

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

1. File Number: 9488	2. Status Change Date: <i>6/28/2018</i>	3. Change Num: C3	4. Field Office: 04	5. GMD: 01
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: 22-JAN-2018
8a. Applicant(s) New to system <input type="checkbox"/> POKY FEEDERS INC JOE MORGAN 600 E ROAD 30 SCOTT CITY KS 67871-5043		Person ID <u>23270</u> Add Seq# <u>1</u>	8c. Landowner(s) New to system <input type="checkbox"/> ROGER E KOHMAN 3665 W FRIEND RD SCOTT CITY KS 67871	
8b. Landowner(s) New to system <input type="checkbox"/> POKY FEEDERS INC JOE MORGAN 600 E ROAD 30 SCOTT CITY KS 67871-5043		Person ID <u>23270</u> Add Seq# <u>1</u>	8d. WUC New to system <input type="checkbox"/> POKY FEEDERS INC (PDIV ID 33951) JOE MORGAN 600 E ROAD 30 SCOTT CITY KS 67871-5043	
			WUC New to system <input type="checkbox"/> ROGER E KOHMAN 3665 W FRIEND RD SCOTT CITY KS 67871 (PDIV IDS 5444; 84554; 84555) <u>NO CHANGES</u>	
9. Documents and Enclosure(s): <input checked="" type="checkbox"/> DWR Meter(s) Date to Comply: <u>12/31/18</u> <input type="checkbox"/> N & P Date to Comply: _____				
<input type="checkbox"/> Anti-Reverse Meter <input type="checkbox"/> Meter Seal <input 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>IRR AND STK</u> To: <u>STK (2 separate pu's)</u>				
Date Prepared: 06/26/18 By: RAK Date Entered: <i>7/2/2018</i> By: <i>UM</i>				

File No. **9488** 11. County: **SC** Basin: **ARKANSAS RIVER** Stream: Formation Code: **211** Special Use:

12. Points of Diversion										Rate and Quantity				
CHK										Authorized		Additional		
MOD										Rate	Quantity	Rate	Quantity	Overlap PD Files
DEL	PDIV	Qualifier	S	T	R	ID	'N	'W	Comment (AKA Line)	gpm/cfs	af/mgy	gpm/cfs	af/mgy	
ENT														

STK MOD 33951 **NW¼ NE¼ NW¼** **31** **20** **32W** **1** **5254** **3680** **288 gpm (0.64 cfs.) 32.00 mgy (98.20AF)** **288 gpm (0.64 cfs) 32.00 mgy (98.20AF)** **NO**

(ENT STK DEL IRR USE)

STK √ 5444 **NW¼ NW¼ NE¼** **31** **20** **32W** **7** **5094** **2313** **BATT 1 OF 2 WELLS** **40072**

STK √ 84554 **NW¼ NW¼ NE¼** **31** **20** **32W** **9** **5089** **2454** **GEO CTR - 32' N & 9' W OF PREV P/D** **13 gpm 6.517 m.g.y.** **13 gpm 6.517 m.g.y.** **40072**

STK √ 84555 **NW¼ NW¼ NE¼** **31** **20** **32W** **10** **5084** **2596** **BATT 1 OF 2 WELLS** **40072**

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

14. Limitation: _____ af/yr at _____ gpm (_____ cfs) when combined with file number(s) _____
 Limitation: _____ 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 CHK 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				
STK √ 30314	31	20	32W	4		FEEDLOT (W2 NE) & (E2 NW)																	8C	NO	9488 & 40072
STK ENT 53620	8	20	32W	1		(SW¼)																	8B	NO	8630; 9488; 12594; 13938; 15843; 24894; 26218; 36291; 36292; 36293; 37908; 40778; 44366; 49186; 20169104; 20169105
STK ENT 60746	17	20	32W	2		(SW¼)																	↓	↓	↓
STK ENT 23565	18	20	32W	5		(S½)																	↓	↓	↓
STK ENT 54924	19	20	32W	4		(NE¼) & (W¼SE¼)																	↓	↓	↓
IRR DEL 5562	31	20	32W	1	35	35	35	35	17	23.5	23.5	20								224.00	8B	NO	15843		

Base Acres: Year: Minimum Reasonable Quantity:

Comments:

Kansas Department of Agriculture
 Division of Water Resources
WAIVER REQUEST & WAIVER RULE WORKSHEET

File Number: 9488

FO: 4

GMD: 1

WAIVER REQUEST:

UMW	Date Requested	Rule ID	Applies	Rule Type	Rule Subtype
STK	01/22/18	158	GMD1	Change Approval	Change Use Made of Water from Irrigation to Other
Rule Number	Date Granted	Date Denied	Justification:	GMD No. 1 recommends a waiver of K.A.R. 5-21-7 and approval of the application.	
K.A.R. 5-21-7	6/28/2018				

WAIVER RULE:

Rule ID	Applicability	Type	Subtype	Rule Number	Date Active	Date Inactive

Date Prepared 06/26/18 By RAK

Date Entered 7/2/2018 By LLM



KANSAS DEPARTMENT OF AGRICULTURE
Jackie McClaskey, Secretary of Agriculture

DIVISION OF WATER RESOURCES
David W. Barfield, Chief Engineer


WAIVER OF REGULATION
K.A.R. 5-21-7
Change in the use made of water
from irrigation use to any other type of use

Date: 6/28/18

Re: Water Right, File No. 9,488

1. That K.A.R. 5-21-7 states in part: "A change in the use made of water from irrigation use to any type of beneficial use shall not be approved if any of the following conditions is met: (a) The application for change does not meet the requirements of K.A.R. 5-5-9. (b) The rate of diversion applied for exceeds the rate of diversion as determined by a test of the normal operating rate of diversion conducted within 1,095 days before the date the application for change was filed. (c) The maximum annual quantity of water applied for is in excess of any of the following: (1) The maximum annual quantity of water determined for a vested right; (2) the maximum annual quantity of water certified; or (3) the average annual quantity of water actually used in the preceding 10 calendar years, excluding those years in which the water right was enrolled in the water right conservation program, the conservation reserve program, or any other multiyear water conservation program approved by the chief engineer."
2. That in the application for approval to change the place of use and use made of water, Water Right, File No. 9,488, received in the office of the Chief Engineer on January 22, 2018, the water right owner requests a waiver of K.A.R. 5-21-7 and the application of K.A.R. 5-5-9 because Western Kansas Groundwater Management District No. 1 will be revoking the referenced regulation in the near future in favor of K.A.R. 5-5-9.
3. That in a letter dated June 18, 2018, Western Kansas Groundwater Management District No. 1 Board of Directors recommended a waiver of K.A.R. 5-21-7.
4. That the application to change the place of use and use made of water pursuant to Water Right, File No. 9,488 should be approved with a waiver of K.A.R. 5-21-7.
5. That a waiver of K.A.R. 5-21-7 will neither prejudicially nor unreasonably affect the public interest and will not impair an existing water right.

Comments:


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

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:

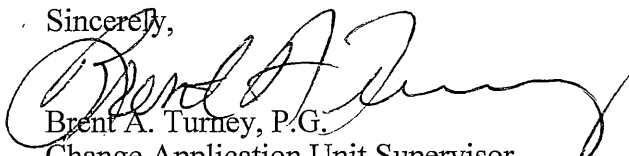
Enclosed are the orders executed by the Chief Engineer, Division of Water Resources, Kansas Department of Agriculture, approving the applications for change under the above referenced file numbers.

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 AND
USE MADE OF WATER AND ORDER REDUCING
THE AUTHORIZED QUANTITY
WATER RIGHT
FILE NO. 9,488**

FILE COPY

The Chief Engineer, Division of Water Resources, Kansas Department of Agriculture, after due consideration of the written application of Kirk P. Dechant, CFO, on behalf of Poky Feeders Incorporated, 600 East Road 30, Scott City, Kansas, 67871, and Roger E. and Darlene Kohman, 3665 West Friend Road, Scott City, Kansas, 67871, received in this office on January 22, 2018, for approval of a change in the location of the place of use and the use made of water under the certificate of appropriation issued pursuant to the application for permit to appropriate water for beneficial use, as modified and amended by the Findings and Order of the Chief Engineer dated February 22, 1990, reducing the authorized place of use and authorized quantity, the Findings and Order of the Chief Engineer dated January 7, 1991, reducing the authorized place of use, the Order of the Chief Engineer dated July 21, 2014, approving the application to change the place of use, point of diversion and use made of water, and by the Order of the Chief Engineer dated July 31, 2015, 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 application, therefore, is approved subject to the condition that the water right is reduced to a quantity not to exceed 38.517 million gallons (118.20 acre-feet) per calendar year in accordance with the Application to Change the Place of Use and Use Made of Water, File No. 9,488 received on January 22, 2018.

The effective date of the change shall be the date this order is executed by the Chief Engineer, after which that portion presently authorized for stockwatering use shall remain authorized from: one(1) battery of two(2) wells with a geographic center located in the Northwest Quarter of the Northwest Quarter of the Northeast Quarter (NW $\frac{1}{4}$ NW $\frac{1}{4}$ NE $\frac{1}{4}$) of Section 31, more particularly described as being near a point 5,089 feet North and 2,454 feet West of the Southeast corner of said section, at a diversion rate not in excess of 13 gallons per minute (0.03 c.f.s.) and a maximum quantity not to exceed 6.517 million gallons (20 acre-feet) of water per calendar year, in Township 20 South, Range 32 West, Scott County, Kansas, for stockwatering use at the following location:

the West Half of the Northeast Quarter (W $\frac{1}{2}$ NE $\frac{1}{4}$) and in the East Half of the Northwest Quarter (E $\frac{1}{2}$ NW $\frac{1}{4}$) of Section 31, 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 and use made of water.

The portion changed from irrigation use to stockwatering use shall be authorized from: one(1) well located in the Northwest Quarter of the Northeast Quarter of the Northwest Quarter (NW $\frac{1}{4}$ NE $\frac{1}{4}$ NW $\frac{1}{4}$) of Section 31, more particularly described as being near a point 5,254 feet North and 3,680 feet West of the Southeast corner of said section, at a diversion rate not in excess of 288 gallons per minute (0.64 c.f.s.) and a maximum quantity not to exceed 32.00 million gallons (98.20 acre-feet) of water per calendar year, in Township 20 South, Range 32 West, Scott County, Kansas, for stockwatering use at the following location:

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 and use made of water.

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

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

In all other respects, the Certificate of Appropriation issued pursuant to Approval of Application, File No. 9,488, for permit to appropriate water for beneficial use, is as stated and set forth in the Certificate of Appropriation dated March 8, 1971, 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.

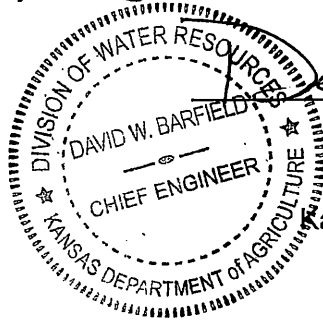
To obtain an evidentiary hearing before the Chief Engineer, a written request for hearing must be filed within 15 days after service of this Order as provided in K.S.A. 77-531 (i.e., within a total of 18 days after this Order was mailed to you), with the Kansas Department of Agriculture, Attn: Legal 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 28th 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 28th 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 ^{3rd} day of *July*, 2018, I hereby certify that the foregoing Approval of Application for Change in Place of Use and Use Made of Water, File No. 9,488, dated *June 28th, 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

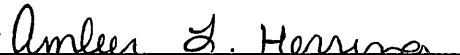
With a true and correct copy to:

ROGER E AND DARLENE KOHMAN
3665 W FRIEND RD
SCOTT CITY KS 67871

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

Water Resources
Received

JAN 22 2019

12:45

KS Dept Of Agriculture

File No. 9,488

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): Change use made of water from irrigation to stockwatering to provide additional supply for expanded cattle feeding facility. Change place of use from current irrigated field location to entire cattle feeding facility. The stockwatering supply system is interconnected so water diverted from this well may be used in any part of the facility.

The change(s) ~~was~~ (will be) completed by _____ upon approval. (Date)

For Office Use Only:					
F.O. <u>4</u>	GMD <u>1</u>	Meets K.A.R. 5-5-1 <input checked="" type="checkbox"/> YES / NO	Use <u>STK/IRR</u>	Source <input checked="" type="checkbox"/> S	County <u>SC</u>
Code <u>C-2</u>	Fee \$ <u>500</u>	TR # _____	Receipt Date <u>1/22/18</u>	By <u>AW</u>	Date <u>1/22/18</u>
				Check # <u>182683</u>	

182683

6 21/18
TR 12

SCANNED

Assisted by: _____

2/5/2018 UN

* CURRENT
IRRIGATION PU

File No. 9,488

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	
31	20S	32W	35.0	35.0	35.0	35.0	17.0	23.5	23.5	20.0									224.0

List any other water rights that cover this place of use. File No. 15,843

* CURRENT
Owner of Land — NAME: Roger E & Darlene Kohman

STOCK WATERING PU ADDRESS: 3665 W Friend Rd 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		
*31	20S	32W					(W½ NE¼) & (E½ NW¼)													

List any other water rights that cover this place of use. 40072

(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								X	X	X	X						Feedlot
17	20S	32W								X	X	X	X						Feedlot
18	20S	32W								X	X	X	X	X	X	X	X	X	Feedlot

List any other water rights that cover this place of use. See attachment for list of other water rights.

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	
19	20S	32W	X	X	X	X										X	X		Feedlot

List any other water rights that cover this place of use. See attachment for list of other water rights.

IF MORE SPACE IS NEEDED, ATTACH ADDITIONAL SHEETS AS NECESSARY

* per WRIS
* RAC/own 5/7/18
* 7/21/14 Change PU POUAW Change Approval

** per WRIS
** RAC/own
5/22/18
SCANNED

4. The presently authorized place of use is:

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. _____

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: **NO CHANGE TO THIS STOCKWATERING PLACE OF USE**

* Owner of Land — NAME: Roger E. and Darlene Kohman

ADDRESS: 3665 W, Friend Road, 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				
31	20S	32W	(W½ NE¼) & (E½ NW¼) (no change)																			

List any other water rights that cover this place of use. 40072

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 MORE SPACE IS NEEDED, ATTACH ADDITIONAL SHEETS AS NECESSARY

* per WLIS + 7/21/14 change pupel vsmw approval
* RAILLOWN 5/7/16

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

POKY FEEDERS, INC.

Continuation of No. 5, Page 2

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

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

The following water rights currently supply stockwater to this place of use:

- File Nos. 8,630, 12,594, 13,938, 24,894, 26,218, 36,291, 36,292 and 37,908 (Ogallala wells)
- File Nos. 36,293, ^{*40778}40,788 and 44,366 (Dakota wells)
- File No. 49,186 (Approval of Application and Permit to Proceed dated July 5, 2017 for additional well associated with File No. 36,293)

* Per WHIS
* well down 5/17/18

Water Resources
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JAN 22 2018

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* (IRR USE)

6. The presently authorized point(s) of diversion (is) (are) one well, pump and appurtenances. + 1 Battery 2 wells (STK USE)
(Provide description and number of points)
7. The proposed point(s) of diversion (is) (are) one well, pump and appurtenances.
(Provide description and number of points)

List all presently authorized point(s) of diversion:

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

One in the NW Quarter of the NE Quarter of the NW Quarter of Section 31, Township 20 South, Range 32 West (E/W), in Scott County, Kansas, 5254 feet North 3680 feet West of Southeast corner of section.
 Authorized Rate 288 gpm Authorized Quantity 120 acre-feet
 (DWR use only: Computer ID No. _____ GPS _____ feet North _____ feet West)
 This point will not be changed This point will be changed as follows:
Proposed point of diversion: (Complete only if change is requested) STK WELL

One in the NW Quarter of the NE Quarter of the NW Quarter of Section 31, Township 20 South, Range 32 West (E/W), in Scott County, Kansas, 5254 feet North 3680 feet West of Southeast corner of section.
 Proposed Rate 288 gpm Proposed Quantity 98.2 acre-feet
 This point is: Additional Well Geo Center List other water rights that will use this point _____

* 9. **Presently authorized point of diversion:** Geocenter Battery of 2 WELLS STOCKWATERING USE

One in the NW Quarter of the NW Quarter of the NE Quarter of Section 31, Township 20 South, Range 32 (E/W), in Scott County, Kansas, 5089 feet North 2454 feet West of Southeast corner of section.
 Authorized Rate 13 gpm Authorized Quantity 6.517 MG (20 AF) No Change
 (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.
 Not applicable.

Water Resources
 Received

IF MORE SPACE IS NEEDED, ATTACH ADDITIONAL SHEETS AS NECESSARY

* Modified per WLFIS +
 7/2/11 + Change RUPD UMW Approval
 * RSK/OWL 5/7/18

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JAN 22 2010

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

It is proposed that the use be changed to stockwatering purposes.

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

It is proposed that the authorized quantity be reduced to the consumptive use quantity in accordance with the provisions of K.A.R. 5-5-9 and the associated map entitled "Consumptive Use Percentages in Kansas, by County," dated August 3, 2017. Please see the attached calculations for determination of the consumptive use quantity.

(Please show any calculations here.)

14. It is requested that the maximum annual quantity of water be reduced to 98.2 acre-feet (acre-feet or million gallons). ^{+ * 6.517 MG (20AF) Kohmans Stockwatering}

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 ½ 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 ½ 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) ½ mile downstream and ½ 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.

Please refer to the attached maps, calculations, and associated supporting documentation.

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.

A waiver of K.A.R. 5-21-7 is requested so that the provisions of K.A.R. 5-5-9 may be used to determine the

consumptive use quantity. It is our understanding that GMD 1 has requested revocation of K.A.R. 5-21-7 and intends

to adopt K.A.R. 5-5-9. A copy of the GMD 1 letter is attached. This is the justification for this waiver request.

IF MORE SPACE IS NEEDED, ATTACH ADDITIONAL SHEETS AS NECESSARY

* per WLFIS + 7/21/14 pupd umw Change Approval
* Rucklown 5/7/15

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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.

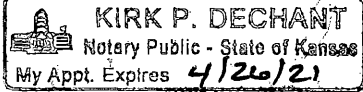
If the request is signed on behalf of any Owner by someone with legal authority to do so (for example, an agent, one who has power of attorney, or an executor, executrix, conservator), it will be necessary to attach proper documents showing such authority.

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.

<u>Roger E. Kohman</u> (Owner)	<u>Darlene Kohman</u> (Spouse)
<u>Roger E. Kohman</u> (Please Print)	<u>Darlene Kohman</u> (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

Kirk P. Dechant
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.

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MAY 16 2018

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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 19th day of January, 2018.

[Signature]

(Owner)

(Spouse)

Kirk P. Dechant, CFO

(Please Print)

(Please Print)

(Owner)

(Spouse)

(Please Print)

(Please Print)

(Owner)

(Spouse)

(Please Print)

(Please Print)

NOTARY PUBLIC-State of Kansas
Susan A. Kite
My Appt. Exp 12/2/2018



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 19th day of January, 2018.

Susan A. Kite

Notary Public

My Commission Expires 12/2/2018.

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.**

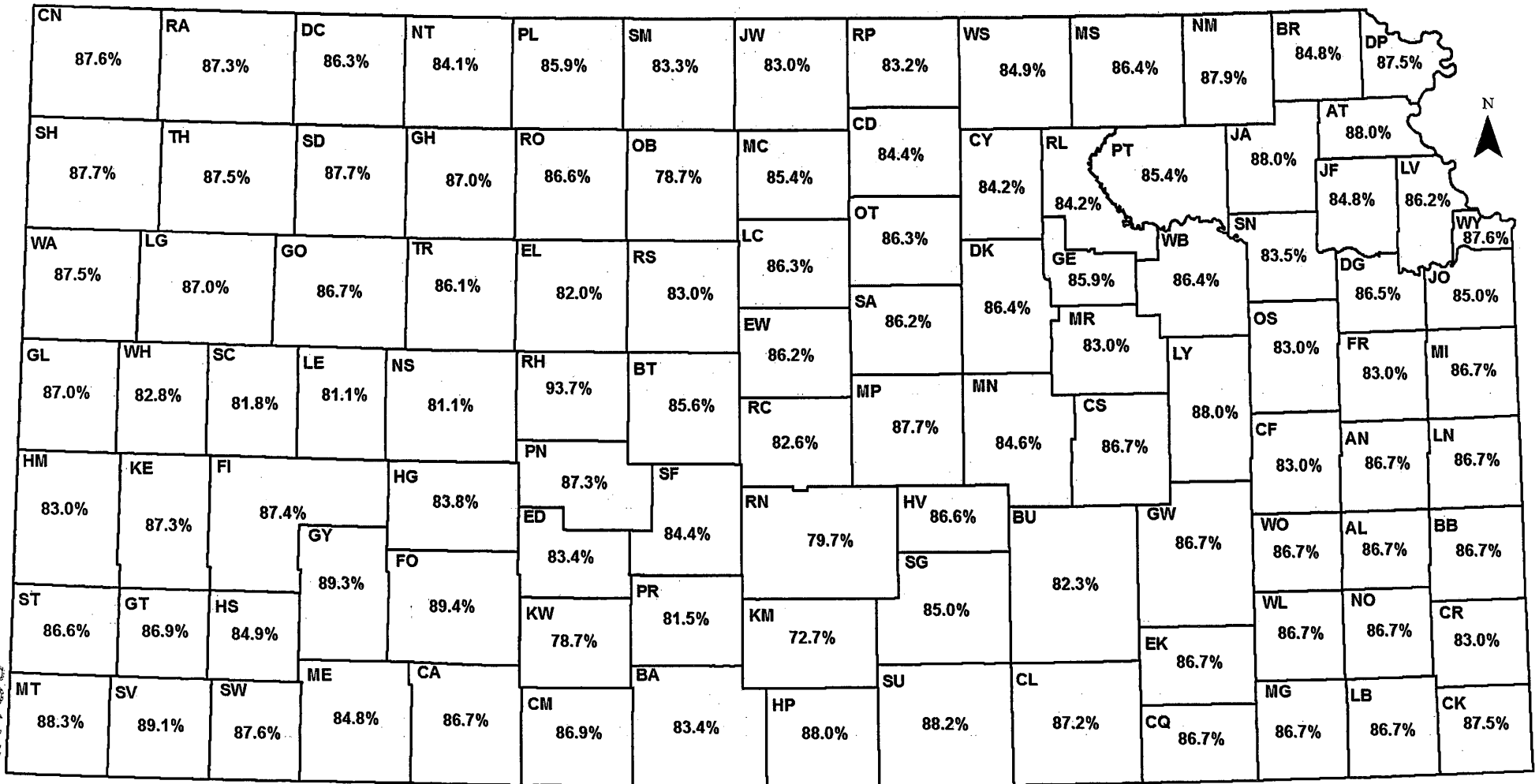
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JAN 22 2019

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Consumptive Use Percentages in Kansas, by County

based on area-weighted average irrigation return flow



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Example: A 150 acre-foot irrigation water right is purchased in Gove (GO) County for use in a dairy operation.

Applying the consumptive use factor from the map (86.7%), the amount of water that the dairy could convert to stockwater use with this water right is:

$$150 \times 86.7\% = 150 \times 0.867 = 130 \text{ acre-feet}$$



KLA ENVIRONMENTAL SERVICES, INC.PROJECT: **POKY FEEDERS, INC.**

LOCATION: SECTIONS 8, 17,18 & 19 T20S R32W, SCOTT COUNTY, KANSAS

BY: FCM
DATE: 1/11/2018CHECKED BY: CSG
DATE: 1/17/2018**JUSTIFICATION OF QUANTITY REQUESTED FOR STOCKWATERING USE
PERTAINING TO CHANGE APPLICATIONS FOR FILE NOS. 9,488 AND 15,843**

Change applications pertaining to File Nos. 9,488 and 15,843 propose to change the use made of water from irrigation to stockwatering. These applications also propose to change the place of use from the current irrigated fields to the confined livestock feeding facility owned by Poky Feeders, Inc. The purpose of these change applications is to provide additional stockwatering supply to support the recently completed expansion of the cattle feeding facility. Justification for the requested stockwatering quantities is presented herein.

LIVESTOCK TYPE ¹	CURRENT CAPACITY ¹ (HEAD)	MAXIMUM REASONABLE USE (GAL/HD/DAY) ²	CONFINEMENT PERIOD (DAYS/YEAR)	ANNUAL USE ³	
				(GALLONS)	(ACRE-FEET)
BEEF CATTLE	83,000	15	365	454,425,000	1,394.58
SWINE:					
NURSERY PIGS	6,500	1.5	365	3,558,750	10.92
SOWS & LITTERS	4,615	9	365	15,160,275	46.53
TOTALS:				473,144,025	1,452.03

¹ Information obtained from current KDHE permit.

² Use rates based on K.A.R. 5-3-22. Units are gallons/head/day.

Nursery pigs: (1 gal/hd/day drinking) + (0.5 gal/hd/day cbc)

Sows & litters: (8 gal/hd/day drinking) + (1 gal/hd/day cbc)

Quantities for confined building capacity (cbc) are based on shallow pit/pull-plug waste management systems.

³ Annual Use = (Current Capacity) x (Maximum Reasonable Use) x (Confinement Period)
325,851 gallons = 1.0 acre-foot (AF)

Water Resources
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CURRENT WATER SUPPLY:

Total quantity associated with 11 water rights subject to an overall limitation:	813.37 AF
Quantity associated with File No. 49,186, which is currently in perfection period:	<u>200.00 AF</u>
	1,013.37 AF

Quantity associated with Project Term Permit File No. 20169104:	428.00 AF
Quantity associated with Project Term Permit File No. 20169105:	<u>450.00 AF</u>
	878.00 AF

→ Maximum currently authorized stockwatering quantity =	1,013.37 AF
Stockwatering quantity requested for File No. 9,488 =	98.20 AF
Stockwatering quantity requested for File No. 15,843 =	<u>216.00 AF</u>
Total stockwatering quantity =	1,327.57 AF

→ Existing stockwatering quantity plus requested quantities are less than the maximum reasonable use quantity. The quantities proposed in the change applications are reasonable and do not require additional limitations.

Water Resources
Received

JAN 22 2018

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Kansas Department of Health & Environment



Division of Environment
Bureau of Water

Topeka, Kansas 66612-1367
Telephone: (785) 296-6432

Kansas Permit No.: **A-UASC-C017**
Federal Permit No.: **KS0086576**

**KANSAS WATER POLLUTION CONTROL PERMIT FOR AGRICULTURAL AND RELATED WASTES
AND AUTHORIZATION TO DISCHARGE UNDER THE
NATIONAL POLLUTANT DISCHARGE ELIMINATION SYSTEM**

Pursuant to provisions of Kansas Statutes Annotated 65-164 and 65-165 et seq., and the Federal Water Pollution Control Act as amended, (33 U.S.C. 1251 et seq.; the "Act"),

Permittee:	Joe Morgan	Water Resources Received
Permittee's Address:	600 East Road 30 Scott City, Kansas 67871	JAN 22 2010
Facility Name:	Poky Feeders, Inc.	KS Dept Of Agriculture
Facility Location:	SW ¼ of Section 17, S ½ of Section 18, E ½ of Section 19, and SW ¼ of Section 8, Township 20 South, Range 32 West Scott County, Kansas	
River Basin:	Upper Arkansas River Basin	

is authorized to operate, as a pollutant discharge elimination system, water pollution control facilities to collect, retain, and dispose of precipitation induced runoff and/or dry weather wastewater accumulations containing livestock and related agricultural wastes in accordance with requirements as set forth herein.

This permit is effective October 30, 2017, supersedes the previously issued water pollution control permit A-UASC-C017, and expires October 29, 2022.

Facility Summary

This is an existing facility for 76,000 head (76,000 animal units) of beef cattle weighing more than 700 pounds, 6,500 head (650 animal units) of swine weighing 55 pounds or less, and 4,615 head (1,846 animal units) of swine weighing more than 55 pounds, for a total of 78,496 animal units. The facility has a total of approximately 630 acres of drainage area. The facility is proposing to add 7,000 head (7,000 animal units) of cattle weighing greater than 700 pounds, an additional wastewater retention structure, and the addition of 51.8 acres open lot pens, resulting in 83,000 head (83,000 animal units) of beef cattle weighing more than 700 pounds with no increase in swine animal units for a total of 85,496 animal units and a total drainage area of approximately 682 acres.

Secretary, Kansas Department of Health and Environment

October 30, 2017
Date

SCANNED



WESTERN KANSAS GROUNDWATER MANAGEMENT DISTRICT NO.1

September 14, 2017

David E. Barfield, Chief Engineer
KS Dept of Agriculture
1320 Research Park Drive
Manhattan, KS 66502

RE: K.A.R. 5-21-7

Dear Sir:

At the September 14th, 2017 Western Ks Groundwater Management District No 1 Board of Directors meeting, the Board voted unanimously to revoke District Regulation K.A.R. 5-21-7 as of this date.

Sincerely,

Kyle Spencer
District Manager

ks/vr

KLA ENVIRONMENTAL SERVICES, INC.

PROJECT: **POKY FEEDERS, INC.**

LOCATION: SECTION 31 T20S R32W, SCOTT COUNTY, KANSAS

BY: FCM
 DATE: 12/12/2017

CHECKED BY: _____
 DATE: _____

WELL LOCATIONS WITHIN 1/2 MILE OF APPLICANT WELL
 FILE NO. 9,488

WATER RIGHT FILE NO.	LOCATION OF POINT OF DIVERSION			USE	OWNER	MAILING ADDRESS
	SEC-TWP-RGE	DISTANCE FROM SE CORNER OF SECTION				
		NORTH	WEST			
9,488 & 40,072	31-20S-32W	5,089 FT	2,454 FT	STK	ROGER E. & DARLENE KOHMAN	3665 W FRIEND ROAD SCOTT CITY, KS 67871
9,488	31-20S-32W	5,254 FT	3,680 FT	IRR	POKY FEEDERS, INC.	600 E ROAD 30 SCOTT CITY, KS 67871
15,843	31-20S-32W	3,960 FT	1,370 FT	IRR	POKY FEEDERS, INC.	600 E ROAD 30 SCOTT CITY, KS 67871
23,956	30-20S-32W	825 FT	1,355 FT	IRR	FAIRLEIGH CORPORATION	PO BOX 560 SCOTT CITY, KS 67871

NOTE: APPLICANT'S WELL IS HIGHLIGHTED IN YELLOW

SCANNED

EASEMENTS

KNOW ALL MEN BY THESE PRESENTS, that, Fairleigh Corporation, a Kansas Corporation, herein referred to as Grantor, in consideration of One Dollar and other good and valuable consideration, receipt of which is hereby acknowledged, does hereby grant to Poky Feeders, Inc. a Kansas Corporation, herein referred to as Grantee, a perpetual easement and ingress and egress over, under and through the following described real estate, in Scott County, Kansas:

A strip of land forty foot wide along the route of the two (2) water lines in the South Half (S/2) of Section Thirty (30), Township Twenty (20) South Range Thirty-Two (32) West of the 6th P.M., in the general area of the route lines shown on Exhibit "A" attached hereto and made a part hereof

for the sole purpose of construction, maintenance, repairing and operating two (2) underground waterlines, not to exceed eight inches (8") in diameter, as follows:

One line for the transportation of fresh water from irrigation wells owned by Grantee, in the North Half (N/2) of Section Thirty-One (31), Township Twenty (20) South, Range Thirty-Two (32) West of the 6th P.M., and

One line for the transportation of effluent from the commercial feedlot owned by Grantee in Section Eighteen (18), Township Twenty (20) South, Range Thirty-Two (32) West of the 6th P.M. to the North Half (N/2) of Section Thirty-One (31), Township Twenty (20) South, Range Thirty-Two (32) West of the 6th P.M., and

THIS EASEMENT IS SUBJECT TO THE FOLLOWING TERMS AND CONDITIONS:

This Easement prohibits and does not grant any right to Grantee or its successors or assigns to construct or install any above ground or surface appurtenances, structures, facilities, taps, valves or otherwise.

1. There are no more than two (2) waterlines authorized by this easement.
2. No waterline shall exceed eight inches (8") in diameter
3. Both waterlines shall be buried to a depth of at least forty-eight inches (48").
4. All waterlines shall be constructed and installed subject to all applicable rules and regulations of the appropriate governmental authorities including but not limited to Kansas Ground Water Management and Grantee shall indemnify and hold harmless the Grantor from any and all damages or penalties assessed by reason of said waterlines.
5. All waterlines shall comply with all local, state, and federal environmental laws. Grantee shall indemnify and hold harmless the Grantor from any and all

Water Resources
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environmental damages caused by the pipeline or its operation. Grantee shall pay the costs of all environmental remediation.

6. Damage to the surface occasioned by the installation, maintenance, repairs or in removing said waterlines, shall be paid by Grantee to Grantor within 60 days after the damage is done. Said damages, if not mutually agreed upon, to be ascertained and determined by three disinterested persons, one to be appointed by the Grantor, one to be appointed by the Grantee; and the third to be chosen by the two so appointed. The written award of such three persons shall be final and conclusive.
7. Should any alterations of the land surface contours be caused by the waterlines or their operation, Grantee, or its assigns, shall restore all surface contours to their former condition as nearly as is practical.
8. Grantee shall at the time of any excavation, drilling or grading is made, cause the top soil be placed separately from the subsoil and replaced into its original position relative to the subsoil, so that the ground will be restored to its original condition as nearly as possible upon completion.
9. Any waterline ditch for installation or for maintenance and repairs across the premises shall be backfilled, and so leveled so as to restore the surface to its original condition and topography.
10. Grantee shall indemnify, and hold harmless, Grantor, its successors and assigns from and against any damage or loss to Grantor's property or livestock or injury, liability, loss or damage to any person, company entity or property resulting from, arising out of or caused by the construction, operation, maintenance, or presence of said waterlines within the easement.
11. Grantee or its assigns further agree to pay for any and all litigation expenses incurred by Grantor in the enforcement of the easement conditions and terms.
12. Grantee shall not have the right to assign this easement to any party without the prior written consent of Grantor or its assigns.
13. Grantee shall properly maintain the waterlines and repair and correct all damages, sinkholes, changes in land surface contours, leaks or hazards within 30 days of discovery.
14. Grantee is required to acquire and pay the cost of an "as built survey of the waterline locations and construction within six (6) months of the signing of this agreement. The parties are agreeing to delay completion of the survey to facilitate the immediate installation of the waterlines. Grantee shall provide Grantor a copy of said survey and upon approval Grantee shall at their cost file said survey with the Scott County Register of Deeds with reference to the already filed Easement Agreement.

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15. THIS EASEMENT constitutes the entire agreement between the parties and there are no representations, warranties, conditions or agreements, other than those expressly set forth. The terms of this Easement shall supersede and replace the terms and conditions of any previous agreements entered into between the parties. The terms of this Easement shall extend to and become binding upon the heirs, executors, administrators and assigns of the respective parties hereto.

IN WITNESS WHEREOF this Easement is executed this 22nd day of September, 2017.

Fairleigh Corporation

By [Signature]
John D. Fairleigh, President

Poky Feeders Inc.

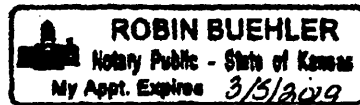
By [Signature]
Joe Morgan

STATE OF KANSAS)
) ss
COUNTY OF SCOTT)

BE IT REMEMBERED, That on this 22nd day of September, 2017, before me, the undersigned, a Notary Public in and for the County and State aforesaid, came John D. Fairleigh, President of Fairleigh Corporation, existing under and by virtue of the laws of Kansas, who is personally known to me to be such President, and who is personally known to me to be the same person who executed the within instrument of writing and such person duly acknowledged the execution of the same.

IN TESTIMONY WHEREOF, I have hereunto subscribed my name and affixed my seal, the day and year last above written.

SEAL



[Signature]
Notary Public:
Commission expires: 03/05/2019

Water Resources
Received

JAN 22 2018

SCANNED

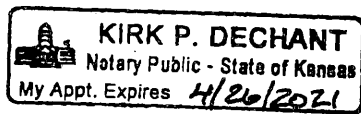
KS Dept Of Agriculture

STATE OF KANSAS)
) ss
COUNTY OF SCOTT)

BE IT REMEMBERED, That on this 26 day of September, 2017, before me, the undersigned, a Notary Public in and for the County and State aforesaid, came Joe Morgan, of Poky Feeders Inc., existing under and by virtue of the laws of Kansas, who is personally known to me to be such President, and who is personally known to me to be the same person who executed the within instrument of writing and such person duly acknowledged the execution of the same.

IN TESTIMONY WHEREOF, I have hereunto subscribed my name and affixed my seal, the day and year last above written.

SEAL



Kirk P. Dechant
Notary Public:
Commission expires: 4 / 26 / 2021

Water Resources
Received

JAN 22 2019

KS Dept Of Agriculture

SCANNED

1700 E. IRON AVE. ■ SALINA, KS 67401
T 785.823.0097 F 913.273.1493



1303 YUCCA ST. ■ SCOTT CITY, KS 67871
WWW.KLAENVIRO.COM

January 19, 2018

David Barfield, P.E.
Chief Engineer
Division of Water Resources
Kansas Department of Agriculture
1320 Research Park
Manhattan, KS 66502

Subject: Change Applications Pertaining to File Nos. 9,488 IRR and 15,843
Poky Feeders, Inc., Scott County

Dear Mr. Barfield:

The subject applications and supporting documentation are submitted for your review and approval on behalf of the applicant, Poky Feeders, Inc. KLA Environmental Services, Inc. assisted with the preparation of these applications.

Poky Feeders, Inc. is in the process of completing an expansion of their cattle feeding facility. The project is scheduled for completion in March or April of 2018. The subject applications propose to change the use made of water from irrigation to stockwatering. This will provide an additional source of supply for the facility. We also propose to change the place of use from the irrigated acreage to a place of use covering the entire cattle feeding facility.

No change in well locations or spacing is proposed. The wells are being reconfigured to be compatible with the pressurized water supply system. A pipeline has been installed that will convey water from these two wells into the water supply system serving the cattle feeding facility. The approximate location of this pipeline is shown on the enclosed maps.

Water Resources
Received

JAN 22 2018

KS Dept Of Agriculture
SCANNED

The proposed place of use resulting from these change applications is a beef cattle feeding facility (feedlot) located in:

- SW ¼ Section 8 T20S R32W
- SW ¼ Section 17 T20S R32W
- S ½ Section 18 T20S R32W
- NE ¼ & W ½ SE ¼ T20S R32W, all in Scott County.

Please note that there has been a small discrepancy in the place of use associated with other stockwatering rights serving this facility. These water rights describe the place of use in Section 8 as the S ½ SW ¼. The existing facility is primarily located in the W ½ SW ¼. We request that this description be simplified to the SW ¼ of Section 8.

Calculations which determine the reasonable quantity for stockwatering use for this facility are enclosed. The maximum reasonable quantity of annual use is 1,452.03 acre-feet. The summation of the quantities of existing stockwatering rights, those pending perfection, and the proposed additional quantities resulting from these change applications totals 1,327.57 acre-feet. Please note that this evaluation considers the overall limitation that applies to nearly all of the stockwatering rights and the two active project term permits. Since the total quantity that would be available for stockwatering use is less than the maximum reasonable quantity, we request that no additional quantity limitations be placed on File Nos. 9,488 IRR and 15,843.

The change applications propose that the current authorized quantities be reduced to the consumptive use quantities in accordance with the provisions of K.A.R. 5-5-9 and the associated map entitled "Consumptive Use Percentages in Kansas, by County," dated August 3, 2017. It is our understanding that Western Kansas Groundwater Management District No. 1 (GMD 1) has requested revocation of K.A.R. 5-21-7, which addresses change in use of water from irrigation to any other use. A copy of the request letter is enclosed. We also understand that GMD 1 will essentially adopt the procedures contained in K.A.R. 5-5-9 for such changes in use. Since the revocation process has not yet been completed, we request a waiver of K.A.R. 5-21-7 as it pertains to these two change applications and that K.A.R. 5-5-9 be applied for purposes of determining consumptive use.

We searched the WIMAS and WWC5 databases operated by the Kansas Geological Survey to locate other wells within ½ mile of the wells that are the subject of these change applications. We identified four such wells, none of which are domestic wells. The well locations are shown on the enclosed maps and mailing addresses are also enclosed.

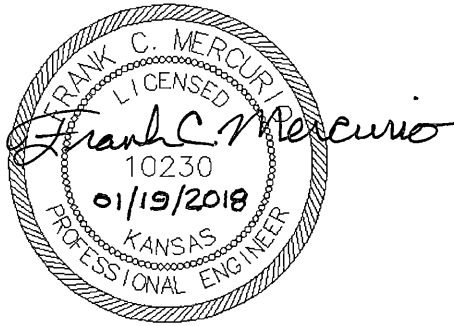
Water Resources
Received

JAN 22 2018

KS Dept Of Agriculture

Please contact me if you have any questions concerning these applications. Thank you for your consideration of this matter.

Respectfully,



Frank C. Mercurio, P.E.

Enclosures

cc/enc: Grant Morgan, Poky Feeders, Inc.

Water Resources
Received
JAN 22 2018
KS Dept Of Agriculture

Krueger, Richelle

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



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 18th, 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,

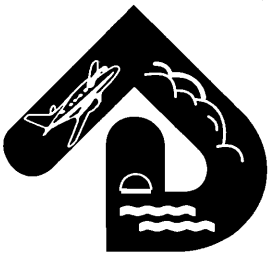
A handwritten signature in black ink, appearing to read "Richelle A. Krueger".

Richelle A. Krueger
Environmental Scientist
Water Appropriation Program

Enclosures

pc: Garden City Field Office

SCANNED



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 14th, 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

FILE COPY

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

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

Handwritten note at bottom right corner.

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

ALBERT JR AND LINDA L SAVOLT May 23, 2018
2810 N BROADMOOR PL
GARDEN CITY KS 67846

FILE COPY

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

Dear Sir or Madam:

This is to advise you that Poky Feeders, Inc. has filed applications for approval of the Chief Engineer, Division of Water Resources, Kansas Department of Agriculture, to change the authorized place of use and use made of water for the above referenced file numbers. Based upon K.S.A. 82a-1906, you are being notified of the above referenced applications for change. You can find the applications posted by water right file number as referenced above at www.agriculture.ks.gov/divisions-programs/dwr/water-appropriation/notices

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

RAK

pc: Garden City Field Office
Groundwater Management District No. 1
Poky Feeders, Inc.

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

FAIRLEIGH CORPORATION
7400 S FALCON RD
PO BOX 560
SCOTT CITY KS 67871

May 23, 2018

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

Dear Sir or Madam:

This is to advise you that Poky Feeders, Inc. has filed applications for approval of the Chief Engineer, Division of Water Resources, Kansas Department of Agriculture, to change the authorized place of use and use made of water for the above referenced file numbers. Based upon K.S.A. 82a-1906, you are being notified of the above referenced applications for change. You can find the applications posted by water right file number as referenced above at www.agriculture.ks.gov/divisions-programs/dwr/water-appropriation/notices

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

RAK

pc: Garden City Field Office
Groundwater Management District No. 1
Poky Feeders, Inc.

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

ROGER E AND DARLENE KOHMAN May 23, 2018
3665 W FRIEND RD
SCOTT CITY KS 67871

RE: Water Right, File No. 15,843

Dear Sir or Madam:

This is to advise you that Poky Feeders, Inc. has filed an application for approval of the Chief Engineer, Division of Water Resources, Kansas Department of Agriculture, to change the authorized place of use and use made of water for the above referenced file number. Based upon K.S.A. 82a-1906, you are being notified of the above referenced application for change. You can find the application posted by water right file number as referenced above at www.agriculture.ks.gov/divisions-programs/dwr/water-appropriation/notices

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

RAK

pc: Garden City Field Office
Groundwater Management District No. 1
Poky Feeders, Inc.

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

May 8, 2018

FILE COPY

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

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 →


SCANNED

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

Copy

Water Resources
Received

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

MAY 16 2018

12:45



KS Dept Of Agriculture
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

JAN 22 2018

12:45

KS Dept Of Agriculture

File No. 9,488

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): Change use made of water from irrigation to stockwatering to provide additional supply for expanded cattle feeding facility. Change place of use from current irrigated field location to entire cattle feeding facility. The stockwatering supply system is interconnected so water diverted from this well may be used in any part of the facility.

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

For Office Use Only:							
F.O. <u>4</u>	GMD <u>1</u>	Meets K.A.R. 5-5-1 (YES/NO) <u>(YES)</u>	Use <u>STK/ERR</u>	Source <u>(G)</u>	S County <u>SC</u>	By <u>AW</u>	Date <u>1/22/18</u>
Code <u>C-2</u>	Fee \$ <u>500</u>	TR # _____	Receipt Date <u>1/22/18</u>	Check # <u>182283</u>			

182283

4. The presently authorized place of use is: *** CURRENT IRRIGATION PU**
 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	
31	20S	32W	35.0	35.0	35.0	35.0	17.0	23.5	23.5	20.0									224.0

List any other water rights that cover this place of use. File No. 15,843

*** CURRENT STOCK WATERING PU**
 Owner of Land — NAME: Roger E & Darlene Kohman
 ADDRESS: 3665 W Friend Rd 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	

List any other water rights that cover this place of use. 40072

(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								X	X	X	X						Feedlot
17	20S	32W								X	X	X	X						Feedlot
18	20S	32W								X	X	X	X	X	X	X	X	X	Feedlot

List any other water rights that cover this place of use. See attachment for list of other water rights.

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	
19	20S	32W	X	X	X	X											X	X	Feedlot

List any other water rights that cover this place of use. See attachment for list of other water rights.

IF MORE SPACE IS NEEDED, ATTACH ADDITIONAL SHEETS AS NECESSARY

** per WRIS * RAK/down 5/7/18
 + 7/21/14 Change PU POUAW Change Approval*

SCANNED

4. The presently authorized place of use is:

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. _____

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: **NO CHANGE TO THIS STOCKWATERING PLACE OF USE**

* Owner of Land — NAME: Roger E. and Darlene Kohman

ADDRESS: 3665 W. Friend Road, 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				
31	20S	32W	(W½ NE¼) & (E½ NW¼) (no change)																			

List any other water rights that cover this place of use. 40072

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 MORE SPACE IS NEEDED, ATTACH ADDITIONAL SHEETS AS NECESSARY

* per WRTS + 7/21/14 change pupd umw
* Rain/own 5/7/18

Water Resources
Received

MAY 16 2018

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

POKY FEEDERS, INC.

Continuation of No. 5, Page 2

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

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

The following water rights currently supply stockwater to this place of use:

- File Nos. 8,630, 12,594, 13,938, 24,894, 26,218, 36,291, 36,292 and 37,908 (Ogallala wells)
- File Nos. 36,293, ~~40,788~~^{*40778} and 44,366 (Dakota wells)
- File No. 49,186 (Approval of Application and Permit to Proceed dated July 5, 2017 for additional well associated with File No. 36,293)

* Per WAIS
* 10/10/18 5/17/18

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* (IM USE)

- 6. The presently authorized point(s) of diversion (is) (are) one well, pump and appurtenances. * 1 Battery 2 wells (STK USE)
(Provide description and number of points)
- 7. The proposed point(s) of diversion (is) (are) one well, pump and appurtenances.
(Provide description and number of points)

List all presently authorized point(s) of diversion:

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

One in the NW Quarter of the NE Quarter of the NW Quarter of Section 31, Township 20 South, Range 32 West (E/W), in Scott County, Kansas, 5254 feet North 3680 feet West of Southeast corner of section. Authorized Rate 288 gpm Authorized Quantity 120 acre-feet
(DWR use only: Computer ID No. _____ GPS _____ feet North _____ feet West)
 This point will not be changed This point will be changed as follows:

Proposed point of diversion: (Complete only if change is requested) STK WELL

One in the NW Quarter of the NE Quarter of the NW Quarter of Section 31, Township 20 South, Range 32 West (E/W), in Scott County, Kansas, 5254 feet North 3680 feet West of Southeast corner of section. Proposed Rate 288 gpm Proposed Quantity 98.2 acre-feet
This point is: Additional Well Geo Center List other water rights that will use this point _____

*9. **Presently authorized point of diversion:** Geocenter Battery of 2 WELLS STOCKWATERING USE

One in the NW Quarter of the NW Quarter of the NE Quarter of Section 31, Township 20 South, Range 32 (E/W) in Scott County, Kansas, 5089 feet North 2454 feet West of Southeast corner of section. Authorized Rate 13 gpm Authorized Quantity 6.517 MG (20 AF) No change
(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 MAY 16 2018 (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 _____

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11. Describe the current condition of and future plans for any point(s) of diversion which will no longer be used.
Not applicable.

IF MORE SPACE IS NEEDED, ATTACH ADDITIONAL SHEETS AS NECESSARY

* Modified per WRLS & 7/21/14 Change PUPD UMW Approval * POK/OWL 5/7/18

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12. The presently authorized use of water is for irrigation / * stockwatering purposes.
It is proposed that the use be changed to stockwatering purposes.

13. If changing the place of use and/or use made of water, describe how the consumptive use will not be increased.
It is proposed that the authorized quantity be reduced to the consumptive use quantity in accordance with the provisions of K.A.R. 5-5-9 and the associated map entitled "Consumptive Use Percentages in Kansas, by County," dated August 3, 2017. Please see the attached calculations for determination of the consumptive use quantity.

(Please show any calculations here.)

14. It is requested that the maximum annual quantity of water be reduced to 98.2 acre-feet (acre-feet or million gallons).
+ * 6.517 MG (20 AF) Kohmans Stockwater

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.

Please refer to the attached maps, calculations, and associated supporting documentation.

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

A waiver of K.A.R. 5-21-7 is requested so that the provisions of K.A.R. 5-5-9 may be used to determine the consumptive use quantity. It is our understanding that GMD 1 has requested revocation of K.A.R. 5-21-7 and intends to adopt K.A.R. 5-5-9. A copy of the GMD 1 letter is attached. This is the justification for this waiver request.

IF MORE SPACE IS NEEDED, ATTACH ADDITIONAL SHEETS AS NECESSARY

* per WRTS & 7/21/14 pupd umw Change Approval
* Raklawa 5/7/15
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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 19th day of January, 2018.

[Signature]
(Owner)

(Spouse)

Kirk P. Dechant, CFO
(Please Print)

(Please Print)

(Owner)

(Spouse)

(Please Print)

(Please Print)

(Owner)

(Spouse)

(Please Print)

(Please Print)

State of Kansas }
County of Scott } SS

NOTARY PUBLIC-State of Kansas
Susan A. Kite
My Appt. Exp 12/2/2018

I hereby certify that the foregoing application was signed in my presence and sworn to before me this 19th day of January, 2018.

My Commission Expires 12/2/2018

[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.**

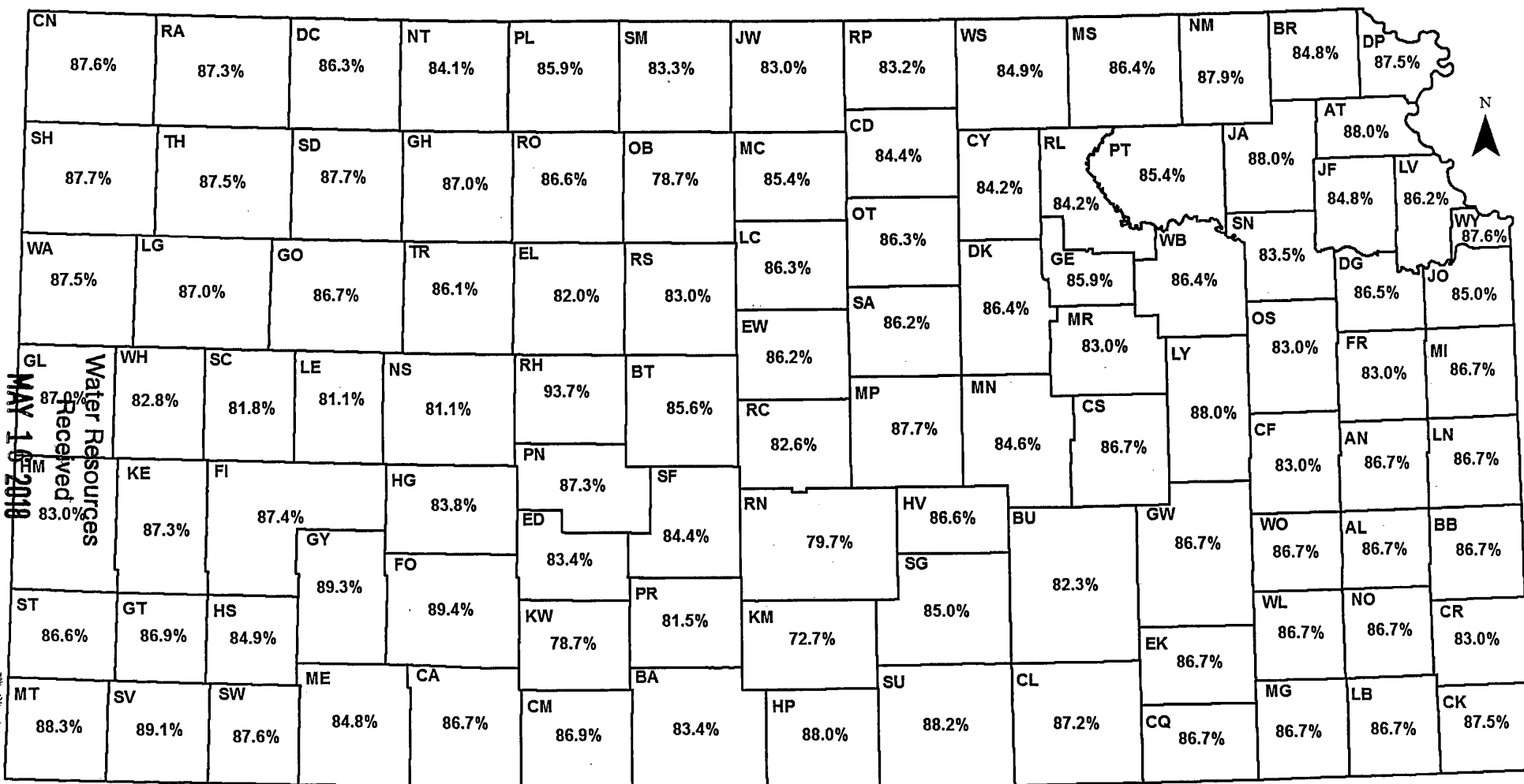
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Consumptive Use Percentages in Kansas, by County

based on area-weighted average irrigation return flow



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Example: A 150 acre-foot irrigation water right is purchased in Gove (GO) County for use in a dairy operation.

Applying the consumptive use factor from the map (86.7%), the amount of water that the dairy could convert to stockwater use with this water right is:

$$150 \times 86.7\% = 150 \times 0.867 = 130 \text{ acre-feet}$$



KLA ENVIRONMENTAL SERVICES, INC.

PROJECT: POKY FEEDERS, INC.

LOCATION: SECTIONS 8, 17,18 & 19 T20S R32W, SCOTT COUNTY, KANSAS

BY: FCM
DATE: 1/11/2018CHECKED BY: CSG
DATE: 1/17/2018**JUSTIFICATION OF QUANTITY REQUESTED FOR STOCKWATERING USE
PERTAINING TO CHANGE APPLICATIONS FOR FILE NOS. 9,488 AND 15,843**

Change applications pertaining to File Nos. 9,488 and 15,843 propose to change the use made of water from irrigation to stockwatering. These applications also propose to change the place of use from the current irrigated fields to the confined livestock feeding facility owned by Poky Feeders, Inc. The purpose of these change applications is to provide additional stockwatering supply to support the recently completed expansion of the cattle feeding facility. Justification for the requested stockwatering quantities is presented herein.

LIVESTOCK TYPE ¹	CURRENT CAPACITY ¹ (HEAD)	MAXIMUM REASONABLE USE (GAL/HD/DAY) ²	CONFINEMENT PERIOD (DAYS/YEAR)	ANNUAL USE ³	
				(GALLONS)	(ACRE-FEET)
BEEF CATTLE	83,000	15	365	454,425,000	1,394.58
SWINE:					
NURSERY PIGS	6,500	1.5	365	3,558,750	10.92
SOWS & LITTERS	4,615	9	365	15,160,275	46.53
TOTALS:				473,144,025	1,452.03

¹ Information obtained from current KDHE permit.

² Use rates based on K.A.R. 5-3-22. Units are gallons/head/day.
Nursery pigs: (1 gal/hd/day drinking) + (0.5 gal/hd/day cbc)
Sows & litters: (8 gal/hd/day drinking) + (1 gal/hd/day cbc)
Quantities for confined building capacity (cbc) are based on shallow pit/pull-plug waste management systems.

³ Annual Use = (Current Capacity) x (Maximum Reasonable Use) x (Confinement Period)
325,851 gallons = 1.0 acre-foot (AF)

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CURRENT WATER SUPPLY:

Total quantity associated with 11 water rights subject to an overall limitation:	813.37 AF
Quantity associated with File No. 49,186, which is currently in perfection period:	<u>200.00 AF</u>
	1,013.37 AF

Quantity associated with Project Term Permit File No. 20169104:	428.00 AF
Quantity associated with Project Term Permit File No. 20169105:	<u>450.00 AF</u>
	878.00 AF

→ Maximum currently authorized stockwatering quantity =	1,013.37 AF
Stockwatering quantity requested for File No. 9,488 =	98.20 AF
Stockwatering quantity requested for File No. 15,843 =	<u>216.00 AF</u>
Total stockwatering quantity =	1,327.57 AF

→ Existing stockwatering quantity plus requested quantities are less than the maximum reasonable use quantity. The quantities proposed in the change applications are reasonable and do not require additional limitations.

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Kansas Department of Health & Environment



Division of Environment
Bureau of Water

Topeka, Kansas 66612-1367
Telephone: (785) 296-6432

Kansas Permit No.: **A-UASC-C017**
Federal Permit No.: **KS0086576**

**KANSAS WATER POLLUTION CONTROL PERMIT FOR AGRICULTURAL AND RELATED WASTES
AND AUTHORIZATION TO DISCHARGE UNDER THE
NATIONAL POLLUTANT DISCHARGE ELIMINATION SYSTEM**

Pursuant to provisions of Kansas Statutes Annotated 65-164 and 65-165 et seq., and the Federal Water Pollution Control Act as amended, (33 U.S.C. 1251 et seq.; the "Act"),

Permittee:	Joe Morgan	Water Resources Received
Permittee's Address:	600 East Road 30 Scott City, Kansas 67871	JAN 22 2019
Facility Name:	Poky Feeders, Inc.	KS Dept Of Agriculture
Facility Location:	SW ¼ of Section 17, S ½ of Section 18, E ½ of Section 19, and SW ¼ of Section 8, Township 20 South, Range 32 West Scott County, Kansas	
River Basin:	Upper Arkansas River Basin	

is authorized to operate, as a pollutant discharge elimination system, water pollution control facilities to collect, retain, and dispose of precipitation induced runoff and/or dry weather wastewater accumulations containing livestock and related agricultural wastes in accordance with requirements as set forth herein.

This permit is effective October 30, 2017, supersedes the previously issued water pollution control permit A-UASC-C017, and expires October 29, 2022.

Facility Summary

This is an existing facility for 76,000 head (76,000 animal units) of beef cattle weighing more than 700 pounds, 6,500 head (650 animal units) of swine weighing 55 pounds or less, and 4,615 head (1,846 animal units) of swine weighing more than 55 pounds, for a total of 78,496 animal units. The facility has a total of approximately 630 acres of drainage area. The facility is proposing to add 7,000 head (7,000 animal units) of cattle weighing greater than 700 pounds, an additional wastewater retention structure, and the addition of 51.8 acres open lot pens, resulting in 83,000 head (83,000 animal units) of beef cattle weighing more than 700 pounds with no increase in swine animal units for a total of 85,496 animal units and a total drainage area of approximately 682 acres.

Secretary, Kansas Department of Health and Environment

October 30, 2017
Date

SCANNED



WESTERN KANSAS GROUNDWATER MANAGEMENT DISTRICT NO.1

September 14, 2017

David E. Barfield, Chief Engineer
KS Dept of Agriculture
1320 Research Park Drive
Manhattan, KS 66502

RE: K.A.R. 5-21-7

Dear Sir:

At the September 14th, 2017 Western Ks Groundwater Management District No 1 Board of Directors meeting, the Board voted unanimously to revoke District Regulation K.A.R. 5-21-7 as of this date.

Sincerely,

Kyle Spencer
District Manager

ks/vr

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KLA ENVIRONMENTAL SERVICES, INC.

PROJECT: POKY FEEDERS, INC.

LOCATION: SECTION 31 T20S R32W, SCOTT COUNTY, KANSAS

BY: FCM
 DATE: 12/12/2017

CHECKED BY: _____
 DATE: _____

WELL LOCATIONS WITHIN 1/2 MILE OF APPLICANT WELL
 FILE NO. 9,488

WATER RIGHT FILE NO.	LOCATION OF POINT OF DIVERSION			USE	OWNER	MAILING ADDRESS
	SEC-TWP-RGE	DISTANCE FROM SE CORNER OF SECTION				
		NORTH	WEST			
9,488 & 40,072	31-20S-32W	5,089 FT	2,454 FT	STK	ROGER E. & DARLENE KOHMAN	3665 W FRIEND ROAD SCOTT CITY, KS 67871
9,488	31-20S-32W	5,254 FT	3,680 FT	IRR	POKY FEEDERS, INC.	600 E ROAD 30 SCOTT CITY, KS 67871
15,843	31-20S-32W	3,960 FT	1,370 FT	IRR	POKY FEEDERS, INC.	600 E ROAD 30 SCOTT CITY, KS 67871
23,956	30-20S-32W	825 FT	1,355 FT	IRR	FAIRLEIGH CORPORATION	PO BOX 560 SCOTT CITY, KS 67871

NOTE: APPLICANT'S WELL IS HIGHLIGHTED IN YELLOW

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EASEMENTS

KNOW ALL MEN BY THESE PRESENTS, that, Fairleigh Corporation, a Kansas Corporation, herein referred to as Grantor, in consideration of One Dollar and other good and valuable consideration, receipt of which is hereby acknowledged, does hereby grant to Poky Feeders, Inc. a Kansas Corporation, herein referred to as Grantee, a perpetual easement and ingress and egress over, under and through the following described real estate, in Scott County, Kansas:

A strip of land forty foot wide along the route of the two (2) water lines in the South Half (S/2) of Section Thirty (30), Township Twenty (20) South Range Thirty-Two (32) West of the 6th P.M., in the general area of the route lines shown on Exhibit "A" attached hereto and made a part hereof

for the sole purpose of construction, maintenance, repairing and operating two (2) underground waterlines, not to exceed eight inches (8") in diameter, as follows:

One line for the transportation of fresh water from irrigation wells owned by Grantee, in the North Half (N/2) of Section Thirty-One (31), Township Twenty (20) South, Range Thirty-Two (32) West of the 6th P.M., and

One line for the transportation of effluent from the commercial feedlot owned by Grantee in Section Eighteen (18), Township Twenty (20) South, Range Thirty-Two (32) West of the 6th P.M. to the North Half (N/2) of Section Thirty-One (31), Township Twenty (20) South, Range Thirty-Two (32) West of the 6th P.M., and

THIS EASEMENT IS SUBJECT TO THE FOLLOWING TERMS AND CONDITIONS:

This Easement prohibits and does not grant any right to Grantee or its successors or assigns to construct or install any above ground or surface appurtenances, structures, facilities, taps, valves or otherwise.

1. There are no more than two (2) waterlines authorized by this easement.
2. No waterline shall exceed eight inches (8") in diameter
3. Both waterlines shall be buried to a depth of at least forty-eight inches (48").
4. All waterlines shall be constructed and installed subject to all applicable rules and regulations of the appropriate governmental authorities including but not limited to Kansas Ground Water Management and Grantee shall indemnify and hold harmless the Grantor from any and all damages or penalties assessed by reason of said waterlines.
5. All waterlines shall comply with all local, state, and federal environmental laws. Grantee shall indemnify and hold harmless the Grantor from any and all

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environmental damages caused by the pipeline or its operation. Grantee shall pay the costs of all environmental remediation.

6. Damage to the surface occasioned by the installation, maintenance, repairs or in removing said waterlines, shall be paid by Grantee to Grantor within 60 days after the damage is done. Said damages, if not mutually agreed upon, to be ascertained and determined by three disinterested persons, one to be appointed by the Grantor, one to be appointed by the Grantee; and the third to be chosen by the two so appointed. The written award of such three persons shall be final and conclusive.
7. Should any alterations of the land surface contours be caused by the waterlines or their operation, Grantee, or its assigns, shall restore all surface contours to their former condition as nearly as is practical.
8. Grantee shall at the time of any excavation, drilling or grading is made, cause the top soil be placed separately from the subsoil and replaced into its original position relative to the subsoil, so that the ground will be restored to its original condition as nearly as possible upon completion.
9. Any waterline ditch for installation or for maintenance and repairs across the premises shall be backfilled, and so leveled so as to restore the surface to its original condition and topography.
10. Grantee shall indemnify, and hold harmless, Grantor, its successors and assigns from and against any damage or loss to Grantor's property or livestock or injury, liability, loss or damage to any person, company entity or property resulting from, arising out of or caused by the construction, operation, maintenance, or presence of said waterlines within the easement.
11. Grantee or its assigns further agree to pay for any and all litigation expenses incurred by Grantor in the enforcement of the easement conditions and terms.
12. Grantee shall not have the right to assign this easement to any party without the prior written consent of Grantor or its assigns.
13. Grantee shall properly maintain the waterlines and repair and correct all damages, sinkholes, changes in land surface contours, leaks or hazards within 30 days of discovery.
14. Grantee is required to acquire and pay the cost of an "as built survey of the waterline locations and construction within six (6) months of the signing of this agreement. The parties are agreeing to delay completion of the survey to facilitate the immediate installation of the waterlines. Grantee shall provide Grantor a copy of said survey and upon approval Grantee shall at their cost file said survey with the Scott County Register of Deeds with reference to the already filed Easement Agreement.

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JAN 22 2010

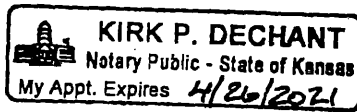
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STATE OF KANSAS)
) ss
COUNTY OF SCOTT)

BE IT REMEMBERED, That on this 26 day of September, 2017, before me, the undersigned, a Notary Public in and for the County and State aforesaid, came Joe Morgan, of Poky Feeders Inc., existing under and by virtue of the laws of Kansas, who is personally known to me to be such President, and who is personally known to me to be the same person who executed the within instrument of writing and such person duly acknowledged the execution of the same.

IN TESTIMONY WHEREOF, I have hereunto subscribed my name and affixed my seal, the day and year last above written.

SEAL



[Signature]
Notary Public:
Commission expires: 4 / 26 / 2021

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Property Search Listing - Tax Year 2017

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Parcel ID (PTN)	Quick Ref.	Owner Information	Property (Situs) Address	Mailing Address	Appraised Amnt.
086-189-30-0-00-00-001.00-0	R4635	POKY FEEDERS INC (P)	S30, T20, R32, ACRES 160, NE4 LESS RD R/W Acres = 160.00 NeighborhoodCode = 200	600 E ROAD 30 SCOTT CITY, KS 67871	\$ 3,040 Total
086-189-30-0-00-00-002.00-0	R4636	VULGAMORE, JUDITH ANN TR (P)	S30, T20, R32, ACRES 157, NW4 LESS RD R/W Acres = 157.00 NeighborhoodCode = 200	8250 S MESQUITE ROAD SCOTT CITY, KS 67871	\$ 78,100 Total
086-189-30-0-00-00-003.00-0	R4637	FAIRLEIGH CORP (P)	S30, T20, R32, ACRES 316, S2 LESS RD R/W Acres = 316.00 NeighborhoodCode = 200	PO BOX 560 SCOTT CITY, KS 67871	\$ 141,180 Total

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Property Search Listing - Tax Year 2017

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Parcel ID (PIN)	Quick Ref	Owner Information	Property (Situs) Address	Mailing Address	Appraised Amnt.
086-189-31-0-00-00-001.00-0	R4638	POKY FEEDERS INC (P)	S31, T20, R32, ACRES 151, NE4 EX A TR BEG AT NW COR NE4 TH E 1100(S) TH SW TO PT 1140 (S) DUE S OF BEG PT TH N TO POB Acres = 151.00 NeighborhoodCode = 200	600 E ROAD 30 SCOTT CITY, KS 67871	\$ 60,300 Total
086-189-31-0-00-00-002.00-0	R4639	KOHMAN, ROGER E & DARLENE (P)	S31, T20, R32, ACRES 35, A TR N2: BEG SE COR NW4 TH W 249.4' TH N 1592.72' TH W 482.33' TH N 652.52' TH NELY 256.59' TH N 152.11' TO S R/W LI OF CO RD TH E 1715(s) TH SWLY TO A PT 1480'(s) N OF POB TH S TO POB Acres = 0.00 NeighborhoodCode = 200	3665 W FRIEND ROAD SCOTT CITY, KS 67871	\$ 40,430 Total
086-189-31-0-00-00-003.00-0	R4640	POKY FEEDERS INC (P)	S31, T20, R32, ACRES 121, NW4 LESS A TR BEG AT SE COR NW4 TH W 249.48' TH N 1592.72' TH W 482.33' TH N 652.52' TH NELY 256.59' TH N 182.11' TO N LI NW4 TH E 678' TO POB & LESS RD R/W Acres = 121.00 NeighborhoodCode = 200	600 E ROAD 30 SCOTT CITY, KS 67871	\$ 54,210 Total
086-189-31-0-00-00-004.00-0	R4641	SAVOLT, ALBERT JR & LINDA L (P)	S31, T20, R32, ACRES 304, S2 LESS RD R/W Acres = 304.00 NeighborhoodCode = 200	2810 N BROADMOOR PL GARDEN CITY, KS 67846	\$ 75,270 Total

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1700 E. IRON AVE. ▪ SALINA, KS 67401
T 785.823.0097 F 913.273.1493



1303 YUCCA ST. ▪ SCOTT CITY, KS 67871
WWW.KLAENVIRO.COM

January 19, 2018

David Barfield, P.E.
Chief Engineer
Division of Water Resources
Kansas Department of Agriculture
1320 Research Park
Manhattan, KS 66502

Subject: Change Applications Pertaining to File Nos. 9,488 IRR and 15,843
Poky Feeders, Inc., Scott County

Dear Mr. Barfield:

The subject applications and supporting documentation are submitted for your review and approval on behalf of the applicant, Poky Feeders, Inc. KLA Environmental Services, Inc. assisted with the preparation of these applications.

Poky Feeders, Inc. is in the process of completing an expansion of their cattle feeding facility. The project is scheduled for completion in March or April of 2018. The subject applications propose to change the use made of water from irrigation to stockwatering. This will provide an additional source of supply for the facility. We also propose to change the place of use from the irrigated acreage to a place of use covering the entire cattle feeding facility.

No change in well locations or spacing is proposed. The wells are being reconfigured to be compatible with the pressurized water supply system. A pipeline has been installed that will convey water from these two wells into the water supply system serving the cattle feeding facility. The approximate location of this pipeline is shown on the enclosed maps.

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The proposed place of use resulting from these change applications is a beef cattle feeding facility (feedlot) located in:

- SW ¼ Section 8 T20S R32W
- SW ¼ Section 17 T20S R32W
- S ½ Section 18 T20S R32W
- NE ¼ & W ½ SE ¼ T20S R32W, all in Scott County.

Please note that there has been a small discrepancy in the place of use associated with other stockwatering rights serving this facility. These water rights describe the place of use in Section 8 as the S ½ SW ¼. The existing facility is primarily located in the W ½ SW ¼. We request that this description be simplified to the SW ¼ of Section 8.

Calculations which determine the reasonable quantity for stockwatering use for this facility are enclosed. The maximum reasonable quantity of annual use is 1,452.03 acre-feet. The summation of the quantities of existing stockwatering rights, those pending perfection, and the proposed additional quantities resulting from these change applications totals 1,327.57 acre-feet. Please note that this evaluation considers the overall limitation that applies to nearly all of the stockwatering rights and the two active project term permits. Since the total quantity that would be available for stockwatering use is less than the maximum reasonable quantity, we request that no additional quantity limitations be placed on File Nos. 9,488 IRR and 15,843.

The change applications propose that the current authorized quantities be reduced to the consumptive use quantities in accordance with the provisions of K.A.R. 5-5-9 and the associated map entitled "Consumptive Use Percentages in Kansas, by County," dated August 3, 2017. It is our understanding that Western Kansas Groundwater Management District No. 1 (GMD 1) has requested revocation of K.A.R. 5-21-7, which addresses change in use of water from irrigation to any other use. A copy of the request letter is enclosed. We also understand that GMD 1 will essentially adopt the procedures contained in K.A.R. 5-5-9 for such changes in use. Since the revocation process has not yet been completed, we request a waiver of K.A.R. 5-21-7 as it pertains to these two change applications and that K.A.R. 5-5-9 be applied for purposes of determining consumptive use.

We searched the WIMAS and WWC5 databases operated by the Kansas Geological Survey to locate other wells within ½ mile of the wells that are the subject of these change applications. We identified four such wells, none of which are domestic wells. The well locations are shown on the enclosed maps and mailing addresses are also enclosed.

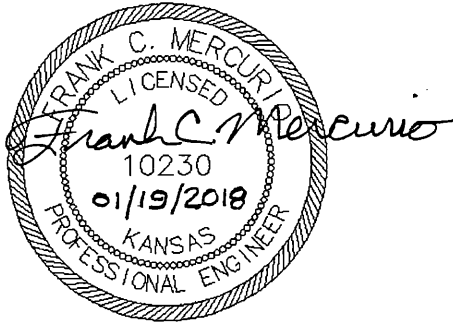
Water Resources
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JAN 22 2018

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Please contact me if you have any questions concerning these applications. Thank you for your consideration of this matter.

Respectfully,



Frank C. Mercurio, P.E.

Enclosures

cc/enc: Grant Morgan, Poky Feeders, Inc.

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MAY 16 2018

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JAN 22 2018

KS Dept Of Agriculture

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



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

Jackie McClaskey, Secretary

Governor Sam Brownback

POKY FEEDERS
600 E ROAD 30
SCOTT CITY, KS 67871

January 30, 2018

RE: File No 9488

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,

A handwritten signature in cursive script that reads "Brent A. Tourney".

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

BAT: DLW
pc: GARDEN CITY Field Office GMD1

Property Search Listing - Tax Year 2017



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Parcel ID (PIN)	Quick Ref.	Owner Information	Property (Situs) Address	Mailing Address	Appraised Amnt.
086-189-30-0-00-001.00-0	R4635	POKY FEEDERS INC (P)	S30, T20, R32, ACRES 160, NE4 LESS RD R/W Acres = 160.00 NeighborhoodCode = 200	600 E ROAD 30 SCOTT CITY, KS 67871	\$ 3,040 Total
086-189-30-0-00-002.00-0	R4636	VULGAMORE, JUDITH ANN TR (P)	S30, T20, R32, ACRES 157, NW4 LESS RD R/W Acres = 157.00 NeighborhoodCode = 200	8250 S MESQUITE ROAD SCOTT CITY, KS 67871	\$ 78,100 Total
086-189-30-0-00-003.00-0	R4637	FAIRLEIGH CORP (P)	S30, T20, R32, ACRES 316, S2 LESS RD R/W Acres = 316.00 NeighborhoodCode = 200	PO BOX 560 SCOTT CITY, KS 67871	\$ 141,180 Total

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Property Search Listing - Tax Year 2017

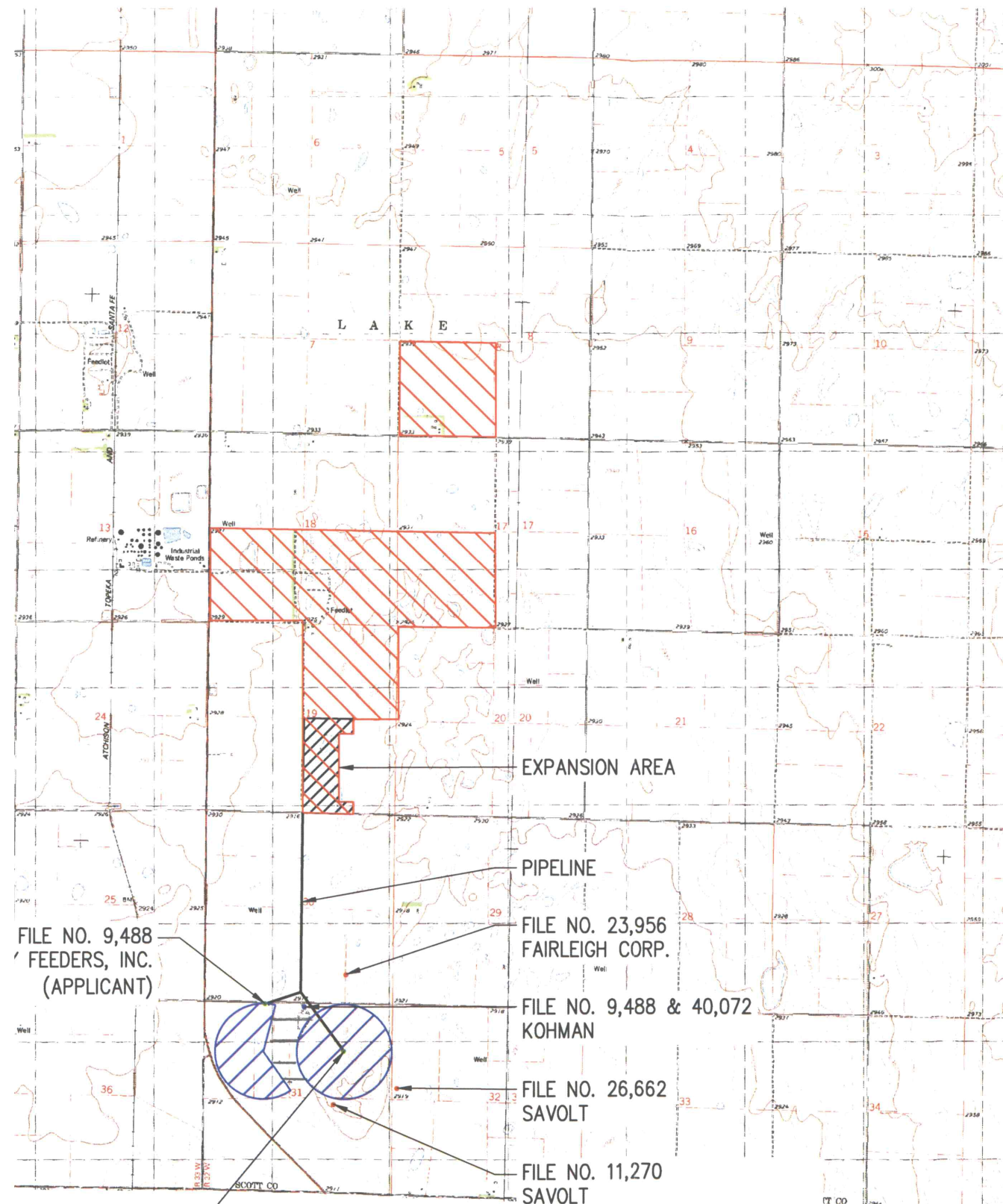


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Parcel ID (PIN)	Quick Ref.	Owner Information	Property (Situs) Address	Mailing Address	Appraised Amnt.
086-189-31-0-00-00-001.00-0	R4638	POKY FEEDERS INC (P)	S31, T20, R32, ACRES 151, NE4 EX A TR BEG AT NW COR NE4 TH E 1100(S) TH SW TO PT 1140 (S) DUE S OF BEG PT TH N TO POB Acres = 151.00 NeighborhoodCode = 200	600 E ROAD 30 SCOTT CITY, KS 67871	\$ 60,300 Total
086-189-31-0-00-00-002.00-0	R4639	KOHMAN, ROGER E & DARLENE (P)	S31, T20, R32, ACRES 35, A TR N2: BEG SE COR NW4 TH W 249.4' TH N 1592.72' TH W 482.33' TH N 652.52' TH NELY 256.59' TH N 152.11' TO S R/W LI OF CO RD TH E 1715(s) TH SWLY TO A PT 1480'(s) N OF POB TH S TO POB Acres = 0.00 NeighborhoodCode = 200	3665 W FRIEND ROAD SCOTT CITY, KS 67871	\$ 40,430 Total
086-189-31-0-00-00-003.00-0	R4640	POKY FEEDERS INC (P)	S31, T20, R32, ACRES 121, NW4 LESS A TR BEG AT SE COR NW4 TH W 249.48' TH N 1592.72' TH W 482.33' TH N 652.52' TH NELY 256.59' TH N 182.11' TO N LI NW4 TH E 678' TO POB & LESS RD R/W Acres = 121.00 NeighborhoodCode = 200	600 E ROAD 30 SCOTT CITY, KS 67871	\$ 54,210 Total
086-189-31-0-00-00-004.00-0	R4641	SAVOLT, ALBERT JR & LINDA L (P)	S31, T20, R32, ACRES 304, S2 LESS RD R/W Acres = 304.00 NeighborhoodCode = 200	2810 N BROADMOOR PL GARDEN CITY, KS 67846	\$ 75,270 Total

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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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SCALE IN FEET

DRAWN	CSG	DATE	1/18
CHECKED	FCM	DATE	1/18
APPROVED	FCM	DATE	1/18

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) 872-2500

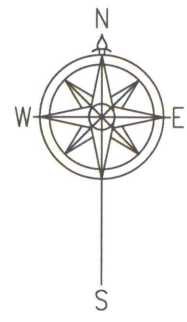




LEGEND

- 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

Water Resources
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SCALE IN FEET

DRAWN	CSG	DATE	1/18
CHECKED	FCM	DATE	1/18
APPROVED	FCM	DATE	1/18

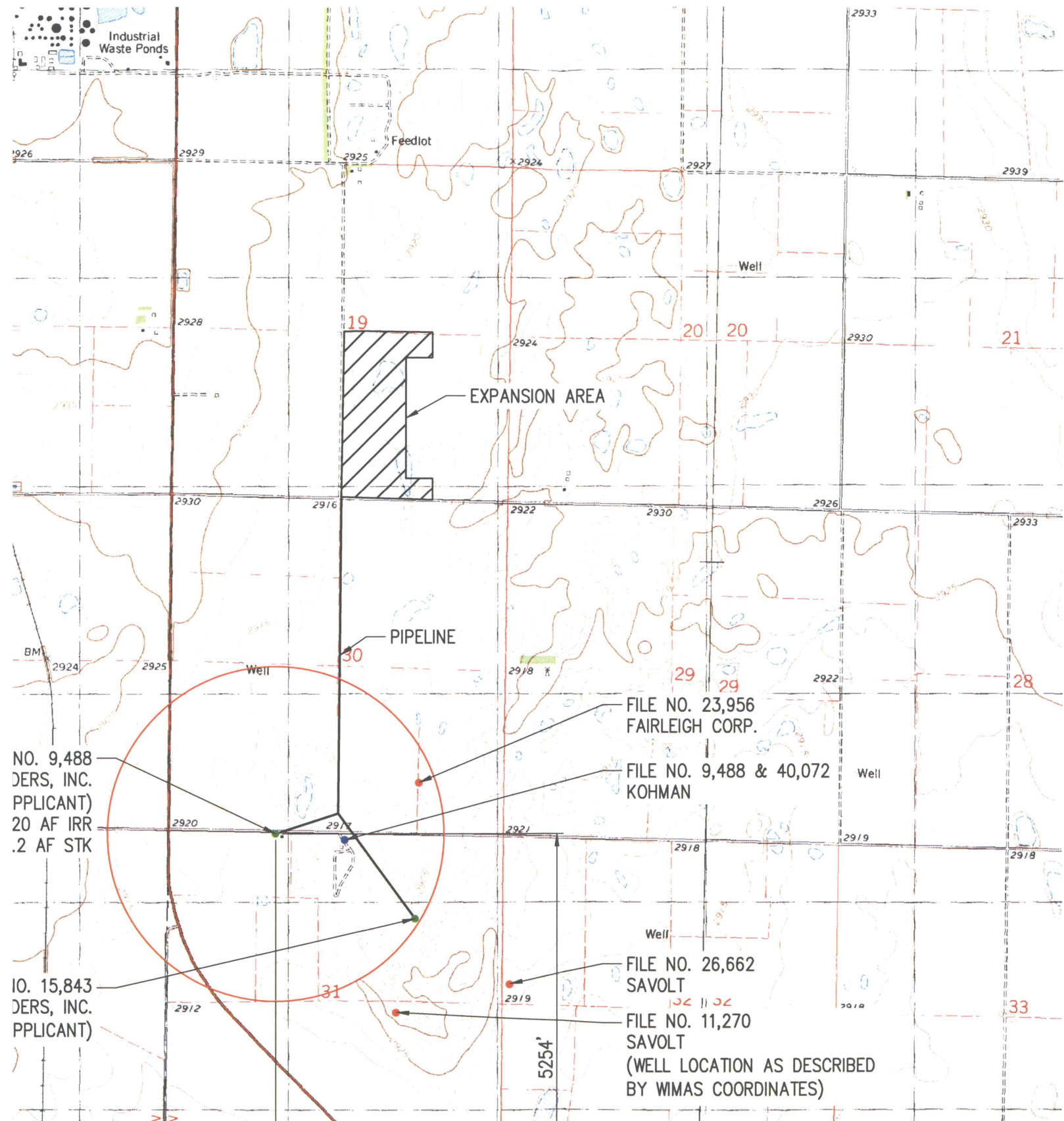
POKY FEEDERS, INC.
 CHANGE APPLICATIONS – FILE NOS. 9,488 & 15,843
 SECTION 31 T20S R32W
 SCOTT COUNTY, KANSAS

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

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



MENTAL HEALTH SERVICES, INC.



- ### LEGEND
- POINT OF DIVERSION (IRR)
 - POINT OF DIVERSION (STK)
 - POINT OF DIVERSION - APPLICANT
 - ½ MILE NOTIFICATION DISTANCE
 - APPROXIMATE LOCATION OF PIPELINE
- T20S

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KS Dept Of Agriculture



SCALE IN FEET

DRAWN	CSG	DATE	1/18
CHECKED	FCM	DATE	1/18
APPROVED	FCM	DATE	1/18

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

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SALINA, KANSAS 67401
(785) 823-0097

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