

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

1. File Number: <b>36293</b>	2. Status Change Date: <i>6/28/2018</i>	3. Change Num: <b>C3</b>	4. Field Office: <b>04</b>	5. GMD: <b>01</b>
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6. Status: <input type="checkbox"/> Approved <input type="checkbox"/> Denied by DWR/GMD <input type="checkbox"/> Dismiss by Request/Failure to Return	7. Filing Date of Change: <b>16-MAY-2018</b>
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8a. Applicant(s)    Person ID 23270  
 New to system     Add Seq# 1

**POKY FEEDERS INC  
 JOE MORGAN  
 600 E ROAD 30  
 SCOTT CITY KS 67871-5043**

8c. Landowner(s)    Person ID \_\_\_\_\_  
 New to system     Add Seq# \_\_\_\_\_

8b. Landowner(s)    Person ID 23270  
 New to system     Add Seq# 1

**POKY FEEDERS INC  
 JOE MORGAN  
 600 E ROAD 30  
 SCOTT CITY KS 67871-5043**

8d. WUC    Person ID 23270  
 New to system     Add Seq# 1

**POKY FEEDERS INC  
 JOE MORGAN  
 600 E ROAD 30  
 SCOTT CITY KS 67871-5043**

**NO CHANGE**

9. Documents and Enclosure(s):  DWR Meter(s) Date to Comply: 12/31/18     N & P Date to Comply: \_\_\_\_\_

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

Conservation Plan    Date Required: \_\_\_\_\_    Date Approved: \_\_\_\_\_    Date to Comply: \_\_\_\_\_

10. Use Made of Water    From: \_\_\_\_\_    To: \_\_\_\_\_

Date Prepared: **06/26/18**    By: **RAK**  
 Date Entered: *7/2/2018*    By: *LUH*



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

**MEMORANDUM**

**TO:** Files

**DATE:** June 27, 2018

**FROM:** Richelle A. Krueger

**RE:** Water Right  
File Nos. 8,630; 9,488; 12,594;  
13,938; 15,843; 24,894; 26,218;  
36,291; 36,292; 36,293; 37,908;  
40,778 and 44,366  
Appropriation of Water  
File No. 49,186

Kirk Dechant and Grant Morgan, on behalf of Poky Feeders, Inc., filed applications for approval to change the place of use and use made of water from irrigation use to stockwatering use under File Nos. 9,488 and 15,843, and to change the place of use under the other referenced file numbers all authorized stockwatering use.

The referenced file numbers do not appear abandoned pursuant to K.S.A. 82a-718.

File No. 9,488 is authorized 120 acre-feet for irrigation use and 6.517 million gallons (20 acre-feet) per calendar year for stockwatering use, all located in Section 31, Township 20 South, Range 32 West, Scott County, in the Arkansas River Basin. The stockwatering point of diversion and place of use overlap Water Right, File No. 40,072 owned by Roger and Darlene Kohman. The irrigation portion of File No. 9,488 previously overlapped the point of diversion of Temporary Permit, File No. 20180008 (expired June 1, 2018), and overlaps the 224-acre place of use of Water Right, File No. 15,843. File No. 15,843, authorized 264 acre-feet solely for irrigation use, overlaps the point of diversion previously authorized by Temporary Permit, File No. 20170296 (expired June 3, 2018).

The water right owner proposes to convert the entire 120 acre-feet authorized for irrigation use under File No. 9,488 and the 264 acre-feet under File No. 15,843 to stockwatering use pursuant to K.A.R. 5-5-9 *Approval of application for a change in the use made of water from irrigation to any other type of beneficial use of water*. Based on the calculations submitted with the applications 32 million gallons (98.2 acre-feet) will be converted to stockwatering use under File No. 9,488 (no change to the 6.517 million gallons authorized for Kohman's feedlot) and 70.38 million gallons (216 acre-feet) will be authorized for stockwatering use under File No. 15,843. The water right owner requested the appropriate reductions in quantity. The applicants request a waiver in Paragraph No. 18 of the applications of Western Kansas Groundwater Management District K.A.R. 5-21-7 *Change in the use made of water from irrigation use to any other type of beneficial use* which pertains to use made of water changes in the District.

The proposed place of use for the feedlot is the Southwest Quarter of (SW $\frac{1}{4}$ ) of Section 8; the Southwest Quarter (SW $\frac{1}{4}$ ) of Section 17; the South Half (S $\frac{1}{2}$ ) of Section 18; and the Northeast Quarter (NE $\frac{1}{4}$ ) and the West Half of the Southeast Quarter (W $\frac{1}{2}$  SE $\frac{1}{4}$ ) of Section 19, all in Township 20 South, Range 32 West, Scott County. Applications to change the place of use were filed for Poky Feeder's other above listed water rights to create a complete overlap in the place of use with File Nos. 9,488 and 15,843 by picking up additional land in the (W $\frac{1}{2}$  SE $\frac{1}{4}$ ) of Section 19 and simplifying the place of use in Section 8 to the Southwest Quarter (SW $\frac{1}{4}$ ). The other above referenced water rights are also covered by Project Term Permit File Nos. 20169104 and 20169105.

The quantity requested for the feedlot under File Nos. 9,488 and 15,843 is additional, and the applicants have indicated the justification for the additional quantity in the applications which is below K.A.R. 5-3-22 *Maximum reasonable quantity of water for livestock and poultry*.

Nearby water right owners with a well identified on the map or in WRIS within one half-mile of the authorized points of diversion of File Nos. 9,488 and 15,843 were notified of the proposed changes by letters dated May 23, 2018 to comply with K.S.A. 82a 1906. No notices were sent for the place of use changes since they are creating an exact overlap in the place of use with File Nos. 9,488 and 15,843.

In a letter dated June 18, 2018 Kyle Spencer, Director of the Western Kansas Groundwater Management District No. 1 indicated that the District recommended approval of the change applications with a waiver of K.A.R. 5-21-7 for File Nos. 9,488 and 15,843. The District will be revoking the regulation in the near future in favor of K.A.R. 5-5-9.

In an e-mail dated June 26, 2018, Mike Meyer, Water Commissioner of the Garden City Field Office indicated that he recommends approval of the referenced applications.

The same local source of supply will not change, which have been previously determined.

Water flow meters will be required. Check valves will be 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).



Richelle A. Krueger  
Environmental Scientist

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

FILE COPY

POKY FEEDERS INC  
KIRK DECHANT AND GRANT MORGAN July 3, 2018  
600 E ROAD 30  
SCOTT CITY KS 67871-5043

RE: Water Right, File Nos. 8,630, 9,488, 12,594, 13,938, 15,843, 24,894, 26,218, 36,291,  
36,292, 36,293, 37,908, 40,778 and 44,366  
Appropriation of Water, File No. 49,186

Dear Sir or Madam:

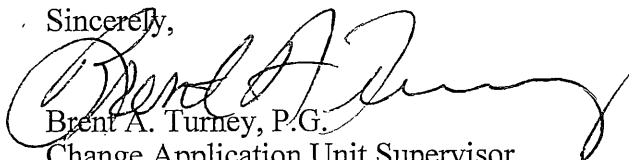
Enclosed are the orders executed by the Chief Engineer, Division of Water Resources, Kansas Department of Agriculture, approving the applications for change under the above referenced file numbers.

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/or installation of the required meters as soon as these actions are completed.

Since these orders modify the original documents referred to above, all but File No. 49,186 should be recorded with the Register of Deeds as other instruments affecting real estate.

If you have any questions, please contact this office. If you call, please reference the file number so we can help you more efficiently.

Sincerely,

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

BAT:rak

pc: Garden City Field Office  
Groundwater Management District No. 1  
Roger E and Darlene Kohman  
KLA, Attn Frank C. Mercurio, P.E.



KANSAS DEPARTMENT OF AGRICULTURE  
Jackie McClaskey, Secretary of Agriculture

DIVISION OF WATER RESOURCES  
David W. Barfield, Chief Engineer

**APPROVAL OF APPLICATION  
FOR  
CHANGE IN PLACE OF USE  
WATER RIGHT  
FILE NO. 36,293**

**FILE COPY**

The Chief Engineer, Division of Water Resources, Kansas Department of Agriculture, after due consideration of the written application of Grant Morgan, on behalf of Poky Feeders Incorporated, 600 East Road 30, Scott City, Kansas, 67871, received in this office on May 16, 2018, for approval of a change in the location of the place of use under the certificate of appropriation issued pursuant to the permit to appropriate water for beneficial use, as modified and amended by the Orders of the Chief Engineer dated June 12, 2001, April 26, 2002 and October 28, 2009, approving the applications to change the place of use, and by the Order of the Chief Engineer dated June 7, 2012, approving the application to change the point of diversion, finds that the change is reasonable and will not impair existing rights, and that the application should be and is hereby approved.

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

the Southwest Quarter (SW $\frac{1}{4}$ ) of Section 8; the Southwest Quarter (SW $\frac{1}{4}$ ) of Section 17; the South Half (S $\frac{1}{2}$ ) of Section 18; and the Northeast Quarter (NE $\frac{1}{4}$ ) and the West Half of the Southeast Quarter (W $\frac{1}{2}$  SE $\frac{1}{4}$ ) of Section 19, all in Township 20 South, Range 32 West, Scott County, Kansas,

located substantially as shown on the map accompanying the application to change the 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 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. 36,293, for permit to appropriate water for beneficial use, is as stated and set forth in the Certificate of Appropriation dated October 31, 2000, 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.

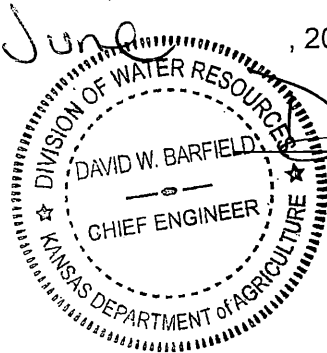
To obtain an evidentiary hearing before the Chief Engineer, a written request for hearing must be filed within 15 days after service of this Order as provided in K.S.A. 77-531 (i.e., within a total of 18 days after this Order was mailed to you), with the Kansas Department of Agriculture, Attn: Legal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

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

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

Any request for hearing or petition for administrative review shall be in writing and shall be submitted to the attention of: Chief Legal Counsel, Kansas Department of Agriculture, 1320 Research Park Drive, Manhattan, Kansas 66502, Fax: (785) 564 - 6777.

Ordered this 20<sup>th</sup> day of June, 2018, in Topeka, Shawnee County, Kansas.



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

State of Kansas     )  
                                   ) SS  
 County of Riley     )

The foregoing instrument was acknowledged before me this 20<sup>th</sup> day of June, 2018, by David W. Barfield, P.E., Chief Engineer, Division of Water Resources, Kansas Department of Agriculture.



Karen Hunter  
 Notary Public

**CERTIFICATE OF SERVICE**

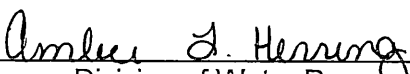
On this <sup>3<sup>rd</sup></sup> day of *July*, 2018, I hereby certify that the attached Approval of Application for the Change in Place of Use, File No. 36,293, dated *June 28<sup>th</sup>, 2018* was mailed postage prepaid, first class, US mail to the following:

POKY FEEDERS INC  
KIRK DECHANT AND GRANT MORGAN  
600 E ROAD 30  
SCOTT CITY KS 67871-5043

With photocopies to:

KLA ENVIRONMENTAL SERVICES INC  
ATTN FRANK C MERCURIO PE  
1303 YUCCA STREET  
SCOTT CITY KS 67871

Garden City Field Office  
Groundwater Management No. 1

  
\_\_\_\_\_  
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  
 Point of Diversion  
 Use Made of Water

(Check one or more)

Water Resources  
Received  
MAY 16 2018  
12:50  
KS Dept Of Agriculture

File No. 36293

2. Name of applicant: Poky Feeders, Inc.

Address: 600 E Road 30

City, State and Zip: Scott City, KS 67871

Phone Number: (620)872-5834 E-mail address: kdechant@wbsnet.org

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

Name of water use correspondent: Poky Feeders, Inc.

Address: 600 E. Road 30

City, State and Zip: Scott City, KS 67871

Phone Number: ( 620 ) 872-5834 E-mail address: kdechant@wbsnet.org

3. The change(s) proposed herein are desired for the following reasons (please be specific): Create complete overlap in place of use among all the stockwatering use water rights and the place of use proposed for File Nos. 9488 and 15843 and to expand stockwatering facility.

The change(s) (was) (will be) completed by upon approval

(Date)

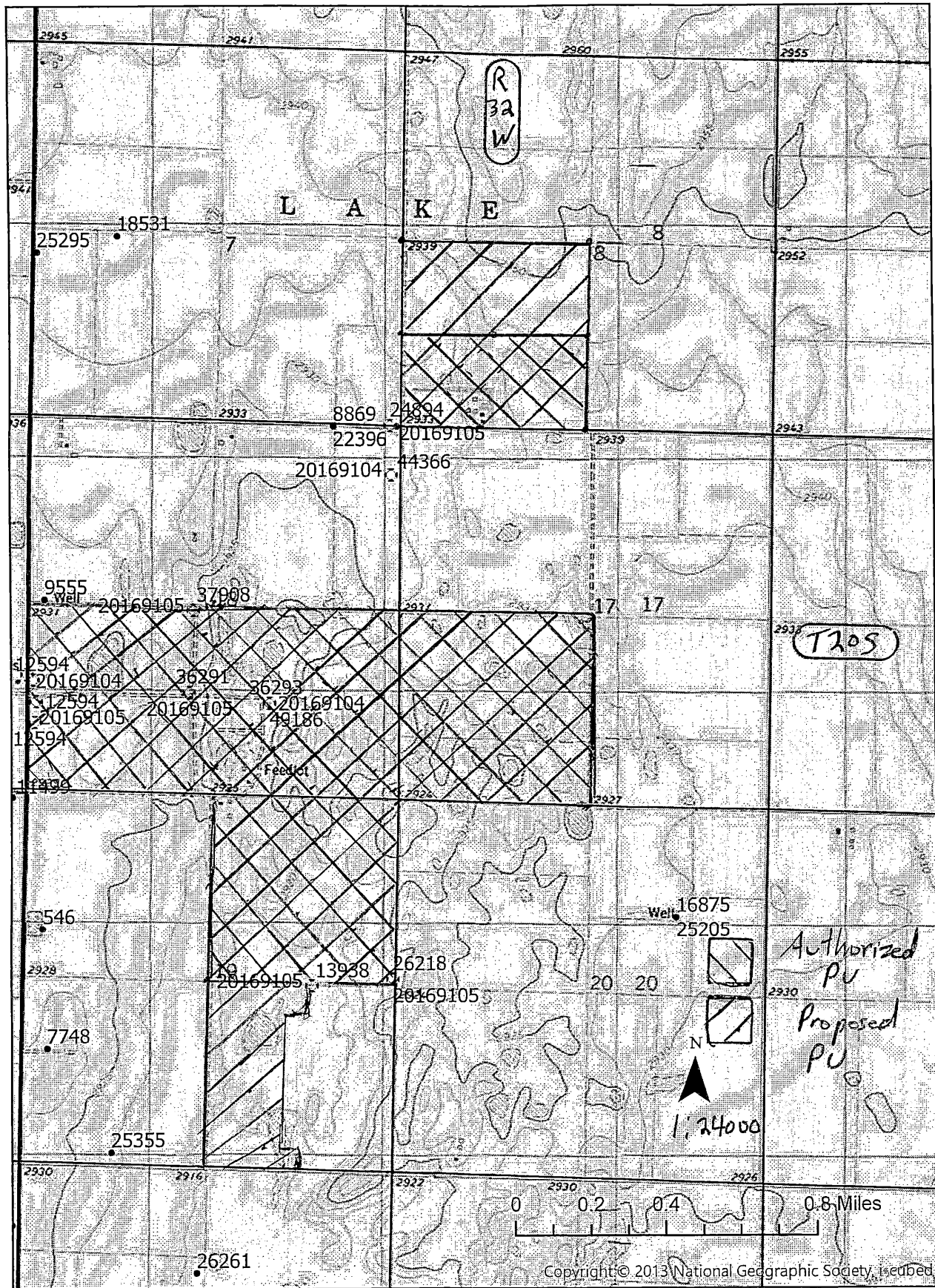
For Office Use Only:

F.O. 4 GMD 3 Meets K.A.R. 5-5-1 (YES / NO) Use SR Source (G)S County SC By AM Date 5/16/18  
Code CPJ Fee \$ 200 TR # \_\_\_\_\_ Receipt Date 5/16/18 Check # 185176

APPLICATION COMPLETE

6/21/18  
Reviewer RAK

Application to Change the Place of Use File No. 36293



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MAY 16 2018

SCANNED  
KS Dept Of Agriculture

4. The presently authorized place of use is:

Owner of Land — NAME: Poky Feeders, Inc.

ADDRESS: 600 E. Road 30, Scott City, KS 67871

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	
8	20S	32W	a feedlot in the South Half of the Southwest Quarter (S½ SW¼)																
17	20S	32W	Southwest Quarter (SW¼)																
18	20S	32w	South Half (S½)																

List any other water rights that cover this place of use. 8630; 12594; 13938; 24894; 26218; 36291; 36292; 36293; 37908; 40778; 44366; 49186; 20169104; 20169105

Owner of Land — NAME: same as above

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	
19	20S	32W	Northeast Quarter (NE¼)																
			all of above locations in Scott County, Kansas																

List any other water rights that cover this place of use. 8630; 12594; 13938; 24894; 26218; 36291; 36292; 36293; 37908; 40778; 44366; 49186; 20169104; 20169105

(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: Poky Feeders, Inc.

ADDRESS: 600 E. Road 30, Scott City, KS 67871

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	
8	20S	32W	Southwest Quarter (SW¼)																
17	20S	32W	Southwest Quarter (SW¼)																
18	20	32W	South Half (S½)																

List any other water rights that cover this place of use. 8630; 9488; 12594; 13938; 15843; 24894; 26218; 36291; 36292; 36293; 37908; 40778; 44366; 49186; 20169104; 20169105

Owner of Land — NAME: same as above

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	
19	20S	32W	Northeast Quarter (NE¼) and West Half of the Southeast Quarter (W½ SE¼)																
			all of above locations in Scott County, Kansas																

List any other water rights that cover this place of use. 8630; 9488; 12594; 13938; 15843; 24894; 26218; 36291; 36292; 36293; 37908; 40778; 44366; 49186; 20169104; 20169105

IF MORE SPACE IS NEEDED, ATTACH ADDITIONAL SHEETS AS NECESSARY

Water Resources

Received

MAY 16 2010

SCANNED

KS Dept Of Agriculture

6. The presently authorized point(s) of diversion (is) (are) no changes to points of diversion  
(Provide description and number of points)
7. The proposed point(s) of diversion (is) (are) n/a  
(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 \_\_\_\_\_ 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 \_\_\_\_\_

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. \_\_\_\_\_

**IF MORE SPACE IS NEEDED, ATTACH ADDITIONAL SHEETS AS NECESSARY**

12. The presently authorized use of water is for stockwatering purposes.

It is proposed that the use be changed to no changes purposes.

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

Changes in place of use and use made of water filed 1/22/18 for File Nos. 9488 and 15843 to provide additional water for the expanding facility

\_\_\_\_\_

(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](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.

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

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.

**Water Resources  
Received**

**MAY 16 2018**

**IF MORE SPACE IS NEEDED, ATTACH ADDITIONAL SHEETS AS NECESSARY**

**SCANNED**

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

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

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

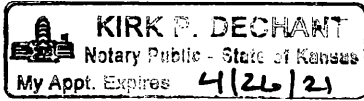
If the request is signed on behalf of any Owner by someone with legal authority to do so (for example, an agent, one who has power of attorney, or an executor, executrix, conservator), it will be necessary to attach proper documents showing such authority.

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

Dated at Scott City, Kansas, this 11 day of May, 2018.

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

State of Kansas }  
County of Scott } SS



I hereby certify that the foregoing application was signed in my presence and sworn to before me this 11 day of May, 2018.

My Commission Expires 4/26/21

[Signature]  
Notary Public

**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.**

3/28/18  
m: [unclear]

## Krueger, Richelle

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**From:** Meyer, Mike [KDA]  
**Sent:** Tuesday, June 26, 2018 9:43 AM  
**To:** Krueger, Richelle  
**Subject:** RE: Request for Recommendation Change in PU UMW File Nos. 9488 and 15843 PU 8630 etal Poky Feeders

yes

*Mike*

---

**From:** Krueger, Richelle  
**Sent:** Tuesday, June 26, 2018 8:59 AM  
**To:** Meyer, Mike [KDA] <Mike.Meyer@ks.gov>  
**Cc:** Makens, Thom [KDA] <Thom.Makens@ks.gov>; Turney, Brent <Brent.Turney@ks.gov>  
**Subject:** Request for Recommendation Change in PU UMW File Nos. 9488 and 15843 PU 8630 etal Poky Feeders

Hi Mike,  
Attached is a draft memo for the referenced changes for Poky Feeders, do you recommend approval?

Thanks,  
Richelle



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WESTERN KANSAS GROUNDWATER MANAGEMENT DISTRICT NO.1

June 18, 2018

Richelle A. Krueger  
Environmental Scientist  
Water Appropriation Program  
1320 Research Park Drive  
Manhattan, KS 66502

Water Resources  
Received

**JUN 21 2018**

KS Dept Of Agriculture

Re: Water Right File Nos. 8630, 9488, 12594, 13938, 15843,  
24894, 26218, 36291, 36292, 36293, 37908, 40778, 44366, &  
49186

Dear Ms. Krueger:

At the Western Ks Groundwater Management District #1 board meeting on June 18<sup>th</sup>, the Board of Directors voted unanimously to waive K.A.R. 5-21-7 for the Change of Use made of water applications on Files **9488 & 15843**, & recommends approval. The Board also recommends approval for the Change in Place of Use for all above referenced file numbers.

Sincerely,

Kyle Spencer  
District Manager

ks/vr



# 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

WESTERN KANSAS GROUNDWATER      June 11, 2018  
MANAGEMENT DISTRICT NO 1  
ATTN KYLE SPENCER  
PO BOX 604  
SCOTT CITY KS 67871

**FILE COPY**

Re: Water Right, File Nos. 8,630; 9,488; 12,594; 13,938; 15,843; 24,894; 26,218; 36,291;  
36,292; 36,293; 37,908; 40,778; 44,366; and Appropriation of Water, File No. 49,186

Dear Mr. Spencer:

In accordance with your request received in this office on June 4, 2018, the Chief Engineer has extended until June 28, 2018, the time in which to submit your recommendations concerning the applications to change the place of use and use made of water for File Nos. 9,488 and 15,843 and of the applications to change the place of use for File Nos. 8,630; 12,594; 13,938; 24,894; 26,218; 36,291; 36,292; 36,293; 37,908; 40,778; 44,366; and 49,186.

If you have any questions, please contact me at (785) 564-6635. If you wish to discuss a specific file, please have the file number ready so that we may help you more efficiently.

Sincerely,

Richelle A. Krueger  
Environmental Scientist  
Water Appropriation Program

Enclosures

pc: Garden City Field Office

**SCANNED**



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WESTERN KANSAS GROUNDWATER MANAGEMENT DISTRICT NO.1

May 31, 2018

Ms. Richelle A. Krueger  
Environmental Scientist  
Water Appropriation Program  
1320 Research Park Drive  
Manhattan, Kansas 66502

Water Resources  
Received

**JUN 04 2018**

KS Dept Of Agriculture

Re: Water Right File Nos. 8630, 9488, 12594, 13938,  
15843, 24894, 26218, 36291, 36292, 36293, 37908,  
40778, 44366, & Appropriation of Water, File No. 49186

Dear Ms. Krueger

We are requesting an extension to submit our  
recommendations on the above file numbers until after  
June 14<sup>th</sup>, which is the next time our board meets.

Sincerely,

Kyle Spencer  
District Manager

ks/vr

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

WESTERN KANSAS GROUNDWATER      May 23, 2018  
MANAGEMENT DISTRICT NO 1  
ATTN KYLE SPENCER  
PO BOX 604  
SCOTT CITY KS 67871

FILE COPY

Re: Water Right, File Nos. 8,630; 9,488; 12,594; 13,938; 15,843; 24,894; 26,218; 36,291;  
36,292; 36,293; 37,908; 40,778; 44,366; and Appropriation of Water, File No. 49,186


Dear Mr. Spencer:

We are enclosing copies of the applications to change the place of use and use made of water for File Nos. 9,488 and 15,843 and of the applications to change the place of use for File Nos. 8,630; 12,594; 13,938; 24,894; 26,218; 36,291; 36,292; 36,293; 37,908; 40,778; 44,366; and 49,186.

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

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

Sincerely,

  
Richelle A. Krueger  
Environmental Scientist  
Water Appropriation Program

Enclosures

pc: Garden City Field Office

SCANNED

# 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

POKY FEEDERS, INC  
600 E ROAD 30  
SCOTT CITY, KS 67871

May 21, 2018

RE: File No 36293-

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
- 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 Tourney, L.G.  
Change Applications Unit Supervisor  
Water Appropriation Program

BAT: DLW  
pc: GARDEN CITY Field Office GMD3

SCANNED