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

1. File Number: <b>23410</b>	2. Status Change Date: 1/15/2020	3. Change Num: <b>C1</b>	4. Field Office: <b>04</b>	5. GMD: <b>03</b>
6. Status: Approved Deni	ied by DWR/GMD	Dismiss by Reques	t/Failure to Return	7. Filing Date of Change: 10-SEP-2019
<ul> <li>8a. Applicant(s) New to system ⊠</li> <li>FRIONA INDUSTRIES LP-K</li> <li>500 SOUTH TAYLOR SUITE AMARILLO, KS 79101</li> </ul>		New to sy CATTL Attn: R 2425 R	E EMPIRE LLC	Person ID <u>2662</u> Add Seq# <u>1</u>
8b. Landowner(s) New to system SATANTA FARMS LLC 500 SOUTH TAYLOR SUITE AMARILLO, KS 79101	Person ID <u>66622</u> Add Seq# <u>1</u>	8f. Landowne New to sy		Person IDAdd Seq#
8c. Landowner(s) New to system ⊠ FRIONA INDUSTRIES LP-K 500 SOUTH TAYLOR SUITE AMARILLO, <u>TX</u> 79101 (p	601	8g. Landown New to sy		Person ID Add Seq#
8d. Landowner(s) New to system □ F & E COX FARMS INC Attn: KENNETH M COX PR 1111 RD 90 SUBLETTE, KS 67877-8033		New to sy SATAN 500 SOU	NO CHA NO CHA IA FARMS LLC JTH TAYLOR SUIT LLO, <u>TX</u> 79101	
9. Documents and Enclosure(s): D		ly:	N & P Date to	Comply:
Anti-Reverse Meter	Seal 🛛 Check Valve	🗌 N & P Form	UWater Tube	Driller Copy 🔲 H & E Letter
Conservation Plan Date Requir	red: Da	ate Approved:	Date to	o Comply:
10. Use Made of Water From: IRR		То:	IRR/STK DUAL US	<sub>SE</sub> Status: BS
		3/10/2020 LMoody	Date Prepared: <b>01/07</b> Date Entered:	

File No. 23410	11. County:	HS	Bas	sin: H/	ASKEI	LL				Stre	eam: C		RON F	RIVER			1		mation C <b>1/331</b>	ode:		Special Use:
12. Points of Diversion													R	ate and	d Qua	ntity	-		. E			
CHK MOD														Aut	horize	d		Add	litional			
DEL PDIV ENT Qualifier	S	т	R	ID		'n	۴W		Comn	nent (A	KA Lii	ne)		Rate om/cfs		uantity f/mgy		Rate gpm/cfs		intity ngy	Overla	p PD Files
					BL	ANKI	ET RA	TE A	ND Q	UANT	ITY	920 g	g.p.m	. 325	AF(10	)5.90 i	n.g.y	.) 920 g	.p.m 32	5 AF(1	05.90	mgy)
RR/STK MOD 40782 SE¼SI	1/4SW1/4 9	28S	33W	4	6	65	3040			orig Tk di												NO
13. Storage: Rate	N	١F	Quar	ntity					ac/ft	Add	ditional	Rate					NF	Additio	onal Qua	ntity		ac/ft
14.ADD Limitation: 275.925					тк с	COME	BINE						E FO	R DE	TAIL	.s						
Limitation:																				· · · ·		
15. 5YR Allocation: Allocation	Туре	Sta	art Year			5 YR	Amou	nt		Amou	nt Unit		Ва	ase Ac	res	_	Con	nment	-			
16. Place of Use CHK			NE	1/4			NV	V¼		,	sv	V¼			S	Ξ1⁄4		Total	Owner	Chg	? 0	verlap Files
MOD DEL ENT PUSE S T R	ID	NE ¼	NW 1/4	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					1 
																			WATE	R RIGH	- <u>-</u>	16882,1865 23409,31093 VERED FROM PU
1	33W 1	40.00	40.00	40.00	40.00	40.00	40.00	40.00	40.00	40.00	40.00	40.00	40.00	40.00	40.00	40.00	32.88	632.88	SEE FI			
RR $\sqrt{21944}$ 9 28	33W 1	40.00	40.00	40.00	40.00									40.00	40.00	40.00	27.66	307.66	8b		0	see above
TK ENT 17140 9 28 3	33W 4							F	EEDL	от ( <b>W</b>	1⁄2)								8c	NC		14091, 16955, 236, 34553, 345
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	POP UP I esired	BOX		TEN	IPO	RÅR														<u>).91 m</u>	<u>1.g.y</u>	<u>)</u> as long as
stockwatering use is c ALSO	NEED AU																					

# KANSAS DEPARTMENT OF AGRICULTURE Division of Water Resources <u>M E M O R A N D U M</u>

TO: Files

DATE: January 7, 2019

**FROM:** Richelle A. Krueger

RE: Water Right File No. 23,410

Friona Industries, L.P., etal, owners of the above referenced water right, filed an application for approval to change the place of use and use made of water for Water Right, File No. 23,410, all located in Cimarron River Basin.

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

File No. 23,410 is authorized 325 acre-feet and 920 gallons per minute from one well for irrigation of 940.54 acres all located in Sections 8 and 9, Township 28 South, Range 33 West, Haskell County, Kansas. There are no current overlaps in the authorized point of diversion but the place of use overlaps Water Right, File Nos. 16,882, 18,659, 23,409 and 31,093. The application requests a dual use of water that will allow for the use of up to 275.925 acre-feet for both stockwatering use and irrigation use in any calendar year. The application further requests that the overall quantity of Water Right File No. 23,410 be only limited to 275.925 acre-feet requests that the overall quantity of Water Right File No. 23,410 be only limited to 275.925 acre-feet rather than be reduced. The temporary reduced quantity is based on K.A.R. 5-5-9/5-5-10 calculations. Irrigation acres will remain at 940.54 acres in Sections 8 and 9. The stockwatering place of use will be a feedlot authorized by Water Right, File Nos. 14,091, 16,955, 34,236, 34,553 and 34,554, in the West Half (W<sup>1</sup>/<sub>2</sub>) of the aforementioned Section 9.

All wells identified on the map within one-half mile of the authorized point of diversion under File No. 23,410 appear to be under common ownership.

The local source of supply will not change, which appears to be Ogallala formation (211)/ Dakota formation (331).

In a letter received December 30, 2019 Jason Norquest, Manager of Southwest Kansas Groundwater Management District No. 3, indicated that the Board of Directors of GMD No. 3 recommended approval of the application.

In an e-mail dated January 3, 2020, Mike Meyer, Water Commissioner of the Garden City Field Office, recommended approval of the application.

A water flow meter is required. A check valve is required if any chemical or foreign substance is injected into the water through the diversion works.

# Krueger, Richelle [KDA]

From:Meyer, Mike [KDA]Sent:Friday, January 3, 2020 4:47 PMTo:Krueger, Richelle [KDA]Subject:RE: Request for recommendation Change in PU UMW File no. 23410 Friona Industries,<br/>L.P.

Approve thanks

Mike

From: Krueger, Richelle [KDA] <Richelle.Krueger@ks.gov>
Sent: Thursday, January 2, 2020 7:46 AM
To: Meyer, Mike [KDA] <Mike.Meyer@ks.gov>
Cc: McColloch, Austin [KDA] <Austin.McColloch@ks.gov>
Subject: Request for recommendation Change in PU UMW File no. 23410 Friona Industries, L.P.

Hi Mike,

Attached is a draft memo for the referenced change, do you recommend approval?

Thanks, Richelle

### Krueger, Richelle [KDA]

From:	Jason Norquest <norquest@gmd3.org></norquest@gmd3.org>
Sent:	Monday, December 30, 2019 9:16 AM
То:	Krueger, Richelle [KDA]
Subject:	RE: Change in PU UMW File No. 23410 Friona Industries LP
Attachments:	2019-10-21_ReviewMat_DualUse_PU.pdf

EXTERNAL: This email originated from outside of the organization. Do not click any links or open any attachments unless you trust the sender and know the content is safe.

Holidays went pretty well. Time just keeps flying by it seems. Nothing slows down.

Attached is the review material for that change app. Not sure what happened to it the first time. Never know with the mail these days and I might have forgot to email it to you like I generally try to do. Let me know if you have any questions or need anything else.

Have a Happy New Year and looking forward to continued working with you in 2020!!!!!

Jason Norquest

Assistant Manager, GMD3 Cell: 620-271-1289 Office: 620-275-7147 www.gmd3.org WATER RESOURCES RECEIVED

DEC 3 0 2019

KS DEPT OF AGRICULTURE

From: Krueger, Richelle [KDA] <Richelle.Krueger@ks.gov> Sent: Monday, December 30, 2019 9:02 AM To: Jason Norquest <norquest@gmd3.org> Subject: Change in PU UMW File No. 23410 Friona Industries LP

Hi Jason,

Hope you had a good Christmas! Can't believe another year is almost done....

Hey, just wanted to check on the status of a recommendation for a change in pu umw application we sent to you all back in October for File No. 23,410 for Friona Industries LP. Just wanted to double check you had received it and make sure you hadn't sent the recommendation to me and I just didn't get it...

Thanks for any info you have on this one!

Richelle

Richelle Krueger, Environmental Scientist Kansas Department of Agriculture Water Appropriation Program (785) 564-6635 <u>Richelle.Krueger@ks.gov</u> (**please note e-mail address change**) www.ksda.gov/dwr



Southwest Kansas Groundwater Management District No. 3 2009 E. Spruce Street Garden City, Kansas 67846 (620) 275-7147 phone (620) 275-1431 fax www.gmd3.org

> WATER RESOURCES DEC 3 0 2019 KS DEPT OF AGRICULTURE

October 21, 2019

Richelle A. Krueger Kansas Department of Ag Division of Water Resources 1320 Research Park Drive Manhattan, Kansas 66502

RE: Change Application Water Right, File No. 23410

Dear Richelle:

We have completed a review of the application for the above referenced water right. The proposal is not in conflict with the Management Program of the Southwest Kansas Groundwater Management District No. 3 (GMD3) and is in accordance with K.A.R. 5-5-9 & K.A.R. 5-5-11. The applicant is requesting a dual use of STK and IRR on this well. While the applicant has the need for both uses made of water, this water right will be held to no more than 275.925acre feet, a reduction from 325 acre feet. If in the future, the applicant applies to eliminate the STK use, they have requested that the full IRR authority of 325 acre feet be restored. The change in place of use will maintain the current IRR acres and overlaps, but also not authorizes the feedlot for the STK use. Both uses will be metered independently. It is therefore recommended that applications be approved at this time.

Thank you for the opportunity to review the applications and to provide a recommendation. If you have any questions, please don't hesitate to contact us.

Sincerely.

Jason L. Norquest Assistant Manager

Serving Southwest Kansas Since1976

# **GMD3** Change Review

File No(s).: 23410. App filed to change: <u>PU & UMW</u>. DWR office: HQ.

Is Landowner(s) correct in WRIS: .

If NO, is documentation included?

Is Water Use Correspondent correct in WRIS? \_\_\_\_.

If NO, is documentation included?

Regulation(s) Reviewed: KAR 5-5-9 & KAR 5-5-11 Point of diversion ID No(s) \_\_\_\_\_ being changed.

16	ft. North	ft. West		
Authorized PD				
Proposed PD				
Difference	0	0		
$a^{2} + b^{2} = c^{2}$	0	0	0	
GPS for proposed	PD: Lat:	Long:		
Is proposed PD sta	acking on exi	sting WRs? NA	<u>A</u> .	
Is Proposed PU ov	verlapping ex	isting WRs? IF	R: 16882, 18659	23409 & 31093
STK: 14091, 169	55, 34236, 34	553 & 34554.		
Land Owner(s) no	tified:			
Name	N	ame		
Address	A	ddress		
Zip	Z	ip		
Neighboring certif	fied well(s) no	otified:		
Name	N	ame		
Address	A	ddress		WATER RESOURCES
Zip	Z	ip		RECEIVED
Domestic well(s)	notified:			DEC 3 0 2019
Name	N	ame		DEC 30 2019
Address	A	ddress		KS DEPT OF AGRICULTURE
Zip	Z	ip		TORICOLIURE
Base Acres:				

Perfected Acres: .

Irr. Return-Flow HS: 84.9%

Currently authorized 325AF @ 920gpm for irrigation.

NO change in IRR PU, will maintain the same acres and overlaps.

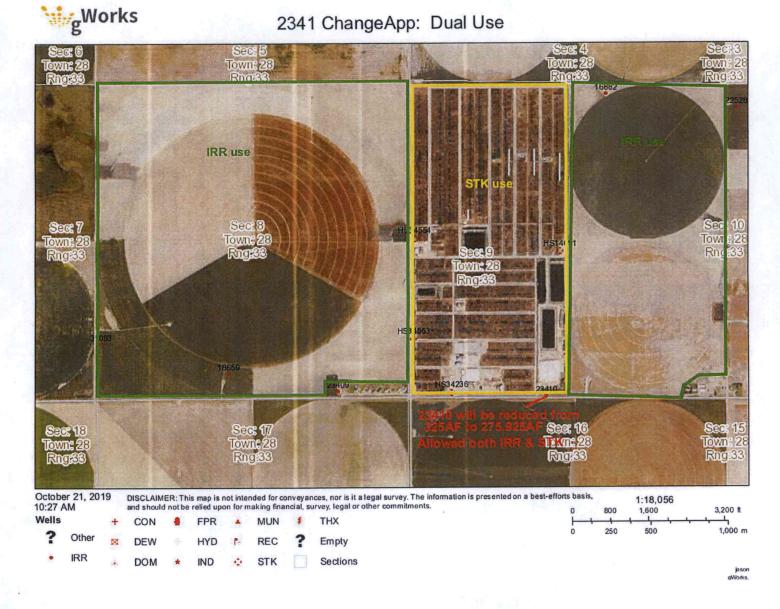
This app is to make a dual use of the water right for IRR/STK.

325 \* 84.9% = 275.925AF after the conversion.

Is a waiver needed: NO. Applicant taking the consumptive use reduction in order to help supply the feedlot while also having the ability to continue IRR. If the STK need goes away in the future, applicant requests the ability to retain the full IRR authority it originally had.

Recommendation: <u>After review of all available information, it appears the current area</u> rules are met. The applicant will take the consumptive use reduction while being able to use the well for STK/IRR. As the rules states, each use will have to be metered separately. Staff therefore recommends approval of the application.

WATER RESOURCES DEC 3 0 2019 KS DEPT OF AGRICULTURE



WATER RESOURCES RECEIVED

DEC 3 0 2019

KS DEPT OF AGRICULTURE

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

SOUTHWEST KANSAS GROUNDWATER MANAGEMENT DISTRICT NO 3 ATTN JASON NORQUEST 2009 E SPRUCE ST GARDEN CITY KS 67846

Re: Water Right, File No. 23,410

FILE COPY

October 11, 2019

Dear Jason:

We are enclosing a copy of the application to change the place of use and use made of water for File No. 23,410.

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 the application.

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 <sup>U</sup> Environmental Scientist Water Appropriation Program

Enclosures

pc: Garden City Field Office



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

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

Mike Beam, Secretary

Laura Kelly, Governor

FRIONA INDUSTRIES LP SATANTA FARMS LLC 500 SOUTH TAYLOR SUITE 601 AMARILLO, TX 79101

FILE COPY

RE: Water Right, File No. 23,410

Dear Sir or Madam:

Enclosed is the order executed by the Chief Engineer, Division of Water Resources, Kansas Department of Agriculture, approving the application for change under the above referenced file number.

Your attention is directed to the enclosures and to the terms, conditions, and limitations specified in this approval for change. A condition of the approval for File No. 23,410 is that acceptable water flow meters must be installed so that both irrigation and stockwatering uses can be metered independent of each other. 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.

Please be reminded that reports of water usage must be submitted to this office annually. Records indicating the amount of water used should be furnished to the Chief Engineer by March 1 following the end of the previous calendar year so that the continued use of water becomes a matter of record in this office.

Since these orders modify the original documents referred to above, they 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. EG. A. Turney,

Change Application Unit Supervisor Water Appropriation Program

BAT:rak

pc: Garden City Field Office
 Groundwater Management District No. 3
 Murrison Environmental, Inc., Attn Andi Curtiss
 Cattle Empire, LLC, Attn Roy N. Brown



KANSAS DEPARTMENT OF AGRICULTURE Mike Beam, Secretary of Agriculture DIVISION OF WATER RESOURCES David W. Barfield, Chief Engineer

# APPROVAL OF APPLICATION FOR CHANGE IN PLACE OF USE USE MADE OF WATER AND ORDER IN THE MATTER OF THE THE AUTHORIZED QUANTITY OF WATER WATER RIGHT FILE NO. 23,410

The Chief Engineer, Division of Water Resources, Kansas Department of Agriculture, after due consideration of the written application of Donald Gales, on behalf of Friona Industries, L.P. and Satanta Farms, L.L.C., 500 South Taylor, Suite 601, Amarillo, Texas, 79101, received in this office on September 10, 2019, for approval of a change in the place of use and 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 January 5, 2015, reducing the authorized place of use, finds that the changes are reasonable and will not impair existing rights and that the application should be and is hereby approved.

The authorized quantity under this water right will remain 325 acre-feet (105.90 million gallons). This order effectively limits the authorized quantity of water to 275.925 acre-feet (89.91 million gallons) per calendar year for both stockwatering and irrigation uses combined. That the limitation on the quantity of water shall exist until such a time that the quantity of water for stockwatering use authorized by this approval is no longer required.

The effective date of the change shall be the date this order is executed by the Chief Engineer, after which the portion retained for irrigation use shall be authorized a maximum quantity not to exceed 275.925 acre-feet (89.91 million gallons) of groundwater per calendar year, for irrigation use on the following described property:

				NE	Ξ¼			NV	V¼			sv	V1⁄4			SI	Ξ1⁄4		TOTAL
Sec.	Twp.	Range	NE¼	NW¼	SW1⁄4	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW1⁄4	SW1⁄4	SE¼	ACRES
8	28S	33W	40.00	40.00	40.00	40.00	40.00	40.00	40.00	40.00	40.00	40.00	40.00	40.00	40.00	40.00	40.00	32.88	632.88
9	28S	33W	40.00	40.00	40.00	40.00									40 00	40.00	40.00	27.66	307.66

a total of 940.54 acres in Township 28 South, Range 33 West, Haskell County, Kansas.

The portion changed to stockwatering use shall be authorized a quantity not to exceed:

275.925 acre-feet (89.91 million gallons),

The authorized location of the stockwatering place of use shall be:

Feedlot in West Half (W1/2) of Section 9, Township 28 South, Range 33 West, Haskell County, Kansas,

located substantially as shown on the maps 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 a separate acceptable water meter for each use made of water for 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 meters has been completed. The water right owner shall maintain the water meters 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 for irrigation and stockwatering use may be determined. The water right owner shall also report the reading of said water meters 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. 23,410, for permit to appropriate water for beneficial use, is as stated and set forth in the Certificate of Appropriation dated September 27, 1999, as modified and amended by the aforementioned order.

#### 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 6th day of hnuary	, 2020, in Manhattan, Riley County, Kansas.
	WATER RESOURCE	Dand w Berkul
	DAVID W. BARFIELD	David W. Barfield, P.E. Chief Engineer
	★ CHIEF ENGINEER	Division of Water Resources Kansas Department of Agriculture
State of Kansas	) SS 10 OF PARTAENT OF AUTOM	
County of Riley	)	

The foregoing instrument was acknowledged before me this Hay of Vanuary 2020, by David W. Barfield, P.E., Chief Engineer, Division of Water Resources, Kansas Department of Agriculture.

		-Kalie Danderson	
NORMAL D	KATIE N. ANDERSON My Appointment Expires March 12, 2023	Notary Public	-
	CERTIF	ICATE OF SERVICE	

On this 19th day of January, 2020, I hereby certify that the attached original Approval of Change in Place of Use and Use Made of Water, File No. 23,410, dated January 15 9020, was mailed postage prepaid, first class, US mail to the following:

FRIONA INDUSTRIES LP - KANSAS FEEDLOTS SATANTA FARMS LLC 500 SOUTH TAYLOR SUITE 601 AMARILLO, KS 79101

With photocopies to:

MURRISON ENVIRONMENTAL INC ATTN ANDI CURTISS 403 NORTH 5<sup>TH</sup> GARDEN CITY, KS 67846

Garden City Field Office Groundwater Management District No. 3