print)	_____ (Please Print)
_____ (Owner)	_____ (Spouse)
_____ (Please Print)	_____ (Please Print)

State of Kansas }  
County of Haskell } SS

I hereby certify that the foregoing application was signed in my presence and sworn to before me this 9<sup>th</sup> day of September, 2016.



My Commission Expires 6.28.2019

  
 \_\_\_\_\_  
 Notary Public

ONLY COMPLETE APPLICATIONS WILL BE PROCESSED. To be complete, all of the applicable portions of the application form must be completed with accurate information; maps, if necessary, must be included; signatures of all the appropriate owners' must be affixed to the application and notarized; and the appropriate fee must be paid.

**FEE SCHEDULE**

Each application to change the place of use or the point of diversion under this section shall be accompanied by the application fee set forth in the schedule below: Make checks payable to: **Kansas Department of Agriculture**

- (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

WATER RESOURCES  
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SEP 16 2016

*The  
Professionals*

# MINTER-WILSON DRILLING CO.

INCORPORATED

Irrigation  
and Domestic  
Water Systems  
Complete Installation  
and Repairing

Phone 276-8269 • P.O. Box A • GARDEN CITY, KANSAS 67846

Cattle Empire Feedyard  
Haskell County  
6/25/96

Location: 9-28-33 - South of Garden City - 24 miles on Highway 83,  
3-9/10ths miles west, about  $\frac{1}{2}$  mile north  
(offset old well - 70 ft. north)

Static Water Level - 386'

Test #1

0' to 1' - Top soil  
1' to 12' - Brown clay  
12' to 82' - Brown sandy clay  
82' to 136' - Fine to medium sand and gravel  
136' to 152' - Fine to medium sand and gravel - 15% clay  
152' to 247' - Fine to medium sand and gravel-medium coarse gravel streak  
247' to 251' - Brown clay  
251' to 264' - Fine to medium sand and gravel  
267' to 276' - Brown yellow clay  
276' to 281' - Fine to medium sand and gravel  
281' to 358' - Blue clay  
358' to 379' - Fine to medium sand and gravel  
379' to 393' - Fine to medium sand and gravel - clay streak  
393' to 411' - Brown blue clay mixed  
411' to 424' - Brown blue clay - small strip gravel  
424' to 439' - Fine to medium sand and gravel  
439' to 465' - Brown blue clay mixed  
465' to 470' - Sand stone  
470' to 545' - Brown blue clay mixed  
545' to 590' - Blue shale - hard pull down 700  
590' to 625' - Blue shale dakota sand stone 10% - pull down 300  
625' to 690' - Blue shale - hard pull down 500 to 700

WATER RESOURCES  
RECEIVED

SEP 16 2016

KS DEPT OF AGRICULTURE

SCANNED

## Ireland, Leslie

---

**From:** Meyer, Mike  
**Sent:** Tuesday, December 06, 2016 11:12 AM  
**To:** Ireland, Leslie  
**Subject:** RE: Recommendation for Change in PD File No. 34,554 Cattle Empric

yes I recommend approval

*Mike*

---

**From:** Ireland, Leslie  
**Sent:** Tuesday, December 6, 2016 11:04 AM  
**To:** Meyer, Mike <[Mike.Meyer@ks.gov](mailto:Mike.Meyer@ks.gov)>  
**Subject:** Recommendation for Change in PD File No. 34,554 Cattle Empric  
**Importance:** High

Mike,

Please let me know if you could recommend this change.

Paragraphs 4 and 5 summarize the GPS Update and that the change is not subject to KAR 5-5-16 due to the wells being stacked in 2015. The rights were certified separately.

The GPS update will not change the ownership per the information I have available.

As always comments and concerns are welcome.

Leslie Ireland, Environmental Scientist II  
Kansas Department of Agriculture  
Division of Water Resources - Change Unit  
(785) 564-6633  
[Leslie.Ireland@ks.gov](mailto:Leslie.Ireland@ks.gov)  
[www.agriculture.ks.gov](http://www.agriculture.ks.gov)

## Ireland, Leslie

---

**From:** Ireland, Leslie  
**Sent:** Tuesday, December 06, 2016 9:31 AM  
**To:** vzanghi@cattle-empire.net  
**Subject:** Land ownership Water Right File No. 34,554  
**Attachments:** 201612060922.pdf

Vicky,

Sorry to have to bother you,, but the proposal to move this right to the well that had been authorized by File No. 14,091 required the well to be measured by GPS to verify the spacing requirement to the new well authorized by File No. 14,091. The determination found the well proposed by File No. 34,554 to be located 2,685 feet North and 5,248 feet West of the Southeast corner. This would place the well in the Southwest Quarter of the Southwest Quarter of the Northwest Quarter, not the Northwest Quarter of the Northwest Quarter of the Southwest Quarter as historically described.

I did look at the property records and it looks like Cattle Empire owns the Northwest Quarter of Section 9. The application should be modified to show the proposed existing well for File No. 34,554 to be in the Southwest Quarter of the Southwest Quarter of the Northwest Quarter ( SW SW NW) at 2,685 feet North and 5,248 feet West of the Southeast corner of Section 9. I've updated the map so you can see the modification.

Please let me know if you think that Cattle Empire does not own the land on which the well has been determined to be located.

I'm going to proceed with the approval based on the information, that will redefine the well location.

Thank you,  
Leslie Ireland, Environmental Scientist II  
Kansas Department of Agriculture  
Division of Water Resources - Change Unit  
(785) 564-6633  
[Leslie.Ireland@ks.gov](mailto:Leslie.Ireland@ks.gov)  
[www.agriculture.ks.gov](http://www.agriculture.ks.gov)



**Haskell County  
Property Data**

- Current Theme:  
 General Info  
 Residential  
 Commercial  
 Agricultural  
 Building Sketch  
 Full Report  
 Help

Data:	Updated:
Property Info	11/28/2016
Aerial Photos	3/2015

15 property records were found. Click a **Parcel ID** to establish a Subject Property.

[Return](#)

Rec	Parcel ID	Owner Name	Location
1	<a href="#">041062090000001030</a>	CATTLE EMPIRE LLC	00000 COUNTY ROAD, Sublette, KS 67877.
2	<a href="#">041062090000001040</a>	CATTLE EMPIRE LLC	00000 COUNTY ROAD, Sublette, KS 67877
3	<a href="#">041062090000001010</a>	CATTLE EMPIRE LLC	00000, Sublette, KS 67877

**General Information**

Tuesday December 06 2016 8:30:56 AM

Subject Property: 041062090000001010

[Print](#)

QuickRef ID : R862 No map available  
 Owner Name : CATTLE EMPIRE LLC No property photo available  
 Location : 00000, Sublette, KS 67877.  
 Legal Desc : S09 , T28 , R33W , ACRES 166.1 , NW4 & PT SW4 BEG NWCORSW4 TH E2307', S128.4', W2307', N128.4' TO POB LESS ROW

The legal description displayed above is not adequate for use in legal documents

**Owner Information**

Owner : CATTLE EMPIRE LLC Mailing Address : 1174 EMPIRE CIRCLE SATANTA, KS 67870

**Property Details**

Property Type : Agricultural Use Property Status : Active Taxing Unit : 013 - HASKELL 374H Neighborhood Code : 300.0

**Market Land Details**

Actual Width : Eff Width : Eff Depth : Acres : Square Feet :

No Permit Details found.

**Value Details**

Year : 2016  
 Current Final Value (Agricultural) :  
     Land : \$32,600  
     Building : \$0  
     Total : \$32,600

**Deed Book/Page**

Book / Page List and Misc Legal Description Info :  
 Book/Page 0150/0360 0154/0464

No Sale Details found. (Please log in to view this data.)

FILE NO. 14091 ID#8 NAD 27 DATA 12/2/2016

INPUTS	
Target Section Definition	14091 ID 8
Section	9
Township	28
Range	33
Range Direction	W
Target Point Coordinates (NAD27 or NAD83)	
Target Longitude	-100.943260
Target Latitude	37.827780

Load Data and Compute

**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	37.82056827	-100.94397124
NW	37.63514121	-100.94389530
NE	37.63492714	-100.92558880
SE	37.82043131	-100.92558369
Degrees Longitude per Foot		3.45277842E-06
Degrees Latitude per Foot		2.74626861E-06
Target Point Distances from Corners using NAD83		
Corner	Feet North(+)/South(-)	Feet East(-)/West(+)
SW	2826	-206
NW	-2680	-184
NE	-2602	5124
SE	2676	5119

Loaded Section Data		
From LEOBASE using NAD27		
Corner	Corner Latitudes	Corner Longitudes
SW	37.82054400	-100.94352700
NW	37.63511700	-100.94345100
NE	37.63490300	-100.92512500
SE	37.82040700	-100.92514000
Degrees Longitude per Foot		3.45277730E-06
Degrees Latitude per Foot		2.74598553E-06
Target Point Distances from Corners using NAD27		
Corner	Feet North(+)/South(-)	Feet East(-)/West(+)
SW	2835	-77
NW	-2672	-55
NE	-2584	5252
SE	2685	5248



FILE NO 14091

INPUTS		
	Longitude	Latitude
Point 1	-100.934840	37.627140
Point 2	-100.943260	37.627780

Degrees Longitude per Foot 3.45276417E-06  
Degrees Latitude per Foot 2.74626832E-06

Distance Between Points (ft) 2450

**Compute Distance Between Points**

## **Ireland, Leslie**

---

**From:** Jason Norquest <norquest@gmd3.org>  
**Sent:** Monday, December 05, 2016 9:02 AM  
**To:** Ireland, Leslie  
**Subject:** RE: File No. 35445 well locations  
**Attachments:** 34554\_ReviewMat\_PD\_120516.pdf

Here ya go. I will put the letter in the mail today. Hope you had a good weekend.

### *Jason Norquest*

Assistant Manager, GMD3  
Office: 620-275-7147 Cell: 620-271-1289  
[norquest@gmd3.org](mailto:norquest@gmd3.org)  
[www.gmd3.org](http://www.gmd3.org)

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**From:** Ireland, Leslie [<mailto:Leslie.Ireland@ks.gov>]  
**Sent:** Friday, December 02, 2016 4:29 PM  
**To:** Jason Norquest  
**Cc:** Meyer, Mike  
**Subject:** File No. 35445 well locations

Jason,

Looks like the wells are 2,450 feet apart... so looks like no waiver is needed. But that is your wheel house.....

Have a good weekend...

Leslie Ireland, Environmental Scientist II  
Kansas Department of Agriculture  
Division of Water Resources - Change Unit  
(785) 564-6633  
[Leslie.Ireland@ks.gov](mailto:Leslie.Ireland@ks.gov)  
[www.agriculture.ks.gov](http://www.agriculture.ks.gov)

Water Rights and Points of Diversion Within 1.00 miles of point defined as:  
2685 ft N and 5248 ft W of the SE Corner of Section 9, T 28S, R 33W  
Located at: 100.943260 West Longitude and 37.627781 North Latitude  
GROUNDWATER ONLY

GPS  
ADJUSTED  
LOCATION PROPOSED FILE NO. 34,554

File Number	Use	ST	SR	Dist (ft)	Q4	Q3	Q2	Q1	FeetN	FeetW	Sec	Twp	Rng	ID	Batt	Auth_Quan	Add_Quan	Unit	
A__ 14091	00	STK	NK	G	2462	--	NE	NE	SW	2457	2797	9	28	33W	11		939.08	939.08	AF ←
A__ 14492	00	IRR	NK	G	4200	--	SE	NW	SW	1488	4261	4	28	33W	6		640.00	640.00	AF
A__ 16882	00	IRR	NK	G	4028	--	NW	NW	NE	5120	2040	9	28	33W	3		412.00	412.00	AF
A__ 18659	00	IRR	NK	G	3826	--	SE	SE	SW	400	3040	8	28	33W	2		311.00	311.00	AF
A__ 23409	00	IRR	NK	G	2839	--	--	CS	SE	100	1200	8	28	33W	3		373.00	373.00	AF
A__ 23410	00	IRR	NK	G	3426	--	SE	SE	SW	65	3040	9	28	33W	4		325.00	325.00	AF
A__ 28949	00	IRR	NK	G	4546	--	NW	SW	NW	3418	5204	16	28	33W	4		640.00	640.00	AF
A__ 34236	00	STK	NK	G	2636	--	SW	SW	SW	121	4634	9	28	33W	10		62.70	62.70	AF
A__ 34553	00	STK	NK	G	1683	--	NW	SW	SW	1000	5250	9	28	33W	6		104.01	104.01	AF
A__ 34554	00	STK	NK	G*	2636	--	SW	SW	SW	121	4634	9	28	33W	10		102.01	102.01	AF ← WELL MOVING

Total Net Quantities Authorized:	Direct	Storage
Total Requested Amount (AF) =	.00	.00
Total Permitted Amount (AF) =	.00	.00
Total Inspected Amount (AF) =	.00	.00
Total Pro_Cert Amount (AF) =	.00	.00
Total Certified Amount (AF) =	3908.79	.00
Total Vested Amount (AF) =	.00	.00
TOTAL AMOUNT (AF) =	3908.79	.00

An \* after the source of supply indicates a pending application for change for the file number.  
An \* after the ID indicates a 15 AF exemption was granted for 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 1.00 miles of point defined as:  
100.943260 West Longitude and 37.627781 North Latitude  
GROUNDWATER ONLY

WATER USE CORRESPONDENTS:

File Number	Use	ST	SR	
A__ 14091	00	STK	NK	G
>	CATTLE EMPIRE LLC			
>	ROY N BROWN			
>	1174 EMPIRE CIR			
>	SATANTA KS 67870			
-----				
A__ 14492	00	IRR	NK	G
>	CATTLE EMPIRE LLC			
>				
>	1174 EMPIRE CIR			
>	SATANTA KS 67870			
-----				
A__ 16882	00	IRR	NK	G
>	CATTLE EMPIRE LLC			
>				
>	1174 EMPIRE CIR			

SPRING TO 14,091 2,462' - MEETS  
KAL-5-23-3-

> SATANTA KS 67870

>-----

A\_\_ 18659 00 IRR NK G

> KENNETH COX

>

> 1111 ROAD 90

> SUBLETTE KS 67877

>-----

A\_\_ 23409 00 IRR NK G

> KENNETH COX

>

> 1111 ROAD 90

> SUBLETTE KS 67877

>-----

A\_\_ 23410 00 IRR NK G

> CATTLE EMPIRE LLC

>

> 1174 EMPIRE CIR

> SATANTA KS 67870

>-----

A\_\_ 28949 00 IRR NK G

> REX A BROWN

>

> PO BOX 250

> SUBLETTE KS 67877

>-----

A\_\_ 34236 00 STK NK G

> CATTLE EMPIRE LLC

> ROY N BROWN

> 1174 EMPIRE CIR

> SATANTA KS 67870

>-----

A\_\_ 34553 00 STK NK G

> CATTLE EMPIRE LLC

> ROY N BROWN

> 1174 EMPIRE CIR

> SATANTA KS 67870

>-----

A\_\_ 34554 00 STK NK G

> CATTLE EMPIRE LLC

> ROY N BROWN

> 1174 EMPIRE CIR

> SATANTA KS 67870

>-----

=====

Water Rights and Points of Diversion Within 1.00 miles of point defined as:  
 2630 ft N and 5030 ft W of the SE Corner of Section 9, T 28S, R 33W  
 Located at: 100.942507 West Longitude and 37.627630 North Latitude  
 GROUNDWATER ONLY

*PROPOSED POINT  
 NEW WELL FILE # 34554*

File Number	Use	ST	SR	Dist (ft)	Q4	Q3	Q2	Q1	FeetN	FeetW	Sec	Twp	Rng	ID	Batt	Auth_Quan	Add_Quan	Unit
A_ 14091	00	STK	NK	G	2240	--	NE	NE	SW	2457	2797	9	28	33W	11	939.08	939.08	AF
A_ 14492	00	IRR	NK	G	4208	--	SE	NW	SW	1488	4261	4	28	33W	6	640.00	640.00	AF
A_ 16882	00	IRR	NK	G	3891	--	NW	NW	NE	5120	2040	9	28	33W	3	412.00	412.00	AF
A_ 18659	00	IRR	NK	G	3975	--	SE	SE	SW	400	3040	8	28	33W	2	311.00	311.00	AF
A_ 23409	00	IRR	NK	G	2896	--	--	CS	SE	100	1200	8	28	33W	3	373.00	373.00	AF
A_ 23410	00	IRR	NK	G	3246	--	SE	SE	SW	65	3040	9	28	33W	4	325.00	325.00	AF
A_ 28949	00	IRR	NK	G	4494	--	NW	SW	NW	3418	5204	16	28	33W	4	640.00	640.00	AF
A_ 34236	00	STK	NK	G	2540	--	SW	SW	SW	121	4634	9	28	33W	10	62.70	62.70	AF
A_ 34553	00	STK	NK	G	1643	--	NW	SW	SW	1000	5250	9	28	33W	6	104.01	104.01	AF
A_ 34554	00	STK	NK	G*	2540	--	SW	SW	SW	121	4634	9	28	33W	10	102.01	102.01	AF

*SPACING-*

*Cox well  
 1900' W2W*

Total Net Quantities Authorized:	Direct	Storage
Total Requested Amount (AF) =	.00	.00
Total Permitted Amount (AF) =	.00	.00
Total Inspected Amount (AF) =	.00	.00
Total Pro_Cert Amount (AF) =	.00	.00
Total Certified Amount (AF) =	3908.79	.00
Total Vested Amount (AF) =	.00	.00
TOTAL AMOUNT (AF) =	3908.79	.00

An \* after the source of supply indicates a pending application for change for the file number.  
 An \* after the ID indicates a 15 AF exemption was granted for 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 1.00 miles of point defined as:  
 100.942507 West Longitude and 37.627630 North Latitude  
 GROUNDWATER ONLY  
 WATER USE CORRESPONDENTS:

File Number	Use	ST	SR
A_ 14091	00	STK	NK G
>	CATLE EMPIRE LLC		
>	ROY N BROWN		
>	1174 EMPIRE CIR		
>	SATANTA KS 67870		
-----			
A_ 14492	00	IRR	NK G
>	CATLE EMPIRE LLC		
>			
>	1174 EMPIRE CIR		
>	SATANTA KS 67870		
-----			
A_ 16882	00	IRR	NK G
>	CATLE EMPIRE LLC		
>			
>	1174 EMPIRE CIR		

**VO**

FILE NO 14091

INPUTS		
	Longitude	Latitude
Point 1	-100.934840	37.627140
Point 2	-100.943260	37.627780

Degrees Longitude per Foot      3.45276417E-06  
Degrees Latitude per Foot        2.74626832E-06

Distance Between Points (ft)                      2450

**Compute Distance Between Points**

INPUTS	
Target Section Definition	14091 ID 8
Section	9
Township	28
Range	33
Range Direction	W
Target Point Coordinates (NAD27 or NAD83)	
Target Longitude	-100.943260
Target Latitude	37.627780



- 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	37.62056827	-100.94397124
NW	37.63514121	-100.94389530
NE	37.63492714	-100.92556860
SE	37.62043131	-100.92558369
Degrees Longitude per Foot		3.45277842E-06
Degrees Latitude per Foot		2.74626861E-06
Target Point Distances from Corners using NAD83		
Corner	Feet North(+)/South(-)	Feet East(-)/West(+)
SW	2626	-208
NW	-2680	-184
NE	-2602	5124
SE	2676	5119

Loaded Section Data From LEOBASE using NAD27		
Corner	Corner Latitudes	Corner Longitudes
SW	37.62054400	-100.94352700
NW	37.63511700	-100.94345100
NE	37.63490300	-100.92512500
SE	37.62040700	-100.92514000
Degrees Longitude per Foot		3.45277730E-06
Degrees Latitude per Foot		2.74598553E-06
Target Point Distances from Corners using NAD27		
Corner	Feet North(+)/South(-)	Feet East(-)/West(+)
SW	2635	-77
NW	-2672	-55
NE	-2594	5252
SE	2685	5248

INPUTS	
Target Section Definition	14091 ID 11
Section	9
Township	28
Range	33
Range Direction	W
Target Point Coordinates (NAD27 or NAD83)	
Target Longitude	-100.934840
Target Latitude	37.627140

Load Data and Compute

- 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	37.62056827	-100.94397124
NW	37.63514121	-100.94389530
NE	37.63492714	-100.92556860
SE	37.62043131	-100.92556869
Degrees Longitude per Foot		3.45277842E-06
Degrees Latitude per Foot		2.74626861E-06
Target Point Distances from Corners using NAD83		
Corner	Feet North(+)/South(-)	Feet East(-)/West(+)
SW	2393	-2645
NW	-2913	-2623
NE	-2836	2685
SE	2443	2681

Loaded Section Data		
From LEOBASE using NAD27		
Corner	Corner Latitudes	Corner Longitudes
SW	37.62054400	-100.94352700
NW	37.63511700	-100.94345100
NE	37.63490300	-100.92512500
SE	37.62040700	-100.92514000
Degrees Longitude per Foot		3.45277730E-06
Degrees Latitude per Foot		2.74598553E-06
Target Point Distances from Corners using NAD27		
Corner	Feet North(+)/South(-)	Feet East(-)/West(+)
SW	2402	-2516
NW	-2905	-2494
NE	-2827	2814
SE	2452	2809



## Ireland, Leslie

---

**From:** Chavez, Ciro  
**Sent:** Friday, December 02, 2016 3:38 PM  
**To:** Ireland, Leslie  
**Cc:** Makens, Thom  
**Subject:** RE: Change File No. 34554 \_GPS Wells

14091 #11 (new) 37.62714 / 100.93484  
14091 #8 (old) 37.62778 / 100.94326  
NAD 27

---

**From:** Ireland, Leslie  
**Sent:** Wednesday, November 30, 2016 9:55 AM  
**To:** Chavez, Ciro <[Ciro.Chavez@ks.gov](mailto:Ciro.Chavez@ks.gov)>  
**Subject:** RE: Change File No. 34554 \_GPS Wells

Forgot you guys use those well ID#'s... so it would be the actual feet distances on ID 8 & 11. Thanks,,

---

**From:** Chavez, Ciro  
**Sent:** Wednesday, November 30, 2016 9:44 AM  
**To:** Ireland, Leslie  
**Subject:** RE: Change File No. 34554 \_GPS Wells

Yes Thom told me yesterday, this week may be Friday I will collect this data , have to do a CI for 14091 #11 anyway.

---

**From:** Ireland, Leslie  
**Sent:** Wednesday, November 30, 2016 8:22 AM  
**To:** Chavez, Ciro <[Ciro.Chavez@ks.gov](mailto:Ciro.Chavez@ks.gov)>  
**Subject:** Change File No. 34554 \_GPS Wells

Ciro,

The attached map is for the proposed change to File No. 34554. Thom indicated you work this area.

When might you be in Haskell county? When you are could you please determine the location of the well located in the NW NW SW which is in our records as being 2630'N & 5030'W. It is the old well for 14,091.

We also need the confirmation of the new well authorized by 14,091 that is in our records as being located in the NE NE SW at 2457'N & 2797'W

The proposed location for 34554 is the old well under 14,091 and we need to confirm it meets the required 2,300 feet of well to well spacing to the currently authorized well for 14, 091.

Thank you .

Leslie Ireland, Environmental Scientist II  
Kansas Department of Agriculture  
Division of Water Resources - Change Unit  
(785) 564-6633  
[Leslie.Ireland@ks.gov](mailto:Leslie.Ireland@ks.gov)  
[www.agriculture.ks.gov](http://www.agriculture.ks.gov)

## CONSENT TO CHANGE IN POINT OF DIVERSION

In the Matter of the Application to  
Change the Authorized Point of Diversion of  
Appropriation Water Right File No. 34,554

F & E Cox Farms, Inc. has an interest in irrigation water right file no. 23,409 and the authorized irrigation well ("Cox's Well") located approximately 100 feet north and 1,200 feet west of the southeast corner of Section 8-28S-33W in Haskell County, Kansas. Water Right File No. 23,409 is authorized to divert 373 acre-feet per calendar year for irrigation from Cox's Well. F & E Cox Farms, Inc. owns all of File No. 23,409, except 52.34 acre-feet that was purchased by Cattle Empire, LLC, and conveyed by deed dated March 21, 2003.

Cattle Empire, LLC has a well in the vicinity of Cox's Well that was formerly an authorized point of diversion for livestock water right file no. 14,091. The well, referred to as the "Proposed Well" is located in the NW $\frac{1}{4}$  NW $\frac{1}{4}$  NW $\frac{1}{4}$  of Section 9-28S-33W in Haskell County, 2,630 feet north and 5,030 feet west of the southeast corner of Section 9.


Cattle Empire, LLC, proposes to change the authorized point of diversion of Water Right File No. 34,554 to the Proposed Well. The current location of the authorized point of diversion of Water Right File No. 34,554 is near Cox's Well in the SW $\frac{1}{4}$  SW $\frac{1}{4}$  SW $\frac{1}{4}$  of Section 9-28S-33W, a distance of 121 feet north and 4,634 feet west of the southeast corner of Section 9. Changing the location of the point of diversion to the Proposed Well will increase the distance from Cox's Well

### CONSENT TO PROPOSED CHANGE UNDER WATER RIGHT FILE NO. 23,409:

Cattle Empire, LLC's File No. 34,554 is authorized to pump 102 acre-feet per year. The well under File No. 34,554 is currently approximately 1,850 feet away from Cox's Well. If the change to the Proposed Well is approved, the spacing of the well under File No. 34,554 from Cox's well will increase to approximately 2,900 feet.

F & E Cox Farms, Inc. understands the required spacing from Cattle Empire, LLC's, well under File No. 34,554 to any other well is 1,300 feet. F & E Cox, Farms, Inc. also understands the required spacing for the Cox Well to other wells is 1,900 feet. F & E Cox Farms, Inc. also understands that its consent is not needed because the proposed change will meet and exceed well spacing rules and regulations. Because the change is one that will occur within one-half mile of Cox's Well, Cattle Empire, LLC has asked for voluntary consent to the proposed change. F & E Cox Farms, Inc. consents to the proposed change for several reasons, the proposed change will increase the spacing to Cox's Well, meets spacing rules and regulations, and will not impair pumping under water right file no. 23,409 from Cox's Well.

F & E COX FARMS, INC., by

  
\_\_\_\_\_  
Kenneth Cox, President

WATER RESOURCES  
RECEIVED

NOV 15 2016

KS DEPT OF AGRICULTURE

SCANNED

STATE OF KANSAS, COUNTY OF HASKELL, ss:

This instrument was acknowledged before me on the 14 day of November, 2016,  
by Kenneth Cox, as president of F & E Cox Farms, Inc.



*Victoria J. Zangh*  
Notary Public

My Appointment Expires: 6-28-2019

**Ireland, Leslie**

---

**From:** vzanghi@cattle-empire.net  
**Sent:** Tuesday, November 15, 2016 10:29 AM  
**To:** ramsey.hmbcr@sbcglobal.net; Ireland, Leslie  
**Cc:** rxbrown@cattle-empire.net; rbrown@cattle-empire.net; acurtiss@cattle-empire.net; Brent.Turney@KDS.KS.gov  
**Subject:** Consent to Change in Point of Diversion on WR #34554  
**Attachments:** Consent to Change Point of Diversion WR #34554.pdf

Mike/Leslie:

Please find attached the signed Consent to Change Point of Diversion on WR#34554 from Kenny Cox for your files. Please let me know if there is anything further needed.

Thank you,

Victoria Zanghi  
Executive Assistant  
Cattle Empire, LLC  
620-649-2235 x104  
[vzanghi@cattle-empire.net](mailto:vzanghi@cattle-empire.net)

**WATER RESOURCES  
RECEIVED**

**NOV 15 2016**

**KS DEPT OF AGRICULTURE**

**SCANNED**

## Ireland, Leslie

---

**From:** Ireland, Leslie  
**Sent:** Wednesday, October 26, 2016 4:29 PM  
**To:** 'vzanghi@cattle-empire.net'  
**Subject:** RE: Water Right, File No. 34,554 Change Application Empire Cattle

Vicky,

Thank you for the updated map. The spacing regulations are GMD3's, they are supposed to tell us if it will be an issue. It kind of does to me, but then 34553 is senior,,, and if 1645 is correct then no problem, but they have to tell us...

I will send the required notification to Cox tomorrow, so no need for you to get anything from him, but if you do it will shorten the 15 day comment period and if not the comment time will start tomorrow. After the 15 days it will go to the GMD for their review.

In a rush to catch the van back to Topeka.

Leslie Ireland, Environmental Scientist II  
Kansas Department of Agriculture  
Division of Water Resources - Change Unit  
(785) 564-6633  
[Leslie.Ireland@ks.gov](mailto:Leslie.Ireland@ks.gov)  
[www.agriculture.ks.gov](http://www.agriculture.ks.gov)

---

**From:** [vzanghi@cattle-empire.net](mailto:vzanghi@cattle-empire.net) [<mailto:vzanghi@cattle-empire.net>]  
**Sent:** Wednesday, October 26, 2016 3:14 PM  
**To:** Ireland, Leslie  
**Cc:** [ramsey.hmbcr@sbcglobal.net](mailto:ramsey.hmbcr@sbcglobal.net); [rbrown@cattle-empire.net](mailto:rbrown@cattle-empire.net)  
**Subject:** FW: Water Right, File No. 34,554 Change Application Empire Cattle

WATER RESOURCES  
RECEIVED

OCT 26 2016

KS DEPT OF AGRICULTURE

Leslie:

After review, Mike Ramsey indicated that the spacing between File No. 34553 and 34554 after the change appears be 1,645'. Is this going to be an issue? Mike did prepared a Consent to Spacing Waiver for Kenny Cox to sign and we are in the process of getting this form to Kenny for signature, then will forward on to you.

In addition, please find attached the map with Roy's signature indicating that the wells within the 1/2 mile radius have been identified as either Cattle Empire, LLC or Cox. No other owners of any type of well, to our knowledge, are within that circle.

*Victoria Zanghi*  
*Executive Assistant*



Cattle Empire, LLC | 1174 Empire Circle | Satanta, KS 67870 | Office 620-649-2235 | Fax 620-649-2208 | [www.cattle-empire.net](http://www.cattle-empire.net)

---

**From:** Ireland, Leslie [<mailto:Leslie.Ireland@ks.gov>]  
**Sent:** Tuesday, October 18, 2016 8:55 AM  
**To:** Vicky Zanghi [[vzanghi@cattle-empire.net](mailto:vzanghi@cattle-empire.net)] <[vzanghi@cattle-empire.net](mailto:vzanghi@cattle-empire.net)>  
**Subject:** RE: Water Right, File No. 34,554 Change Application Empire Cattle

Vicky,

The proposed change meets the needed 1,900 feet of well to well spacing to the Cox well, so no waiver from him is needed. I just need to notify all well owners, other than the applicant, within ½ mile of the proposed point of diversion. Hence the confirmation of the map... that it shows all the nearby well owners including domestic use well owners. Then I would send Cox and any other well owners (other than Cattle Empire) a notice informing them of the proposed change in point of diversion.

What I do see is that maybe a waiver of the GMD 3 regulation K.A.R. 5-23-3(d) might be needed for the proposed well and its spacing to the well under File No. 34553. Maybe this is your reference to Mike Ramsey. Anyway, wanted to spare you the contact with Cox. We just need your help to identify the nearby well owners other than Cattle Empire and Cox. Show them on the map then signed and returned. I'll do our standard notification letter for Cox and any other well owners identified and then send it on to GMD3 for their review and recommendation.

Please let me know if you have any questions as this and I can get convoluted. Good news is KAR 5-5-16 isn't applicable to this change.

Leslie Ireland, Environmental Scientist II  
Kansas Department of Agriculture  
Division of Water Resources - Change Unit  
(785) 564-6633  
[Leslie.Ireland@ks.gov](mailto:Leslie.Ireland@ks.gov)  
[www.agriculture.ks.gov](http://www.agriculture.ks.gov)

**WATER WELL RECORD Form WWC-5 KSA 82a-1212**

1 LOCATION OF WATER WELL:	Fraction	Section Number	Township Number	Range Number
County: <b>SEDGWICK</b>	<b>SW 1/4 NW 1/4 SW 1/4</b>	<b>22</b>	<b>T 26 S</b>	<b>R 1 W EW</b>

Distance and direction from nearest town or city street address of well if located within city?  
**7018 W. Childs Wichita, Ks.**

2 WATER WELL OWNER: **Dexter Grieff**  
 RR#, St. Address, Box # : **7018 W. Childs** Board of Agriculture, Division of Water Resources  
 City, State, ZIP Code : **Wichita, Kansas** Application Number:

3 LOCATE WELL'S LOCATION WITH AN "X" IN SECTION BOX:	4 DEPTH OF COMPLETED WELL <b>40</b> ft. ELEVATION:
--	--

Depth(s) Groundwater Encountered 1. **16** ft. 2. . ft. 3. . ft.

WELL'S STATIC WATER LEVEL **.16** ft. below land surface measured on mo/day/yr **5-18-84**

Pump test data: Well water was . ft. after . hours pumping . gpm

Est. Yield . gpm: Well water was . ft. after . hours pumping . gpm

Bore Hole Diameter **.11** in. to . ft., and . in. to . ft.

WELL WATER TO BE USED AS:

1 Domestic	3 Feedlot	6 Oil field water supply	9 Dewatering	12 Other (Specify below)
2 Irrigation	4 Industrial	7 Lawn and garden only	10 Observation well	

Was a chemical/bacteriological sample submitted to Department? Yes.....No...**X**.....; If yes, mo/day/yr sample was submitted

Water Well Disinfected? Yes **X** No

5 TYPE OF BLANK CASING USED:

1 Steel	3 <u>RMP (SR)</u>	6 Asbestos-Cement	9 Other (specify below)	Welded
2 PVC	4 ABS	7 Fiberglass	<u>Cor-Mac Styrene SDR-26</u>	Threaded

Blank casing diameter **5** in. to **25** ft., Dia. . in. to . ft., Dia. . in. to . ft.

Casing height above land surface **12** in., weight **1.59** lbs./ft. Wall thickness or gauge No. **203**

TYPE OF SCREEN OR PERFORATION MATERIAL:

1 Steel	3 Stainless steel	5 Fiberglass	8 <u>RMP (SR)</u>	11 Other (specify)
2 Brass	4 Galvanized steel	6 Concrete tile	9 ABS	12 None used (open hole)

SCREEN OR PERFORATION OPENINGS ARE:

1 Continuous slot	3 Mill slot	5 Gauzed wrapped	8 <u>Saw cut</u>	11 None (open hole)
2 Louvered shutter	4 Key punched	7 Torch cut	9 Drilled holes	

SCREEN-PERFORATED INTERVALS: From **25** ft. to **40** ft., From . ft. to . ft.

GRAVEL PACK INTERVALS: From **14** ft. to **40** ft., From . ft. to . ft.

6 GROUT MATERIAL: 1 Neat cement 2 Cement grout 3 Bentonite 4 Other

Grout intervals: From **4** ft. to **14** ft., From . ft. to . ft., From . ft. to . ft.

What is the nearest source of possible contamination:

1 <u>Septic tank</u>	4 Lateral lines	7 Pit privy	10 Livestock pens	14 Abandoned water well
2 <u>Sewer lines</u>	5 Cess pool	8 Sewage lagoon	11 Fuel storage	15 Oil well/Gas well
3 Watertight sewer lines	6 Seepage pit	9 Feedyard	12 Fertilizer storage	16 Other (specify below)
			13 Insecticide storage	

Direction from well? **North** How many feet? **70**

FROM	TO	LITHOLOGIC LOG	FROM	TO	LITHOLOGIC LOG
0	3	<b>Topsoil</b>			
3	18	<b>Fine Sand</b>			
18	40	<b>Medium Sand</b>			

7 CONTRACTOR'S OR LANDOWNER'S CERTIFICATION: This water well was (1) constructed, (2) reconstructed, or (3) plugged under my jurisdiction and was completed on (mo/day/year) **5-18-84** and this record is true to the best of my knowledge and belief. Kansas Water Well Contractor's License No. **236** This Water Well Record was completed on (mo/day/yr) **5-31-84** under the business name of **Harp Well & Pump Service, Inc.** by (signature) *Mary Arnold*

INSTRUCTIONS: Use typewriter or ball point pen, PLEASE PRESS FIRMLY and PRINT clearly. Please fill in blanks, underline or circle the correct answers. Send top three copies to Kansas Department of Health and Environment, Division of Environment, Environmental Geology Section, Topeka, KS 66620. Send one to WATER WELL OWNER and retain one for your records.

OFFICE USE ONLY  
T  
R  
EW  
SEC

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

November 30, 2016

**FILE COPY**

SOUTHWEST KANSAS GROUNDWATER  
MANAGEMENT DISTRICT NO 3  
ATTN JASON NORQUEST  
2009 E SPRUCE STREET  
GARDEN CITY KS 67846

RE: Water Right, File No. 34,554

Dear Mr. Norquest:

In response to our phone conversation, in which we determined additional information is needed prior to completing the review of the September 16, 2016, application to change the point of diversion for the above referenced file, the Chief Engineer has extended the time in which to submit a recommendation

The Chief Engineer has delayed any further action on the application for change until December 17, 2016.

Please submit your recommendation within the allotted time, or any authorized extension of time thereof. If you wish to refer to a specific file, please reference it when you contact us.

Sincerely,

Leslie Ireland  
Environmental Scientist  
Water Appropriation Program

LI:li  
pc: Garden City Field Office

SCANNED



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

November 16, 2016

SOUTHWEST KANSAS GROUNDWATER  
MANAGEMENT DISTRICT NO 3  
ATTN MARK RUDE  
2009 E SPRUCE  
GARDEN CITY KS 67846

**FILE COPY**

Re: Application for Change, Water Right, File No. 34,554

Dear Mr. Rude:

We are enclosing a copy of the application referred to above which appears to be in proper form.

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 recommendation concerning this application.

Please submit your recommendation within the allotted time, or any authorized extension of time thereof. If you wish to refer to a specific file, please reference it when you contact us.

Sincerely,

A handwritten signature in cursive script that reads "Leslie Ireland".

Leslie Ireland  
Environmental Scientist  
Water Appropriation Program

LI:li  
Enclosure

pc: Garden City Field Office  
Roy Brown

**SCANNED**

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

October 27, 2016

F & E COX FARMS INC  
KENNETH M COX PRES  
1111 RD 90  
SUBLETTE KS 67877-8033

**FILE COPY**

RE: Water Right, File No. 34,554

Dear Sir or Madam:

This is to advise you Roy Brown on behalf of Empire Calf Ranch, LLC has filed an application for approval of the Chief Engineer, Division of Water Resources, Kansas Department of Agriculture, to change the point of diversion under the above referenced file.

The application proposes the following change in the location of the point of diversion:

from: one (1) well located in Southwest Quarter of the Southwest Quarter of the Southwest Quarter (SW $\frac{1}{4}$  SW $\frac{1}{4}$  SW $\frac{1}{4}$ ) of Section 9, more particularly described as being near a point 121 feet North and 4,634 feet West of the Southeast corner of said section,

to: one (1) well located in the Northwest Quarter of the Northwest Quarter of the Southwest Quarter (NW $\frac{1}{4}$  NW $\frac{1}{4}$  SW $\frac{1}{4}$ ) of Section 9, more particularly described as being near a point 2,360 feet North and 5,030 feet West of the Southeast corner of said section,

both in Township 28 South, Range 33 West, Haskell County, Kansas.

You are being notified of the proposed change so that you may furnish this office written comments or other information you may desire to submit. Such written comments or other information must be received in this office within 15 days from the date of this letter.

If you have any questions, please contact our office, my desk phone is (785)564-6633. If you wish to discuss a specific file, please have the file numbers ready so that we may help you more efficiently.

Sincerely,

Leslie Ireland  
Environmental Scientist  
Water Appropriation Program

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

SCANNED

**SUMMARY ORDER APPROVING APPLICATION FOR CHANGE AND IMPOSING CONDITIONS**

This Summary Order is issued under authority of K.S.A. 82a-708b, as amended, and K.A.R. 5-14-3 and other applicable provisions of the *Kansas Water Appropriation Law*, *K.S.A. 82a-701 et. seq.*, and rules and regulations promulgated thereunder, *K.A.R. 5-1-1 et. seq.* With the exception of those conditions expressly contained herein, this Summary Order does not change the terms, conditions and limitations of File No. \_\_\_\_\_.

- 1. A change application was received on \_\_\_\_\_ requesting that the place of use and / or point of diversion authorized under the above-referenced file number be changed as described in the application.
- 2. On and after the effective date of this summary order, the authorized place(s) of use shall be located substantially as shown on the topographic map accompanying the application to change the place of use.  Applicable  Not Applicable
- 3. The change in point of diversion shall not impair existing rights and shall be limited to the same source or sources of water as previously authorized. The point of diversion authorized by this summary order shall be located within a \_\_\_\_\_ foot radius of the authorized point(s) of diversion.  Applicable  Not Applicable
- 4. The point(s) of diversion authorized herein shall not actually be located more than \_\_\_\_\_ feet from the previously authorized point(s) of diversion.  Applicable  Not Applicable
- 5. As required by K.A.R. 5-3-5d, if the works for diversion is a well with a diversion rate of 100 gallons per minute or more, a tube or other device suitable for making water level measurements shall be installed, operated and maintained in accordance with K.A.R. 5-6-13.  Applicable  Not Applicable
- 6. **The owner of the authorized place(s) of use shall properly install an acceptable water flow meter on or before December 31, 20\_\_\_\_,** or before the first use of water, whichever occurs first. The water flow meter shall be installed, operated and maintained in accordance with K.A.R. 5-1-4 through 5-1-12. As required by K.S.A. 82a-732, as amended, and K.A.R. 5-3-5e, the owner shall maintain records and report the reading of the water flow meter and the total quantity of water diverted annually to the Chief Engineer by March 1 following the end of each calendar year.  Applicable  Not Applicable
- 7. **Installation of the works for diversion of water shall be completed on or before December 31, 20\_\_\_\_,** or within any authorized extension of time. By March 1, 20\_\_\_\_ the applicant shall notify the Chief Engineer that construction of the works for diversion has been completed, on the form provided by the Chief Engineer, as required by K.A.R. 5-8-4e.  Applicable  Not Applicable
- 8. **The completed well log shall be submitted with the required notice.**  Applicable  Not Applicable
- 9. All diversion works into which any type of chemical or other foreign substance will be injected into the water shall be equipped with an in-line, automatic, quick-closing check valve capable of preventing pollution of the source of the water supply. The check valve(s) shall be installed, operated and maintained in accordance with K.A.R. 5-3-5c.  Applicable  Not Applicable
- 10. Additional Conditions are attached.  Yes  No
- 11. In accordance with K.S.A. 82a-708a, as amended, and K.A.R. 5-5-14, all of the owners of the authorized place(s) of use of water appropriated under the above-referenced file number are responsible for compliance with its terms, conditions and limitations, as amended and/or supplemented by this Summary Order, and with applicable provisions of the *Kansas Water Appropriation Law* and the *Rules and Regulations* promulgated thereunder. Failure to comply with these provisions may result in civil penalties pursuant to K.S.A. 82a-737, as amended, and/or the suspension or revocation and dismissal of the water or appropriation right or any other enforcement actions authorized by law.

**Administrative Appeal and Effective Date of Order**

You have the right to a hearing in accordance with K.A.R. 5-14-3 before this Summary Order becomes final action of the Kansas Department of Agriculture. Any request for a hearing must be filed with the **Chief Engineer, Division of Water Resources, Kansas Department of Agriculture, 1320 Research Park Drive, Topeka, Kansas 66502**, within 15 days after the date shown on the Certificate of Service attached hereto. If a hearing is not requested in accordance with K.A.R. 5-14-3, this Summary Order will become effective on the 15<sup>th</sup> day after the date shown on the Certificate of Service.

*For Use by Register of Deeds*

**FOR OFFICE USE ONLY  
APPLICATION APPROVED AND  
SUMMARY ORDER ISSUED**

By: \_\_\_\_\_  
Duly Authorized Designee of the Chief Engineer

(Print Name): \_\_\_\_\_  
Division of Water Resources - Kansas Department of Agriculture

Date of Issuance: \_\_\_\_\_

State of Kansas )  
) SS  
County of \_\_\_\_\_ )

Acknowledged before me on \_\_\_\_\_  
by \_\_\_\_\_.

Signature: \_\_\_\_\_  
Notary Public

My commission expires: \_\_\_\_\_  
(Notary Seal)

**WATER RESOURCES  
RECEIVED**

**SEP 16 2016**

**KS DEPT OF AGRICULTURE**

**KGS**  
**Hydrology**

**Water Well Database Query**

Township: 28S, Range: 33W, Section: 8  
Select location of well to view details.  
Click on column heading to sort.

**Save Data to File**

5 records returned.

<u>T-R-S</u>	<u>Owner</u>	<u>Well Depth Ascend. Desc.</u>	<u>Static Water Level Ascend. Desc.</u>	<u>Est. Yield Ascend. Desc.</u>	<u>Well Use</u>	<u>Other ID</u>	<u>Action Taken</u>	<u>Completion Date Ascend. Desc.</u>	<u>Scan?</u>
Sec. 8 NW NW SE	Cox, Forrest	580 ft.	180 ft.		Irrigation		Plugged	23-Oct-1991	PDF ✓
Sec. 8 SE SE SW	Cox, Forrest	607 ft.	343 ft.		Irrigation		Constructed	26-May-1982	PDF } 112 P.O.# 23409
Sec. 8 SW SE SE	Cox, Forrest	550 ft.	311 ft.	1500 gpm.	Irrigation		Constructed	20-Dec-1977	PDF
Sec. 8 NW SW SW	Farms, John T	590 ft.	316 ft.	1400 gpm.	Irrigation		Constructed	09-Jan-1979	PDF } 1/2 mile
Sec. 8 NW NW SE	Cox, Forrest	770 ft.	369 ft.	340 gpm.	Irrigation		Plugged	24-Oct-1991	PDF ✓

Kansas Geological Survey  
Comments to webadmin@kgs.ku.edu  
URL=http://www.kgs.ku.edu/Magellan/WaterWell/index.html  
Display Programs Updated July 2, 2014  
Data added continuously.



Township: 28S, Range: 33W, Section: 9  
 Select location of well to view details.  
 Click on column heading to sort.



12 records returned.

T-R-S	Owner	Well Depth Ascend. Desc.	Static Water Level Ascend. Desc.	Est. Yield Ascend. Desc.	Well Use	Other ID	Action Taken	Completion Date Ascend. Desc.	Scan?
Sec. 9 SE SE SW	Farms, John T./ Cox, Forrest	770 ft.	347 ft.	1000 gpm.	Irrigation		Constructed	13-Mar- 1985	PDF
Sec. 9 NW NW SW	F and E Cox Farms	450 ft.	360 ft.		Irrigation		Plugged	22-Sep- 1989	PDF
Sec. 9 SE SE SE	F&E Cox Farms, Inc.	622 ft.	390 ft.		Domestic		Constructed	27-Apr- 2001	Scan
Sec. 9 SW SW SW	Cattle Empire Feedyard, LLC	700 ft.	420 ft.		Feedlot/Livestock/Windmill		Constructed	06-Dec- 2001	Scan
Sec. 9 S2 NW SW	Cattle Empire Feedyard Inc	407 ft.	371 ft.		Feedlot/Livestock/Windmill		Plugged	21-Aug- 1998	PDF
Sec. 9 SE NW SW	Cattle Empire Feedyard Inc	630 ft.	389 ft.		Feedlot/Livestock/Windmill		Constructed	10-Jun- 1998	PDF
Sec. 9 SE SE SE	F&E Cox Farms, Inc.	440 ft.	405 ft.		Domestic		Plugged	09-May- 2001	Scan
Sec. 9 SE SW SE	Farms, John T	440 ft.	287 ft.		Domestic		Constructed	16-Oct- 1976	PDF
Sec. 9 NW SW SW	Cattle Empire Feed Yard	523 ft.	312 ft.	150 gpm.	Feedlot/Livestock/Windmill		Constructed	31-Mar- 1978	PDF
Sec. 9 NW NW SW	F and E Cox Farms	630 ft.	358 ft.	850 gpm.	Irrigation		Constructed	24-Mar- 1989	PDF
Sec. 9 NE NE	Cattle Empire LLC	807 ft.	425 ft.	101 gpm.	Irrigation		Constructed	23-Apr- 2016	KOLAR PDF

Handwritten notes on the right side of the table:

- Next to row 1:  $\rightarrow$  1/2 mile
- Next to row 2: ✓
- Next to row 3:  $\rightarrow$  1/2 mile
- Next to row 4: ✓
- Next to row 5: ✓
- Next to row 6: ✓
- Next to row 7:  $\rightarrow$  1/2 mile
- Next to row 8:  $\rightarrow$  1/2 mile?
- Next to row 9: ✓
- Next to row 10: ✓
- Next to row 11: ✓
- Next to row 12: ✓

NE								
SW								
Sec. 9								
NE	Cattle	630 ft.	433 ft.		Feedlot	Plugged	28-Jan-2016	<u>PDF</u>
NW	Empire							
SW								

Kansas Geological Survey  
 Comments to [webadmin@kgs.ku.edu](mailto:webadmin@kgs.ku.edu)  
 URL=<http://www.kgs.ku.edu/Magellan/WaterWell/index.html>  
 Display Programs Updated July 2, 2014  
 Data added continuously.

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 19, 2016

**FILE COPY**

CATTLE EMPIRE LLC  
1174 EMPIRE CIRCLE  
SATANTA, KS 0

RE: File No. 34554

Dear Sir or Madam:

An application for approval of the Chief Engineer to change the following condition or conditions of the file number referred to above has been received:

- place of use PD
- point of diversion
- use made of water

As a matter of record, the Division of Water Resources has on hand a large number of applications awaiting processing. Therefore to be fair to all concerned, and so that we can process those applications on hand in the order they were received, we intend to concentrate on the backlog of applications until the issue is resolved. You will be contacted regarding this application as soon as it has been examined.

In accordance with the provisions of the Kansas Water Appropriation Act, a portion of which is included below, the use of water prior to approval of the application is unlawful. You should not proceed and divert water as indicated by your plans in your application for a change for this file until you receive approval for this change from the Chief Engineer. Once approved, compliance with the terms, conditions and limitations of the permit is necessary. Conservation of the water resources of Kansas is required.

**Section 82a-728 of the Kansas Water Appropriation Act, provides (a) except for the appropriation of water for the purpose of domestic use, . . . it shall be unlawful for any person to appropriate or threaten to appropriate water from any source without first applying for and obtaining a permit to appropriate water in accordance with the provisions of the Water Appropriation Act or for any person to violate any condition of a vested right, appropriation right or an approved application for a permit to appropriate water for beneficial use.**

**(b) (1) The violation of any provision of this section by any person is a class C misdemeanor...**

**A class C misdemeanor is punishable by a fine not to exceed \$500 and/or a term of confinement not to exceed one month in the county jail. Each day that the violation occurs constitutes a separate offense.**

If you have any questions, please contact me at (785) 564-6645. If you wish to discuss a specific file, please have the file number ready so that we may help you more efficiently.

Sincerely,

A handwritten signature in cursive script that reads "Brent A. Turney".

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

BAT: dlw  
pc: GARDEN CITY Field Office GMD 3 3

SCANNED



**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](http://www.gmd3.org)

---

December 5, 2016

Leslie Ireland  
Kansas Department of Agriculture  
Division of Water Resources  
1320 Research Park Drive  
Manhattan, Kansas 66502

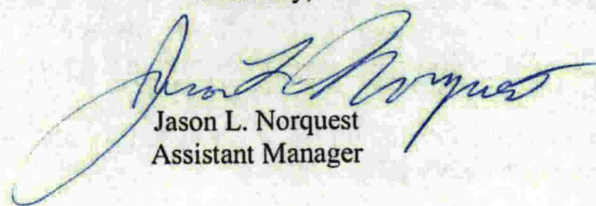
RE: Change Application,  
Water Right, File No. 34,554

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 requesting to move the authority of the mentioned water right into a vacated well location that was originally covered by Water Right 14,091 by the approval of a prior change application.. The proposed distance moved and spacing to a neighboring wells is consistent with K.A.R. 5-23-3 and has been verified by GPS readings provided from a DWR field inspection. This water right was originally authorized on a well by itself prior to being stacked on the current well, therefore does not fall under the additional well rule at this current time. 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,

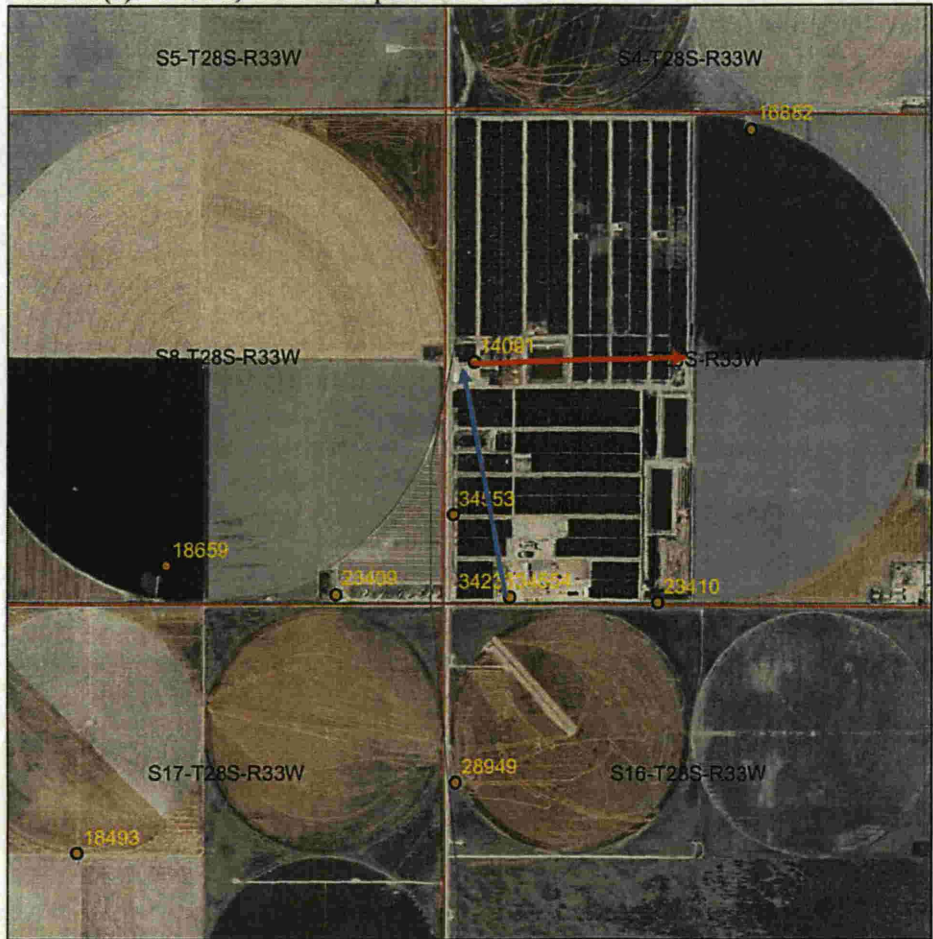


Jason L. Norquest  
Assistant Manager



## GMD3 Change Review

Change Application(s); PD  
 File No(s). 34551, Cattle Empire LLC



Application is to move the authority under WR34554 to the hole vacated by the approval of a prior application for WR 14091. DWR has confirmed the location of 14091 after a confirmation visit to the site. 34554 was originally a well by itself and then was stacked on 34233 and now applicant wants to move it again to its own well.

	N	W	
Authorized PD	121	4634	Sect. 9-28-33
Proposed PD	2630	5030	
	-2509 N	-396 W	
<b>a2 + b2 = c2</b>	<b>6295081 +</b>	<b>156816 =</b>	<b>2540.058 Foot move NW</b>

Neighboring wells: WRIS shows that the proposal does not meet spacing, however, a field inspection and GPS readings by DWR staff shows that the spacing is met to neighboring wells.  
 Domestic wells: None found in area of concern.  
 Regulation(s) Reviewed: KAR 5-23-3  
 Board Review Date: NA  
 Board Recommendation: NA

## GMD3 Change Review

---

Waiver Reason: NA

Final Recommendation: After review of all available information, it appears the area rules are met. Staff therefore recommends approval of the application.

A handwritten signature or set of initials in blue ink, located on the right side of the page. The signature is stylized and appears to consist of a large loop followed by a smaller mark.

Water Rights and Points of Diversion Within 1.00 miles of point defined as:

2630 ft N and 5030 ft W of the SE Corner of Section 9, T 28S, R 33W  
 Located at: 100.942507 West Longitude and 37.627630 North Latitude  
 GROUNDWATER ONLY

*Proposed*

File Number	Use	ST	SR	Dist (ft)	Q4	Q3	Q2	Q1	FeetN	FeetW	Sec	Twp	Rng	ID	Batt	Auth_Quan	Add_Quan	Unit
A__ 14091 00	STK	NK	G	2240	--	NE	NE	SW	2457	2797	9	28	33W	11		2300 939.08	939.08	AF *
A__ 14492 00	IRR	NK	G	4208	--	SE	NW	SW	1488	4261	4	28	33W	6		2300 640.00	640.00	AF ✓
A__ 16882 00	IRR	NK	G	3891	--	NW	NW	NE	5120	2040	9	28	33W	3		2100 412.00	412.00	AF ✓
A__ 18659 00	IRR	NK	G	3975	--	SE	SE	SW	400	3040	8	28	33W	2		1900 311.00	311.00	AF ✓
A__ 23409 00	IRR	NK	G	2896	--	--	CS	SE	100	1200	8	28	33W	3		373.00	373.00	AF ✓
A__ 23410 00	IRR	NK	G	3246	--	SE	SE	SW	65	3040	9	28	33W	4		325.00	325.00	AF ✓
A__ 28949 00	IRR	NK	G	4494	--	NW	SW	NW	3418	5204	16	28	33W	4		2300 640.00	640.00	AF ✓
A__ 34236 00	STK	NK	G	2540	--	SW	SW	SW	121	4634	9	28	33W	10		62.70	62.70	AF ✓
A__ 34553 00	STK	NK	G	1643	--	NW	SW	SW	1000	5250	9	28	33W	6		B 104.01	104.01	AF ✓
A__ 34554 00	STK	NK	G*	2540	--	SW	SW	SW	121	4634	9	28	33W	10		102.01	102.01	AF ✓

Total Net Quantities Authorized:	Direct	Storage
Total Requested Amount (AF) =	.00	.00
Total Permitted Amount (AF) =	.00	.00
Total Inspected Amount (AF) =	.00	.00
Total Pro_Cert Amount (AF) =	.00	.00
Total Certified Amount (AF) =	3908.79	.00
Total Vested Amount (AF) =	.00	.00
TOTAL AMOUNT (AF) =	3908.79	.00

An \* after the source of supply indicates a pending application for change for the file number.  
 An \* after the ID indicates a 15 AF exemption was granted for 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 1.00 miles of point defined as:  
 100.942507 West Longitude and 37.627630 North Latitude  
 GROUNDWATER ONLY

WATER USE CORRESPONDENTS:

- File Number Use ST SR
- A\_\_ 14091 00 STK NK G
- > CATTLE EMPIRE LLC
- > ROY N BROWN
- > 1174 EMPIRE CIR
- > SATANTA KS 67870
- > -----
- A\_\_ 14492 00 IRR NK G
- > CATTLE EMPIRE LLC
- >
- > 1174 EMPIRE CIR
- > SATANTA KS 67870
- > -----
- A\_\_ 16882 00 IRR NK G
- > CATTLE EMPIRE LLC
- >
- > 1174 EMPIRE CIR

*DWR field inspection provided  
 GPS to show spacing MET*

> SATANTA KS 67870

>-----

A\_\_ 18659 00 IRR NK G

> KENNETH COX

>

> 1111 ROAD 90

> SUBLETTE KS 67877

>-----

A\_\_ 23409 00 IRR NK G

> KENNETH COX

>

> 1111 ROAD 90

> SUBLETTE KS 67877

>-----

A\_\_ 23410 00 IRR NK G

> CATTLE EMPIRE LLC

>

> 1174 EMPIRE CIR

> SATANTA KS 67870

>-----

A\_\_ 28949 00 IRR NK G

> REX A BROWN

>

> PO BOX 250

> SUBLETTE KS 67877

>-----

A\_\_ 34236 00 STK NK G

> CATTLE EMPIRE LLC

> ROY N BROWN

> 1174 EMPIRE CIR

> SATANTA KS 67870

>-----

A\_\_ 34553 00 STK NK G

> CATTLE EMPIRE LLC

> ROY N BROWN

> 1174 EMPIRE CIR

> SATANTA KS 67870

>-----

A\_\_ 34554 00 STK NK G

> CATTLE EMPIRE LLC

> ROY N BROWN

> 1174 EMPIRE CIR

> SATANTA KS 67870

>-----

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AMOUNT STATISTICS REPORT FOR POINTS OF DIVERSION UNDER A 34554 00

#####

AMOUNT STATISTICS REPORT FOR POINTS OF DIVERSION UNDER A 34554 00 STK

Water Right and Points of Diversion Within 1.00 miles of point defined as:

121 Feet North and 4634 Feet West of the Southeast Corner of Section 9 T 28S R 33W

*Present*

GROUNDWATER ONLY

```

=====
File Number   Use ST SR Dist (ft) Q4 Q3 Q2 Q1 FeetN FeetW Sec Twp Rng ID Batt Auth_Quan Add_Quan Unit
A__ 14091 00 STK NK G 2972 -- NE NE SW 2457 2797 9 28 33W 11 939.08 939.08 AF
A__ 18659 00 IRR NK G 3734 -- SE SE SW 400 3040 8 28 33W 2 311.00 311.00 AF
A__ 23409 00 IRR NK G 1892 -- -- CS SE 100 1200 8 28 33W 3 373.00 373.00 AF
A__ 23410 00 IRR NK G 1595 -- SE SE SW 65 3040 9 28 33W 4 325.00 325.00 AF
A__ 28949 00 IRR NK G 2066 -- NW SW NW 3418 5204 16 28 33W 4 640.00 640.00 AF
A__ 34236 00 STK NK G 0 -- SW SW SW 121 4634 9 28 33W 10 62.70 62.70 AF
A__ 34553 00 STK NK G 1079 -- NW SW SW 1000 5250 9 28 33W 6 104.01 104.01 AF
A__ 34554 00 STK NK G* 0 -- SW SW SW 121 4634 9 28 33W 10 102.01 102.01 AF
=====
    
```

```

=====
Total Net Quantities Authorized:   Direct      Storage
Total Requested Amount (AF) =      .00          .00
Total Permitted Amount (AF) =      .00          .00
Total Inspected Amount (AF) =      .00          .00
Total Pro_Cert Amount (AF) =      .00          .00
Total Certified Amount (AF) =    2856.79        .00
Total Vested Amount (AF) =      .00          .00
TOTAL AMOUNT (AF) =    2856.79        .00
=====
    
```

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 1.00 miles of point defined as:

121 Feet North and 4634 Feet West of the Southeast Corner of Section 9 T 28S R 33W

GROUNDWATER ONLY

WATER USE CORRESPONDENTS:

```

=====
File Number   Use ST SR
    
```

A\_\_ 14091 00 STK NK G

> CATTLE EMPIRE LLC

> ROY N BROWN

> 1174 EMPIRE CIR

> SATANTA KS 67870

```

-----
A__ 18659 00 IRR NK G
    
```

> KENNETH COX

> 1111 ROAD 90

> SUBLETTE KS 67877

```

-----
A__ 23409 00 IRR NK G
    
```

> KENNETH COX

> 1111 ROAD 90

> SUBLETTE KS 67877

>-----

A\_\_ 23410 00 IRR NK G

> CATTLE EMPIRE LLC

>

> 1174 EMPIRE CIR

> SATANTA KS 67870

>-----

A\_\_ 28949 00 IRR NK G

> REX A BROWN

>

> PO BOX 250

> SUBLETTE KS 67877

>-----

A\_\_ 34236 00 STK NK G

> CATTLE EMPIRE LLC

> ROY N BROWN

> 1174 EMPIRE CIR

> SATANTA KS 67870

>-----

A\_\_ 34553 00 STK NK G

> CATTLE EMPIRE LLC

> ROY N BROWN

> 1174 EMPIRE CIR

> SATANTA KS 67870

>-----

A\_\_ 34554 00 STK NK G

> CATTLE EMPIRE LLC

> ROY N BROWN

> 1174 EMPIRE CIR

> SATANTA KS 67870

>-----

=====

#####

FILE NO. 14091 ID#11 NAD 27 DATA 12/2/2016

INPUTS	
Target Section Definition	14091 ID 11
Section	9
Township	28
Range	33
Range Direction	W
Target Point Coordinates (NAD27 or NAD83)	
Target Longitude	-100.934840
Target Latitude	37.627140

Load Data and Compute

**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.

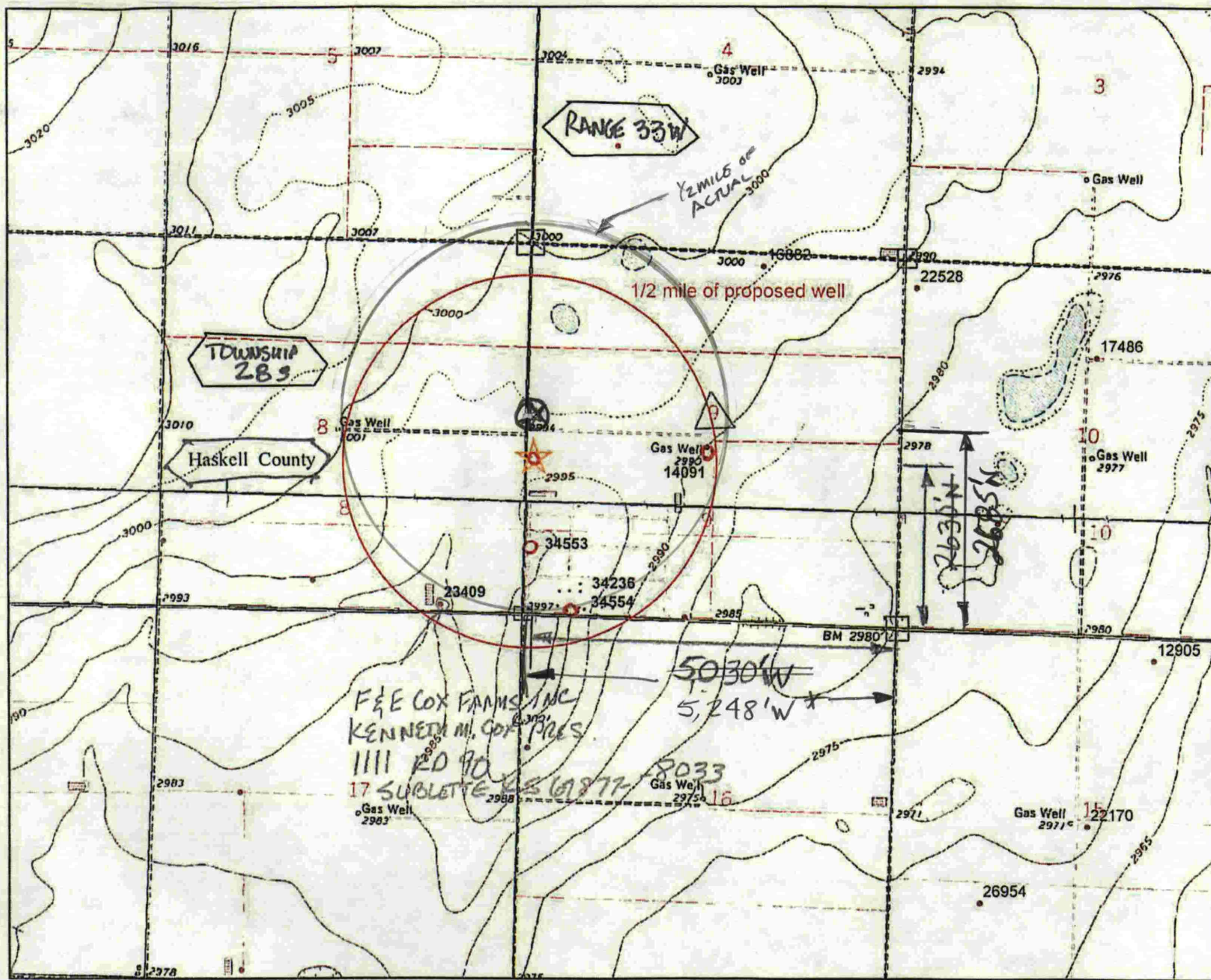
Loaded Section Data From LEOBASE using NAD83		
Corner	Corner Latitudes	Corner Longitudes
SW	37.62056827	-100.94397124
NW	37.63514121	-100.94389530
NE	37.63492714	-100.92556860
SE	37.62043131	-100.92558369
Degrees Longitude per Foot		3.45277842E-06
Degrees Latitude per Foot		2.74626861E-06

Target Point Distances from Corners using NAD83		
Corner	Feet North(+)/South(-)	Feet East(-)/West(+)
SW	2393	-2645
NW	-2913	-2623
NE	-2836	2685
SE	2443	2681

Loaded Section Data From LEOBASE using NAD27		
Corner	Corner Latitudes	Corner Longitudes
SW	37.62054400	-100.94352700
NW	37.63511700	-100.94345100
NE	37.63490300	-100.92512500
SE	37.62040700	-100.92514000
Degrees Longitude per Foot		3.45277730E-06
Degrees Latitude per Foot		2.74598553E-06

Target Point Distances from Corners using NAD27		
Corner	Feet North(+)/South(-)	Feet East(-)/West(+)
SW	2402	-2516
NW	-2905	-2494
NE	-2827	2814
SE	2452	2809

# Change in Point of Diversion Water Right File No. 34,554



## Legend

WIMAS\_PD

S\_UMW

- G\_IRR AUTHORIZED
- G\_STK AUTHORIZED
- ★ G-STK PROPOSED
- ⊙ G-STK PROPOSED-  
ACTUAL

ALL WELLS OF ANY KIND WITHIN 1/2 MILE OF THE REQUESTED POINT OF DIVERSION HAVE BEEN PLOTTED & DIVENER IDENTIFIED.

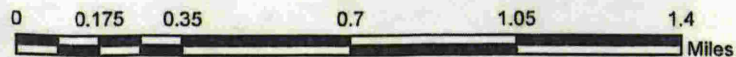
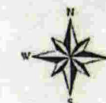
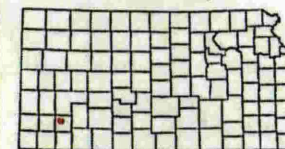
*[Handwritten Signature]*

WATER RESOURCES RECEIVED

OCT 26 2016

KS DEPT OF AGRICULTURE

Index Map



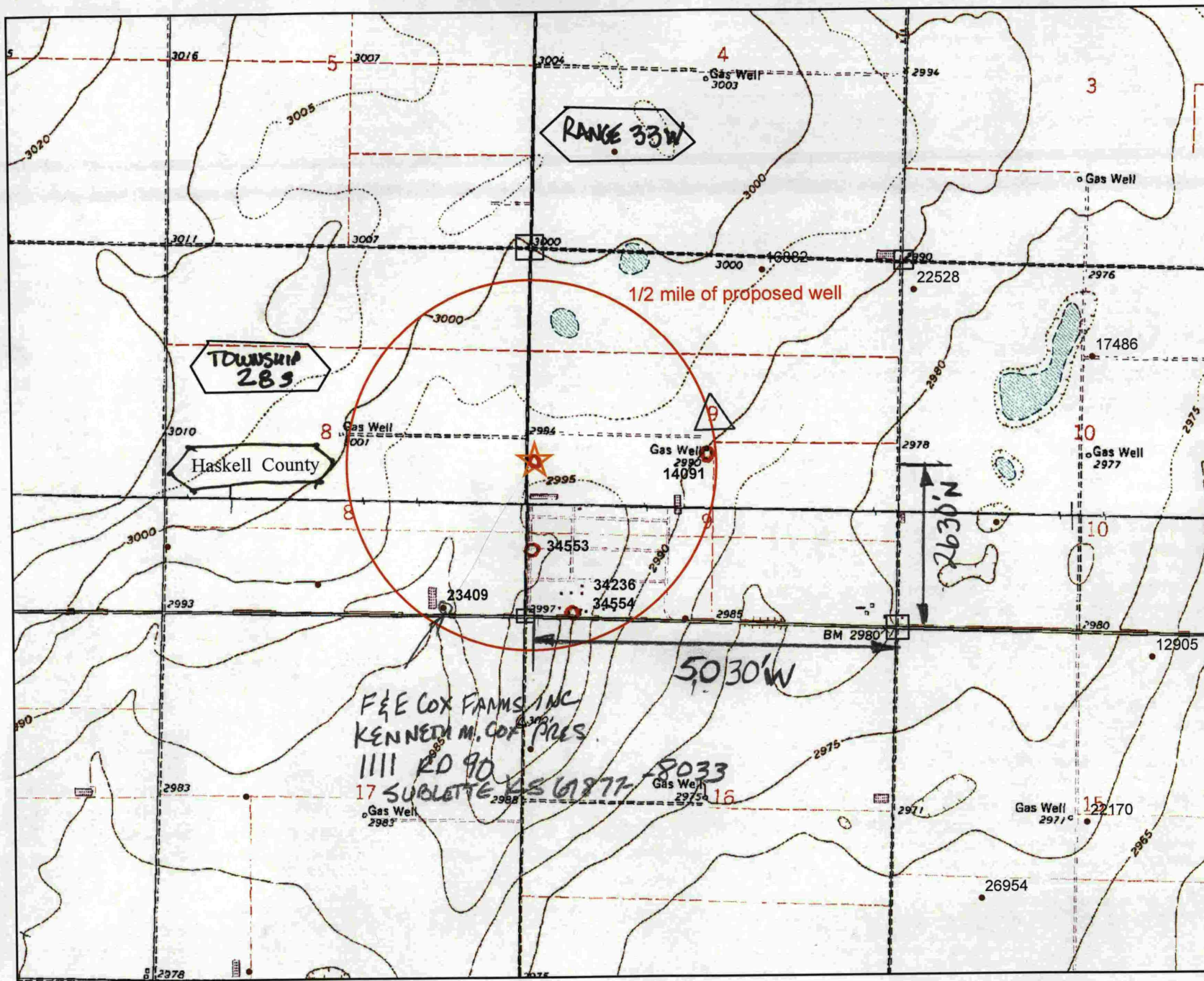
This map was created by L. Ireland in WIMAS on 9/30/2016

\* MODIFIED 12/6/16 FOR GPS LOCATION LI/awr.

SCANNED



# Change in Point of Diversion Water Right File No. 34,554



## Legend

WIMAS\_PD

S\_UMW

- G\_IRR AUTHORIZED
- ◉ G\_STK AUTHORIZED
- ★ G-STK PROPOSED

ALL WELLS OF ANY KIND WITHIN 1/2 MILE OF THE REQUESTED POINT OF DIVERSION HAVE BEEN PLOTTED & DIVERSE IDENTIFIED.

## Index Map

