

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

Document Signature _____

1. File Number: 45115	2. Status Change Date: 11/20/2017	3. Change Num: C1	4. Field Office: 04	5. GMD: 03
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6. Status: <input type="checkbox"/> Approved <input type="checkbox"/> Denied by DWR/GMD <input type="checkbox"/> Dismiss by Request/Failure to Return	7. Filing Date of Change: 11-APR-2016
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8a. Applicant(s) <input type="checkbox"/> New to system <input type="checkbox"/> Person ID 63405 Add Seq# 1 MS REAL ESTATE HOLDINGS LLC MILK SOURCE LLC N 3569 VANDEN BOSCH RD KAUKAUNA WI 54130	8c. Landowner(s) <input type="checkbox"/> New to system <input type="checkbox"/> Person ID _____ Add Seq# _____ <hr/> 8d. Landowner(s) <input type="checkbox"/> New to system <input type="checkbox"/> Person ID _____ Add Seq# _____
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8b. Landowner(s) <input type="checkbox"/> New to system <input type="checkbox"/> Person ID 63405 Add Seq# 1 MS REAL ESTATE HOLDINGS LLC MILK SOURCE LLC N 3569 VANDEN BOSCH RD KAUKAUNA WI 54130	8e. WUC <input type="checkbox"/> New to system <input type="checkbox"/> Person ID 63405 Add Seq# 1 MS REAL ESTATE HOLDINGS LLC MILK SOURCE LLC N 3569 VANDEN BOSCH RD KAUKAUNA WI 54130 (NO CHANGE)
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9. Documents and Enclosure(s): DWR Meter(s) Date to Comply: **12/31/18** N & P Date to Comply: _____

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

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

10. Use Made of Water From: **MUN** To: **STK**

Date Prepared: **11/13/17** By: **RAK**
 Date Entered: **11/28/2017** By: **UM**

11/19/17

File No. / **45115** 11. County: **SW** Basin: **CIMARRON RIVER** Stream: Formation Code: **211** Special Use:

12. Points of Diversion
 MOD
 DEL
 ENT

Rate and Quantity
 Authorized Additional

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	

STK ENT 67396	SE¼ SE¼ SE¼	5	35	32W	14	432	325			80 g.p.m. 6.934 m.g.y. (21.28AF)	80 g.p.m. 6.934 m.g.y. (21.28AF)	NO
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MUN DEL 67396	SE¼ SE¼ SE¼	5	35	32W	14	432	325			80 g.p.m. 6.934 m.g.y. (21.28AF)	80 g.p.m. 6.934 m.g.y. (21.28AF)	NO
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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) _____
 Limitation: _____ 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 MOD <input checked="" type="checkbox"/> DEL ENT	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				
STK ENT 39262 5 35 32W 2	FEEDLOT IN SECTION 5- CHLORIDE RESTRICTION																8B	No	20624;20625;20626;41117; 41119	
MUN DEL 27437 5 35 32W 4	TRAILER PARK - CHLORIDE RESTRICTION (NW NW)																8B	NO	NO	

Comments: **DATA ENTRY PLEASE ADD TO MAIN ACTION TRAIL 11-APR-2016 C1 CHANGE APP UMW FILED**

KANSAS DEPARTMENT OF AGRICULTURE
Division of Water Resources
MEMORANDUM

TO: Files

DATE: November 13, 2017

FROM: Richelle A. Krueger

RE: Water Right
File No. 45,115

Todd Willer, VP of Operations, on behalf of MS Real Estate Holdings, L.L.C., Milk Source L.L.C., filed an application on April 11, 2016 for approval to change the place of use and use made of water from municipal use to stockwatering use for Water Right, File No. 45,115. The referenced change application has been held pending issuance of the certificate on September 19, 2017.

The referenced file number does not appear abandoned as per K.S.A. 82a-718.

File No. 45,115, located in the Cimarron River Basin Ogallala Chloride Limitation Area, has no overlaps in the authorized point of diversion or place of use and is authorized 6.934 million gallons of groundwater per calendar year (21.28 acre-feet) at a diversion rate of 80 gallons per minute for municipal use in a trailer park located in the Northwest Quarter of the Northwest Quarter (NW $\frac{1}{4}$ NW $\frac{1}{4}$) of Section 5, Township 35 South, Range 32 West, Seward County, Kansas. Paragraph No. 3 of the application indicates that the trailer park has been abandoned so the water right owner proposes to convert the entire authorized quantity to stockwatering use for an existing feedlot located in Section 5 Township 35 South, Range 32 West, Seward County, Kansas. The referenced change application appears to meet the provisions of K.A.R. 5-5-3 *Change in consumptive use* and K.A.R. 5-5-8 *Standards for approval of an application for a change in the place of use and a change in the use made of water*. The current municipal use is considered 100% consumptive, as is the proposed stockwatering use, so the extent of consumptive use should not be increased substantially after the time allowed in which to perfect the water right has expired. No reduction in quantity is required.

The existing feedlot is authorized a total limited quantity of 194.716 m.g.y. (597.6 AF) by Water Right, File Nos. 20,624, 20,625, 20,626, 41,117 and 41,119. The 6.934 m.g.y (21.28 AF) to be authorized by File No. 45,115 will be additional, is justified based on DWR water use records and appears in compliance with K.A.R. 5-3-22 *Maximum reasonable quantity of water for livestock and poultry*.

Nearby well owners were not notified of the proposed change since the referenced change application creates an exact overlap in the place of use with an existing feedlot.

The source of supply should not change for the referenced file, previously determined to be Ogallala Formation (211).

In a letter dated November 2, 2017 Jason Norquest, Assistant Manager of Southwest Kansas Groundwater Management District No. 3 recommended that the referenced application be approved at this time.

Mike Meyer, Water Commissioner of the Garden City Field Office, recommended approval of the application in a November 8, 2017 conversation.

A water flow meter will be required. A check valve is required if chemigating.

Based on the above discussion, that the change is reasonable, that impairment to existing water rights is unlikely, and no change in the local source of supply will occur, it is recommended that the referenced application be approved.


Richelle A. Krueger
Environmental Scientist



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

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

Jackie McClaskey, Secretary

Governor Sam Brownback

November 30, 2017

MS REAL ESTATE HOLDINGS LLC
MILK SOURCE LLC
N 3569 VANDEN BOSCH RD
KAUKAUNA WI 54130

FILE COPY

RE: Water Right, File No. 45,115

Dear Sir or Madam:

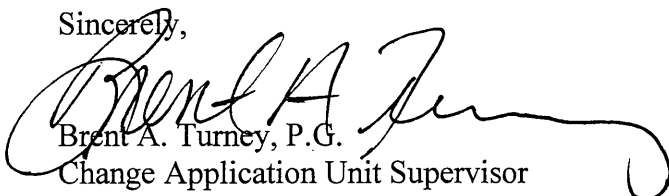
Enclosed is the order executed by the Chief Engineer, Division of Water Resources, Kansas Department of Agriculture, approving the application for change under the above referenced file number.

Your attention is directed to the enclosures and to the terms, conditions, and limitations specified in this approval for change. A condition of this approval is that an acceptable water flow meter must be installed on the diversion works authorized under the referenced file number. Please return the required notification of completion of the installation of the required meter as soon as these actions are completed.

Since the order for the referenced file number 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 this office. If you call, please reference the file number so we can help you more efficiently.

Sincerely,


Brent A. Turney, P.G.
Change Application Unit Supervisor
Water Appropriation Program

Enclosures

pc: Garden City Field Office
Groundwater Management District No. 3
Foulston Siefkin LLP, Attn David M. Traster



KANSAS DEPARTMENT OF AGRICULTURE
Jackie McClaskey, Secretary of Agriculture

DIVISION OF WATER RESOURCES
David W. Barfield, Chief Engineer

**APPROVAL OF APPLICATION
FOR
CHANGE IN PLACE OF USE AND
USE MADE OF WATER
WATER RIGHT
FILE NO. 45,115**

The Chief Engineer, Division of Water Resources, Kansas Department of Agriculture, after due consideration of the written application of Todd Willer, V.P. of Operations, on behalf of MS Real Estate Holdings L.L.C., Milk Source L.L.C., N 3569 Vanden Bosch Road, Kaukauna, Wisconsin, 54130, received in this office on April 11, 2016, for approval of a change in the location of the place of use and the use made of water under the certificate of appropriation issued pursuant to the application for permit to appropriate water for beneficial use, finds that the change is reasonable and will not impair existing rights, and that the application should be and is hereby approved.

The effective date of the change shall be the date this order is executed by the Chief Engineer, after which the authorized use made of water shall be:

Stockwatering Use

and the authorized location of the place of use shall be:

a feedlot located in Section 5, Township 35 South, Range 32 West, Seward County, Kansas,

located substantially as shown on the topographic map accompanying the application to change the place of use and use made of water.

All diversion works into which any type of chemical or other foreign substance will be injected into the water pumped from the diversion works shall be equipped with an in-line, automatic, quick-closing check valve capable of preventing pollution of the source of the water supply. The type of valve installed shall meet specifications adopted by the Chief Engineer and shall be maintained in an operating condition satisfactory to the Chief Engineer.

The water right owner shall properly install an acceptable water meter on the diversion works authorized under this water right, prior to the use of water, in strict accordance with the Kansas Administrative Regulations 5-1-4 through 5-1-12 adopted by the Chief Engineer. The water right owner shall notify the Chief Engineer when installation of the water meter has been completed. The water right owner shall maintain the water meter in an operating condition satisfactory to the Chief Engineer, at all times during diversion of water and shall maintain records from which the total quantity of water diverted may be determined. The water right owner shall also report the reading of said water meter and the total quantity of water diverted annually to the Chief Engineer. Such records shall be furnished to the Chief Engineer by March 1 following the end of each calendar year.

In all other respects, the Certificate of Appropriation issued pursuant to Approval of Application, File No. 45,115, for permit to appropriate water for beneficial use, is as stated and set forth in the Certificate of Appropriation dated September 19, 2017.

RIGHT TO A HEARING AND TO ADMINISTRATIVE REVIEW

If you are aggrieved by this Order, then pursuant to K.S.A. 82a-1901, you may:

- 1) request an evidentiary hearing before the Chief Engineer, or
- 2) request administrative review by the Secretary of Agriculture.

Failure to request an evidentiary hearing before the Chief Engineer does not preclude your right to administrative review by the Secretary.

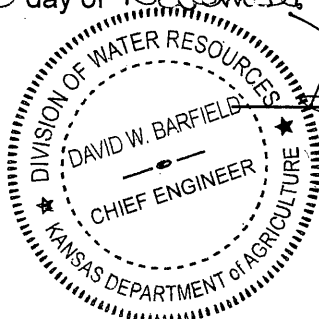
To obtain an evidentiary hearing before the Chief Engineer, a written request for hearing must be filed within 15 days after service of this Order as provided in K.S.A. 77-531 (i.e., within a total of 18 days after this Order was mailed to you), with the Kansas Department of Agriculture, Attn: Legal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

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

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

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 20th day of November, 2017, in Topeka, Shawnee County, Kansas.



David W. Barfield

 David W. Barfield, P.E.
 Chief Engineer
 Division of Water Resources
 Kansas Department of Agriculture

State of Kansas)
) SS
 County of Riley)

The foregoing instrument was acknowledged before me this 20th day of November, 2017, by David W. Barfield, P.E., Chief Engineer, Division of Water Resources, Kansas Department of Agriculture.



Karen Hunter

 Notary Public

CERTIFICATE OF SERVICE

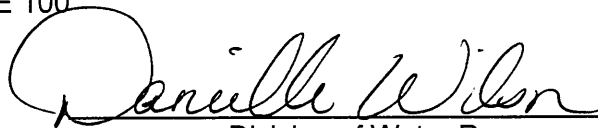
On this ^{20th} day of November, 2017, I hereby certify that the foregoing Approval of Application for Change in Place of Use and Use Made of Water, File No. 45,115, dated November 20, 2017 was mailed postage prepaid, first class, US mail to the following:

MS REAL ESTATE HOLDINGS LLC
MILK SOURCE LLC
N 3569 VANDEN BOSCH RD
KAUKAUNA WI 54130

With photocopies to:

Garden City Field Office
Groundwater Management No. 3

FOULSTON SIEFKIN LLP
ATTN DAVID M TRASTER
1551 N WATERFRONT PARKWAY SUITE 100
WICHITA KS 67206-4466

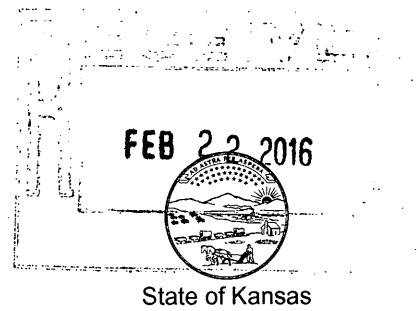


Division of Water Resources

Submit To: CHIEF ENGINEER

Kansas Dept of Agriculture
Division of Water Resources
1320 Research Park Drive
Manhattan, KS 66502

**APPLICATION FOR APPROVAL TO
CHANGE THE PLACE OF USE, THE
POINT OF DIVERSION OR THE USE
MADE OF THE WATER UNDER AN
EXISTING WATER RIGHT**



Filing Fee Must Accompany the Application
(Please refer to Fee Schedule on signature page of application form.)

Paragraph Nos. 1, 2, 3, 4 & 8 must be completed. Complete all other applicable portions. A topographic map or detailed plat showing the authorized and proposed points(s) of diversion and /or place of use must accompany this application.

1. Application is hereby made for approval of the Chief Engineer to change the

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

WATER RESOURCES
RECEIVED

APR 11 2016

4:12
KS DEPT OF AGRICULTURE

File No. 45115

2. Name of applicant: MS REAL ESTATE HOLDINGS LLC MILK SOURCE LLC

Address: N 3569 VANDEN BOSCH RD

City, State and Zip: KAUKAUNA WI 54130

Phone Number: () _____ E-mail address: _____

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

Name of water use correspondent: MS REAL ESTATE HOLDINGS LLC MILK SOURCE LLC

Address: N 3569 VANDEN BOSCH RD

City, State and Zip: KAUKAUNA WI 54130

Phone Number: (920) 766-5335 E-mail address: _____

3. The change(s) proposed herein are desired for the following reasons (please be specific): _____

to change the use made of water from municipal (abandoned trailerpark area) to stock use for feed lot

fedlot wells dropping off in production need more

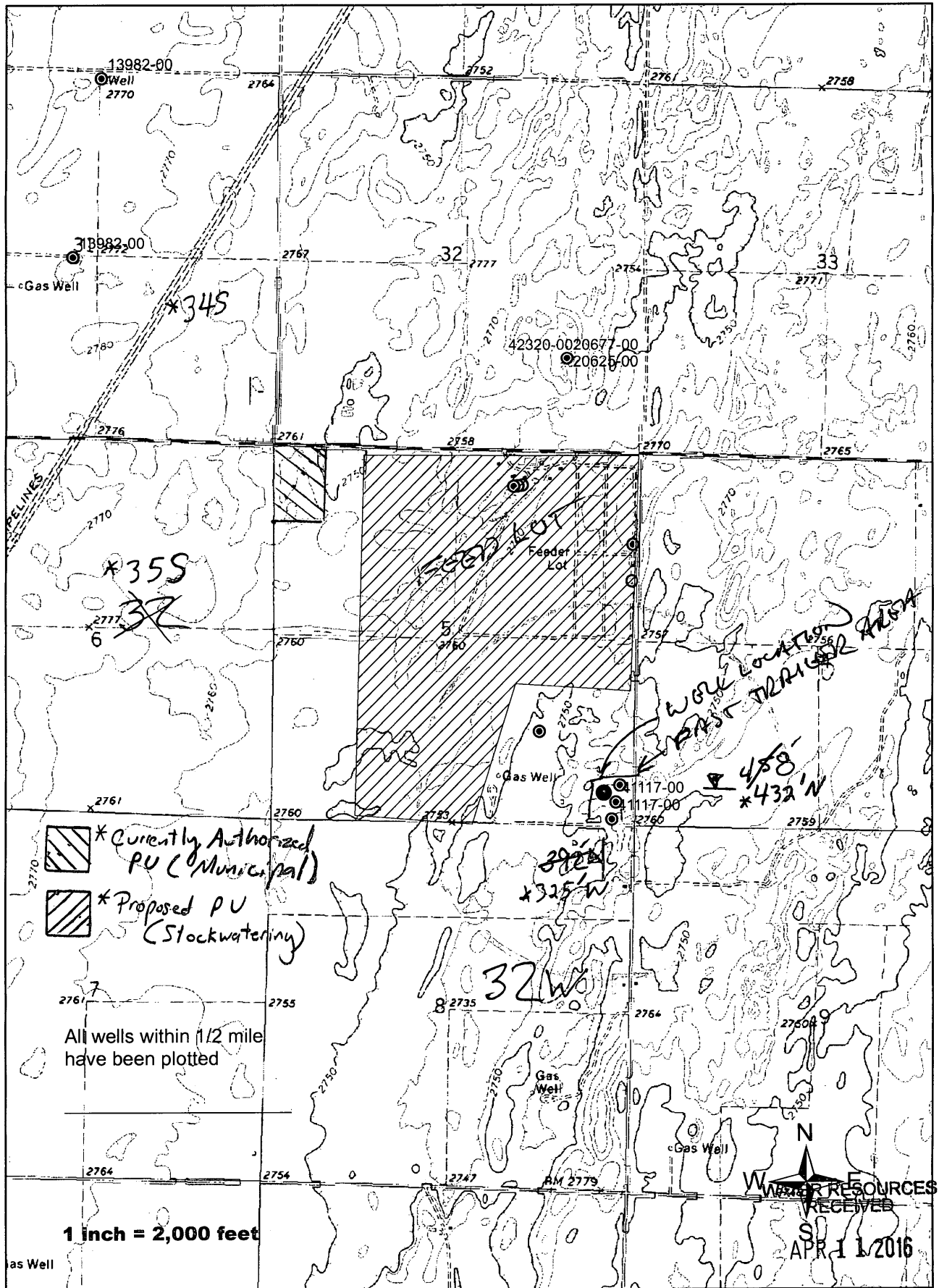
The change(s) _____ completed by at approval _____ (Date)

For Office Use Only:		F.O. <u>4</u>	GMD <u>3</u>	Meets K.A.R. 5-5-1 (YES/NO) <u>(YES)</u>	Use <u>MUN</u>	Source <u>GS</u>	County <u>SW</u>	By <u>AJW</u>	Date <u>4/12/16</u>
Code <u>02</u>	Fee \$ <u>500</u>	TR # _____	Receipt Date <u>4/11/16</u>	Check # <u>39965</u>					

APPLICATION COMPLETE
11/6/17
Reviewer RAK

SCANNED

45115 mun to stock use



* current PU per DWA File & Cert. f. cata issued 9/19/17
 * RAX/own 10/26/17

KS DEPT OF AGRICULTURE

SCANNED

4. The presently authorized place of use is:

Owner of Land — NAME: MS REAL ESTATE HOLDINGS LLC MILK SOURCE LLC

ADDRESS: N 3569 VANDEN BOSCH RD KAUKAUNA WI 54130

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	
5	35	32w	trailer park in sec 5																
⑤ 5-35-32w			* Municipal Use in a trailer park located in the NW¼ NW¼ 5-35-32w Seward Co KS																

List any other water rights that cover this place of use. na

Seward Co KS

Owner of Land — NAME: _____

ADDRESS: _____

Sec.	Twp.	Range	NE¼				NW¼				SW¼				SE¼				TOTAL ACRES
			NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	

List any other water rights that cover this place of use. _____

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

5. It is proposed that the place of use be changed to:

Owner of Land — NAME: MS REAL ESTATE HOLDINGS LLC MILK SOURCE LLC

ADDRESS: N 3569 VANDEN BOSCH RD KAUKAUNA WI 54130

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		
5	35	32w	feed	lot	in	sec	5													

List any other water rights that cover this place of use. 20624 20625 20626 41117 41119

Owner of Land — NAME: _____

ADDRESS: _____

Sec.	Twp.	Range	NE¼				NW¼				SW¼				SE¼				TOTAL ACRES
			NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	

List any other water rights that cover this place of use. _____

WATER RESOURCES RECEIVED

IF MORE SPACE IS NEEDED, ATTACH ADDITIONAL SHEETS AS NECESSARY

⑤ PV Modified per certificate issued 9/19/17
⑤ RAK/own 10/26/17

* per Original Approval dated 2/15/03
* RAK/PAL 5/18/16

APR 11 2016 KS DEPT OF AGRICULTURE

SCANNED

6. The presently authorized point(s) of diversion is one well
(Provide description and number of points)
7. The proposed point(s) of diversion is one well
(Provide description and number of points)

List all presently authorized point(s) of diversion:

8. **Presently authorized point of diversion:**

* One in the se Quarter of the se Quarter of the se Quarter of Section 5, Township 32 35 South, Range 32 W, in Seward County, Kansas, 432 458 feet North, 382 325 feet West of Southeast corner of section.
 Authorized Rate 80 gpm Authorized Quantity 6.934 MGY (21.28 AF)
 (DWR use only: Computer ID No. 4 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 W, in County, Kansas, feet North feet West of Southeast corner of section.
 Proposed Rate Proposed Quantity
 This point is: Additional Well Geo Center List other water rights that will use this point

9. **Presently authorized point of diversion:**

One in the Quarter of the Quarter of the Quarter of Section , Township South, Range W, in County, Kansas, feet North feet West of Southeast corner of section.
 Authorized Rate Authorized Quantity
 (DWR use only: Computer ID No. GPS feet North feet West)
 This point will not be changed This point will be changed as follows:
Proposed point of diversion: (Complete only if change is requested)
 One in the Quarter of the Quarter of the Quarter of Section , Township South, Range (E/W), in County, Kansas, feet North feet West of Southeast corner of section.
 Proposed Rate Proposed Quantity
 This point is: Additional Well Geo Center List other water rights that will use this point

10. **Presently authorized point of diversion:**

One in the Quarter of the Quarter of the Quarter of Section , Township South, Range (E/W), in County, Kansas, feet North feet West of Southeast corner of section.
 Authorized Rate Authorized Quantity
 (DWR use only: Computer ID No. GPS feet North feet West)
 This point will not be changed This point will be changed as follows:
Proposed point of diversion: (Complete only if change is requested)
 One in the Quarter of the Quarter of the Quarter of Section , Township South, Range (E/W), in County, Kansas, feet North feet West of Southeast corner of section.
 Proposed Rate Proposed Quantity
 This point is: Additional Well Geo Center List other water rights that will use this point

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

IF MORE SPACE IS NEEDED, ATTACH ADDITIONAL SHEETS AS NECESSARY

* PD Modified per Certificate issued 9/19/17

* RAK/own 10/26/17

** No PD change see part 17 * RAK/own 10/26/17

12. The presently authorized use of water is for municipal purposes.
It is proposed that the use be changed to stock purposes.

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

(Please show any calculations here.)

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

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

16. The application must include either a topographic map or detailed plat. A U.S. Geological Survey Topographic Map, scale 1:24,000, is available through the Kansas Geological Survey, 1930 Constant Avenue, University of Kansas, Lawrence, Kansas 66047-3726 (www.usgs.gov). The map should show the location of the presently authorized point(s) of diversion. Distances North and West of the Southeast corner of the section must be shown. The presently authorized place of use should also be shown. Identify the center of the section, the section lines and the section corners and show the appropriate section, township, and range numbers on the map. In addition the following information must also be shown on the map.

- a. If a change in the location of the point(s) of diversion is proposed, show:
 - 1) The location of the proposed point(s) of diversion. Distances North and West of the Southeast corner of the section must be shown. Please be certain that the information shown on the map agrees with the information shown in Paragraph Nos. 9, 10 and 11 of the application.
 - 2) If the source of supply is groundwater, please show the location of existing water wells of any kind, including domestic wells, within 1/2 mile of the proposed well or wells. Identify each well as to its use and furnish name and mailing address of the property owner or owners. If there are no wells within 1/2 mile, please indicate so on the map.
 - 3) If the source of supply is surface water, the names and mailing addresses of all landowner(s) 1/2 mile downstream and 1/2 mile upstream from your property lines must be shown.
- b. If a change in the place of use is desired, show the proposed place of use by crosshatching on the map. Please be certain that the information shown on the map agrees with the information shown in Paragraph No. 5 of the application.

17. Attach documentation to show the change(s) proposed herein will not impair existing water rights and relates to the same local source of supply as to which the water right relates. This information may include statements, plats, geology reports, well logs, test hole logs, and other information as necessary information to show the above. Additional comments may be made below.

well location the same not proposed to change location of well

18. If the proposed change(s) does not meet all applicable rules and regulations of the Kansas Water Appropriation Act, please identify the rules and regulations for which you request a waiver. State the reason why a waiver is needed and why the request should be granted. Attach documentation showing that granting the request will not impair existing water rights and will not prejudicially and unreasonably affect the public interest.

na

WATER RESOURCES RECEIVED

APR 11 2016

IF MORE SPACE IS NEEDED, ATTACH ADDITIONAL SHEETS AS NECESSARY

SCANNED

Any use of water that is not as authorized by the water right or permit to authorize water **before** the chief engineer approves this application is a violation of the Kansas Water Appropriation Act for which criminal or civil penalties may be assessed. Such violation is a class C misdemeanor, punishable by a fine not to exceed \$500 and/or a term of confinement not to exceed one month in the county jail. K.S.A. 82a-728(b). Civil penalties shall be not less than \$100 nor more than \$1,000 per violation. In the case of a continuing violation, each day such violation continues may be deemed a separate violation. In addition to these penalties the water right may be modified or suspended. K.S.A. 82a-737, as amended.

The application must be signed by all owners of the place of use authorized under the water right and his or her spouse, if married. Please indicate if there is no spouse. If land is being purchased under contract, the seller must sign as landowner until such time as the contract is completed.

In the event that all applicants cannot appear before one notary public, they may as necessary sign separate copies of the application before any notary public conveniently available to them. All copies signed in this manner shall be considered to be valid parts of the application.

If the request is signed on behalf of any Owner by someone with legal authority to do so (for example, an agent, one who has power of attorney, or an executor, executrix, conservator), it will be necessary to attach proper documents showing such authority.

I declare that I am an owner of the currently authorized place of use as identified herein, or that I represent all such owners and am authorized to make this application on their behalf, and declare further that the statements contained herein are true, correct, and complete. By filing this application I authorize the chief engineer to permanently reduce the quantity of water and/or rate of diversion as specified in sections 14 and 15 of this application.

Dated at Freedom, Wisconsin this 18th day of March, 2016.

X [Signature]
(Owner)

Todd Miller, UP of Operations
(Please Print)

(Owner)

(Please Print)

(Owner)

(Please Print)

(Spouse)

(Please Print)

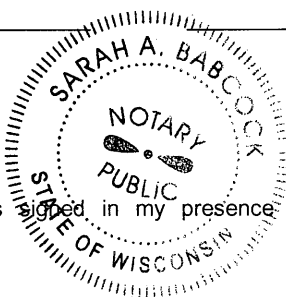
(Spouse)

(Please Print)

(Spouse)

(Please Print)

State of Wisconsin)
County of Outagamie) SS



I hereby certify that the foregoing application was signed in my presence and sworn to before me this 18th day of March, 2016.

[Signature]
Notary Public

My Commission Expires Jan. 11, 2019

FEE SCHEDULE

Each application to change the place of use, the point of diversion or the use made of the water under this section shall be accompanied by the application fee set forth in the schedule below:

- (1) Application to change a point of diversion 300 feet or less \$100
- (2) Application to change a point of diversion more than 300 feet \$200
- (3) Application to change the place of use \$200
- (4) Application to change the use made of the water \$300

Make check payable to **Kansas Department of Agriculture**.

Krueger, Richelle

From: Krueger, Richelle
Sent: Tuesday, November 7, 2017 11:13 AM
To: Meyer, Mike
Cc: Turney, Brent
Subject: RE: Request for Recommendation Change in PU UMW File No. 45115 MS Real Estate Holdings LLC

I didn't see one in WRIS or in the spreadsheet, do you think that should that hold up processing of this change?

From: Meyer, Mike
Sent: Tuesday, November 7, 2017 11:04 AM
To: Krueger, Richelle <Richelle.Krueger@ks.gov>
Subject: Re: Request for Recommendation Change in PU UMW File No. 45115 MS Real Estate Holdings LLC

Can you find out if one is pending. They suppose to file one for additional rate.

Sent from my Verizon, Samsung Galaxy smartphone

----- Original message -----

From: "Krueger, Richelle" <Richelle.Krueger@ks.gov>
Date: 11/7/17 11:01 AM (GMT-06:00)
To: "Meyer, Mike" <Mike.Meyer@ks.gov>
Subject: RE: Request for Recommendation Change in PU UMW File No. 45115 MS Real Estate Holdings LLC

Not that I know of??

From: Meyer, Mike
Sent: Tuesday, November 7, 2017 11:01 AM
To: Krueger, Richelle <Richelle.Krueger@ks.gov>
Subject: Re: Request for Recommendation Change in PU UMW File No. 45115 MS Real Estate Holdings LLC

New app pending too?

Sent from my Verizon, Samsung Galaxy smartphone

----- Original message -----

From: "Krueger, Richelle" <Richelle.Krueger@ks.gov>
Date: 11/7/17 10:59 AM (GMT-06:00)
To: "Meyer, Mike" <Mike.Meyer@ks.gov>
Subject: RE: Request for Recommendation Change in PU UMW File No. 45115 MS Real Estate Holdings LLC

Yes September 19, 2017

From: Meyer, Mike

Sent: Tuesday, November 7, 2017 10:58 AM

To: Krueger, Richelle <Richelle.Krueger@ks.gov>

Subject: Re: Request for Recommendation Change in PU UMW File No. 45115 MS Real Estate Holdings LLC

Is this file certified nkw

Sent from my Verizon, Samsung Galaxy smartphone

----- Original message -----

From: "Krueger, Richelle" <Richelle.Krueger@ks.gov>

Date: 11/7/17 10:40 AM (GMT-06:00)

To: "Meyer, Mike" <Mike.Meyer@ks.gov>

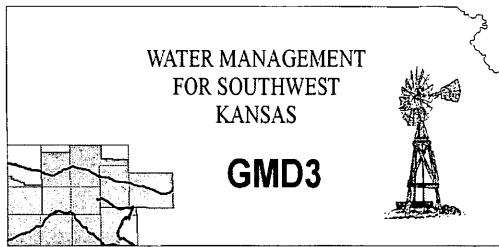
Cc: "Makens, Thom" <Thom.Makens@ks.gov>

Subject: Request for Recommendation Change in PU UMW File No. 45115 MS Real Estate Holdings LLC

Hi Mike,

Attached is a draft memo for the referenced change, do you recommend approval?

Thanks,
Richelle



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

November 2, 2017

Richelle A. Krueger
Kansas Department of Ag
Division of Water Resources
1320 Research Park Drive
Manhattan, Kansas 66502

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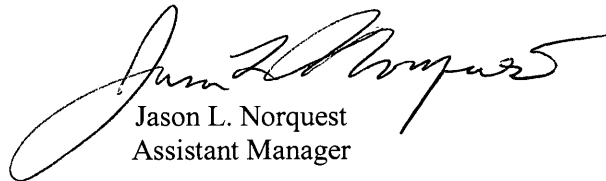
RE: Change Application
Water Right, File No. 45115

Dear Richelle:

We have completed a review of the application for the above referenced water right. The proposal for change in place of use, in order to now cover the feedlot, is not in conflict with the Management Program of the Southwest Kansas Groundwater Management District No. 3 (GMD3) and is in accordance with K.A.R. 5-5-11. The application to change water right from MUN to STK does not require a consumptive use reduction and allows complete conversion. The small conversion amount will allow the applicant to maintain a water supply to the animals and make up for the loss of production from the current STK wells. It is therefore recommended that 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

Krueger, Richelle

From: Jason Norquest <norquest@gmd3.org>
Sent: Thursday, November 2, 2017 1:56 PM
To: Krueger, Richelle
Subject: 45115
Attachments: 45115_ReviewMat_PU_UMW_110217.pdf

Good afternoon again Richelle. Attached is my review material for you on this application. I will send the signed letter in the mail to you. Good to talk to you again and look forward to seeing you next week.

Jason Norquest

Assistant Manager, GMD3

Office: 620-275-7147 Cell: 620-271-1289

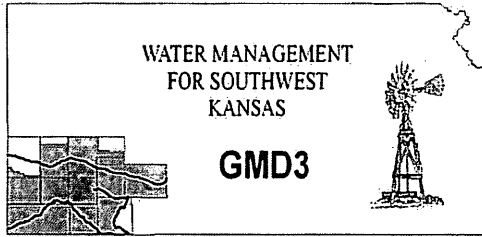
norquest@gmd3.org

www.gmd3.org

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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

November 2, 2017

Richelle A. Krueger
Kansas Department of Ag
Division of Water Resources
1320 Research Park Drive
Manhattan, Kansas 66502

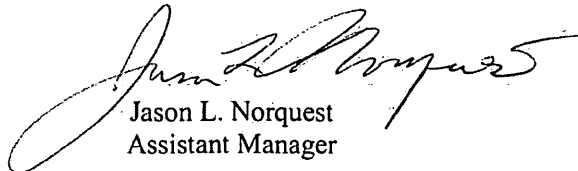
RE: Change Application
Water Right, File No. 45115

Dear Richelle:

We have completed a review of the application for the above referenced water right. The proposal for change in place of use, in order to now cover the feedlot, is not in conflict with the Management Program of the Southwest Kansas Groundwater Management District No. 3 (GMD3) and is in accordance with K.A.R. 5-5-11. The application to change water right from MUN to STK does not require a consumptive use reduction and allows complete conversion. The small conversion amount will allow the applicant to maintain a water supply to the animals and make up for the loss of production from the current STK wells. It is therefore recommended that application be approved at this time.

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

Sincerely,



Jason L. Norquest
Assistant Manager

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Serving Southwest Kansas Since 1976

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GMD3 Change Review

File No(s): 45115 .

DWR office: GC/Manhattan .

App filed to change: PU & UMW .

Applicant looking to convert MUN right to STK. No change in consumptive use, so the full 21.28AF (6.934mgd) can be converted. PU will move from abandoned trailer park to the feedlot in same section.

Is Landowner(s) correct in WRIS: Same as on application .

If NO, is documentation included?

Is Water Use Correspondent correct in WRIS? Yes .

If NO, is documentation included?

Regulation(s) Reviewed: KAR 5-5-11

Point of diversion ID No(s) 14 being changed.

	ft. North	ft. West				
Authorized PD						
Proposed PD						
Difference	0	0				
a2 + b2 = c2	0	0	0			

GPS for proposed PD: Lat: ___ Long: ___.

Is proposed PD stacking on existing WRs? No .

Is proposed PU overlapping WRs? 20624, 20625, 20626, 41117 & 41119 .

Land Owner(s) notified: ___.

Name ___ Name ___.

Address ___ Address ___.

Zip ___ Zip ___.

Neighboring certified well(s) notified: All wells within a mile are applicant's .

Name ___ Name ___.

Address ___ Address ___.

Zip ___ Zip ___.

Domestic well(s) notified: None found in area of concern .

Name ___ Name ___.

Address ___ Address ___.

Zip ___ Zip ___.

Base Acres: ___.

Perfected Acres: ___.

Irr. Return-Flow ___%

Is a waiver needed: No .

Final Recommendation: After review of all available information, it appears the area rules are met. Consumptive use does not change in this case and no change in the point in diversion. Wells in immediate area have not met spacing since certification and are all owned/operated by applicant. Staff therefore recommends approval of the application.

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45115 PU & UMW Change Review

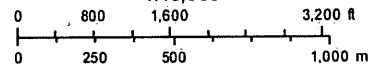


November 1, 2017
15:37 PM

DISCLAIMER: This map is not intended for conveyances, nor is it a legal survey. The information is presented on a best-efforts basis and should not be relied upon for making financial, survey, legal or other commitments.

1:18,056

- Meters
- WIMAS WELLS GMD3
- ⊙ Wells
- Sections
- ⊙ WWC5 WELLS GMD3



Jason
GIS Workshop, LLC

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

432 ft N and 325 ft W of the SE Corner of Section 5, T 35S, R 32W

Located at: 100.814971 West Longitude and 37.026120 North Latitude

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__ 20625 00	STK	NK	G	3582	--	SE	NE	NE	4003	47	5	35	32W	15		97.01	97.01	AF
A__ 20626 00	STK	NK	G	3071	--	NE	SE	NE	3500	55	5	35	32W	4		72.00	72.00	AF
A__ 41117 00	STK	NK	G	141	--	SE	SE	SE	333	225	5	35	32W	12	G 2	281.05	238.99	AF
Same				211	--	SE	SE	SE	575	170	5	35	32W	7	B 2			
Same				345	--	SE	SE	SE	90	280	5	35	32W	13	B 2			
A__ 41119 00	STK	NK	G	1352	--	--	NC	SE	1320	1350	5	35	32W	1		264.85	156.58	AF
A__ 45115 00	MUN	NK	G*	0	--	SE	SE	SE	432	325	5	35	32W	14		21.28	21.28	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) =	585.85	.00
Total Vested Amount (AF) =	.00	.00
TOTAL AMOUNT (AF) =	585.85	.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:

100.814971 West Longitude and 37.026120 North Latitude

GROUNDWATER ONLY

WATER USE CORRESPONDENTS:

File Number	Use	ST	SR
A__ 20625 00	STK	NK	G
>	MS REAL ESTATE HOLDINGS LLC		
>	MILK SOURCE LLC		
>	N 3569 VANDEN BOSCH RD		
>	KAUKAUNA WI 54130		

A__ 20626 00	STK	NK	G
>	MS REAL ESTATE HOLDINGS LLC		
>	MILK SOURCE LLC		
>	N 3569 VANDEN BOSCH RD		
>	KAUKAUNA WI 54130		

A__ 41117 00	STK	NK	G
>	MS REAL ESTATE HOLDINGS LLC		
>	MILK SOURCE LLC		
>	N 3569 VANDEN BOSCH RD		
>	KAUKAUNA WI 54130		

A__ 41119 00	STK	NK	G

Applicant's well that haven't met spacing!

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> MS REAL ESTATE HOLDINGS LLC
> MILK SOURCE LLC
> N 3569 VANDEN BOSCH RD
> KAUKAUNA WI 54130

>-----

A_ 45115 00 MUN NK G
> MS REAL ESTATE HOLDINGS LLC
> MILK SOURCE LLC
> N 3569 VANDEN BOSCH RD
> KAUKAUNA WI 54130

>-----

=====

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Details

OBJECTID	7463	TOWNSHIP	35
Shape	Point	TOWNSHIP_DIRECTION	S
INPUT_SEQ_NUMBER	341387	RANGE	32
DWR_APPROPRIATION_NUMBER	45115	RANGE_DIRECTION	W
OLD_QUARTER_SECTIONS	SE SE SE	SECTION	5
OWNER_NAME	Liberal Feeders	QUARTER_CALL_1_LARGEST	SE
DEPTH_OF_COMPLETED_WELL	288	QUARTER_CALL_2	SE
ELEVATION_OF_WELL	Null	QUARTER_CALL_3	SE
GEOLOGICAL_FORMATION	Null	COMPLETION_DATE	6/10/2003
DEPTH_WATER_ENCOUNTER_1	Null	CONTRACTOR_NAME	Richard Henkle Drilling & Supply Co. Inc.
DEPTH_WATER_ENCOUNTER_2	Null	UPDATE_INITIALS	kgdl
DEPTH_WATER_ENCOUNTER_3	Null	UPDATE_DATE	5/29/2013 9:05:58 AM
STATIC_WATER_LEVEL	Null	LATITUDE_LEO_QUARTER_CALLS	37.025845
PUMP_TEST_DEPTH_1	Null	LONGITUDE_LEO_QUARTER_CALL	100.814978
PUMP_TEST_HRS_PUMPED_1	Null	CONTRACTORS_LICENSE_NUMBER	145
PUMP_TEST_GPM_1	Null	COUNTY_CHECKED	1
ESTIMATED_YIELD	Null	FILES_CHECKED	1
WATER_USE_CODE	5	MONITORING_NUMBER	
CHEM_ANALYSIS_DONE	Null	LONGITUDE	100.814978
BLANK_CASING_CODE	Null	LATITUDE	37.025845
CASING_DIAM_1	Null	WELL_KID	1040456216
CASING_DIAM_2	Null	SOURCE_KID	1040456215
CASING_DIAM_3	Null	LOG_SKIP_IT	1
CASING_DEPTH_1	Null	GPS_DATUM	Null
CASING_DEPTH_2	Null	LONGITUDE_LATITUDE_DATUM	NAD27
CASING_DEPTH_3	Null	GPS_LATITUDE	Null
SCREEN_TYPE_CODE	Null	GPS_LONGITUDE	Null
SCREEN_OPENINGS_CODE	Null	GPS_SOURCE	Null
SCREEN_INTERVAL_FROM_1	Null	GPS_DATE	Null
SCREEN_INTERVAL_FROM_2	Null	GPS_ACCURACY_COMMENTS	Null
SCREEN_INTERVAL_FROM_3	Null	NAD27_LATITUDE	37.025845

<u>SCREEN_INTERVAL_FROM_4</u>	Null	<u>NAD27_LONGITUDE</u>	100.814978
<u>SCREEN_INTERVAL_TO_1</u>	Null	<u>NAD83_LATITUDE</u>	37.02587
<u>SCREEN_INTERVAL_TO_2</u>	Null	<u>NAD83_LONGITUDE</u>	100.815418
<u>SCREEN_INTERVAL_TO_3</u>	Null	<u>NAD27_UTM_X</u>	338553.65
<u>SCREEN_INTERVAL_TO_4</u>	Null	<u>NAD27_UTM_Y</u>	4099076.32
<u>GROUT_MATERIAL_1</u>	Null	<u>NAD27_UTM_ZONE</u>	14
<u>GROUT_MATERIAL_2</u>	Null	<u>NAD83_UTM_X</u>	338518.49
<u>GROUT_INTERVAL_FROM_1</u>	Null	<u>NAD83_UTM_Y</u>	4099283.07
<u>GROUT_INTERVAL_FROM_2</u>	Null	<u>NAD83_UTM_ZONE</u>	14
<u>GROUT_INTERVAL_FROM_3</u>	Null	<u>LONGITUDE_LATITUDE_SOURCE</u>	QUARTER CALLS
<u>GROUT_INTERVAL_TO_1</u>	Null	<u>RENDER_DEPTH</u>	288
<u>GROUT_INTERVAL_TO_2</u>	Null	<u>RENDER_YIELD</u>	-1
<u>GROUT_INTERVAL_TO_3</u>	Null	<u>RENDER_WATER_LEVEL</u>	0
<u>CONTAM_SOURCE_CODE</u>	Null	<u>COUNTY</u>	Seward
<u>CONTAM_SOURCE_DIRECTION</u>	Null	<u>STATUS</u>	Constructed
<u>CONTAM_SOURCE_DISTANCE</u>	Null	<u>USE_DESC</u>	Public Water Supply
<u>TYPE_OF_ACTION_CODE</u>	1	<u>CONTRACTOR</u>	Henkle Drilling & Supply Co. Inc.
<u>OLD_COMPLETION_DATE</u>	Null	<u>DEPTH_TXT</u>	288
<u>CONTRACTORS_LICENSE</u>	Null	<u>ELEV_TXT</u>	
<u>INACTIVE_DATE</u>	Null	<u>STATIC_LEVEL_TXT</u>	
<u>DATE_FORM_RECEIVED</u>	Null	<u>YIELD_TXT</u>	
<u>LOCATION DIRECTIONS</u>	from Liberal: 5.25 mi E. 1 mi S	<u>COMP_DATE_TXT</u>	06/10/2003
<u>COUNTY_CODE</u>	175	<u>ORIG_FID</u>	0

Proposed
STK

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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, 2017

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

FILE COPY

Re: Water Right, File No. 45,115

Dear Jason:

We are enclosing a copy of the application to change the place of use and use made of water for File No. 45,115.

We are delaying further action for a period of 15 days from the date of this letter to allow you time to submit your recommendations concerning this application.

Please submit your recommendations within the allowed time, or any authorized extension of time thereof. If you have any questions, please contact me at (785) 564-6635. If you call, please reference the file number so we can help you more efficiently.

Sincerely,

Richelle A. Krueger
Environmental Scientist
Water Appropriation Program

Enclosures

pc: Garden City Field Office

SCANNED

Krueger, Richelle

From: Turney, Brent
Sent: Monday, October 16, 2017 9:00 AM
To: Baum, Kristen; Philip, Charlotte; Meyer, Mike
Cc: Krueger, Richelle
Subject: RE: traster 45115

It appears that we can now proceed with the change in place of use and use made of water now that the cert has been issued. If they want to follow up with a new app for additional rate now is the time to file, but we don't need it to proceed with the change.

Brent

Brent A. Turney, P.G.
Kansas Department of Agriculture
Division of Water Resources
1320 Research Park Drive
Manhattan Kansas 66502
(785) 564-6645
Brent.Turney@ks.gov
www.agriculture.ks.gov

From: Baum, Kristen
Sent: Monday, October 16, 2017 8:34 AM
To: Philip, Charlotte <Charlotte.Philip@ks.gov>; Meyer, Mike <Mike.Meyer@ks.gov>; Turney, Brent <Brent.Turney@ks.gov>
Subject: RE: traster 45115

You guys might have to help me out on this one – I'm not too familiar with it. As I recall, they were interested in a rate only new application, but they need to change the PU and UMW to stockwatering. I think we have the change app – is there more information we need for it? I don't believe we've received the new application yet.

From: Philip, Charlotte
Sent: Monday, October 16, 2017 8:07 AM
To: Meyer, Mike <Mike.Meyer@ks.gov>
Cc: Baum, Kristen <Kristen.Baum@ks.gov>
Subject: RE: traster 45115

Mike –

The Cert for 45115 was issued on 9/19/2017. He had several questions about a new application, so I have copied Kristen on this response.

Thanks,

Charlotte Philip

From: Meyer, Mike

Sent: Monday, October 16, 2017 8:03 AM

To: Philip, Charlotte <Charlotte.Philip@ks.gov>

Subject: traster 45115

Good morning

Do we have everything from Traster yet? we have been getting all of his outstanding issues resolved with legal. If there is something that needs done with this file to get his attention, please reach out to him

Thanks!

Mike

Krueger, Richelle

From: Philip, Charlotte
Sent: Thursday, June 22, 2017 2:52 PM
To: Krueger, Richelle; Turney, Brent
Subject: FW: MS Real Estate, Milk Source, File No. 45115

Sorry I think I forgot to send this yesterday!!

Charlotte Philip

From: Traster, David [mailto:dtraster@foulston.com]
Sent: Tuesday, May 23, 2017 11:22 AM
To: Meyer, Mike <Mike.Meyer@ks.gov>; Philip, Charlotte <Charlotte.Philip@ks.gov>
Cc: Deric DuQuaine (dduquaine@milksource.net) <dduquaine@milksource.net>
Subject: RE: MS Real Estate, Milk Source, File No. 45115

Let's hold off for just a little bit. I'm working on the rate issue and will try to have a proposal to you in the next few days.

Dave

David M. Traster
Foulston Siefkin LLP
1551 N. Waterfront Parkway, Suite 100
Wichita, Kansas 67206-4466
Phone: 316-291-9725
Cell: 316-210-8338
Fax: 866-347-3138
E-mail: dtraster@foulston.com
Web Site: www.foulston.com
Secretary: Amy Pollard-Meek
(316-291-9741; apollardmeek@foulston.com)

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From: Meyer, Mike [mailto:Mike.Meyer@ks.gov]
Sent: May 23, 2017 11:21 AM
To: Philip, Charlotte; Traster, David; Meyer, Mike
Cc: Deric DuQuaine (dduquaine@milksource.net)
Subject: Re: MS Real Estate, Milk Source, File No. 45115

David recall on March 22 email i stated we can agree on 80 gpm. Can we proceed on the draft certificate at that rate?

Thanks

Mike

Sent from my Verizon, Samsung Galaxy smartphone

----- Original message -----

From: "Philip, Charlotte" <Charlotte.Philip@ks.gov>
Date: 5/23/17 11:15 AM (GMT-06:00)
To: "Traster, David" <dtraster@foulston.com>, "Meyer, Mike" <Mike.Meyer@ks.gov>
Cc: "Deric DuQuaine (dduquaine@milksource.net)" <dduquaine@milksource.net>
Subject: RE: MS Real Estate, Milk Source, File No. 45115

Sounds good to me. I will wait to hear from you.

Charlotte Philip

From: Traster, David [<mailto:dtraster@foulston.com>]
Sent: Tuesday, May 23, 2017 11:13 AM
To: Philip, Charlotte <Charlotte.Philip@ks.gov>; Meyer, Mike <Mike.Meyer@ks.gov>
Cc: Deric DuQuaine (dduquaine@milksource.net) <dduquaine@milksource.net>
Subject: RE: MS Real Estate, Milk Source, File No. 45115

I'm looking at that now but it's my understanding that the water right needs to be certified before we make any changes. I get it that a new application for additional rate isn't the same as a change application but assumed that the same rule applied. Either way, I'm working on the rate issue now so it may be best hold off on the Certificate for a little longer.

Dave

David M. Traster
Foulston Siefkin LLP
1551 N. Waterfront Parkway, Suite 100
Wichita, Kansas 67206-4466
Phone: 316-291-9725
Cell: 316-210-8338
Fax: 866-347-3138
E-mail: dtraster@foulston.com
Web Site: www.foulston.com
Secretary: Amy Pollard-Meek
(316-291-9741; apollardmeek@foulston.com)

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From: Philip, Charlotte [<mailto:Charlotte.Philip@ks.gov>]
Sent: May 23, 2017 11:09 AM

To: Traster, David; Meyer, Mike
Cc: Deric DuQuaine (dduquaine@milksource.net)
Subject: RE: MS Real Estate, Milk Source, File No. 45115

David,

It was my understanding we were waiting on your review of KAR 5-4-5 (additional diversion rate applications) prior to re-sending the draft with the new rate. I have an email dated 3/23/2017 from Mike, that says, let us know how you would like to proceed.

If you would like me to go ahead and re-issue the draft for your review, I can get it in the mail today.

Thanks,

Charlotte Philip

From: Traster, David [<mailto:dtraster@foulston.com>]
Sent: Tuesday, May 23, 2017 11:04 AM
To: Meyer, Mike <Mike.Meyer@ks.gov>; Philip, Charlotte <Charlotte.Philip@ks.gov>
Cc: Deric DuQuaine (dduquaine@milksource.net) <dduquaine@milksource.net>
Subject: RE: MS Real Estate, Milk Source, File No. 45115

Mike, I'm curious about the status of the Certificate for this water right. I think I have said that the 80 gpm is acceptable but if I haven't, it is acceptable.

Dave

David M. Traster
Foulston Siefkin LLP
1551 N. Waterfront Parkway, Suite 100
Wichita, Kansas 67206-4466
Phone: 316-291-9725
Cell: 316-210-8338
Fax: 866-347-3138
E-mail: dtraster@foulston.com
Web Site: www.foulston.com
Secretary: Amy Pollard-Meek
(316-291-9741; apollardmeek@foulston.com)

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From: Meyer, Mike [<mailto:Mike.Meyer@ks.gov>]
Sent: March 22, 2017 8:43 AM
To: Traster, David; Philip, Charlotte
Subject: MS Real Estate, Milk Source, File No. 45115

Good morning David

With the information that you provided for the well capacity for the equipment installed for the well during the perfection period , we can allow a maximum diversion rate of 80 GPM. If you or your clients agree with this maximum diversion rate, we can reissue and send the draft certificate for all to review.

Let us know

Thank you

Mike

Turney, Brent

From: Meyer, Mike
Sent: Wednesday, September 07, 2016 9:53 AM
To: Turney, Brent
Subject: RE: Change UMW 45,115

This will be sent to charlotte or Jennifer today.
Looking like 6.934 mg/L at 15 GPM

Mike

From: Turney, Brent
Sent: Wednesday, September 7, 2016 8:50 AM
To: Meyer, Mike <Mike.Meyer@ks.gov>
Cc: Krueger, Richelle <Richelle.Krueger@ks.gov>
Subject: Change UMW 45,115

Mike,

When we spoke yesterday, I forgot one issue about the change in use made of water under File No. 45,115. Since they are proposing to change the use made of water, our practice is to certify the water right to quantify the right before we change the use made of water. Can you propose a cert on this one?

Thanks,
Brent

Brent A. Turney, P.G.
Kansas Department of Agriculture
Division of Water Resources
1320 Research Park Drive
Manhattan Kansas 66502
(785) 564-6645
Brent.Turney@kda.ks.gov
www.agriculture.ks.gov



1320 Research Park Drive
Manhattan, Kansas 66502

Jackie McClaskey, Secretary

Phone: (785) 564-6700
Fax: (785) 564-6777
Email: ksag@kda.ks.gov
www.agriculture.ks.gov
Sam Brownback, Governor

MS REAL ESTATE HOLDINGS LLC MILK SOURCE LLC
N 3569 VANDEN BOSCH RD
KAUKAUNA WI 54130

April 13, 2016

RE: File No. 45115

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 PU/UMW
- 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,

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

BAT: DLW

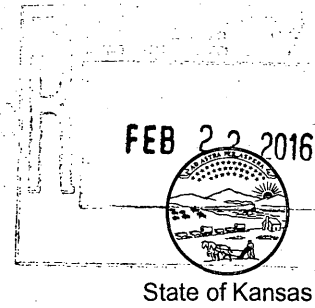
pc: GARDEN CITY Field Office GMD 3

SCANNED

Submit To: CHIEF ENGINEER

Kansas Dept of Agriculture
Division of Water Resources
1320 Research Park Drive
Manhattan, KS 66502

**APPLICATION FOR APPROVAL TO
CHANGE THE PLACE OF USE, THE
POINT OF DIVERSION OR THE USE
MADE OF THE WATER UNDER AN
EXISTING WATER RIGHT**



Filing Fee Must Accompany the Application
(Please refer to Fee Schedule on signature page of application form.)

Paragraph Nos. 1, 2, 3, 4 & 8 must be completed. Complete all other applicable portions. A topographic map or detailed plat showing the authorized and proposed points(s) of diversion and /or place of use must accompany this application.

1. Application is hereby made for approval of the Chief Engineer to change the

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

WATER RESOURCES
RECEIVED

APR 11 2016

4:12
KS DEPT OF AGRICULTURE

File No. 45115

2. Name of applicant: MS REAL ESTATE HOLDINGS LLC MILK SOURCE LLC

Address: N 3569 VANDEN BOSCH RD

City, State and Zip: KAUKAUNA WI 54130

Phone Number: () _____ E-mail address: _____

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

Name of water use correspondent: MS REAL ESTATE HOLDINGS LLC MILK SOURCE LLC

Address: N 3569 VANDEN BOSCH RD

City, State and Zip: KAUKAUNA WI 54130

Phone Number: (920) 766-5335 E-mail address: _____

3. The change(s) proposed herein are desired for the following reasons (please be specific): _____

to change the use made of water from municipal (abandoned trailerpark area) to stock use for feed lot

fedlot wells dropping off in production need more

The change(s) _____ completed by _____ at approval _____ (Date)

For Office Use Only:							
F.O. <u>4</u>	GMD <u>3</u>	Meets K.A.R. 5-5-1 (YES/NO) <u>(YES)</u>	Use <u>MUN</u>	Source <u>GS</u>	County <u>SW</u>	By <u>AJW</u>	Date <u>4/12/16</u>
Code <u>02</u>	Fee \$ <u>500</u>	TR # _____	Receipt Date <u>4/11/16</u>	Check # <u>39965</u>			

16041861