

# NOTICE

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

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

APPLICATION FOR TERM PERMIT

- GROUNDWATER
  - SURFACE WATER
- (check one)

WATER RESOURCES RECEIVED



State of Kansas

DEC 14 2020

STATUTORY FILING FEE MUST ACCOMPANY THIS APPLICATION  
 (Make check payable to the Kansas Department of Agriculture)

20209088

1. Applicant: (Please print or type)  
 Name POKY FEEDERS, INC  
 Street 600 E ROAD 30  
 City and State SCOTT CITY, KS  
 Zip Code 67871-5043 Telephone No. (620) 872-5834  
 E-Mail Address kdecham@pokyfeeders.com  
 Social Security I.D. No. \_\_\_\_\_  
 and/or Taxpayer I.D. No. \_\_\_\_\_

2. Location of Point of Diversion: GEO center of 3 wells:  
 Sec. 18, Twp. 20S, Rng. 32W,  
SCOTT County, Kansas.  
 Distance from Southeast Corner of Section:  
Listed on attachment feet North from Southeast Corner  
Listed on attachment feet West from Southeast Corner  
 NOTE: If point of diversion is not site specific (i.e. groundwater pit) show the approximate geographic center.

3. Water Use Data:  
 Proposed Max. Pumping Rate (gpm) See attachment  
 Amount Requested (acre-feet) 40 Acre-Feet  
 per calendar year  
 Depth of Well (feet) NA  
 Date (completed) (will be completed) NA- existing wells  
 Drainage Basin ARKANSAS RIVER  
 Name of Stream NA

4. Water is to be used for (briefly describe proposed use and explain the rate and quantity requested):  
STOCKWATER USE; need an additional 40 AF to finish the year.  
Dakota aquifer is not closed to new appropriations; temporary request.

5. Location of place of use:  
SW Sec 8. SW Sec 17. S2 Sec 18, E2 of Sec 19, W2SW of Sec 20., all in T.20S R.32W, Scott County

6. Period of use:  
 Commencing date: December 1<sup>st</sup>, 2020  
 Ending Date: December 31<sup>st</sup>, 2020 Also enter on Item 12

If off-stream pit, check here   
 Will pit floor intersect water table? Yes  No

7. Location of the proposed point of diversion and those of other water users within 1/2 mile shall be indicated on the diagram to the lower-left, scale 1 inch = 2,000 feet. If surface water, indicate on the diagram the course of the stream, and its name. List other D.W.R. permit numbers that cover the requested point(s) of diversion or place of use here:  
SEE ATTACHED

FEE SCHEDULE

1. The filing fee for an application is based on the maximum amount of water use proposed within a year. Except for storage, the fee is:
 

Acre-feet	Fee
0-100	\$200.00
101-320	\$300.00
More than 320	\$300.00

 plus \$20 for each additional 100 acre-feet or any part thereof.
2. The fee for an application in which storage is requested, is:
 

Acre-feet	Fee
0-250	\$200.00
More than 250	\$200.00

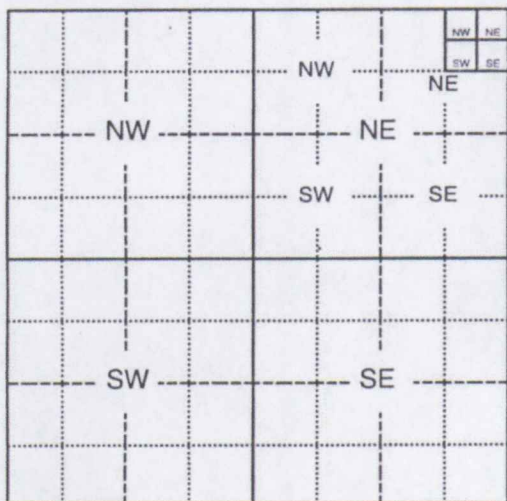
 plus \$20.00 for each additional 250 acre-feet of storage or any part thereof.

NOTE: If an application requests both direct use and storage, the fee charged shall be as determined under No. 1 or No. 2 above, whichever is greater, but not both fees.

3. The fee for an application for a permit to appropriate water for water power or dewatering purposes shall be \$100.00 plus \$200.00 for each 100 cubic feet per second, or part thereof, of the diversion rate requested.
4. A request for an extension of time to extend the term of a term permit shall be accompanied by a fee of \$100.00.
5. There is a separate application form for domestic use. Do not use this form for domestic use.

CONVERSION FACTORS

1 acre-foot equals 325,851 gallons  
 1 million gallons equal 3.07 acre-feet



Assisted by MM/GCFO

12/15/2020  
 LMoody

For Office Use Only:  
 F.O. 4 GMD 1 Meets K.A.R. 5-3-1 (YES/NO) Use STK Source G/S County SC By BMM Date 12/14/20  
 Code TRP Fee \$ 200 TR # \_\_\_\_\_ Receipt Date 12-14-2020 Check # 204974



8. For groundwater use, list below all wells within 1/2 mile of the proposed well, and plot locations upon the diagram on reverse side. If additional space is needed, attach a map.

Other wells -

Well A Owner(s): SEE ATTACHED / FILES
Address:

Well B Owner(s):
Address:

9. For surface water use, list below the names and addresses of all landowners from a point 1/2 mile upstream to a point 1/2 mile downstream of the tract of land upon which the point of diversion is located. If additional space is needed, attach sheet.

Tract A Owner(s): NA
Address:

Tract B Owner(s): NA
Address:

10. The owner of the point of diversion, if other than the applicant is (please print):

(name, address and telephone number)

You must provide evidence of legal access to, or control of, the point of diversion from the landowner or the landowner's authorized representative. Provide a copy of a recorded deed, lease, easement or other document with this application. In lieu thereof, you may sign the following sworn statement:

I have legal access to, or control of, the point of diversion described in this application from the landowner or the landowner's authorized representative. I declare under penalty of perjury that the foregoing is true and correct.

Executed on Dec 8, 2020. Applicant's Signature

The applicant must provide the required information or signature irrespective of whether they are the landowner. Failure to complete this portion of the application will cause it to be unacceptable for filing and the application will be returned to the applicant.

- 11. The applicant states that the information set hereon is true and accurate to the best of his/her knowledge.
12. The applicant agrees to waive any right to a hearing on the matter of abandonment of this appropriation right and further agrees that this appropriation right may be dismissed and terminated upon completion of the proposed project, said dismissal date to be on December 31, 2020 or within any extension of time authorized by the Chief Engineer, Division of Water Resources, Kansas Department of Agriculture.
13. The applicant agrees to provide water to nearby water users, at no charge to said users, should their rights to use water become impaired by the project proposed by this application.
14. Water use contact person (in event emergency contact is needed):

Name: Kirk Dechant Telephone No. (620) 872-5834

Signature of Applicant or Authorized Representative Date
Kirk Dechant Applicant's Name Printed Title

DO NOT WRITE BELOW THIS LINE

CONDITIONS OF APPROVAL:

The applicant shall maintain accurate and complete records from which the quantity of water diverted during each calendar year may be readily determined. Accurate and complete records shall be furnished to the Chief Engineer by March 1 following the end of each calendar year. Failure to file the annual water use report by the due date, shall cause the applicant to be subject to a civil penalty.

The use of water herein authorized shall not be made so as to impair any use under existing water rights nor prejudicially and unreasonably affect the public interest.

The Chief Engineer specifically retains jurisdiction in this matter with authority to make such reasonable reductions in the approved rate of diversion and quantity authorized, and such changes in other terms, conditions, and limitation set forth in this approval and permit to proceed as may be deemed to be in the public interest.

WATER RESOURCES RECEIVED

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KS DEPT OF AGRICULTURE

ATTACHMENT TO TERM PERMIT APPLICATION FOR POKY FEEDERS, INC

Section	Township	Range	County	Distance North from SE Corner(ft)	Distance West from SE Corner	Comments
18	20S	32W	Scott	1282 ft	1846 ft	PD overlap with File No. 36,293 & 49,186
18	20S	32W	Scott	1560 ft	5150 ft	PD overlap with File No. 40,778
18	20S	32W	Scott	4519 ft	158 ft	PD overlap with File No. 44,366

Continuation of Page 1, No. 3, Water Use Data, Proposed Max. Pumping Rate

<u>PD (Well) ID</u>	<u>Authorized Rate</u>	<u>Authorized Quantity</u>
36,293	84 GPM	19.944 MGY
40,778	175 GPM	44.968 MGY
44,366	175 GPM	30.798 MGY
49186	116 GPM com/36293	45.266 MGY com/36293
	<b>Total 550 GPM</b>	<b>140.976 mgy (432 AF)</b>

WATER RESOURCES  
RECEIVED

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KS DEPT OF AGRICULTURE





December 8, 2020

WATER RESOURCES  
RECEIVED

DEC 14 2020

KS DEPT OF AGRICULTURE

To: Earl Lewis, P.E.  
Chief Engineer  
Division of Water Resources  
Kansas Department of Agriculture  
1320 Research Park Drive  
Manhattan, KS 66502

From: Frank Mercurio, P.E.

Subject: Poky Feeders, Inc. Term Permit Applications, Scott County

Poky Feeders, Inc. recently completed an expansion of their beef cattle feeding facility. The expansion resulted in a total capacity of 101,370 head of beef cattle. The facility is nearly full and has been near full capacity most of this year. In anticipation of increased water demand for livestock consumption, Poky Feeders, Inc. submitted change applications in September to convert two irrigation water rights to stockwater use. These applications, which would provide an additional 215.87 acre-feet of stockwater, are still pending. Water use is closely monitored and it was determined in late November that the facility is likely to exceed the annual quantity limitations established in the pilot term permits that govern water use at this facility. It appears that increased water demands related to drought conditions and above-normal temperatures are the reason for this level of use. The enclosed term permit applications are submitted to obtain the additional quantities of water needed to supply demand through the end of 2020. Specifically, Poky Feeders, Inc. requests an additional 40 acre-feet of quantity from their three Dakota aquifer wells and 20 acre-feet of additional quantity from their twelve Ogallala aquifer wells.

Please note that this is a temporary, one-time request. Poky Feeders is taking additional measures to obtain a consistent water supply. They have installed recycling systems that capture wintertime water tank overflows, filter and disinfect the water, and then pump the water back into the cattle water supply system. Some of the Dakota wells will be shut off this winter during periods of low demand to conserve water supplied by this aquifer. Poky Feeders, Inc. has also recently purchased land and an irrigation water right that will eventually be converted to stockwater use. It is anticipated that these conservation measures and obtaining additional water rights will provide a stable water supply for this facility.

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

**DATA ENTRY SYSTEM ID NUMBER SHEET**

**FILE NUMBER** 20209088

<b>APPLICANT PERSON ID &amp; SEQ #</b>	<b>2334</b>	<b>PDIV ID</b>	<b>BATTERY ID</b>
<b>23270</b>	<b>65216</b>		
	<b>80292</b>		

<b>LANDOWNER PERSON ID &amp; SEQ #</b>	<b>53620</b>	<b>PUSE ID</b>
<b>23270</b>	<b>60746</b>	
	<b>23565</b>	
	<b>54924</b>	
	<b>69678</b>	

<b>WATER USE CORRESPONDENT PERSON ID &amp; SEQ #</b>
<b>23270</b>

1320 Research Park Drive  
Manhattan, KS 66502  
785-564-6700  
www. agriculture.ks.gov



900 SW Jackson, Room 456  
Topeka, KS 66612  
785-296-3556

Mike Beam, Secretary

Laura Kelly, Governor

December 15, 2020

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

RE: Application, File No(s). **20209088**

Dear Sir or Madam:

The Division of Water Resources (Division) has received your application(s) for a permit to appropriate water for beneficial use. Your application(s) has been assigned the file number(s) referenced above. Please be aware that the Division may have a large number of pending applications on hand at times and makes every attempt to process them in the order in which they are received. You will be contacted if additional information is required.

Please note, this letter only acknowledges receipt of your application(s) and does not guarantee approval. In accordance with the provisions of the Kansas Water Appropriation Act, the use of water as proposed prior to approval of the application(s) is unlawful.

Additional information about the process may be found on our website at [agriculture.ks.gov/divisions-programs/dwr](http://agriculture.ks.gov/divisions-programs/dwr). If you have any other questions, please contact our office at 785-564-6640 or your local Garden City Field Office at 620-276-2901. *Garden City Field Office at 620-276-2901.* If you call, please reference the file number so we can help you more efficiently.

Sincerely,

A handwritten signature in black ink that reads "Kris Neuhauser". The signature is written in a cursive style with a long horizontal flourish at the end.

Kris Neuhauser  
New Applications Lead  
Water Appropriation Program