

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

Document Signature _____

1. File Number: 45933	2. Status Change Date: 2/10/2017	3. Change Num: 2	4. Field Office: 04	5. GMD:
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: 04-NOV-2016
8a. Applicant(s) New to system <input type="checkbox"/> RANGER FEEDERS II LLC 144 S OGALLALAH RD DIGHTON KS 67839		Person ID 34184 Add Seq# 1		8c. Landowner(s) New to system <input type="checkbox"/> Person ID _____ Add Seq# _____
8b. Landowner(s) New to system <input type="checkbox"/> RANGER FEEDERS II LLC 144 S OGALLALAH RD DIGHTON KS 67839		Person ID 34184 Add Seq# 1		8d. WUC New to system <input type="checkbox"/> NO CHANGE RANGER FEEDERS II LLC 144 S OGALLALAH RD DIGHTON KS 67839
9. Documents and Enclosure(s): <input checked="" type="checkbox"/> DWR Meter(s) Date to Comply: 12/31/17 <input checked="" type="checkbox"/> N & P Date to Comply: 12/31/17				
<input type="checkbox"/> Anti-Reverse Meter <input checked="" type="checkbox"/> Meter Seal <input checked="" type="checkbox"/> Check Valve <input checked="" type="checkbox"/> N & P Form <input type="checkbox"/> Water Tube <input type="checkbox"/> Driller Copy <input type="checkbox"/> H & E Letter <input type="checkbox"/> Conservation Plan Date Required: _____ Date Approved: _____ Date to Comply: _____				
10. Use Made of Water From: _____ To: _____				
Date Prepared: 1/24/2017 By: CCP Date Entered: 2/13/2017 By: LM				

File No. **45933** 11. County: **LE** Basin: **WALNUT CREEK** Stream: Formation Code: **112/321** Special Use:

12. Points of Diversion T MOD DEL ENT	PDIV	Qualifier	Rate and Quantity							Additional			
			S	T	R	ID	'N	'W	Comment	Authorized		Additional	
										Rate gpm	Quantity mgy	Rate gpm	Quantity mgy
ENT	70139	SE NW SW	23	18	28W	4	1646	4088	50 gpm	9.78	50 gpm	9.085	N
DEL	70616	NE SW SE	23	18	28W	7	1142	2039					
DEL	70615	NE SW SE	23	18	28W	6	1055	1764					
DEL	70399	NW SW SE	23	18	28W	5	1228	2313					

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

14 Limitation: 53.485 mgy at _____ gpm (_____ cfs) when combined with file number(s) **39695, 39696, 39697, 39698, 45888**
 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 T MOD DEL ENT	PUSE	S	T	R	ID	NE¼				NW¼				SW¼				SE¼				Total	Owner	Chg?	Overlap Files
						NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE				
						¼	¼	¼	¼	¼	¼	¼	¼	¼	¼	¼	¼	¼	¼	¼	¼				
NO CHANGES																							No changes		
✓	10230	22	18	28W	1	Feedlot located in the South Half (S½) of 22-18S-28W, Lane County, Kansas																8A	NO	*	
✓	29854	23	18	28W	1	Feedlot located in the South Half (S½) and the South Half of the Northwest Quarter (S½ NW¼) of 23-18S-28W, Lane County, Kansas.																8A	NO	*	

Comments: * 39695, 39696, 39697, 39698, 45888 & 20169099 (until end of 2016)
 * Modify Pdiv Aquifer to show Tributary Alluvium (112) along with Niobrara Chalk Fm

KANSAS DEPARTMENT OF AGRICULTURE
Division of Water Resources
MEMORANDUM

TO: Files
FROM: Charlotte C. Philip
DATE: January 26, 2017
RE: Water Right File Nos.
45,888 & 45,933

Shelby G. Jones, on behalf of Ranger Feeders II, LLC, water right owner, has filed applications for approval to change the points of diversion, which are authorized for stockwatering use in the Walnut Creek basin.

It appears that the water rights are not abandoned as per K.S.A. 82a-718.

The referenced file numbers do not overlap in their authorized points of diversion but do overlap in their authorized stockwatering place of use, along with senior File Nos. 39,695; 39,696; 39,697, and 39,698. File No. 45,888 is authorized 4.88 million gallons at a diversion rate of 32 gallons per minute from one well located 1,646 feet North and 4,088 feet West of the Southeast corner of Section 23, Township 18 South, Range 28 West, Lane County, Kansas, and File No. 45,933 is authorized 9.78 million gallons at a diversion rate of 50 gallons per minute from a battery of two wells with a geographic center located 1,142 feet North and 2,039 West of the southeast corner of the aforementioned section. This appropriation is further limited to a quantity of water not to exceed 53.485 million gallons of water per calendar year when combined with Water Right, File Nos. 39,695; 39,696; 39,697; 39,698 & 45,888. The water right owners propose to "flip-flop" the authorized diversion rate and quantity between the well authorized by File No. 45,888 and the battery of two wells authorized by File No. 45,933, by authorizing the battery of wells under File No. 45,888 and single well under File No. 45,933. No new wells will be drilled.

The applicants have requested a waiver of K.A.R. 5-2-3 *Battery of wells* for the change application filed for File No. 45,888 since the time to construct the diversion works has expired; however, the application appears to meet K.A.R. 5-2-3 and a waiver is not necessary. Although the time to construct the diversion works expired on December 31, 2005, the safe yield calculation using Katie Tietsort's approach for the original permit for File No. 45,933, indicates that a new application filed at the proposed geo-center would meet safe yield, especially since no other permits have been approved within the area since the approval of File No. 45,933. Additionally, paragraph No. 18 of the application indicates the battery of two (2) wells already exists under File No. 45,933 so an additional well is not being added to the area, just to File No. 45,888. The water right with the larger quantity (File No. 45,933) will move to a single well and the water right with the smaller quantity (File No. 45,888) will move to the battery of two wells. It appears the applications meet K.A.R. 5-4-4 *Well spacing* to nearby wells and K.A.R. 5-5-13 *Relocation of alluvial wells* since the area is open to new appropriations.

According to the application map, there is a reservoir authorized for sediment control use (Water Right, File No. 45,149 (Structure Permit No. DLE-0078)), and six (6) wells (Water Right, File Nos. 39,695; 39,696; 39,697 and 39,698) owned by Ranger Feeders II, LLC and operated for stockwatering use at the feedlot. There are no domestic wells located within one-half (1/2) mile of the proposed wells. No nearby well owners were notified of the proposed changes in points of diversion because the applicant owns all wells located within one-half mile.

The same local source of supply will not change, which has been previously determined as Tributary Alluvium (112) in the Walnut Creek Basin and Niobrara Chalk Formation (321).

In an e-mail dated January 26, 2017, Mike Meyer, Water Commissioner of the Garden City Field Office, indicated that he has no objection to the approval of the applications.

Water flow meters will be required. Check valves are required if any chemical or foreign substance is injected into the water through the diversion works according to K.A.R. 5-3-5(c).

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

A handwritten signature in black ink that reads "Charlotte C. Philip". The signature is written in a cursive, flowing style.

Charlotte C. Philip
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

February 13, 2017

Ranger Feeders II, LLC
144 S Ogallala Rd.
Dighton, KS 67839

FILE COPY

RE: Water Right, File No. 45,888
Appropriation of Water, File No. 45,933

Dear Mr. Jones:

Enclosed are the orders executed by the Chief Engineer, Division of Water Resources, Kansas Department of Agriculture, approving the applications for change under the above referenced file numbers.

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

Since the orders for File Nos. 45,888 and 45,933 modify the original documents referred to above, they 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 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.G.
Change Application Unit Supervisor
Water Appropriation Program

BAT:ccp
Enclosures

pc: Garden City Field Office

THE STATE



OF KANSAS

FILE COPY

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
APPROPRIATION OF WATER, FILE NO. 45,933**

The Chief Engineer, Division of Water Resources, Kansas Department of Agriculture, after due consideration of the written application of Shelby G. Jones, on behalf of Ranger Feeders II, LLC, 144 S. Ogallala Rd., Dighton, KS 67839, received in this office on November 4, 2016, for approval of a change in the location of the point of diversion under Approval of Application, File No. 45,933, for permit to appropriate water for beneficial use, as modified and amended by the Order of the Chief Engineer dated July 9, 2004, approving the application to change the point of diversion, finds that the change is reasonable and will not impair existing rights, that the change is related 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 Southeast Quarter of the Northwest Quarter of the Southwest Quarter (SE $\frac{1}{4}$ NW $\frac{1}{4}$ SW $\frac{1}{4}$) of Section 23, more particularly described as being near a point 1,646 feet North and 4,088 feet West of the Southeast corner of said section,

in Township 18 South, Range 28 West, Lane 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.

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 accurate 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 the 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 Approval of Application, File No. 45,933, for permit to appropriate water for beneficial use, is as stated and set forth in the approval dated May 13, 2004, as modified and amended by the aforementioned order.

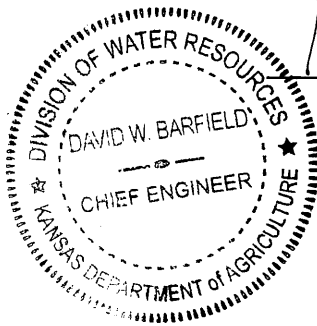
This Order shall become a final agency action, as defined by K.S.A. 77-607(b), without further notice to the parties, if a request for hearing or petition for administrative review is not filed as set forth below.

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, 109 SW 9th Street, 4th Floor, Topeka, Kansas 66612, Fax: (785) 368-6668.

ORDERED this 10th day of February, 2017, 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 10th day of February, 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 13th day of February, 2017, I hereby certify that the foregoing Approval of Application for Change in Point of Diversion, File No. 45,933, dated February 10, 2017, was mailed postage prepaid, first class, US mail to the following:

Ranger Feeders II, LLC
144 S Ogallah Rd.
Dighton, KS 67839

With photocopies to:
Garden City Field Office

Danielle Wilson
Division of Water Resources

Submit To: CHIEF ENGINEER
Division of Water Resources
Kansas Department of Agriculture
1320 Research Park Drive
Manhattan, Kansas 66502
http://agriculture.ks.gov/dwr

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



State of Kansas

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

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

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

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

**WATER RESOURCES
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12:38
KS DEPT OF AGRICULTURE

File No. 45933

2. Name of applicant: RANGER FEEDERS II LLC

Address: 144 S OGALLALAH RD

City, State and Zip: DIGHTON KS 67839

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: RANGER FEEDERS II LLC

Address: 144 S OGALLALAH RD

City, State and Zip: DIGHTON KS 67839

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

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

to flip authorities on two wells.

The change(s) (was) (will be) completed by _____ (Date)

For Office Use Only:															
F.O.	<u>4</u>	GMD	<input checked="" type="checkbox"/>	Meets K.A.R. 5-5-1	<u>(YES / NO)</u>	Use	<u>SPC</u>	Source	<u>G/S</u>	County	<u>LE</u>	By	<u>AW</u>	Date	<u>11/7/16</u>
Code	<u>CGE</u>	Fee \$	<u>200</u>	TR #	<u>17010835</u>	Receipt Date	<u>11/4/16</u>	Check #	<u>51303</u>						

4. The presently authorized place of use is:

Owner of Land — NAME: RANGER FEEDERS II LLC

ADDRESS: 144 S OGALLALAH RD DIGHTON KS 67839

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	
			Feed	lot															

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

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: no change to the place of use

ADDRESS: _____

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

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

Owner of Land — NAME: _____

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	

WATER RESOURCES RECEIVED

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

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6. The presently authorized point(s) of diversion (is) (are) 1 battery
(Provide description and number of points)

7. The proposed point(s) of diversion (is) (are) 1 well
(Provide description and number of points)

List all presently authorized point(s) of diversion:

8. **Presently authorized point of diversion:**
One in the ne Quarter of the sw Quarter of the se Quarter of Section 23, Township 18 South, Range 28 w, in Lane County, Kansas, 1142 feet North 2039 feet West of Southeast corner of section.
Authorized Rate 50 Authorized Quantity 9.78
(DWR use only: Computer ID No. 7 GPS 1124 feet North 1923 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 se Quarter of the nw Quarter of the sw Quarter of Section 28, Township 18 South, Range 28 w, in Lane County, Kansas, 1804 feet North 4238 feet West of Southeast corner of section.
Proposed Rate 50 Proposed Quantity 9.78
This point is: Additional Well Geo Center List other water rights that will use this point na

9. **Presently authorized point of diversion:**
One in the _____ Quarter of the _____ Quarter of the _____ Quarter of Section _____, Township _____ South, Range _____ (EW), 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 _____ (EW), 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 _____ (EW), 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 _____ (EW), 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

APPLICATION FOR APPROVAL TO CHANGE
THE PLACE OF USE AND/OR POINT OF DIVERSION
SUPPLEMENTAL SHEET
FILE NO. 45933

Presently authorized point of diversion:

One in the nw Quarter of the sw Quarter of the se Quarter
of Section 23 , Township 18 South, Range 28 W,
in Lane _____ County, Kansas, 1228 feet North 2313 feet West of Southeast corner of section.

Authorized Rate _____ Authorized Quantity _____ Depth of well _____ (feet)
(DWR use only: Computer ID No. 5 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 se Quarter of the nw Quarter of the sw Quarter
of Section 23 , Township 18 South, Range 28 W,
in Lane _____ County, Kansas, 1804 feet North 4238 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 _____

Presently authorized point of diversion:

One in the ne Quarter of the sw Quarter of the se Quarter
of Section 23 , Township 18 South, Range 28 W,
in Lane _____ County, Kansas, 1055 feet North 1764 feet West of Southeast corner of section.

Authorized Rate _____ Authorized Quantity _____ Depth of well _____ (feet)
(DWR use only: Computer ID No. 8 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 se Quarter of the nw Quarter of the sw Quarter
of Section 23 , Township 18 South, Range 28 W,
in Lane _____ County, Kansas, 1804 feet North 4236 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 _____

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 _____

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 NOV 04 2016 (E/W),
in _____ County, Kansas, _____ feet North _____ feet West of Southeast corner of section.

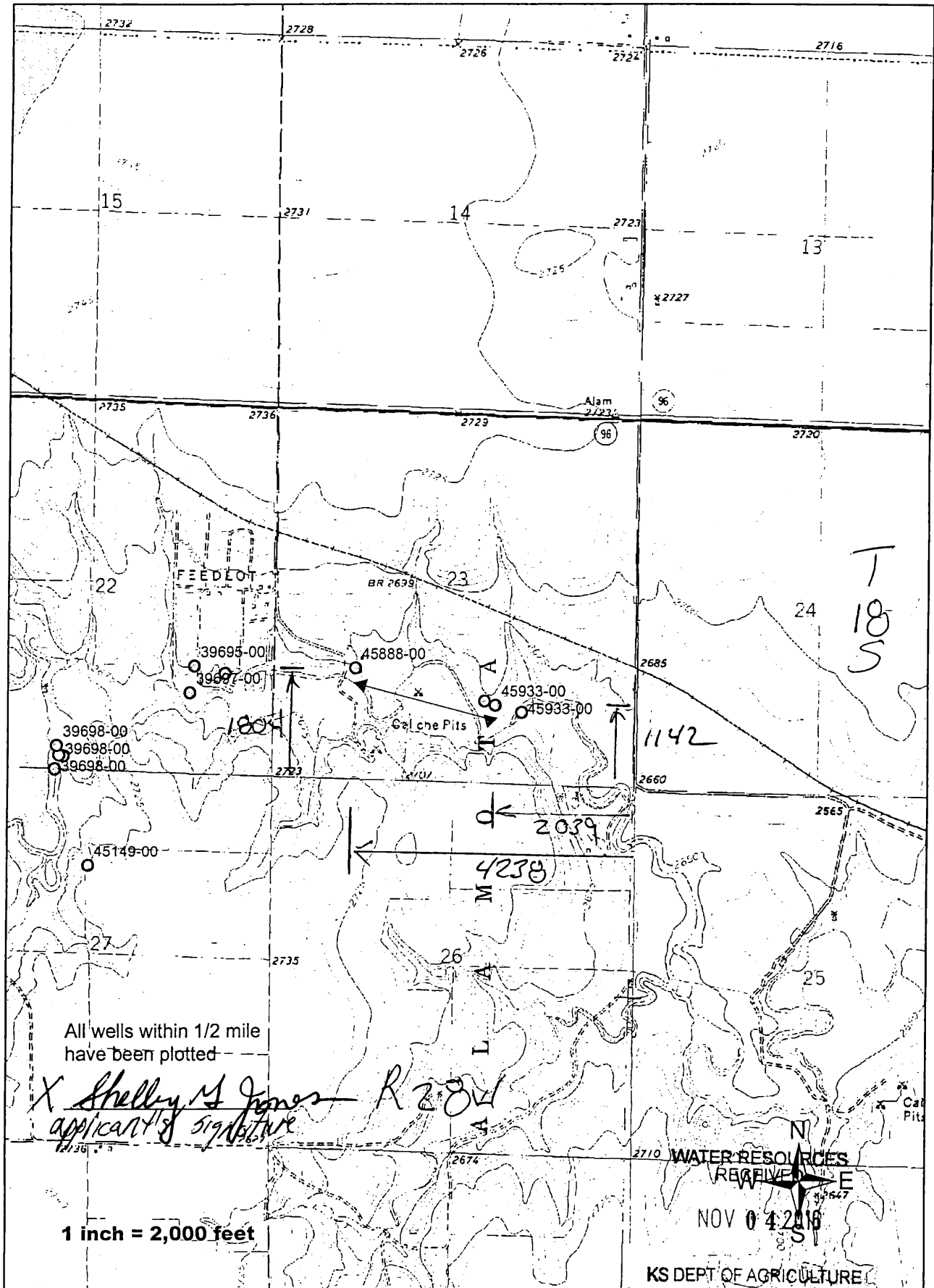
Proposed Rate _____ Proposed Quantity _____ Proposed well depth (feet) _____

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

WATER RESOURCES
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45888 and 45933 pd switch



12. The presently authorized use of water is for Stock 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 _____ (acre-feet or million gallons).

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

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

a. If a change in the location of the point(s) of diversion is proposed, show:

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

b. If a change in the place of use is desired, show the proposed place of use by crosshatching on the map. Please be certain that the information shown on the map agrees with the information shown in Paragraph No. 5 of the application.

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

Both PD are in the same aquifer within 1/2 mile to each other. They are both outside of the gmd boundry.

same source of supply

WATER RESOURCES
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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.

One of the two PDs is a battery. The other always one well so we are technically creating a battery on this right.

Proposing a single point of diversion rather than a battery with this switching of priorities

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 Dighton, Kansas, this 1 day of November, 2016.

Shelby M Jones
(Owner)

(Spouse)

Shelby G Jones
(Please Print)

(Please Print)

(Owner)

(Spouse)

(Please Print)

(Please Print)

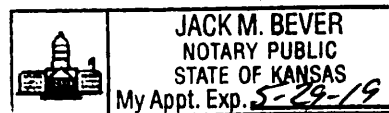
(Owner)

(Spouse)

(Please Print)

(Please Print)

State of Kansas }
County of Lave } SS



I hereby certify that the foregoing application was signed in my presence and sworn to before me this 1st day of November, 2016.

Jack M Bever
Notary Public

My Commission Expires 5-29-19

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.**



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 9, 2016

RANGER FEEDERS II LLC
144 S OGALLALAH RD
DIGHTON, KS

RE: File No. 45933

FILE COPY

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,

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

BAT: dlw

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Manhattan, Kansas 66502
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pc: GARDEN CITY Field Office GMD