

NOTICE

This scan only represents the application as filed. The information contained herein meets the requirements of K.A.R. 5-3-1 or K.A.R. 5-5-1, and has been found acceptable for filing in the office of the Chief Engineer. The application should not be considered to be a complete application as per K.A.R. 5-3-1b or K.A.R. 5-5-2a.

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
MAY 16 2018
12:57
KS Dept Of Agriculture**

File No. 8630

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

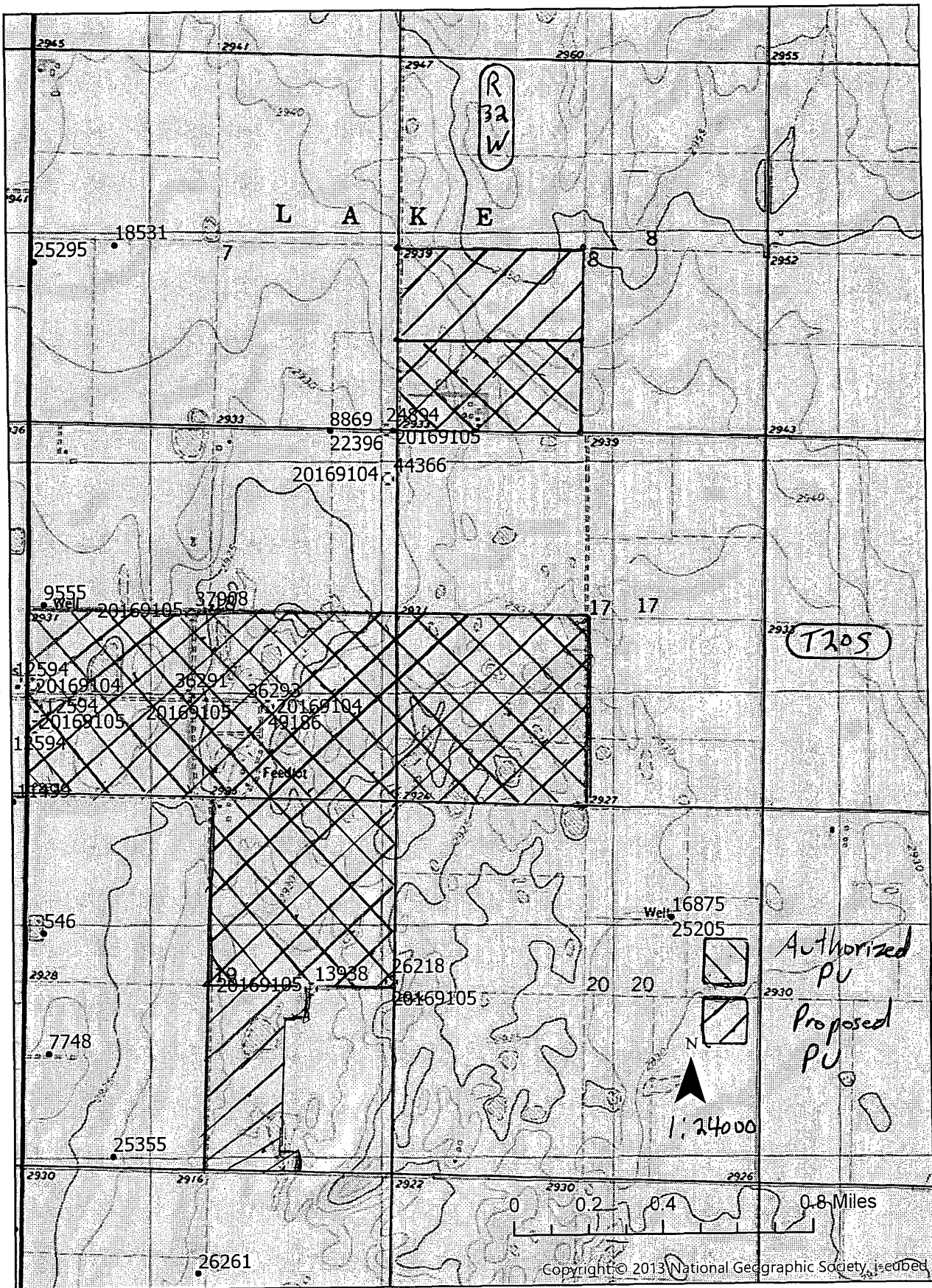
(Date)

For Office Use Only:

F.O. 4 GMD 7 Meets K.A.R. 5-5-1 (YES / NO) Use 376 Source G/S County SC By ADW Date 5/16/18
Code _____ Fee \$ 00 TR # _____ Receipt Date 5/16/18 Check # 125 170

5/21/18 DAW

Application to Change the Place of Use File No. 8630



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MAY 16 2018

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
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MAY 16 2018

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). 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
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MAY 16 2018

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, 20 18.

X
X

[Signature]
(Owner)
Grant Morgan
(Please Print)

(Spouse)

(Please Print)

(Owner)

(Please Print)

(Owner)

(Please Print)

(Spouse)

(Please Print)

(Spouse)

(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, 20 18.

[Signature]
Notary Public

My Commission Expires 4/26/21

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.**

1178 91 144

11/11/2018 10:50:01 AM

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
ATTN KIRK DECHANT/JOE MORGAN
600 E ROAD 30
SCOTT CITY KS 67871

May 8, 2018

Water Resources
Received

MAY 16 2018

RE: Water Right, File Nos. 9,488 and 15,843

KS Dept Of Agriculture

Dear Mr. Dechant and Mr. Morgan:

Reference is made to the applications for approval of the Chief Engineer to change the place of use and use made of water under Water Right, File Nos. 9,488 and 15,843 received in the office of the Chief Engineer on January 22, 2018. Upon review of the applications, we find that additional information is needed.

K.A.R. 5-5-5 *Signatures required on change applications* requires in part that all landowners and spouses holding an undetermined portion of the water right must sign the change application. Based on information in this office it appears we need the original notarized signatures of Roger E. and Darlene Kohman on the application for File No. 9,488. Enclosed is a copy of the application for File No. 9,488 along with an additional blank signature form. If this ownership information is not correct, please submit a copy of the recorded deed to clearly indicate all owners so that our records may be updated.

Also, K.A.R. 5-3-5n *Authorized place of use*, requires in part that an approval of application, or an approval of an application for change, shall describe the authorized place of use as either (1) Land not authorized for beneficial use of water by any other water right or approval of application; or (2) exactly the same land authorized for beneficial use of water by one or more prior approvals of applications or water rights. Information in the applications for File Nos. 9,488 and 15,843 indicates you propose an expansion of your feedlot which will create an incomplete overlap in the authorized place of use with your existing stockwatering rights -Water Right, 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 Appropriation of Water, File No. 49,186. It appears you need to file applications to change the place of use for those file numbers in order to create a complete overlap in place of use.

Please find enclosed partially completed applications for approval 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 Appropriation of Water, File No. 49,186 which will create an exact overlap in place of use with the stockwatering place of use proposed for File Nos. 9,488 and 15,843. Please carefully review the application forms and maps for accuracy and note that the applications will require original notarized signature(s) of all of the current owner(s) of the authorized place of use. The total fee for twelve (12) applications for change in place of use is \$2,400.00 so a check for the total amount of \$2,400.00 should be sent along with the completed applications and maps to the Manhattan, Kansas address listed above.

Please return the enclosed applications with the required fee and the original notarized signature of Roger E. and Darlene Kohman at your earliest convenience so that we may continue with processing your applications.

OVER →

May 8, 2018
File Nos. 9,488 and 15,843
Page No. 2

Our staff at the Garden City Field Office can provide assistance, if needed. If you would like assistance, please call (620) 276-2901 to set an appointment time. We appreciate you making an appointment, as it will save your time and allows us to better serve you. If you do go to the field office for assistance, please take this letter, the applications and any attachments.

If you have any questions, please contact me at (785) 564-6635 or Change Application Unit Supervisor Brent Turney 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,



Richelle A. Krueger
Environmental Scientist
Water Appropriation Program

RAK

Enclosures

pc: Garden City Field Office
Groundwater Management District No. 1

Water Resources
Received

MAY 16 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

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

May 21, 2018

RE: File No 8630-

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...

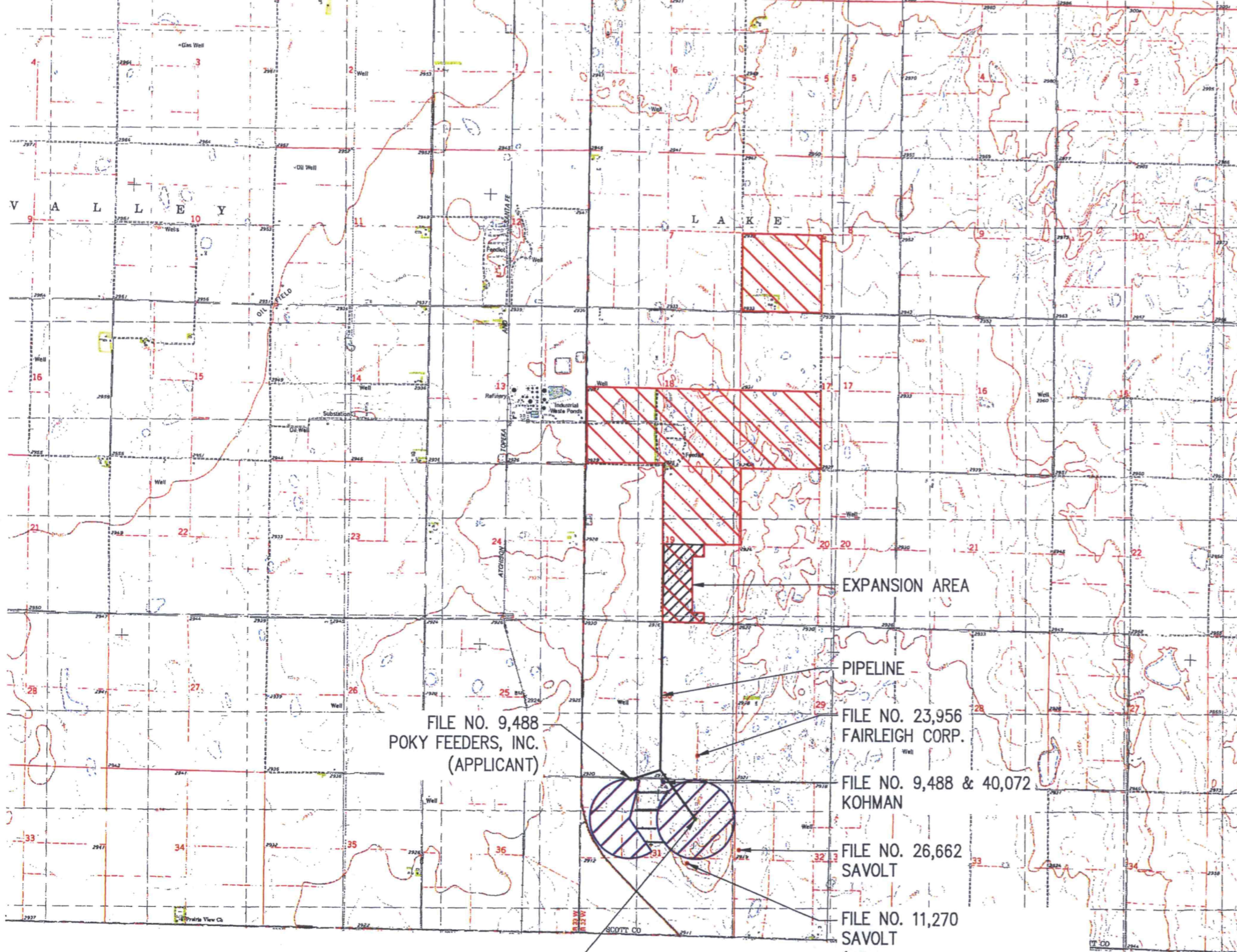
A class C misdemeanor is punishable by a fine not to exceed \$500 and/or a term of confinement not to exceed one month in the county jail. Each day that the violation occurs constitutes a separate offense.

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

BAT: DLW
pc: GARDEN CITY Field Office GMD1



FILE NO. 9,488
POKY FEEDERS, INC.
(APPLICANT)

FILE NO. 15,843
POKY FEEDERS, INC.
(APPLICANT)

FILE NO. 23,956
FAIRLEIGH CORP.

FILE NO. 9,488 & 40,072
KOHMAN

FILE NO. 26,662
SAVOLT

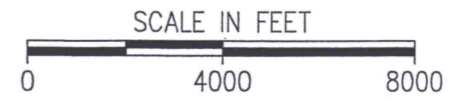
FILE NO. 11,270
SAVOLT
(WELL LOCATION AS DESCRIBED
BY WIMAS COORDINATES)

- ### LEGEND
- POINT OF DIVERSION (IRR)
 - POINT OF DIVERSION (STK)
 - POINT OF DIVERSION - APPLICANT
 - APPROXIMATE LOCATION OF PIPELINE
 - CURRENT PLACE OF USE (IRR)
 - PROPOSED PLACE OF USE (STK)

T20S * No change to Kohman Stockwatering pu

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JAN 22 2018
KS Dept Of Agriculture

Water Resources
Received
MAY 16 2018
KS Dept Of Agriculture



SCANNED

R33W/R32W

* Kohnman 5/7/18

DRAWN	CSCG	DATE
CHECKED	FCM	DATE
APPROVED	FCM	DATE

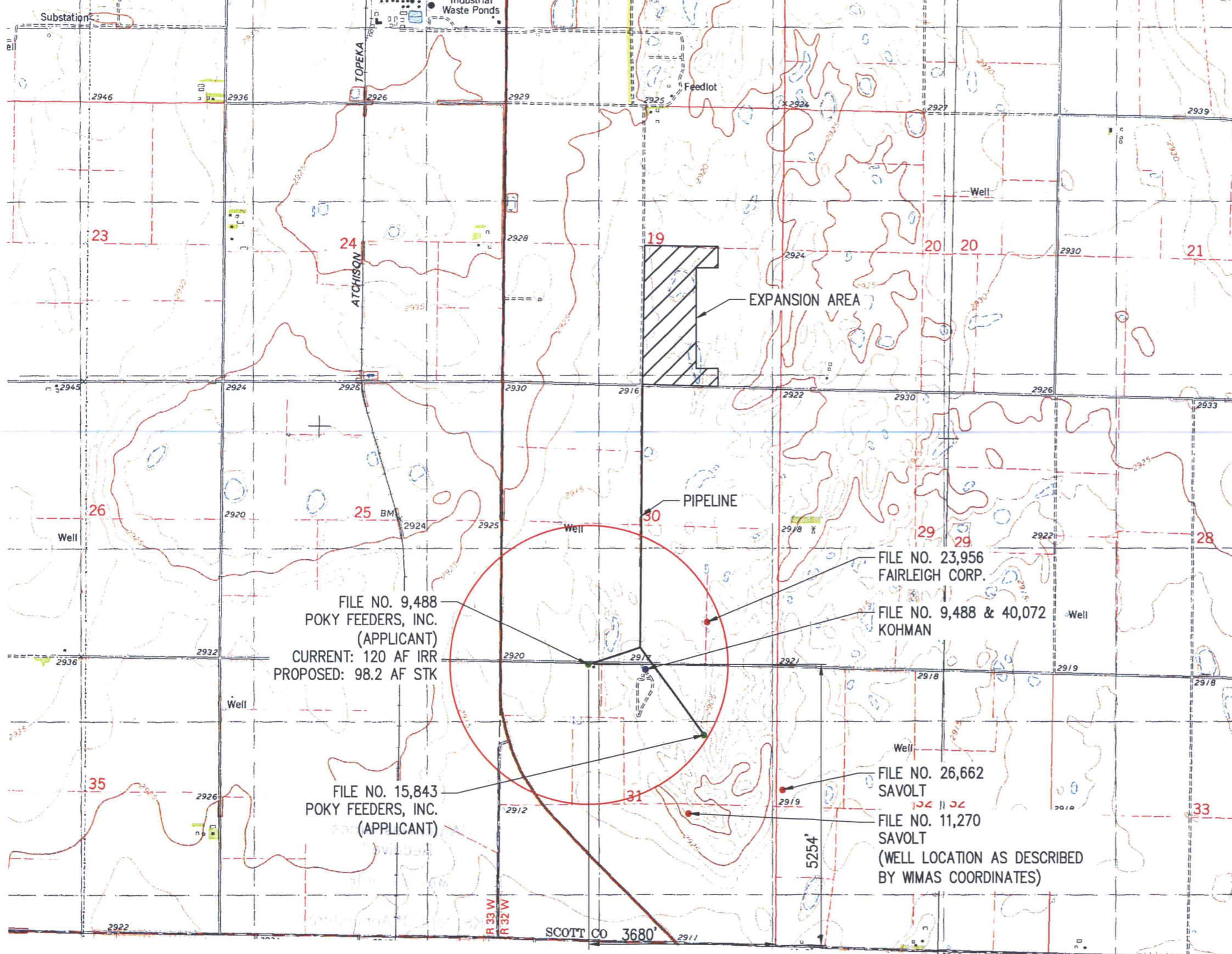
POKY FEEDERS, INC.
CHANGE APPLICATIONS - FILE NOS. 9,488 & 15,843
SECTION 31 T20S R32W
SCOTT COUNTY, KANSAS

1700 E. IRON
SALINA, KANSAS 67401
(785) 823-0097

1303 YUCCA STREET
SCOTT CITY, KANSAS 67871
(620) 872-2300



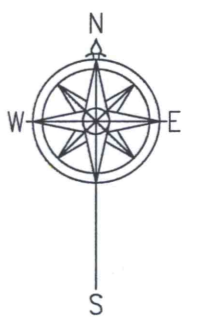
CAD FILE NAME:
CHANGE APPLICATION.dwg



- ### LEGEND
- POINT OF DIVERSION (IRR)
 - POINT OF DIVERSION (STK)
 - POINT OF DIVERSION - APPLICANT
 - ½ MILE NOTIFICATION DISTANCE
 - APPROXIMATE LOCATION OF PIPELINE

T20S

Water Resources
Received
JAN 22 2010
KS Dept Of Agriculture



FILE NO. 9,488
POKY FEEDERS, INC.
(APPLICANT)
CURRENT: 120 AF IRR
PROPOSED: 98.2 AF STK

FILE NO. 15,843
POKY FEEDERS, INC.
(APPLICANT)

FILE NO. 23,956
FAIRLEIGH CORP.
FILE NO. 9,488 & 40,072
KOHMAN

FILE NO. 26,662
SAVOLT
FILE NO. 11,270
SAVOLT
(WELL LOCATION AS DESCRIBED
BY WIMAS COORDINATES)

R33W | R32W

DRAWN	CSG	DATE
CHECKED	FCM	DATE
APPROVED	FCM	DATE

POKY FEEDERS, INC.

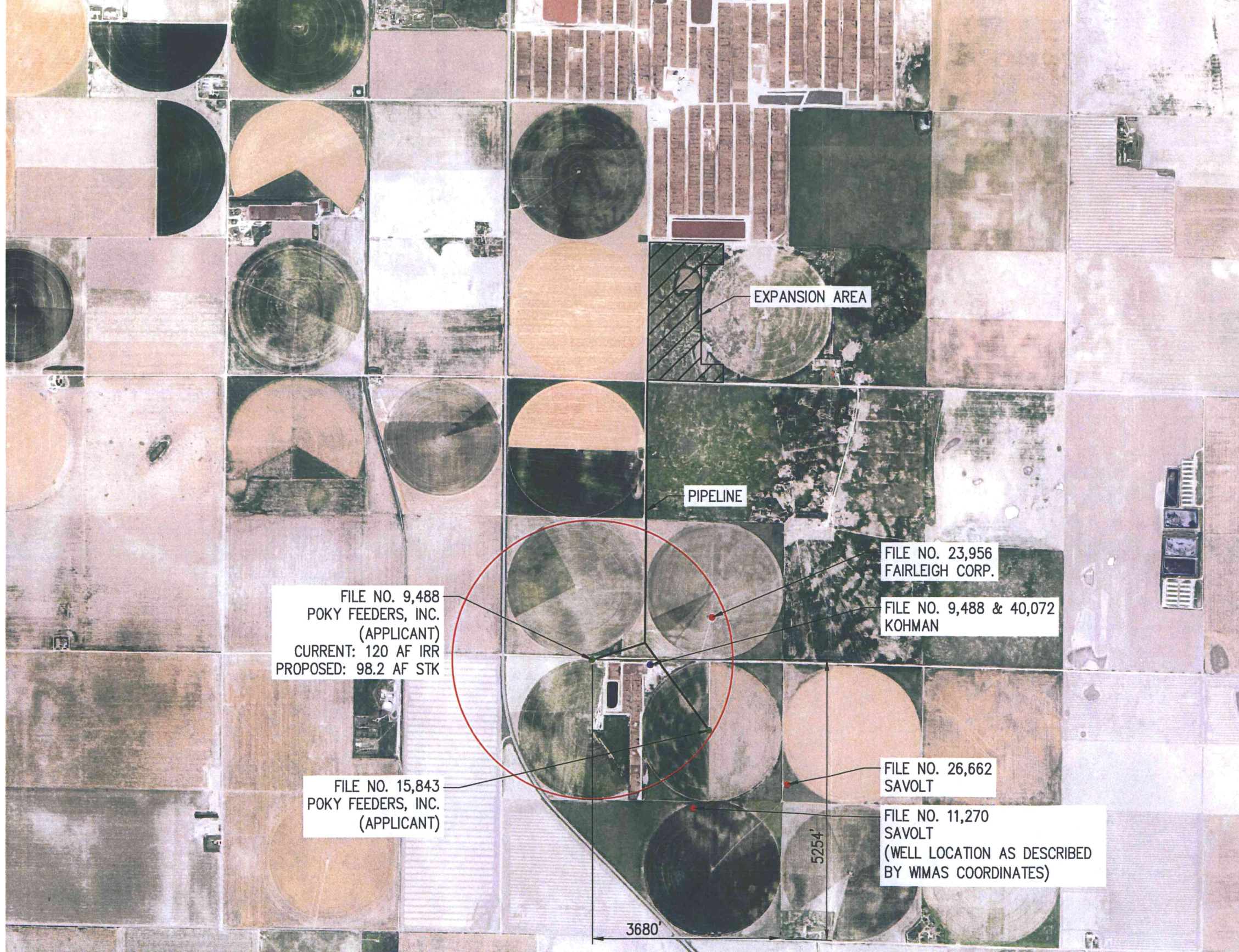
CHANGE APPLICATION - FILE NO. 9,488
SECTION 31 T20S R32W
SCOTT COUNTY, KANSAS

1700 E. IRON
SALINA, KANSAS 67401
(785) 823-0097
1303 YUCCA STREET
SCOTT CITY, KANSAS 67871
(620) 872-2300



CAD FILE NAME:

SCANNED



R33W | R32W

LEGEND

- POINT OF DIVERSION (IRR)
- POINT OF DIVERSION (STK)
- POINT OF DIVERSION – APPLICANT
- ½ MILE NOTIFICATION DISTANCE
- APPROXIMATE LOCATION OF PIPELINE

T20S

Water Resources
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JAN 22 2018
KS Dept Of Agriculture

Water Resources
Received
MAY 16 2018
KS Dept Of Agriculture



SCANNED

DRAWN	CSG	DATE
CHECKED	FCM	DATE
APPROVED	FCM	DATE

POKY FEEDERS, INC.

CHANGE APPLICATION – FILE NO. 9,488
SECTION 31 T20S R32W
SCOTT COUNTY, KANSAS

1700 E. IRON
SALINA, KANSAS 67401
(785) 823-0097
1303 YUCCA STREET
SCOTT CITY, KANSAS 67871
(620) 872-2300



CAD FILE NAME: