Garden City Field Office 2508 Johns Street Garden City, Kansas 67846-2804 Lansas

Department of Agriculture

Division of Water Resources

Phone: (620) 276-2901 Fax: (620) 276-9315 www.agriculture,ks.gov Sam Brownback, Governor

Jackie McClaskey, Secretary David W. Barfield, Cluef Engineer Michael A. Méyer, Water Commissioner

May 19, 2017

DESERET CATTLE FEEDERS LLC ARMANDO CABALLERO GM 521 RD 50 SATANTA KS 67870

RE: Change in Point of Diversion Water Right, File No 16645 & 20262.

Dear Mr. Caballero:

Enclosed you will find a *Summary Order Approving Application for Change in Point of Diversion* for the above referenced file. This order modifies the authorized well location under the referenced file. This order modifies the original document; it should be recorded at the County Register of Deeds.

Your attention is directed to the enclosures and to the terms, conditions, and limitations specified in this order. The diversion works should be completed and reported to the Division of Water Resources by December 31, 2017. Enclosed is a form for this purpose, along with other information for reference.

A condition of this order is that an acceptable flow meter must be properly installed on the diversion works authorized under the referenced file number in accordance with the Kansas Administrative Regulations 5-1-4 through 5-1-12. This water flow meter shall be used to provide information required on the annual water use report.

This order shall become final if a request for a hearing is not filed with the Chief Engineer within 15 days of the date of service of this order. The date of service is the date listed on the enclosed *Certificate of Service*.

Should you have any questions, please feel free to call this office. If you would prefer, you could arrange an appointment for additional assistance.

Sincerely,

Thomas P. Makens

Assistant Water Commissioner

TPM:tpm Enclosures GMD#3

CERTIFICATE OF SERVICE

On this 27 day of May 2017, I hereby certify that the attached original Approval of Application to Change the Point of Diversion under Water Right, File No. 16645 & 20262 dated May 19, 2017 was mailed postage prepaid, first class, US mail to the following:

DESERET CATTLE FEEDERS LLC ARMANDO CABALLERO GM 521 RD 50 SATANTA KS 67870

Copy provided to GMD#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.

tha	n 100 t		place	of use	e will t	oe cha													ion is greater and proposed
μοι	111(5) 01	diversion	i anu/o	r place	or use		File No	o. <u>166</u>						_				9:0	EIVED 6 Am 5 2017
1.	Application is hereby made for approval of the Chief Engineer to change the (check one or both):													Garden City Field Office					
		□ Place of Use □ Point of Diversion under the water right which is the subject of this application in accordance with the conditions describ													1	Divisto	Coft.Je	for Reconross	
	under	the wate	r right	which i	s the s	subject	of this	applio	cation	in acco	ordand	e with	the co	nditior	is desc	cribed	below.		
	The se	ource of s	supply	is:		\boxtimes (Ground	lwater			Surfa	ce wat	ler						
2.	Name and address of Applicant: DESERET CATTLE FEEDERS LLC ARMANDO CABALLERO GM 521 RD 50 SATANTA KS 67870																		
	Phone	Number	: ()					Email	addre	ss: _								
	Name	and add	ess of	Water	Use C	orresp	onder	nt: <u>DE</u>	SERE	T CAT	TLEF	EEDE	RS LL	<u> </u>		- u= · · · · · ·			
		521 RD 50 SATANTA KS 67870																	
^	Phone Number: (
3.	•	The presently authorized place of use is:																	
	Owner of Land NAME: <u>DESERET CATTLE FEEDERS LLC</u> ADDRESS: 521 RD 50 SATANTA KS 67870																		
	(If there	is more t									sary.)								
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4.		applicatio of Land		AME:	no cha	inge to	place	of use).		the pl	ace of	use be	e chan	ged to				
	(If there	is more th									sary.)								
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5.	Presently authorized point of diversion: IFF & Stal	Ú,	ζ¢									
ļ	One in the cs Quarter of the se	<u> </u>	Quarter of the	nw	Quarter							
	of Section 23 Township 27		South, Range	34	W.							
	in Haskell County, Kansas, 2840 feet N	Vorth	<u>200_32.3</u> feet West of	Southeast co	orner of section.							
	Authorized Rate Authorized Quantity		Depth of well		(feet)							
	(DWR use only: Computer ID No. 3 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 rec											
I	One in the sw Quarter of the se	9	Quarter of the	<u>nw</u>	Quarter							
	of Section 23, Township 27		South, Range	34	(W),							
	in <u>Haskell</u> County, Kansas, <u>2720</u> feet N	Vorth	3438 feet West of	Southeast co	orner of section.							
	Proposed Rate Proposed Quantity		Proposed well depth	(feet)	TZ)().2							
Į	This point is: Additional Well Geo Center List other war	iter ri	gnts that will use this poin	(1/1 8 0	1005 07G .							
Г	Describe and a sink of diversions											
6.	Presently authorized point of diversion:		Quarter of the		Quader							
	One in the Quarter of the of Section, Township		South Range		(FAM)							
	in County, Kansas, feet N	Jorth	feet West of	Southeast co	rner of section.							
-	Authorized Rate Authorized Quantity	101111	Denth of well	Codinodot oc	(feet)							
ĺ	(DWR use only: Computer ID No GPS		feet North	feet	West							
	☐ This point will not be changed ☐ This point will be cha	ande	d as follows:		,							
	Proposed point of diversion: (Complete only if change is rec											
	One in the Quarter of the				Quarter							
- 1	of Section, Township		South, Range		(E/W),							
	in County, Kansas, feet N	lorth	feet West of	Southeast cc	rner of section.							
	Proposed Rate Proposed Quantity		Proposed well depth	(feet)								
	This point is: Additional Well Geo Center List other wat											
.												
7.	Why do you need a new point of diversion? 13a	a. ır fe	the proposed point of diver et of the existing point of o	sion will be re liversion, indic	cate its location on							
	old well needs to be replaced	th	e diagram below in relation PLEASE NOTE: The "X"	to the existing	point of diversion.							
		re	epresents presently author	rized point of	diversion.)							
			. No	rth	,							
a	If a well, is the test hole log attached? X Yes No		100 50 0									
Ο.	if a work to the test help reg attached 2 2 vee 2 7.12											
9.	When do you propose to complete the new point of			- -								
	diversion?		50 - + -	- +	크 50							
	May 15, 2017			-								
4 N	If the point of diversion is a well:			<u>.</u>								
ıu.	•	1	West Ü⊑III IIII∑		I—O East							
	(a) What are you going to do with the old well?		-	-								
	Plug		50 - + =		三50							
			JU - T -	- 	70							
	(b) When will this be done? 2017			·	_							
				<u> </u>								
11.	Groundwater Management District recommendation		100 50 0	ı 50 uth	100							
	attached? Yes No		S cale	1" = 100'								
13	Assisted by tpm 13b	b. If	the proposed point of diver	sion will be re	located more than							
12.	Assisted by thirt	10 di	00 feet but within 1320 f version, attach a topograf	eet from the ohic map or	existing point of aerial photograph.							
		F	or groundwater sources, sh	ow all wells (i	ncludina domestic)							
		W na	ithin one-half mile of the pro ames and mailing address	iposed point o es of the owi	n diversion and the ners. For surface							
		W	ater sources, show the	names and	addresses of the							
		la u	ndowner(s) one-half mile ostream from your property	oownstream lines,	and one-haif mile							
		٠,										

(a) Does the undersigned represent all ow ☑ Yes ☐ No (If no, all ov	vners of the currently authorize wners must sign this application		this application?
(b) Will the ownership interest of any own affected if this application is approved ☐ Yes 乃 No (If yes, all o		• • •	this application be adversely
(c) If this application is not approved expe ☑ Yes ☐ No (If no, all ow	ditiously, will there be substant wners must sign this application		ic health or safety?
If the application proposes a surface water char or a change in place of use, the application mus agent (attach notarized statement authorizing re	st be signed by all owners of th		
I hereby verify, being first duly sworn up age and the owner, the spouse of the ov their behalf, in regard to the water right contained in this application are true, co	vner, or a duly authorized t(s) to which this applicat	agent of the owner(s) to	make this application on
Dated at	, Kansas, this	day of	, 20
×// (//			
(Owner)		(Spouse	e)
(Please Print)		(Please P	rint)
(Owner)		(Spouse	e)
(Please Print)		(Please Pi	rint)
(Owner)		(Spouse	9)
(Please Print)		(Please Pi	rint)
State of Kansas SS	P Watery P	MMY KELLS rublic - State of Kansas ires ちみ8・17	
I hereby certify that the foregoing applica	ntion was signed in my pre	sence and sworn to befor	re me this <u>a5</u> day of
,			ny Kell
My Commission Expires5-28-7-7		Trotaly I us) -
ONLY COMPLETE APPLICATIONS WILL BE PROCE accurate information; maps, if necessary, must be included appropriate fee must be paid.			
	FEE SCHEDULE		
Each application to change the place of use or the orth in the schedule below: Make checks payabe (1) Application to change a point of diversity (2) Application to change a point of diversity (3) Application to change the place of use the place	ole to: Kansas Department of ersion 300 feet or less ersion more than 300 feet	Agriculture	\$100 \$200

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File No. ____

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

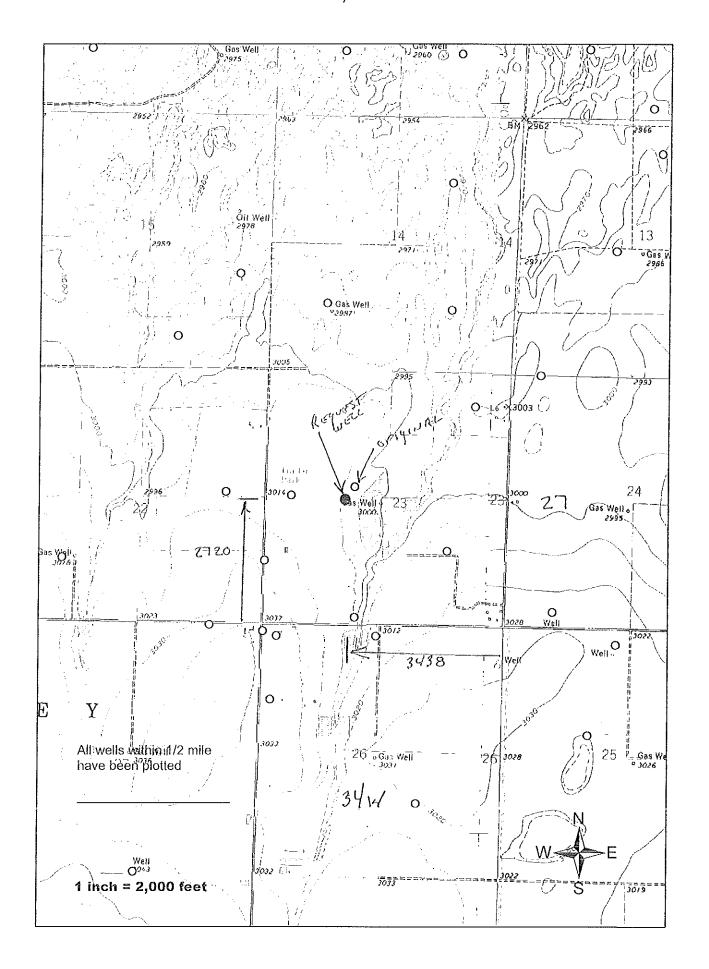
SUMMARY ORDER APPROVING APPLICATION FOR CHANGE AND IMPOSING CONDITIONS

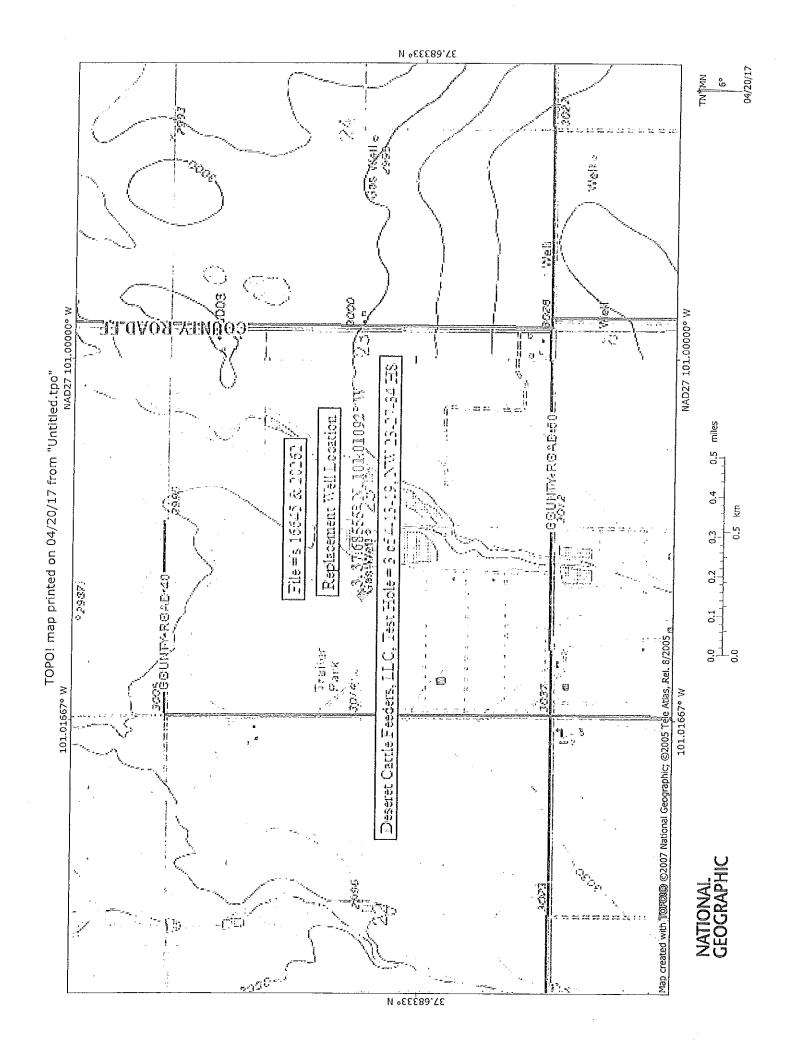
This Summary Order is issued under authority of K.S.A. 82a-708b, as amended, and K.A.R. 5-14-3 and other applicable provisions of the *Kansas Water Appropriation Law, K.S.A. 82a-701 et. seq.*, and rules and regulations promulgated thereunder, K.A.R. 5-1-1 et.seq. With the exception of those conditions expressly contained herein, this Summary Order does not change the terms, conditions and limitations of File No. 16645 requesting that the place of use and / or point of APril 25, 2017 A change application was received on diversion authorized under the above-referenced file number be changed as described in the application. 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 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 50 foot ☐ Applicable ☐ Not Applicable radius of the authorized point(s) of diversion. The point(s) of diversion authorized herein shall not actually be located more than _ feet from the previously authorized point(s) of diversion. Applicable 图:Not Applicable 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 ☐ Not Applicable ☑ Applicable with K.A.R. 5-6-13. The owner of the authorized place(s) of use shall properly install an acceptable water flow meter on or before December 31, 2017, 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. 5-5-6, 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 Installation of the works for diversion of water shall be completed on or before December 31, 2017, or within any authorized extension of time. By March 1, 2018 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. ☐ Not Applicable The completed well log shall be submitted with the required notice. ☑ Applicable ☐ Not Applicable 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 \(\sigma\) 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. FOR OFFICE USE ONLY Administrative Appeal and Effective Date of Order APPLICATION APPROVED AND You have the right to a hearing in accordance with K.A.R. 5-14-3 SUMMARY ORDER ISSUED 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 Duly Authorized Designee of the Chief Engineer (Print Name): THOMAS P. WIAKENS is not requested in accordance with K.A.R. 5-14-3, this Summary Order will become effective on the 15th day after the date shown Division of Water Resources - Kansas Department of Agriculture on the Certificate of Service. 2017 Date of Issuance: For Use by Register of Deeds State of Kansas SS Acknowledged before me on Makens by Thomas Y eenyy Notary Rublic NITE OF **SUE KEENY** NOTABY My Appointment Expires June 8, 2018 My commission expires: (Notary Seal)

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File No. _





3795 W. Jones Ave. Garden City, KS 67846 PH: 620-277-2389



PO Box 639 Garden City, KS 67846 Fax: 620-277-0224

ARMANDO CABALLERO, MER 166459 20262 620-521-6209

Customer Name: Descrit Catile Feeders, LLC Street Address: SAI 50 E Rung WO#: <u>//85</u>8 Date: 4-13-17 Test #: 🕱 ELOG: City, State: SATANTA KS 1.7860 Driller: Dale Guinn County: Haskel Quarter: Nly Section: Township: 27 Range: उध Location: 188' West + 120' South of Existing Well GPS: N37. L8555 W101.01092 Rig#: 10002 Elevation: 2991' Static WL: 345 / well Estimated? Proposed Well Depth

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				12 17:3						