

NOTICE

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

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

**APPLICATION FOR APPROVAL TO
CHANGE THE PLACE OF USE, THE
POINT OF DIVERSION OR THE USE
MADE OF THE WATER UNDER AN
EXISTING WATER RIGHT**



State of Kansas

*Filing Fee Must Accompany the Application
(Please refer to Fee Schedule on signature page of application form.)*

Paragraph Nos. 1, 2, 3, 4 & 8 must be completed. Complete all other applicable portions. A topographic map or detailed plat showing the authorized and proposed points(s) of diversion and /or place of use must accompany this application.

1. Application is hereby made for approval of the Chief Engineer to change the

- Place of Use
 Point of Diversion
 Use Made of Water

(Check one or more)

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OCT 02 2020
8:00
KS Dept Of Agriculture

File No. 22396

2. Name of applicant: POKY FEEDERS

Address: 600 E ROAD 30

City, State and Zip: SCOTT CITY, KS 67871

Phone Number: (620) 872-5834 E-mail address: _____

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

Name of water use correspondent: POKY FEEDERS

Address: 600 E ROAD 30

City, State and Zip: SCOTT CITY, KS 67871

Phone Number: (620) 872-5834 E-mail address: _____

3. The change(s) proposed herein are desired for the following reasons (please be specific): IRRIGATION USE TO STOCK WATER USE (ALSO FILE NO. 8869)

The change(s) (was) (will be) completed by UPON APPROVAL (Date)

For Office Use Only:
F.O. 4 GMD 1 Meets K.A.R. 5-5-1 YES NO Use IRR Source G S County SC By KJN Date 10/5/2020
Code C-2 Fee \$ 500.00 TR # _____ Receipt Date 10/2/2020 Check # 202937

10/6/2020
LMoody

4. The presently authorized place of use is:

Owner of Land — NAME: POKY FEEDERS

ADDRESS: 600 E RD 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	
18	20	32W	40	37	40	40													157

List any other water rights that cover this place of use. 8869

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.)

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

Owner of Land — NAME: POKY FEEDERS

ADDRESS: 600 E RD 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					South West Quarter (SW¼)												
17	20S	32W					South West Quarter (SW¼)												
18	20S	32W					South Half (S½)												

List any other water rights that cover this place of use. 8630,9488,13938,15843,24894, 26218, 36,291, 36292, 36293, 37908, 40778, 44366, 49186, 20169104, 20169105,12594 20199063 & 20199064

Owner of Land — NAME: POKY FEEDERS

ADDRESS: 600 E RD 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					East Half (E½)												
20	20S	32W					West Half of South West Quarter (with SW¼)												

List any other water rights that cover this place of use. 8630,9488,13938,15843,24894, 26218,36291,36292, 36293, 37908, 40778, 44366, 49186, 20169104, 20169105, 12594 20199063 & 20199064

6. The presently authorized point(s) of diversion (is) (are) ONE WELL, ONE PUMP
(Provide description and number of points)

7. The proposed point(s) of diversion (is) (are) NO CHANGE
(Provide description and number of points)

List all presently authorized point(s) of diversion:

8. **Presently authorized point of diversion:**
 One in the NW Quarter of the NE Quarter of the NE Quarter of Section 18, Township 20 South, Range 32 (W), in SCOTT County, Kansas, 5150 feet North 950 feet West of Southeast corner of section.
 Authorized Rate 710 GPM Authorized Quantity 263.9 AF LIMIT TO 263.9 AF COMBINED WITH 8869
 (DWR use only: Computer ID No. 01 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 _____ (W), in _____ County, Kansas, _____ feet North _____ feet West of Southeast corner of section.
 Proposed Rate _____ Proposed Quantity _____
 This point is: Additional Well Geo Center List other water rights that will use this point _____

9. **Presently authorized point of diversion:**
 One in the _____ Quarter of the _____ Quarter of the _____ Quarter of Section _____, Township _____ South, Range _____ (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 _____ (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 _____

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

It is proposed that the use be changed to STOCK WATER USE purposes.

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

KAR 5-5-9. TOTAL AUTHORIZED QUANTITY FOR WELL = 263.9 AF, 263.9 X 81.8% = 215.87 AF

ALL OF FILE NO. 8869 WILL TRANSFER (150 AF), FILE NO. 22396 WILL REDUCE TO 65.87 AF

(Please show any calculations here.)

14. It is requested that the maximum annual quantity of water be reduced to 65.87 (acre-feet or million gallons).

15. It is requested that the maximum rate of diversion of water be reduced to NA gallons per minute (____ c.f.s.).

16. The application must include either a topographic map or detailed plat. A U.S. Geological Survey Topographic Map, scale 1:24,000, is available through the Kansas Geological Survey, 1930 Constant Avenue, University of Kansas, Lawrence, Kansas 66047-3726 (www.usgs.gov). 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.

NO CHANGE

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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.

NONE

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 28th day of September, 20 20.

<u>[Signature]</u> (Owner)	_____	(Spouse)
<u>Grat Morgan</u> (Please Print)	_____	(Please Print)
_____	_____	(Spouse)
_____	_____	(Please Print)
_____	_____	(Spouse)
_____	_____	(Please Print)

State of Kansas }
County of Scott } SS

NOTARY PUBLIC-State of Kansas
Susan A. Kite
My Appt. Exp. 12/14/2022

I hereby certify that the foregoing application was signed in my presence and sworn to before me this 28th day of September, 20 20.

My Commission Expires 12/14/2022

Susan A. Kite
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:

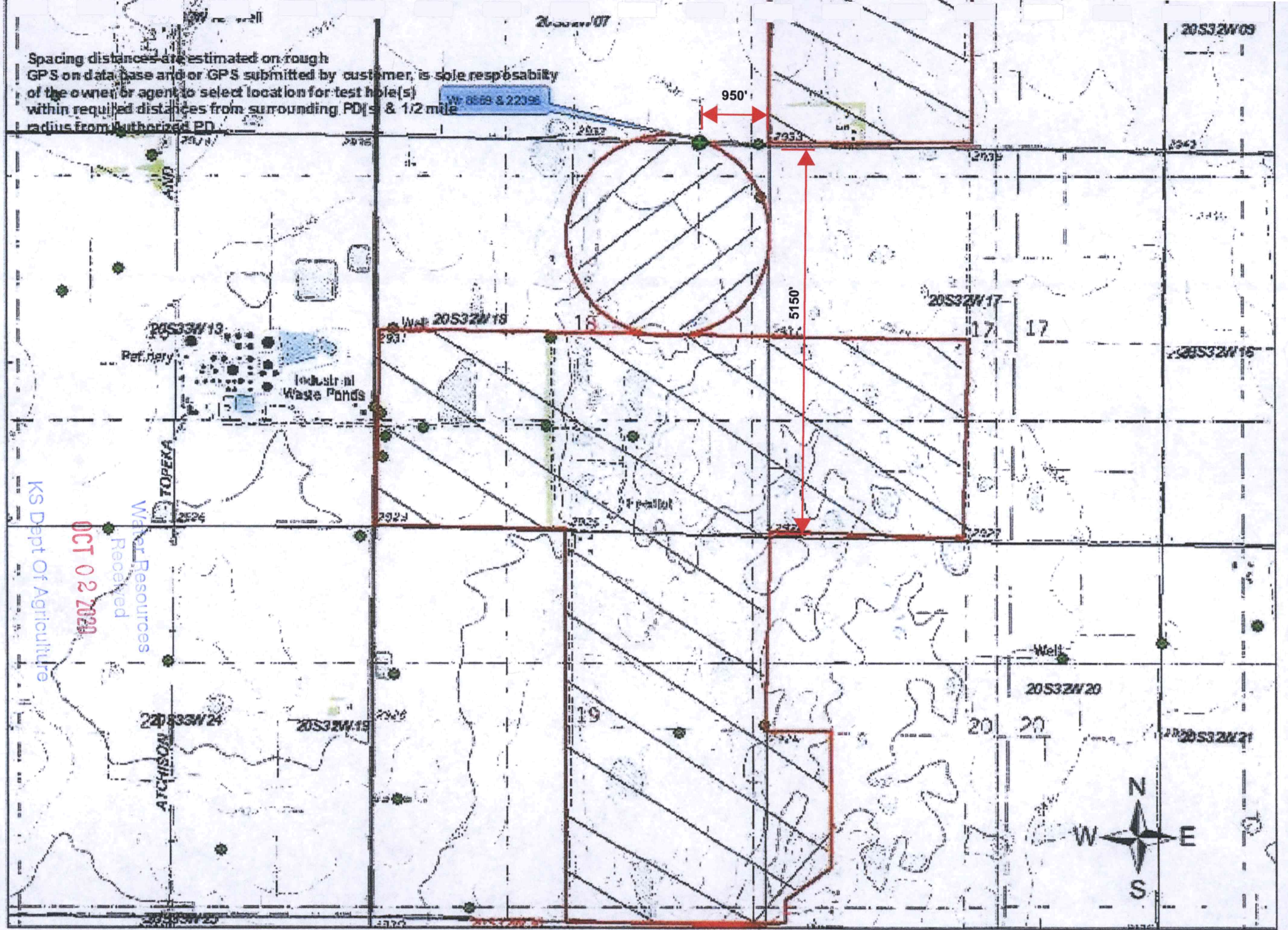
- (1) Application to change a point of diversion 300 feet or less \$100
- (2) Application to change a point of diversion more than 300 feet \$200
- (3) Application to change the place of use \$200
- (4) Application to change the use made of the water \$300

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

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NOTARY PUBLIC STATE OF KANSAS
Susan A. Kite
My Comm. Exp. 12/31/2011

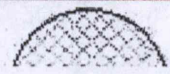
Spacing distances are estimated on rough GPS on data base and/or GPS submitted by customer, is sole responsibility of the owner or agent to select location for test hole(s) within required distances from surrounding PD(s) & 1/2 mile radius from Authorized PD.



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● Authorized PD

▨ Authorized DI I



(2006 Scaled air photo)



POKY FEEDERS, INC.

SUMMARY OF TOTAL AUTHORIZED QUANTITY BY AQUIFER SOURCE

OGALLALA WELLS

FILE NO.	AUTHORIZED QUANTITY (AF)	NET QUANTITY (AF)	AUTHORIZED RATE (GPM)
8,630 (1)	89.949	89.949	225
8,630 (2)	26.976	26.976	325
8,630 (3)	62.974	62.974	250
12,594	254.994	254.994	480
13,938	175.500	175.500	660
24,894	33.604	33.604	110
26,218	181.350	5.849	500
36,291	11.877	11.877	15
36,292	41.430	41.430	50
37,908	26.089	26.089	51
9,488 (1)	98.204	98.204	288
15,843	215.988	215.988	725
8,869	150.000	150.000	600
22,396	65.870	65.870	710
TOTALS:	1,434.805	1,259.304	

DAKOTA WELLS

FILE NO.	AUTHORIZED QUANTITY (AF)	NET QUANTITY (AF)	AUTHORIZED RATE (GPM)
36,293	61.206	61.206	84
49,186	200.000	138.793	200
40,778	138.002	22.925	175
44,366	94.516	0.000	175
TOTALS:	493.724	222.924	

TOTAL STK QUANTITY - OGALLALA WELLS: 1,259.304 AF
 TOTAL STK QUANTITY - DAKOTA WELLS: 222.924 AF
TOTAL STK QUANTITY FOR FACILITY = 1,482.228 AF

NOTE: QUANTITIES WERE OBTAINED FROM WIMAS AND PREVIOUS APPLICATIONS.

FCM
09/24/2020

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SUMMARY OF STOCKWATER REQUIREMENTS FOR POKY FEEDERS, INC.

MAXIMUM REASONABLE QUANTITY OF WATER FOR LIVESTOCK CONSUMPTION BASED ON K.A.R. 5-3-22:

TYPE	NUMBER*	CONSUMPTION (GAL./HEAD/DAY)	DAYS	ANNUAL QUANTITY	
				(GALLONS)	(AF)
BEEF CATTLE	101,370	15	365	555,000,750	1,703.23
SWINE - FINISHING (> 55 LBS.)	4,615	5	365	8,422,375	25.85
SWINE - NURSERY (< 55 LBS.)	6,500	1	365	2,372,500	7.28
SWINE BLDG. SANITATION (ESTIMATE)	11,115	0.5	365	2,028,488	6.23
				567,824,113	1,742.59

* LIVESTOCK NUMBERS FROM KDHE PERMIT NO. A-UASC-C017, EFFECTIVE JUNE 5, 2019

$$\begin{array}{r}
 \text{TOTAL STK QUANTITY INCLUDING} \\
 \text{FILE NOS. 8,869 \& 22,396} \\
 \hline
 \text{MAXIMUM REASONABLE QUANTITY}
 \end{array}
 =
 \frac{1482.23 \text{ AF}}{1742.59 \text{ AF}}
 = 85\%$$

→ THE QUANTITIES REQUESTED BY THE CHANGE APPLICATIONS FOR FILE NOS. 8,869 AND 22,396 WHEN COMBINED WITH THE CURRENT TOTAL QUANTITY AUTHORIZED FOR STOCKWATER USE IS 85% OF MAXIMUM REASONABLE USE. THIS TOTAL QUANTITY WILL BE SUFFICIENT DUE TO THE WATER RECYCLING SYSTEMS RECENTLY INSTALLED BY POKY FEEDERS, INC.

BY: FRANK MERCURIO, P.E.
RURAL RESOURCES CONSULTING, LLC
09/24/2020

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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 the 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**

Permittee's Address: **600 East Road 30
Scott City, Kansas 67871**

Facility Name: **Poky Feeders, Inc.**

Facility Location: **SW ¼ of Section 17, S ½ of Section 18,
E ½ of Section 19, SW ¼ of Section 8,
and SW ¼ of Section 20
Township 20 South, Range 32 West
Scott County, Kansas**

River Basin: **Upper Arkansas River Basin**

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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 or related agricultural wastes in accordance with requirements as set forth herein.

This permit is effective June 5, 2019, supersedes the previously issued water pollution control permit A-UASC-C017, and expires June 4, 2024.

Facility Summary

This is an existing facility for 83,000 head (83,000 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 85,496 animal units. The facility has a total of approximately 682 acres of drainage area. The facility is proposing to add 18,370 head (18,370 animal units) of cattle weighing greater than 700 pounds, an additional wastewater retention structure, and the addition of approximately 133 acres open lot pens, resulting in 101,370 head (101,370 animal units) of beef cattle weighing more than 700 pounds with no increase in swine animal units for a total of 103,866 animal units and a total drainage area of approximately 815 acres.

Lee A. Norman MD

Secretary, Kansas Department of Health and Environment

June 5, 2019

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

October 8, 2020

POKY FEEDERS
600 E ROAD 30
SCOTT CITY KS 67871

RE: File No(s). **22396**

Dear Sir or Madam:

The Division of Water Resources (Division) has received your application(s) to change the place of use, point of diversion or use made of water for 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(s) 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. 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. If you call, please reference the file number so we can help you more efficiently.

Sincerely,

A handwritten signature in black ink that reads "Kristen Baum". The signature is written in a cursive, flowing style.

Kristen Baum
New Application Unit Supervisor
Water Appropriation Program