

Kansas Department of Agriculture  
 Division of Water Resources  
**CHANGE: P/U UMW WORKSHEET *2* WUC UPDATE**

Document Signature LPL

1. File Number: <b>18,945 D2</b>	2. Status Change Date: <b>7/17/2018</b>	3. Change Num: <b>C1</b>	4. Field Office: <b>04</b>	5. GMD: <b>03</b>
6. Status: <input checked="" type="checkbox"/> Approved <input type="checkbox"/> Denied by DWR/GMD <input type="checkbox"/> Dismiss by Request				7. Filing Date of Change: <b>4/24/2018</b>
8a. Applicant(s) New to system <input type="checkbox"/>  <b>GRAY COUNTY FEEDYARD JON HEIMAN 234405 STATE ROAD 23 CIMARRON KS 67835-8520</b>		Person ID <u><b>6422</b></u> Add Seq# <u><b>1</b></u>	8c. Landowner(s) New to system <input type="checkbox"/>  <b>IRSIK &amp; DOLL FEED SERVICES INC GRAY COUNTY FEEDYARD PO BOX 847 CIMARRON KS 67835</b>	
8b. Landowner(s) New to system <input type="checkbox"/>  <b>GREG &amp; JANET R JANTZ PO BOX 130 GRAND VIEW ID 83624-0130</b>		Person ID <u><b>63975</b></u> Add Seq# _____	8d. WUC New to system <input type="checkbox"/>  <b>8a</b>	
9. Documents and Enclosure(s): <input checked="" type="checkbox"/> DWR Meter(s) Date to Comply: <u><b>12/31/18</b></u> <input type="checkbox"/> N & P Date to Comply: _____				
<input checked="" type="checkbox"/> Check Valve <input 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: <u><b>IRRIGATION</b></u> To: <u><b>STOCKWATERING</b></u>				
Date Prepared: <b>7/6/2018</b> By: <b>LI</b> Date Entered: <b>7/19/2018</b> By: <b>LLM</b>				

File No. **18945-D2**      11. County: **GRAY**    Basin: **ARKANSAS RIVER**      Stream:      Formation Code: **211**    Special Use: **NA**

12. Points of Diversion										Rate and Quantity						
MOD	DEL	ENT	PDIV	Qualifier	S	T	R	ID	'N	'W	Comment	Rate gpm	Quantity mgy	Rate gpm	Quantity mgy	Overlap PD Files
MOD			18334	NC NE	23	27	28W	1	3960	1320		535	57.35	535	<b>15,053</b>	NONE

**QUANTY REDUCED**

**Note: Access to point of diversion granted by purchase agreement dated 4/11/2018**

13. Storage: Rate \_\_\_\_\_ NF    Quantity \_\_\_\_\_ ac/ft    Additional Rate \_\_\_\_\_ NF    Additional Quantity \_\_\_\_\_ ac/ft

14. Limitation: **178.567 mgy** at \_\_\_\_\_ gpm (\_\_\_\_ cfs) when combined with file number(s) **#18940-D1, 18940-D2, 18940-D3 & 18945-D1**  
 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 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				
DEL	10287	24	27	28W	2					34	34	34	34									136	8b	NO	NONE
ENT	39924	23	27	28W	2	FEEDLOT (SE)																8c	NO	18940-D1, 18940-D2, 18940-D3, 18945-D1, 19484, 21772, 27838, 40393, 40575	
ENT	11788	26	27	28W	2	FEEDLOT (NE) & PORTIONS OF (NW) & (SW)																SAME AS ABOVE			

Comments:

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

**MEMORANDUM**

**TO:** Files  
**FROM:** Leslie Ireland

**DATE:** July 9, 2018  
**RE:** Water Right,  
File No. 18,945-D2;

John M. Petz, President/CEO, of Gray County Feedyard, that is owned by Iris & Doll Feed Services Inc., has filed an application for approval to change the place of use and use made of water from irrigation to stockwatering under File No. 18,940-D2 which was received on April 24, 2018.

The application appears to comply with K.A.R. 5-5-2(a), *Complete change application*, as an April 11, 2018, agreement to purchase and to transfer the well with an easement to said well was sent with the application. The owners of record, DR Inc. Dave R. Unruh and the Jantzs have signed the purchase agreement as sellers. The right would not be considered abandoned as water use reports have been filed on time and the right is located in an area closed to new appropriations, thus complying with Part (e) of K.S.A. 82a-718, *Abandonment of water rights: notices, hearing; review of action*.

The referenced file is authorized 197 acre-feet at a maximum of 535 gallons per minute from one well located near the center of the Northeast Quarter of Section 23, approximately 3,960 feet North and 1,320 feet West of said section's Southeast corner located in Township 27, Range 28 West, Gray County. The irrigation is for 136 acres located in the Northwest Quarter of the Section to the East, Section 24. The right has no overlaps in point of diversion or place of use and is not located in a special use area.

The proposed change in use made of water resulting in File No. 18,940-D2, changing from irrigation use to all stockwatering use per K.A.R. 5-5-9; *Changes in the use made of water from irrigation to another type of beneficial use*, allowing 89.3% or 175.9 AF of the 197 AF irrigation water to be authorized for stockwatering use. The reduction in the authorized quantity should not increase consumptive use and should comply with K.A.R. 5-5-3, *Consumptive use*. The 176 AF or 57.35 million gallons will be added as an alternate point of diversion. The limitation currently in place on the existing rights will be expanded to include the referenced file. The limitation will be to 178.567 million gallons per year with File Nos. 18,940-D1; 18,940-D2; 18,940-D3; 18,945-D1, due to the overlap in the proposed place of use between the referenced files. No modification to the limitation on File No. 18,945-D1 will be needed as the division of 18,945 assigned a higher priority to the D1 portion of the divided right.

The feed yard will remain as authorized and described on previous approvals as located in the Southeast Quarter (SE $\frac{1}{4}$ ) of Section 23, the Northeast Quarter (NE $\frac{1}{4}$ ) and portions of the Northwest Quarter (NW  $\frac{1}{4}$ ) and Southwest Quarter (SW $\frac{1}{4}$ ) of Section 26, all in Township 27 South, Range 28 West, Gray County, Kansas.

After the approval of the change, no irrigation use will be authorized for the Northwest Quarter of Section 24, Township 27 South, Range 28 West, Gray County.

The application was submitted to the Southwest Kansas Groundwater Management District No. 3. In a letter received on June 29, 2018, Jason Norquest, Assistant Director, stated that the application for change was recommended for approval.

Mike Meyer, Water Commissioner of the Garden City Field Office reviewed the proposed change and indicated in his e-mail dated July 9, 2018, that he has no objection to the approval and accompanying findings and orders to modify the limitations on the overlapping stockwatering rights.

A meter will be required and a check valve is required if any chemical or foreign substance is injected into the water through the diversion works. A water level measurement tube is not applicable to this change approval, as the construction of a new well has not been authorized.

Based on the above discussion, that the change is 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 application be approved with the reduction and additional limitations on the existing stockwatering rights.



Leslie Ireland  
Environmental Scientist  
Water Appropriation Program

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

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

**TO:** Files

**DATE:** July 9, 2018

**FROM:** Leslie Ireland

**RE:** Water Right,  
File Nos. 18,945-D2, 19,484,  
21,772 27,838; 40,393 &  
40,575

An application to change the place of use and use made of water filed for Water Right, File No. 18,945-D2 on April 20, 2018, and its approval to authorize only stockwatering use as an alternate source of water at the place of use currently authorized under File Nos. 18,940-D1; 18,940-D2; 18940-D3; 18,945-D1; 19,484; 21,772; 27,838; 40,393 & 40,575. To maintain a reasonable quantity justified at the facility, the referenced files, with the exception of File No. 18,945-D2, that was determined to be junior in priority by the division of 18,945-D1, will have the limited quantity of 178.567 million gallons to include File No. 18,945-D2.

It is recommended that the Findings & Orders to modify the additional limitation on the referenced files ( except 18,945-D2) be signed to assure compliance with K.A.R. 5-3-22, *Maximum reasonable quantity for water for livestock and poultry.*



Leslie Ireland  
Environmental Scientist  
Water Appropriation Program

STATE OF KANSAS

DEPARTMENT OF AGRICULTURE  
1320 RESEARCH PARK DRIVE  
MANHATTAN, KS 66502  
PHONE: (785) 564-6700  
FAX: (785) 564-6777

900 SW JACKSON, ROOM 456  
TOPEKA, KS 66612  
PHONE: (785) 296-3556  
www.agriculture.ks.gov



GOVERNOR JEFF COLYER, M.D.  
JACKIE McCLASKEY, SECRETARY OF AGRICULTURE

GRAY COUNTY FEEDYARD  
JON HEIMAN  
23405 STATE ROAD 23  
CIMARRON KS 67835-8520

July 23, 2018

**FILE COPY**

RE: Water Right, File No. 18,945-D2

Dear Mr. Heiman:

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

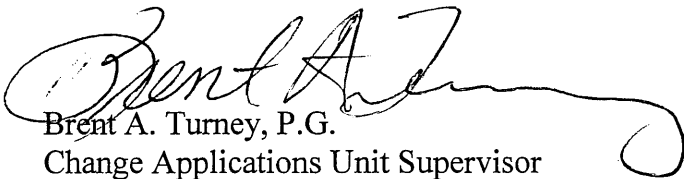
Your attention is directed to the enclosures and to the terms, conditions, and limitations specified in the approval for change. A condition of the approval is that an acceptable water flowmeter must be installed on the diversion works authorized. Please return the required notification of installation of the meter as soon as this action is completed.

As requested on the application the water use correspondent will be updated for the appropriations associated with the Gray County Feedyard at the intersections of Highways 19 and 23. These files are indicated in our records as being, Water Right, File Nos. 18,940-D1, 18,940- D2, 18,940-D3, 18,945-D1 18,945-D2, 19,484, 21,772, 27,838 40,393 and 40,575.

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

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

Sincerely,

  
Brent A. Turney, P.G.  
Change Applications Unit Supervisor

BAT:LI:li

Enclosures

pc: Garden City Field Office  
Groundwater Management District No. 3  
John M. Petz, Irsik & Doll Feed services, Inc.  
Dave R. Unruh, DR, Inc.  
Greg and Janet Jantz

THE STATE



OF KANSAS

**KANSAS DEPARTMENT OF AGRICULTURE**  
Jackie McClaskey, Secretary of Agriculture

**DIVISION OF WATER RESOURCES**  
David W. Barfield, Chief Engineer

**APPROVAL OF APPLICATION  
FOR  
CHANGE IN USE MADE OF WATER,  
PLACE OF USE  
AND ORDER REDUCING THE AUTHORIZED QUANTITY  
AND ADDING A QUANTITY LIMITATION  
WATER RIGHT  
FILE NO. 18,954-D2**

The Chief Engineer, Division of Water Resources, Kansas Department of Agriculture, after due consideration of the written applications of John M. Petz, on behalf of Irsik and Doll Feed Services Incorporated, P.O. Box 847, Cimarron, Kansas 67835, and Gray County Feed Yard, 23405 State Road 23, Cimarron, Kansas 67835-8520, received in the office of the Chief Engineer on April 24, 2018, for approval of a change in the location of the place of use and use made of water, under the certificate of appropriation issued pursuant to the permit to appropriate water for beneficial use, as modified by the Order of the Chief Engineer dated September 6, 1995, approving the application to change the place of use and by the Findings and Order of the Chief Engineer dated August 24, 2006, determining the interest of Water Right, File No. 18,945, Finds that the change is reasonable and will not impair existing rights and that the application should be and is hereby approved.

The application, therefore, is approved subject to the condition that the water right is reduced to a quantity not to exceed 57.35 million gallons per calendar year (176 acre-feet).

This appropriation right is further limited to a quantity of water which when combined with the water rights set forth in the Certificates of Appropriation used pursuant to File Nos. 18,940-D1, 18,940-D2, 18,940-D3, and 18,945-D1, will provide a total quantity not to exceed 178.567 million gallons of water per calendar year (548.0 acre-feet) for stockwatering use at the location described herein.

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:

in the Southeast Quarter (SE $\frac{1}{4}$ ) of Section 23, and in the Northeast Quarter (NE $\frac{1}{4}$ ) and portions of the Northwest Quarter (NW $\frac{1}{4}$ ) and Southwest Quarter (SW $\frac{1}{4}$ ) of Section 26, all in Township 27 South, Range 28 West, Gray County, Kansas,

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

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

In all other respects, the Certificate of Appropriation issued pursuant to Approval of Application, File No. 18,954-D2, for permit to appropriate water for beneficial use, is as stated and set forth in the Certificate of Appropriation dated June 21, 1982, as modified and amended by the aforementioned orders.

**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.

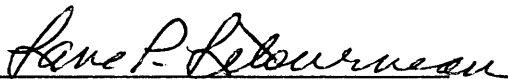
Failure to request an evidentiary hearing before the Chief Engineer does not preclude your right to administrative review by the Secretary.

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: Kansas Department of Agriculture, Attn: Legal Section, 1320 Research Park Drive, Manhattan, KS 66502, 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 hearing 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: Secretary of Agriculture, Attn: Legal Division, Kansas Department of Agriculture, 1320 Research Park Drive, Manhattan, KS 66502, 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.

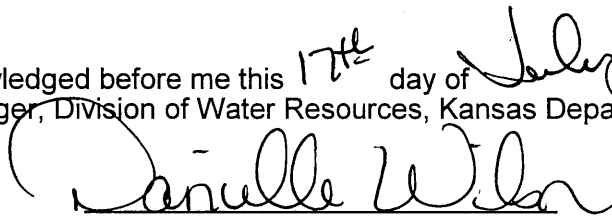
Ordered this 17<sup>th</sup> day of July, 2018, at Topeka, Shawnee County, Kansas.

  
 Lane P. Letourneau, P.G.  
 Program Manager  
 Division of Water Resources  
 Kansas Department of Agriculture

State of Kansas        )  
                               )  
 County of Riley        )        SS

The foregoing instrument was acknowledged before me this 17<sup>th</sup> day of July, 2018 by Lane P. Letourneau, P.G., Program Manager, Division of Water Resources, Kansas Department of Agriculture.



  
 Danielle Wilson  
 Notary Public



**CERTIFICATE OF SERVICE**

On this 20<sup>th</sup> day of July, 2018, I hereby certify that the attached Approval of Application Change in Use Made of Water, Place of Use, Water Right, File No. 18,954-D2, dated July 17<sup>th</sup>, 2018 was mailed postage prepaid, first class, US mail to the following:

GRAY COUNTY FEEDYARD  
JON HEIMAN  
23405 STATE ROAD 23  
CIMARRON KS 67835-8520

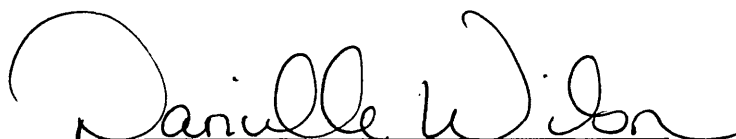
With a true & correct copy sent to:

DR INC DAVE R INRUH PRES  
GREG & JANET R JANTZ  
PO BOX 130  
GRAND VIEW ID 83624-0130

IRSIK & DOLL FEED SERVICES INC  
GRAY COUNTY FEEDYARD  
PO BOX 847  
CIMARRON KS 67835

With photocopies sent to:

Garden City Field Office  
Groundwater Management District No. 3

  
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 RECEIVED  
RECEIVED  
APR 24 2018  
10:39  
KS DEPT OF AGRICULTURE Garden City Field Office  
Division of Water Resources

File No. 18945 D2

2.

Name of applicant: GRAY COUNTY FEEDYARD JON HEIMAN

Address: 23405 STATE ROAD 23

City, State and Zip: CIMARRON KS 67835-8520

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: GRAY COUNTY FEEDYARD JON HEIMAN

Address: 23405 STATE ROAD 23

City, State and Zip: CIMARRON KS 67835-8520

3. The change(s) proposed herein are desired for the following reasons (please be specific):  
to convert this right to stock for use at the feedlot.

The change(s) (was) (will be) completed by when approved (Date)

For Office Use Only:	
F.O. <u>4</u> Meets K.A.R. 5-5-1 (YES/NO) <u>YES</u> Use <u>IRR</u> Source <u>(G)S</u> County <u>Gray</u> By <u>AW</u> Date <u>4/24/18</u>	
Code <u>6-2</u> Fee \$ <u>500</u> TR # _____ Receipt Date <u>4/24/18</u> Check # <u>41299</u>	

APPLICATION COMPLETE  
7/2/18  
Reviewer EL

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 \_\_\_\_\_ Quarter of the \_\_\_\_\_ nc \_\_\_\_\_ Quarter of the \_\_\_\_\_ ne \_\_\_\_\_ Quarter  
 of Section 23, Township 27 South, Range 28 W,  
 in Gray County, Kansas, 3960 feet North 1320 feet West of Southeast corner of section.  
 Authorized Rate \_\_\_\_\_ Authorized Quantity \_\_\_\_\_  
 (DWR use only: Computer ID No. 1 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 \_\_\_\_\_

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

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

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

WATER RESOURCES  
RECEIVED

APR 24 2018

SCANNED

4. The presently authorized place of use is:

Owner of Land — NAME: GREG & JANET R JANTZ

ADDRESS: PO BOX 130 GRAND VIEW ID 83624-0130

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	
24	27	28w					34	34	34	34									136

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: GRAY COUNTY FEEDYARD JON HEIMAN

ADDRESS: 23405 STATE ROAD 23 CIMARRON KS 67835-8520

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	
23	27	28w													feed	lot	in	se1/4	
26	27	38w	feed	lot	in	ne1/4	e/2	nw1/4		&	ne of	sw1/4							

List any other water rights that cover this place of use. 18940D1 18940D2 18940D3 18945D1 19484 21772 27838 40393 40575

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. \_\_\_\_\_

APR 24 2018

12. The presently authorized use of water is for irrigation 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.

197 AF irrigation x 89.3% consumptive use gray co. = 176 af = 57.35 mgcy for stock use

limitation needed for 178.567 mgcy with other current stock rights

18940 D1 18940 D2 18940 D3 18945 D1; \*21,772; 27,838; 40,393 & 40,575\*

(Please show any calculations here.)

14. It is requested that the maximum annual quantity of water be reduced to 57.35 mgcy (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](http://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 to remain in same location consumptive use loss will apply.

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

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APR 24 2018

\* LS/Dwn 6/25/18

SCANNED  
KS DEPT OF AGRICULTURE

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 Cimarron, Kansas, this 17<sup>th</sup> day of April, 2018.

[Signature]  
(Owner) \_\_\_\_\_ (Spouse) \_\_\_\_\_

\*JOHN M. PETZ PRESIDENT/CEO\*  
(Please Print) \_\_\_\_\_ (Please Print) \_\_\_\_\_

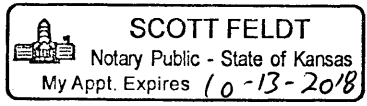
\_\_\_\_\_  
(Owner) \_\_\_\_\_ (Spouse) \_\_\_\_\_

\_\_\_\_\_  
(Please Print) \_\_\_\_\_ (Please Print) \_\_\_\_\_

\_\_\_\_\_  
(Owner) \_\_\_\_\_ (Spouse) \_\_\_\_\_

\_\_\_\_\_  
(Please Print) \_\_\_\_\_ (Please Print) \_\_\_\_\_

State of Kansas }  
County of GRAY } SS



I hereby certify that the foregoing application was signed in my presence and sworn to before me this 17<sup>th</sup> day of APRIL, 2018.

[Signature]  
NOTARY PUBLIC  
Notary Public

My Commission Expires 10-13-2018

**FEE SCHEDULE**

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

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

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

SLIT DOWN  
FROM PURCHASE  
AGREEMENT.

WATER RESOURCES  
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APR 24 2018



AGREEMENT FOR SALE AND PURCHASE OF WATER RIGHT, IRRIGATION WELL AND EASEMENT

APR 20 2018

Garden City Field Office Division of Water Resources

THIS AGREEMENT is entered into this 11th day of April 2018, by and between the Sellers, DR, INC. ("Unruh"), a Kansas Corporation, GREG and JANET JANTZ, husband and wife, ("Jantz"), and Buyer, IRSIK & DOLL FEED SERVICES, INC., ("IDFS")

IT IS AGREED BY AND BETWEEN THE PARTIES HERETO AS FOLLOWS:

1. Sale and Purchase of Water Right and Irrigation Well. Unruh hereby sells to IDFS and IDFS hereby purchases from Unruh, Water Right # 18,945-D2 (copy attached), which water right is appurtenant to the Northeast Quarter (NE1/4) of Section Twenty-Three (23), Township Twenty-Seven (27) South, Range Twenty-Eight (28) West of the 6th P.M., and the Northwest Quarter (NW 1/4) of Section Twenty-Four (24), Township Twenty-Seven (27) South, Range Twenty-Eight (28) West of the 6th P.M., all in Gray County, Kansas, together with the irrigation well in place located near center of Northeast Quarter (NE1/4) of Section Twenty-Three (23) and the Place of Use authorized in the Northwest Quarter (NW1/4) of Section Twenty-Four (24), upon the terms and conditions contained herein.

2. Irrigation Well and Authorized Place of Use. The irrigation well and authorized place of use are located on real property owned separately by Unruh and Jantz. Unruh owns the real property and the irrigation well located near center of Northeast Quarter (NE1/4) of Section Twenty-Three (23), Township Twenty-Seven (27) South, Range Twenty-Eight (28) West of the 6th P.M. Jantz owns the real property in which the Water Right# 18,945-D2 designates as the Place of Use, being the Northwest Quarter (NW1/4) of Section Twenty-Four (24), Township Twenty-Seven (27) South, Range Twenty-Eight (28) West of the 6th P.M., all in Gray County, Kansas.



4. Irrigation Well and Pump. The parties acknowledge that the gear head, column shaft, pipe, and pump are excluded from sale and shall remain the property of Unruh. Upon obtaining a temporary permit for the use of water from well, as set forth in paragraph 4 hereof, IDFS shall contract with a well service company at IDFS expense for installing a pipe and pump in the well to produce water from well.

5. Temporary Permit and Use of Water. Upon the signing of this agreement, IDFS shall apply to the Division of Water Resources for a permanent change in ownership, along with the nature and place of use of water to be diverted from the well, together with a temporary permit, which shall allow for IDFS to divert water from the seller to IDFS real property located south of the Unruh real property. IDFS shall be solely responsible for the cost of preparing and submitting the request for temporary permit for use of water, together with any and all fees, costs, and charges associated with transferring the above-referenced water appropriation right to IDFS. Unruh and/or Jantz will execute all documents necessary for the change in ownership and permitting.

WATER RESOURCES

APR 24 2018



6. **Temporary Use of Water.** Following the approval of the temporary permit for the use of water from the above-referenced well and the installation of the water and electric lines, IDFS shall have the right to pump water from the above-referenced well to real property owned by IDFS; provided however, that IDFS shall be responsible for paying for all electrical charges associated with the operation of the well.

7. **Easements.** Included with the conveyance of the above-described water right, Unruh shall at closing of this agreement deliver to IDFS a deed containing the following easements:

a) **Water Line.** The right to maintain a water line from the well site on the Unruh real property south to IDFS real property, together with the right to enter upon, across, over, and under the above-described real property for purposes of installing, operating, maintaining, replacing, and repairing a water line.

b) **Electrical Line.** The right to maintain an electrical line from the well site on the Unruh real property south to IDFS real property, together with the right to enter upon, across, over, and under the Unruh real property for purposes of installing, operating, maintaining, replacing, and repairing an electrical line.

c) **Access,** IDFS shall have the right to access across the Unruh real property for purposes of operating, inspecting, repairing, replacing, and servicing the well and pump and electrical line and water line. The parties agree to consult as to the route of access to the well from time to time that will result in the least disruption to Unruh's farming practices and growing crops.

8. **Representations and Warranties.** Unruh represents and warrants to IDFS that the water right herein sold is in good standing, that any and all pumping and usage records have been timely and accurately filed, that the well has not been over-pumped and total number of acre-feet permitted annually is one hundred ninety-seven (197) acre feet. Unruh further represents and warrants to IDFS that it has full right to sell, transfer, and convey the above-referenced water right and easements, that there are no outstanding mortgages, liens, or claims to or against and of the property described above. Unruh further represents and warrants that in the future Unruh will not take any action or engage in any activity which will in any manner jeopardize or hinder the water right herein sold or impede or hinder the operation of the well or the pumping of water from either the present well or any new replacement well.

9. **Closing.** At closing, Unruh shall deliver to IDFS a deed conveying the above-referenced water right together with all of the above-referenced easements.

10. **Approval by Division of Water Resources.** The parties acknowledge that this agreement is subject to the approval of the Division of Water Resources (DWR) for the change in the nature of use and the transfer of the place of use of the above.

WATER RESOURCES  
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referenced water right from the above-described real property to the feed yard operated by IDFS. In the event that DWR shall not grant approval of the change application, this agreement shall terminate and become of no further force or effect. Upon termination of agreement for failure of approval by the DWR, IDFS shall contract with a well service company for the removal of the pipe and pump installed by IDFS. Upon receipt of approval of the change application and the transfer of place of use of the above-reference water right, then this agreement shall remain in full force and effect and IDFS and Unruh shall schedule a time of closing at the convenience of the parties and within fifteen (15) days following approval from the Division of Water Resources.

11. **Severance of Water Right.** Unruh and Jantz acknowledge that IDFS shall have sole ownership and become the sole owner of the above-referenced water right following closing of this agreement and that IDFS shall have sole authority over matters relating to changes to the water right. IDFS shall have sole discretion to determine when and how long the well is pumped and the amount of water to be pumped.

12. **Survival of Warranties.** All representations and warranties herein made by Unruh, specifically including the representations and warranties contained in paragraph 8 hereof, shall survive the closing of this agreement and shall at all times remain the full force and effect and shall be construed in the same legal manner as a warranty of title contained in the warranty deed to be filed of record.

13. **Re-Working and Re-Drilling of Well.** IDFS shall have two permanent easements, as follows:

a) **Easement Surrounding Well.** IDFS shall have a permanent easement, consisting of one (1) acre, around the existing well to be used for machinery and equipment necessary to work on the well, pump, and motor. Unruh shall have the right to farm and plant crops on the easement property, but in the event that IDFS shall enter upon the easement property to service or repair the well, pump, or motor, IDFS shall not be required to pay for any damages to growing crops or for disturbance of the surface.

b) **Easement for Re-Drilling Well.** In the event that the existing well shall for any reason cease or fail to produce an amount of water that IDFS shall in its sole and absolute discretion deem sufficient, then IDFS shall have an easement for purposes of re-drilling a new well, together with related activities on the Unruh real property. In the event that IDFS shall drill a new well, then the "Easement Surrounding Well" described in subparagraph a) hereof shall attached to and surround the new replacement well, together with the extension of the easements for water line, electrical line and access, as set forth in paragraph 7 hereof, by the most direct route across the property. If a new replacement well is drilled, IDFS shall reimburse Unruh for crop damage occurring outside the one (1) acre easement, to surround the new replacement well.

14. **Crop Damage.** If the activities of IDFS in operating, maintaining, repairing, or replacing and re-drilling the water well, water line, or electrical lines shall

result in damages to Unruh's growing crops for which reimbursement is required, then the parties shall have the Gray County Agricultural Extension Agent, or such other person as the parties shall agree upon, calculate the crop yield lost by activities of IDFS, multiplied by the price per bushel for the date on which the damage shall occur, as posted at the IDFS Cimarron elevator.

15. **Water Access.** From time to time, Unruh or Jantz may require water for livestock pastured on the Unruh property in which IDFS will provide a tap for this purpose at no charge to Unruh or Jantz as long as water from the well remains available.

16. **Recordation.** Either party shall have the right to record this agreement, or a memorandum thereof, in the office of the Gray County Register of Deeds.

17. **Binding Effect.** This contract shall be binding upon the respective parties, their heirs, assigns, executors, administrators, personal representative, and successors in interest.


18. **Copies.** This contract is entered into in two (2) copies, each of which shall be deemed to constitute an original.

**IN WITNESS WHEREOF,** the parties have hereunto set their hands the day and year first above written.

SELLERS:

DR, INC

  
\_\_\_\_\_  
DAVE R. UNRUH, PRESIDENT

  
\_\_\_\_\_  
GREG JANTZ

  
\_\_\_\_\_  
JANET JANTZ

BUYER:

IRSIK & DOLL FEED SERVICES, INC.

  
\_\_\_\_\_  
JOHN M. PETZ, PRESIDENT/CEO

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APR 24 2018

STATE OF KANSAS )  
 ) ss.  
COUNTY OF GRAY )

THIS INSTRUMENT was acknowledged before me on the 17<sup>th</sup> day of APRIL, 2018, by John M. Petz, President of Irisk & Doll Feed Services, Inc.



[Signature]  
Notary Public

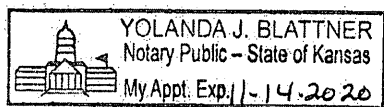
My Appointment Expires: 10-13-2018

STATE OF KANSAS )  
 ) ss.  
COUNTY OF GRAY )

THIS INSTRUMENT was acknowledged before me on the 16 day of April, 2018, by Dave R. Unruh, President of DR, Inc.

[Signature]  
Notary Public

My Appointment Expires: 11-14-2020



STATE OF KANSAS )

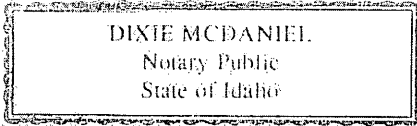
WATER RESOURCES  
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APR 24 2018

KS DEPT OF AGRICULTURE  
**SCANNED**

Dwyhee ) ss.  
COUNTY OF GRAY )

THIS INSTRUMENT was acknowledged before me on the 11 day of April, 2018, by **Greg Jantz**, Owner.



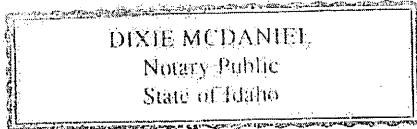
Dixie McDaniel  
Notary Public

My Appointment Expires: 2/21/19

Idaho  
STATE OF KANSAS )

Dwyhee ) ss.  
COUNTY OF GRAY )

THIS INSTRUMENT was acknowledged before me on the 11 day of April, 2018, by **Janet Jantz**, Owner.



Dixie McDaniel  
Notary Public

My Appointment Expires: 2/21/19

WATER RESOURCES  
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APR 24 2018

**Ireland, Leslie [KDA]**

---

**From:** Meyer, Mike [KDA]  
**Sent:** Monday, July 9, 2018 7:29 AM  
**To:** Ireland, Leslie [KDA]  
**Subject:** RE: Recommendation for Change in UMW & PU File No. 18,945-D2

Approve  
thanks

*Mike*

---

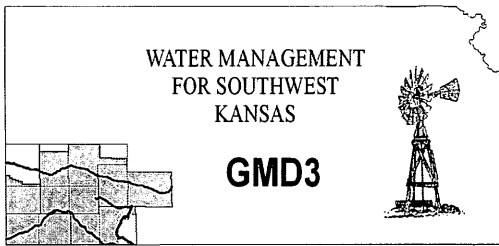
**From:** Ireland, Leslie [KDA]  
**Sent:** Friday, July 6, 2018 3:46 PM  
**To:** Meyer, Mike [KDA] <Mike.Meyer@ks.gov>  
**Subject:** Recommendation for Change in UMW & PU File No. 18,945-D2

Mike,

Please let me know if you would recommend this change to provide an alternate PD for the Gray Co Feedyard, there will be lots of F&O's for the modification of the limitations on the other rights.

As always comments and concerns are welcome.

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



**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

June 29, 2018

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

Water Resources  
Received  
**JUL 09 2018**

RE: Application for Change in place of Use and Use Made of Water  
Water Right, File No. 18945 D2

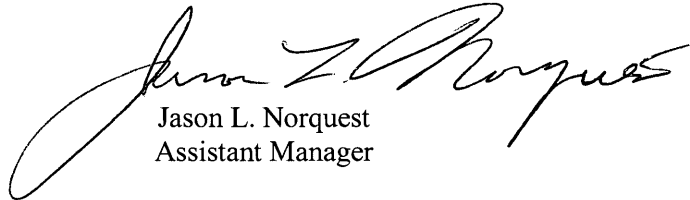
KS Dept Of Agriculture

Dear Leslie:

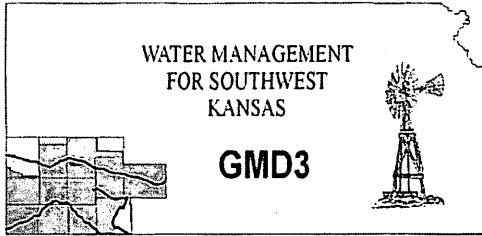
We have completed a review of the application for the above referenced water right. The proposal is not in conflict with the Management Program of the Southwest Kansas Groundwater Management District No. 3 (GMD3). The request for change in place of use to move authority to the stock pens meets the criteria set for in K.A.R. 5-5-11. With the move in place of use, the applicant also proposes to fully change the use made of water to stock, as set forth in K.A.R. 5-5-9. It is therefore recommended that the application be approved at this time.

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

Sincerely,



Jason L. Norquest  
Assistant Manager



**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

June 29, 2018

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

Water Resources  
Received

**JUL 02 2018**

RE: Application for Change in place of Use and Use Made of Water  
Water Right, File No. 18945 D2

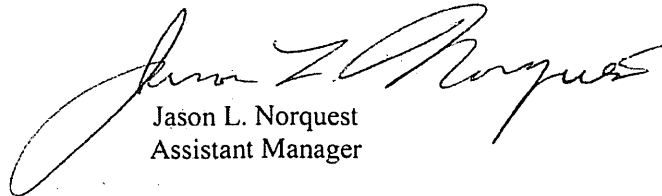
KS Dept Of Agriculture

Dear Leslie:

We have completed a review of the application for the above referenced water right. The proposal is not in conflict with the Management Program of the Southwest Kansas Groundwater Management District No. 3 (GMD3). The request for change in place of use to move authority to the stock pens meets the criteria set for in K.A.R. 5-5-11. With the move in place of use, the applicant also proposes to fully change the use made of water to stock, as set forth in K.A.R. 5-5-9. It is therefore recommended that the application be approved at this time.

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

Sincerely,



Jason L. Norquest  
Assistant Manager



## GMD3 Change Review

File No(s): 18945D2.

DWR office: GC/HQ.

App filed to change: PU & UMW.

Is Landowner(s) correct in WRIS: yes.

If NO, is documentation included?

Is Water Use Correspondent correct in WRIS?   .

If NO, is documentation included?

Regulation(s) Reviewed: KAR 5-5-9 KAR 5-5-11

Point of diversion ID No(s) 01 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 change to PD.

Is Proposed PU overlapping existing WRs? Move authority to STK pens to work in conjunction with 18940D1, 18940D2, 18940D3, 18945D1, 19484, 21772, 27838, 40393 & 40575.

Land Owner(s) notified:   .

Name   . Name   .

Address   . Address   .

Zip   . Zip   .

Neighboring certified well(s) notified: YES.

Name   . Name   .

Address   . Address   .

Zip   . Zip   .

Domestic well(s) notified: YES.

Name   . Name   .

Address   . Address   .

Zip   . Zip   .

Base Acres:   .

Perfected Acres:   .

Irr. Return-Flow 89.3 %

**197AF X 89.3% = 175.9AF maximum to covert to STK**

**Limit will be in place for the STK rights to match production needs.**

**Change in place of use eliminates the IRR acres and moves authority to the pens.**

Is a waiver needed: No.

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

> GRAND VIEW ID 83624

>-----

A\_\_ 19255 00 IRR NK G

> ROBERT G & EVELYN J ROHRBAUGH  
> ROBERT VATH  
> 18003 14 RD  
> CIMARRON KS 67835

>-----

A\_\_ 19484 00 STK NK G

> IRSIK & DOLL FEED SERVICES INC  
> GRAY COUNTY FEEDYARD  
> PO BOX 847  
> CIMARRON KS 67835

>-----

A\_\_ 21772 00 STK NK G

> IRSIK & DOLL FEED SERVICES INC  
> GRAY COUNTY FEEDYARD  
> PO BOX 847  
> CIMARRON KS 67835

>-----

A\_\_ 24359 00 IRR NK G

> CRAIG A KOEHN  
>  
> 16555 V RD  
> CIMARRON KS 67835

>-----

A\_\_ 40393 00 STK NK G

> IRSIK & DOLL FEED SERVICES INC  
> GRAY COUNTY FEEDYARD  
> PO BOX 847  
> CIMARRON KS 67835

>-----

=====

#####

Water Resources  
Received

JUL 02 2018

KS Dept Of Agriculture

STATE OF KANSAS

DEPARTMENT OF AGRICULTURE  
1320 RESEARCH PARK DRIVE  
MANHATTAN, KS 66502  
PHONE: (785) 564-6700  
FAX: (785) 564-6777



900 SW JACKSON, ROOM 456  
TOPEKA, KS 66612  
PHONE: (785) 296-3556  
www.agriculture.ks.gov

GOVERNOR JEFF COLYER, M.D.  
JACKIE McCLASKEY, SECRETARY OF AGRICULTURE

June 25, 2018

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

**FILE COPY**

Re: Application for Change, Water Right, File No. 18,945-D2

Dear Mr. Rude:

We are enclosing a copy of the application referred to above which appears to be in proper form. The proposed change is requesting to change the use made of water and place of use.

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

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

Sincerely,

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

Leslie Ireland  
Environmental Scientist  
Water Appropriation Program

LI:li  
Enclosure

pc: Garden City Field Office  
Jon Heiman, Gray County Feeders

STATE OF KANSAS

DEPARTMENT OF AGRICULTURE  
1320 RESEARCH PARK DRIVE  
MANHATTAN, KS 66502  
PHONE: (785) 564-6700  
FAX: (785) 564-6777



900 SW JACKSON, ROOM 456  
TOPEKA, KS 66612  
PHONE: (785) 296-3556  
www.agriculture.ks.gov

GOVERNOR JEFF COLYER, M.D.  
JACKIE MCCLASKEY, SECRETARY OF AGRICULTURE

June 25, 2018

FILE COPY

ELDON AMEND TRUST  
831 E SUNRISE CT  
DERBY KS 67037-2826

RE: Water Right, File No. 18,945-D2

Dear Sir or Madam:

This letter is to **provide notice** as required by K.S.A. 82a-1906, which became effective on July 1, 2016.

Gray County Feedyard, owner of the referenced water right has filed an application for approval of the Chief Engineer, Division of Water Resources, Kansas Department of Agriculture.

The application proposes a change in place of use and the use made of water from irrigation to stockwatering use as allowed by K.A.R. 5-5-10. The reduced annual quantity of 176 acre-feet will be the maximum quantity authorized for the stockwatering use at the proposed existing feedlot located in Sections 23 & 26, Township 27 South, Range 28 West, Gray County, Kansas.

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

Sincerely,

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

Leslie Ireland  
Environmental Scientist  
Water Appropriation Program

pc: Garden City Field Office  
Groundwater Management District No. 3  
Jon Heiman, Gray County Feeders

ADDRESS LISTING NEARBY NOTIFICATION LETTER DATED June 25, 2018  
Water Right, File No. 18,945-D2

Owner of File No. 15,272 irr use S/2 14- 27-28W

ELDON AMEND TRUST  
831 E SUNRISE CT  
DERBY KS 67037-2826

AMOUNT STATISTICS REPORT FOR POINTS OF DIVERSION UNDER A

18945 D2

CUG PU/UMW

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AMOUNT STATISTICS REPORT FOR POINTS OF DIVERSION UNDER A 18945 D2 IRR

Water Right and Points of Diversion Within 2.00 miles of point defined as:

3960 Feet North and 1320 Feet West of the Southeast Corner of Section 23 T 27S R 28W

Both SURFACE WATER and GROUNDWATER

File Number	Use	ST	SR	Dist (ft)	Q4	Q3	Q2	Q1	FeetN	FeetW	Sec	Twp	Rng	ID	Batt	Auth_Quan	Add_Quan	Unit		
A_ 12044	00	IRR	NK	G	6635	--	NE	NW	SE	2540	1480	15	27	28W	1		235.00	235.00	AF	
A_ 15272	00	IRR	NK	G	2617	--	NC	SE	1359	1392	14	27	28W	1		330.00	330.00	AF	ADDITION SITE ON CUNGSHP	
A_ 15680	00	IRR	NK	G	7574	--	NC	NE	-----	-----	27	27	28W	1		186.00	186.00	AF		
Same					9602	--	NC	NW	-----	-----	27	27	28W	2		222.00	222.00	AF		
Same					9666	--	NC	SE	-----	-----	27	27	28W	4		187.00	187.00	AF		
A_ 18911	00	IRR	NK	G	6370	--	SW	SW	NE	-----	-----	22	27	28W	1		574.00	574.00	AF	
A_ 18940	D1	STK	NK	G	8490	--	NC	SW	1295	3970	26	27	28W	2		189.96	189.96	AF		
A_ 18940	D2	STK	NK	G	8045	--	NC	SE	1310	1345	26	27	28W	3		183.40	183.40	AF		
A_ 18940	D3	STK	NK	G	6045	--	NC	NW	3935	3980	26	27	28W	1		78.56	78.56	AF		
A_ 18945	D1	STK	NK	G	4485	--	SW	SW	700	4400	23	27	28W	2		156.51	96.08	AF		
A_ 18945	D2	IRR	NK	G*	0	--	NC	NE	3960	1320	23	27	28W	1		197.00	197.00	AF		
A_ 19255	00	IRR	NK	G	5357	--	NC	NE	4100	1305	14	27	28W	7	G 2	260.00	260.00	AF		
Same					5520	--	SW	NE	NE	4260	1290	14	27	28W	5	B 2				
Same					5220	--	NC	NE	3960	1320	14	27	28W	6	B 2					
A_ 19484	00	STK	NK	G	6045	--	NC	NW	3935	3980	26	27	28W	1		104.00	.00	AF		
Same					5002	--	SE	NE	NE	4410	554	26	27	28W	5		104.00	.00	AF	
Same					5544	--	CW	NE	3960	2580	26	27	28W	6		.00	.00	AF		
Same					6655	--	CS	NE	2700	1320	26	27	28W	7		104.00	.00	AF		
A_ 20315	00	IRR	NK	G	8307	--	NC	SW	1335	3860	22	27	28W	4		252.00	252.00	AF		
A_ 21772	00	STK	NK	G	2666	--	NC	SE	1300	1345	23	27	28W	4		236.00	.00	AF	APPLICANT	
A_ 21980	00	IRR	NK	G	8564	--	SW	NE	SW	1580	3860	11	27	28W	1		201.00	201.00	AF	
A_ 22198	00	IRR	NK	G	9786	--	SW	NW	2650	4540	30	27	27W	1		300.00	300.00	AF		
A_ 23836	00	IRR	NK	G	7942	--	NC	SE	1340	1340	11	27	28W	4		670.00	670.00	AF		
A_ 24359	00	IRR	NK	G	2621	--	NC	NW	3960	3940	23	27	28W	3		232.00	232.00	AF		
A_ 27838	00	STK	NK	G	8468	--	NC	SW	1261	3921	25	27	28W	1		156.39	.00	AF		
A_ 28127	00	IRR	NK	G	6635	--	NE	NW	SE	2540	1480	15	27	28W	1		25.00	.00	AF	
Same					6107	--	SE	NW	SE	1776	1338	15	27	28W	6		94.00	25.00	AF	
A_ 31470	00	IRR	NK	G	5819	--	NC	NW	3940	3963	14	27	28W	9	G 2	97.00	97.00	AF		
Same					5969	--	NC	NW	4111	3955	14	27	28W	3	B 2					
Same					5670	--	NC	NW	3769	3970	14	27	28W	8	B 2					
A_ 32161	00	IRR	NK	G	8084	--	NC	S2	SW	820	3960	18	27	27W	1		127.00	127.00	AF	
A_ 33082	00	IRR	NK	G	8307	--	NC	SW	1335	3860	22	27	28W	4		260.00	260.00	AF		
A_ 40393	00	STK	NK	G	2920	--	NE	SW	SE	1040	1370	23	27	28W	5		155.06	.00	AF	APPLICANT
A_ 40575	00	STK	NK	G	8755	--	NW	SW	SE	698	2606	26	27	28W	9		259.94	.00	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) =	4903.00	.00
Total Vested Amount (AF) =	.00	.00
TOTAL AMOUNT (AF) =	4903.00	.00

© KGS NO DOMESTICS - 1-

An \* after the source of supply indicates a pending application for change under the file number.

# Property Details for PID: 0351562400000003000

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QuickRef ID : R3776

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Owner Name : JANTZ, GREG & JANET R

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Location: 00000 CO RD, Cimarron, KS 67835

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Abbreviated Boundary Description: S24, T27, R28W, ACRES 151.5, BEG 550' S NE COR NW1/4, TH S TO SE COR NW1/4, W TO N HWY 23 RW, N TO N CO RD R/W, E 2000' (S), SE 750'(S) TO POB

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## Owner Information:

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Owner JANTZ, GREG & JANET R

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Mailing Address PO BOX 130 GRAND VIEW, ID 83624-0130

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## Property Information:

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Type Agricultural Use

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Status Active

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Taxing Unit 060 Montezuma Twp 102

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Neighborhood Code 012.4

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## No Secondary Address Details found

# STATE OF KANSAS

DEPARTMENT OF AGRICULTURE  
1320 RESEARCH PARK DRIVE  
MANHATTAN, KS 66502  
PHONE: (785) 564-6700  
FAX: (785) 564-6777



900 SW JACKSON, ROOM 456  
TOPEKA, KS 66612  
PHONE: (785) 296-3556  
www.agriculture.ks.gov

GOVERNOR JEFF COLYER, M.D.  
JACKIE McCLASKEY, SECRETARY OF AGRICULTURE

JON HEIMAN  
23405 STATE ROAD 23  
CIMARRON, KS 67835

April 24, 2018

RE: File No 18945-D2

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,

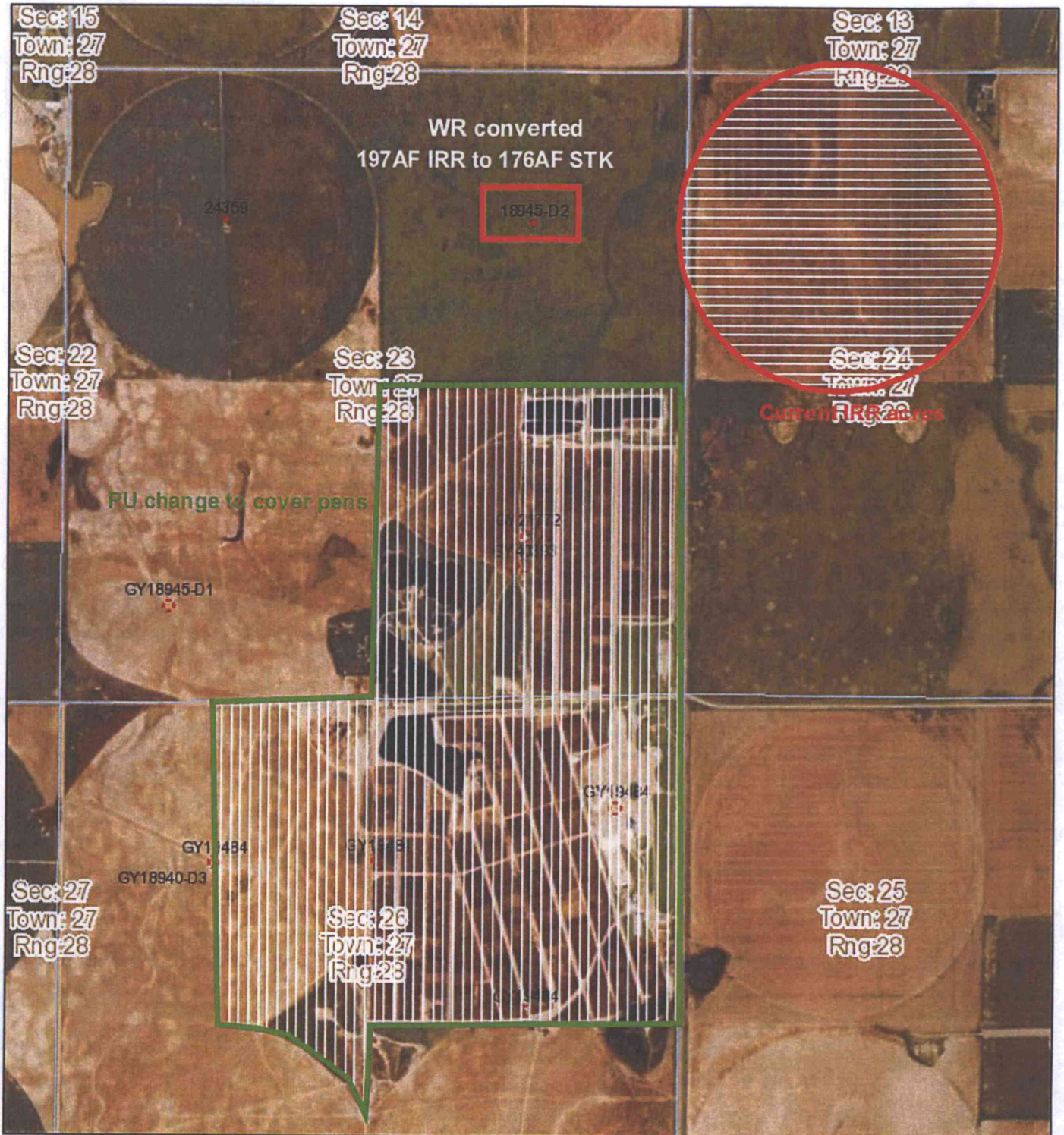
Brent Tournay, L.G.  
Change Applications Unit Supervisor  
Water Appropriation Program

BAT: DLW  
pc: GARDEN CITY Field Office    GMD3

SCANNED



# 18945D2 Change Review: PU & UMW



June 29, 2018

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.

Legend

**Wells**

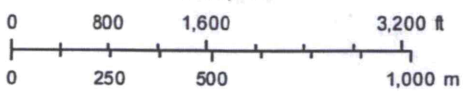
- |   |       |     |          |
|---|-------|-----|----------|
| ? | Other | FPR | STK      |
| + | IRR   | HYD | THX      |
| + | CON   | IND | Empty    |
| + | DEW   | MUN | Sections |
| - | DOM   | REC |          |

Water Resources Received

JUL 02 2018

KS Dept Of Agriculture

1:18,056



GMD FSA 2016

SCANNED

AMOUNT STATISTICS REPORT FOR POINTS OF DIVERSION UNDER A 18945 D2

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AMOUNT STATISTICS REPORT FOR POINTS OF DIVERSION UNDER A 18945 D2 IRR

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

3960 Feet North and 1320 Feet West of the Southeast Corner of Section 23 T 27S R 28W

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__ 15272 00	IRR	NK	G	2617	--	--	NC	SE	1359	1392	14	27	28W	1		330.00	330.00	AF
A__ 18945 D1	STK	NK	G	4485	--	--	SW	SW	700	4400	23	27	28W	2		156.51	96.08	AF
A__ 18945 D2	IRR	NK	G*	0	--	--	NC	NE	3960	1320	23	27	28W	1		<del>197.00</del> 178	<del>197.00</del>	AF
A__ 19255 00	IRR	NK	G	5220	--	--	NC	NE	3960	1320	14	27	28W	6 B	2	260.00	260.00	AF
A__ 19484 00	STK	NK	G	5002	--	--	SE	NE	4410	554	26	27	28W	5		104.00	.00	AF
A__ 21772 00	STK	NK	G	2666	--	--	NC	SE	1300	1345	23	27	28W	4		236.00	.00	AF
A__ 24359 00	IRR	NK	G	2621	--	--	NC	NW	3960	3940	23	27	28W	3		232.00	232.00	AF
A__ 40393 00	STK	NK	G	2920	--	--	NE	SW	1040	1370	23	27	28W	5		155.06	.00	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) =	1115.08	.00
Total Vested Amount (AF) =	.00	.00
TOTAL AMOUNT (AF) =	1115.08	.00

*No change to PID  
Spacing currently MET.*

An \* after the source of supply indicates a pending application for change under the file number.

An \* after the ID indicates a 15 AF exemption was granted under the file number.

A "G" in the Batt column indicates the GEO CTR of a battery. A "B" indicates a well in the battery.

The number in the Batt column is the number of wells in the battery.

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

3960 Feet North and 1320 Feet West of the Southeast Corner of Section 23 T 27S R 28W

GROUNDWATER ONLY

WATER USE CORRESPONDENTS:

File Number	Use	ST	SR
A__ 15272 00	IRR	NK	G
> ELDON AMEND TRUST			
>			
> 831 E SUNRISE CT			
> DERBY KS 67037			
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A__ 18945 D1	STK	NK	G
> IRSIK & DOLL FEED SERVICES INC			
> GRAY COUNTY FEEDYARD			
> PO BOX 847			
> CIMARRON KS 67835			
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A__ 18945 D2	IRR	NK	G
> GREG & JANET R JANTZ			
>			
> PO BOX 130			

*Water Resources  
Received  
JUN 29 2018  
KS Dept. Of Agriculture*