

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

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MAR 09 2020  
1:53  
KS Dept Of Agriculture

File No. 38,457 (STK)

2. Name of applicant: Lane County Feeders, LLC

Address: 16 W Road 230

City, State and Zip: Dighton, KS 67839

Phone Number: (620) 397-5341 E-mail address: scott@feedcattle.com

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

Name of water use correspondent: Same as applicant

Address: \_\_\_\_\_

City, State and Zip: \_\_\_\_\_

Phone Number: ( ) \_\_\_\_\_ E-mail address: \_\_\_\_\_

3. The change(s) proposed herein are desired for the following reasons (please be specific): Changes will create a complete overlap in place of use with all other stock water rights, which includes the expanded place of use. Changes will also provide additional quantity to a main stock well.

NOTE: Lane County Feeders, LLC will be filing PU changes on File Nos. 10,427; 18,618; 30,132; 37,688; and 38,458. Changes in PU and Use Made of Water will also be filed for File Nos. 23,880, 38,677, and 38,678.

The change(s) (will be) completed upon approval

(Date)

|                             |                      |  |  |
|-----------------------------|----------------------|--|--|
| <b>For Office Use Only:</b> |                      |  |  |
| F.O. <u>4</u>               | GMD <u>1</u>         | Meets K.A.R. 5-5-1 (YES / NO) Use <u>STK</u> | Source <input checked="" type="radio"/> S County <u>LE</u> |
| Code <u>C2</u>              | Fee \$ <u>400.00</u> | TR # _____                                   | By <u>LI</u> Date <u>3/9/20</u>                            |
|                             |                      | Receipt Date <u>3/9/20</u>                   | Check # <u>41505</u>                                       |

4. The presently authorized place of use is:

Owner of Land — NAME: Lane County Feeders, LLC

ADDRESS: 16 W Road 230, Dighton, KS 67839

| 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 |             |
|      |      |       | Stockwatering use at Lane County Feeders, LLC located in Section 2, in Township 17 South, Range 29 West, Lane County, Kansas. |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |             |
|      |      |       |   |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |             |
|      |      |       |   |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |             |

List any other water rights that cover this place of use. 38,458

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:

Owner of Land NAME: Lane County Feeders, LLC.

ADDRESS: 16 W Road 230, Dighton, KS 67839

| 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 |             |
|      |      |       | Stockwatering use at Lane County Feeders, LLC located in Sections 1,2,11, and 12, in Township 17 South, Range 29 West, Lane County, Kansas. |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |             |
|      |      |       |   |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |             |
|      |      |       |   |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |             |

List any other water rights that cover this place of use. 10,427; 18,618; 30,132; 37,688; 38,458; 23,880; 38,677; 38,678

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**

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

7. The proposed point(s) of diversion (is) (are) ONE WELL  
(Provide description and number of points)

**List all presently authorized point(s) of diversion:**

8. **Presently authorized point of diversion:**  
 One in the SE Quarter of the SE Quarter of the SE Quarter of Section 2, Township 17 South, Range 29 (W), in LANE County, Kansas, 530 feet North 396 feet West of Southeast corner of section.  
 Authorized Rate 57 gpm Authorized Quantity 8.9 AF  
 (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 SW Quarter of the SW Quarter of the SW Quarter of Section 1, Township 17 South, Range 29 (W), in LANE County, Kansas, 85 feet North 5120 feet West of Southeast corner of section.  
 Proposed Rate 57 gpm Proposed Quantity 8.9 AF  
 This point is:  Additional Well  Geo Center List other water rights that will use this point 10,427

9. **Presently authorized point of diversion:**  
 One in the \_\_\_\_\_ Quarter of the \_\_\_\_\_ Quarter of the \_\_\_\_\_ Quarter of Section \_\_\_\_\_, Township \_\_\_\_\_ South, Range \_\_\_\_\_ (E/W), in \_\_\_\_\_ County, Kansas, \_\_\_\_\_ feet North \_\_\_\_\_ feet West of Southeast corner of section.  
 Authorized Rate \_\_\_\_\_ Authorized Quantity \_\_\_\_\_  
 (DWR use only: Computer ID No. \_\_\_\_\_ GPS \_\_\_\_\_ feet North \_\_\_\_\_ feet West)  
 This point will not be changed  This point will be changed as follows:  
**Proposed point of diversion: (Complete only if change is requested)**  
 One in the \_\_\_\_\_ Quarter of the \_\_\_\_\_ Quarter of the \_\_\_\_\_ Quarter of Section \_\_\_\_\_, Township \_\_\_\_\_ South, Range \_\_\_\_\_ (E/W), in \_\_\_\_\_ County, Kansas, \_\_\_\_\_ feet North \_\_\_\_\_ feet West of Southeast corner of section.  
 Proposed Rate \_\_\_\_\_ Proposed Quantity \_\_\_\_\_  
 This point is:  Additional Well  Geo Center List other water rights that will use this point \_\_\_\_\_

10. **Presently authorized point of diversion:**  
 One in the \_\_\_\_\_ Quarter of the \_\_\_\_\_ Quarter of the \_\_\_\_\_ Quarter of Section \_\_\_\_\_, Township \_\_\_\_\_ South, Range \_\_\_\_\_ (E/W), in \_\_\_\_\_ County, Kansas, \_\_\_\_\_ feet North \_\_\_\_\_ feet West of Southeast corner of section.  
 Authorized Rate \_\_\_\_\_ Authorized Quantity \_\_\_\_\_  
 (DWR use only: Computer ID No. \_\_\_\_\_ GPS \_\_\_\_\_ feet North \_\_\_\_\_ feet West)  
 This point will not be changed  This point will be changed as follows:  
**Proposed point of diversion: (Complete only if change is requested)**  
 One in the \_\_\_\_\_ Quarter of the \_\_\_\_\_ Quarter of the \_\_\_\_\_ Quarter of Section \_\_\_\_\_, Township \_\_\_\_\_ South, Range \_\_\_\_\_ (E/W), in \_\_\_\_\_ County, Kansas, \_\_\_\_\_ feet North \_\_\_\_\_ feet West of Southeast corner of section.  
 Proposed Rate \_\_\_\_\_ Proposed Quantity \_\_\_\_\_  
 This point is:  Additional Well  Geo Center List other water rights that will use this point \_\_\_\_\_

11. Describe the current condition of and future plans for any point(s) of diversion which will no longer be used. \_\_\_\_\_

**IF MORE SPACE IS NEEDED, ATTACH ADDITIONAL SHEETS AS NECESSARY**

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12. The presently authorized use of water is for STOCKWATERING purposes.  
It is proposed that the use be changed to NO CHANGE purposes.
13. If changing the place of use and/or use made of water, describe how the consumptive use will not be increased.  
CHANGE APPLICATIONS WILL ENSURE NO INCREASE IN CONSUMPTIVE USE BY COMPLYING WITH THE PROVISIONS OF K.A.R. 5-5-9. PLEASE REFER TO THE ENCLOSED CALCULATIONS AND RELATED DOCUMENTATION FOR MORE DETAILED INFORMATION.
- 
- (Please show any calculations here.)
14. It is requested that the maximum annual quantity of water be reduced to \_\_\_\_\_ (acre-feet or million gallons).
15. It is requested that the maximum rate of diversion of water be reduced to \_\_\_\_\_ gallons per minute (\_\_\_\_\_ c.f.s.).
16. The application must include either a topographic map or detailed plat. A U.S. Geological Survey Topographic Map, scale 1:24,000, is available through the Kansas Geological Survey, 1930 Constant Avenue, University of Kansas, Lawrence, Kansas 66047-3726 ([www.usgs.gov](http://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.

NO CHANGE IN SOURCE OF LOCAL SUPPLY WATER.

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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.

N/A

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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.

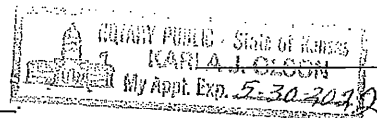
I declare that I am an owner of the currently authorized place of use as identified herein, or that I represent all such owners and am authorized to make this application on their behalf, and declare further that the statements contained herein are true, correct, and complete. By filing this application 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 Hoxie, Kansas, this 4<sup>th</sup> day of March, 20 20.

|                                      |       |                |
|--------------------------------------|-------|----------------|
| <u>[Signature]</u><br>(Owner)        | _____ | (Spouse)       |
| <u>Scott Foote</u><br>(Please Print) | _____ | (Please Print) |
| _____                                | _____ | (Spouse)       |
| (Owner)                              | _____ | (Please Print) |
| _____                                | _____ | (Spouse)       |
| (Please Print)                       | _____ | (Please Print) |
| _____                                | _____ | (Spouse)       |
| (Owner)                              | _____ | (Please Print) |
| _____                                | _____ | (Spouse)       |
| (Please Print)                       | _____ | (Please Print) |

State of Kansas }  
County of Sheridan } SS

I hereby certify that the foregoing application was signed in my presence and sworn to before me this 4 day of March, 20 20.



Karla J. Olson  
Notary Public

My Commission Expires 5-30-2022

**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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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

March 6, 2020

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

KS Dept Of Agriculture

Subject: Change Applications Pertaining to Water Right File Nos. 10,427; 18,618; 30,132;  
37,688; 38,457; 38,458; 23,880; 38,677; and 38,678 for Lane County Feeders, LLC

Dear Mr. Barfield:

Nine change applications pertaining to the subject water rights are enclosed for your consideration. These applications are submitted on behalf of the applicant, Lane County Feeders, LLC. KLA Environmental Services, Inc. assisted with the preparation of these applications. Additional information relating to the change applications is provided herein.

Water for livestock consumption at Lane County Feeders, LLC is currently supplied by four wells. All four stockwater wells discharge into an interconnected pressurized pipeline system that supplies water to the entire facility. The operation of the system is based upon variable livestock demand and the physical characteristics of the pumps and pipeline system.

In September 2019, Kansas Department of Health and Environment (KDHE) issued a new permit to Lane County Feeders, LLC which increased their permitted headcount to 70,000 cattle with an approved plan for an expansion of the feedyard. The water system for the new expansion is planned to be interconnected with the existing feedyard's pipeline system. Change in place of use to include the expansion is necessary to allow for this connection.

Application for Change in Place of Use and Point of Diversion Pertaining to File Nos. 38,457 and 38,458

Lane County Feeders, LLC previously purchased a tract of land which had been a hog facility. The tract of land included two wells associated with File Nos. 38,457 and 38,458. The water rights were not connected to the facility's stockwater system, even though they have been approved for stock use.

The well associated with File No. 10,427 (North Well) is located nearby, and often acts as the dominant well in the interconnected system. To assist in reducing the risk of over-pumping the North Well, it is proposed to transfer the entire authorized quantity from the existing points of diversion associated with File Nos. 38,457 and 38,458 to the existing point of diversion associated with File No. 10,427, and to change the place of use to coincide with the other applications for changes in place of use.

Application for Change in Place of Use and Use Made of Water Pertaining to File Nos. 23,880; 38,677; and 38,678

Lane County Feeders, LLC has a maximum permitted capacity of 70,000 head of beef cattle. The maximum reasonable use for this capacity is 1,176.2 acre-feet per year based upon a maximum unit consumption rate of 15 gallons/head/day. The facility has historically used less than the maximum unit consumption. During the period of 2012-2019, the facility used an average of 8.23 gallons/head/day with a maximum rate of 8.94 gallons/head/day during a year. To provide a safety factor of approximately 20% to the historic use, calculations were made using a rate of 10 gallons/head/day. At this rate, annual consumption is calculated to be 784.1 acre-feet.

The total of all stockwater rights currently associated with the facility is 580.633 acre-feet per year. This implies a potential supply deficit of 203.5 acre-feet per year, based on historic use. A supplemental source of stockwater is needed to allow the facility to operate at full capacity. Three dual use permits are proposed to provide a supplemental source of stockwater for Lane County Feeders, LLC. The authorized quantity would be reduced to the consumptive use level to ensure that consumptive use is not increased. The irrigation place of use would remain the same and the place of use for stockwater diversion would completely overlap that of the other change applications being submitted, which will supply stockwater to the feedyard and new expansion.

Authorization of these dual use permits for File No. 23,880 for 163.822 acre-feet per year, File No. 38,677 for 138.681 acre-feet per year, and File No. 38,678 for 115.162 acre-feet per year would provide a sufficient supplemental source of stockwater while retaining water for irrigation.

Determination of the consumptive use quantity is based on the "Irrigation Return-Flow Percentages in Kansas, by County" map issued by the Division of Water Resources. Use of this map and the associated methodology appears to satisfy the requirements of K.A.R. 5-5-9. Calculations have been included with these applications.

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Approval of these change applications are critical to supplying water to the expanded headcount. Please process these applications as quickly as possible to ensure a sufficient supply of water for the cattle.

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

Respectfully,

*Craig Griswold*

Craig Griswold, I.E.

Enclosures

cc/enc: Scott Foote, Lane County Feeders, LLC  
Jeff Schmalzried, Lane County Feeders, LLC

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**KLA ENVIRONMENTAL SERVICES, INC.**PROJECT: **LANE COUNTY FEEDERS, LLC**LOCATION: **SECTIONS 1, 2, 11, & 12 T17S R29W, LANE COUNTY, KANSAS**BY: CSG  
DATE: 02/12/20CHECKED BY: KLS  
DATE: 2/24/2020**CONSUMPTIVE USE CALCULATION FOR CHANGE OF USE FROM IRRIGATION TO DUAL USE  
PERTAINING TO FILE NOS. 23,880 (3), 38,677 (3), AND 38,678 (4)**

Lane County Feeders, LLC is a beef cattle feeding facility. An expansion is in progress to raise the permitted number of cattle to 70,000 head. An additional source of water is required to support the increase in permitted headcount. Three dual use permits are proposed which would limit File Nos. 23,880, 38,677, and 38,678 to the consumptive use quantities associated with these irrigation water rights. A portion of the consumptive use quantities would be diverted to the facility for stockwatering use. The remainder will continue to be used for irrigation. It is anticipated that the actual quantities used for stockwatering will vary from year to year depending upon cattle numbers and environmental conditions.

Determine reasonable use for stockwatering quantity (K.A.R. 5-3-22):

Planned facility capacity = **70,000** head of beef cattle (maximum annual capacity)
$$\rightarrow \text{Maximum Reasonable Quantity} = 70,000 \text{ head} \times 15 \text{ gallons/head/day} \times 365 \text{ days/year} = 383.25 \text{ MGY} = 1,176.2 \text{ AF}$$

$$\rightarrow \text{Facility Specific Planned Quantity}^* = 70,000 \text{ head} \times 10 \text{ gallons/head/day} \times 365 \text{ days/year} = 255.50 \text{ MGY} = 784.1 \text{ AF}$$

\*Facility-Specific Planned Quantity is based off of 2012-2019 historic average use of 8.23 gal/head/day with an additional 21.5% safety factor.

where MGY = million gallons per year, AF = acre-feet per year and 1.0 AF = 325,851 gallons

Existing Facility Stockwater Summary:

| File No.<br>(P/D ID) | Facility<br>ID | Quantity<br>(AF) |   |
|----------------------|----------------|------------------|---|
| 10,427 (4)           | North          | 181.985          |   |
| 18,618 (2)           | Middle         | 131.962          |   |
| 30,132 (3)           | West           | 131.962          |   |
| 37,688 (3)           | East           | 125.824          |   |
| 38,457 (1)           | Well #3        | 8.900            | NOT CURRENTLY CONNECTED TO<br>THE SYSTEM. |
| 38,458 (2)           | Well #3 South  |                  |   |
| <b>TOTAL</b>         |                | <b>580.633</b>   |   |

$$\rightarrow \text{Maximum additional quantity of stockwater needed} = (\text{Maximum Reasonable Quantity}) - (\text{Existing Quantity})$$

$$= 1176.2 \text{ AF} - 580.6 \text{ AF} = 595.5 \text{ AF}$$

$$\rightarrow \text{Additional quantity of stockwater needed based on historic use} = (\text{Facility Specific Planned Quantity}) - (\text{Existing Quantity})$$

$$= 784.1 \text{ AF} - 580.6 \text{ AF} = 203.5 \text{ AF}$$
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**Maximum potential stockwatering quantities supplied through the dual use permits:**

Apply consumptive use factor from "Consumptive Use Percentages in Kansas, by County" as contained in K.A.R. 5-5-9(a) (1):

→ For **Lane County** the factor = **81.1%**

| FILE NO.<br>(P/D ID) | FACILITY ID | AUTHORIZED<br>QUANTITY<br>(AF) | Consumptive<br>Use Quantity<br>(AF) |
|----------------------|-------------|--------------------------------|-------------------------------------|
| 23,880 (3)           | BRYANT      | 202.000                        | 163.822                             |
| 38,677 (3)           | THON EAST   | 171.000                        | 138.681                             |
| 38,678 (4)           | THON WEST   | 142.000                        | 115.162                             |
| <b>TOTAL</b>         |             | <b>515.000</b>                 | <b>417.665</b>                      |

→ Check to see if requested stockwatering quantity is reasonable:

Additional Quantity Necessary  
203.5 AF

<

Additional Quantity Available  
417.7 AF

→ **THE QUANTITY IS REASONABLE**

**Maximum water quantity available for stock use:**

|                                      |                   |
|--------------------------------------|-------------------|
| Existing Stock Rights =              | 580.633 AF        |
| Proposed Maximum Dual Use Quantity = | <u>417.665 AF</u> |
| <b>Total =</b>                       | <b>998.298 AF</b> |

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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-UALE-C004**  
Federal Permit No.: **KS0115177**

## 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: **Lane County Feeders, LLC**  
Permittee's Address: **16 W Road 230  
Dighton, KS 67839**  
Facility Name: **Lane County Feeders, LLC**  
Facility Location: **SW ¼ of Section 1, SE ¼ of Section 2, NE ¼ & W ½ of Section  
11, and NW ¼ of Section 12, Township 17 S, Range 29 W,  
Lane 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 September 25, 2019, supersedes the previously issued water pollution control permit A-UALE-C004, and expires September 24, 2024.

### Facility Summary

The facility consists of approximately 428.5 acres of open lot pens, feed roads and alleys, manure stockpile area, snow removal area, feed storage area, a truck wash, and associated feedlot areas for the maximum capacity of 48,500 head (48,500 animal units) of cattle weighing greater than 700 pounds. Surface runoff is collected by drainage channels, six sedimentation basins, and five earthen waste storage ponds. Proposed modifications to the facility include expansion of the facility with an additional 199.8 acres of open lot pens, associated feedlot area, 10.4 acres of extraneous drainage, a sedimentation basin, and a waste storage pond. The proposed expansion will increase the permitted animal units by 21,500 head for a total maximum capacity of 70,000 head (70,000 animal units) of cattle weighing more than 700 pounds.

*Lee A. Norman MD*

Secretary, Kansas Department of Health and Environment

September 25, 2019  
Date

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MAR 09 2020

KS Dept Of Agriculture

**KLA ENVIRONMENTAL SERVICES, INC.**

PROJECT: **LANE COUNTY FEEDERS, LLC**

LOCATION: **SECTIONS 1, 11, & 12 T17S R29W, LANE COUNTY, KANSAS**

BY: CSG  
DATE: 1/13/2020

CHECKED BY: DLB  
DATE: 2/21/2020

**SUMMARY OF WATER USE FOR THE PERIOD 2012 - 2019**

| YEAR   | ANNUAL WATER USE IN ACRE-FEET BY STOCKWATER FILE NO. |                   |                 |                 |                    |                          | TOTAL ANNUAL USE (AF) | HEAD COUNT    | RATE (GAL/HD/DAY) |
|--|--|-------------------|-----------------|-----------------|--------------------|--------------------------|-----------------------|---------------|-------------------|
|  | 10,427 (4) NORTH                                     | 18,618 (2) MIDDLE | 30,132 (3) WEST | 37,688 (3) EAST | 38,457 (1) WELL #3 | 38,458 (2) WELL #3 SOUTH |                       |               |                   |
| 2012   | 155.07   | 76.54             | 91.99           | 115.23          |                    |                          | 438.84                | 43,827        | 8.94              |
| 2013   | 186.19   | 65.32             | 98.52           | 89.00           |                    |                          | 439.03                | 46,968        | 8.34              |
| 2014   | 155.32   | 109.03            | 100.18          | 85.03           |                    |                          | 449.56                | 46,913        | 8.56              |
| 2015   | 133.87   | 95.35             | 87.79           | 136.24          |                    |                          | 453.26                | 46,721        | 8.66              |
| 2016   | 225.65   | 60.50             | 50.67           | 95.31           |                    |                          | 432.12                | 46,386        | 8.32              |
| 2017   | 178.81   | 69.79             | 59.00           | 62.38           |                    |                          | 369.98                | 45,758        | 7.22              |
| 2018   | 157.07   | 75.74             | 114.38          | 55.90           |                    |                          | 403.09                | 46,243        | 7.78              |
| 2019   | 141.17   | 37.10             | 121.93          | 106.44          |                    |                          | 406.64                | 45,023        | 8.06              |
| <b>AVG.</b>                                  | <b>166.64</b>  | <b>73.67</b>      | <b>90.56</b>    | <b>93.19</b>    |                    |                          | <b>424.07</b>         | <b>45,980</b> | <b>8.23</b>       |
| <b>MAXIMUM USE FOR PERIOD OF 2012-2019 =</b> |  |                   |                 |                 |                    |                          | <b>453.26</b>         | <b>46,968</b> | <b>8.94</b>       |

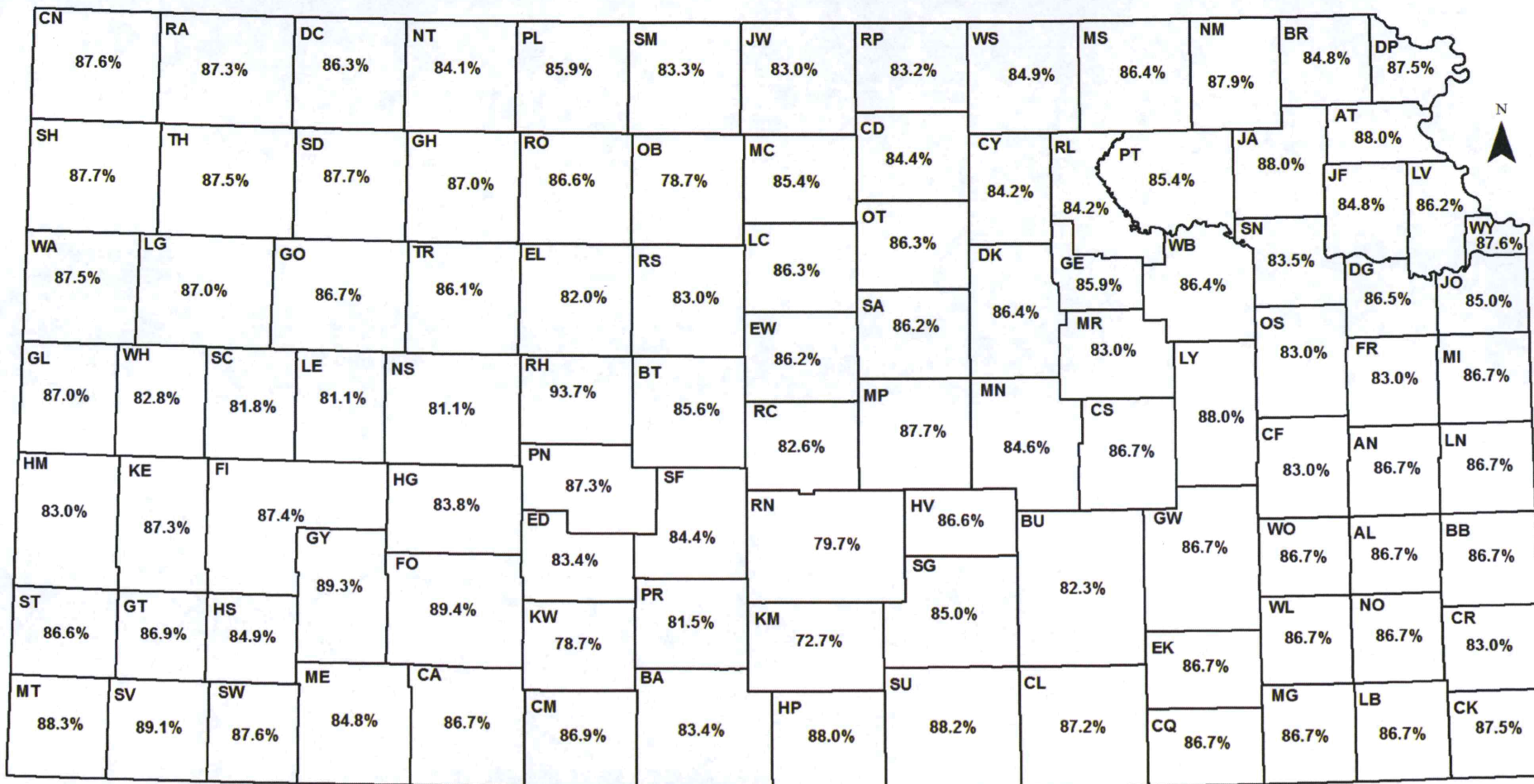
| YEAR   | ANNUAL WATER USE IN ACRE-FEET |                      | TOTAL ANNUAL USE (AF) |
|--|-------------------------------|----------------------|-----------------------|
|  | 38,677 (3) THON EAST          | 38,678 (4) THON WEST |                       |
| 2012   | 155.10                        | 124.53               | 279.62                |
| 2013   | 134.76                        | 101.30               | 236.06                |
| 2014   | 97.85                         | 76.05                | 173.90                |
| 2015   | 94.29                         | 73.96                | 168.25                |
| 2016   | 106.86                        | 63.20                | 170.06                |
| 2017   | 138.81                        | 87.83                | 226.65                |
| 2018   | 140.68                        | 81.83                | 222.51                |
| 2019   | 103.00                        | 61.38                | 164.38                |
| <b>AVG.</b>                                  | <b>121.42</b>                 | <b>83.76</b>         | <b>205.18</b>         |
| <b>MAXIMUM USE FOR PERIOD OF 2012-2019 =</b> |                               |                      | <b>279.62</b>         |

| YEAR        | ANNUAL WATER USE IN ACRE-FEET |
|-------------|-------------------------------|
|             | 23,880 (3) BRYANT             |
| 2012        | 124.72                        |
| 2013        | 53.77                         |
| 2014        | 93.92                         |
| 2015        | 59.72                         |
| 2016        | 55.16                         |
| 2017        | 75.02                         |
| 2018        | 74.07                         |
| 2019        | 58.18                         |
| <b>AVG.</b> | <b>74.32</b>                  |
| <b>MAX.</b> | <b>124.72</b>                 |

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# Consumptive Use Percentages in Kansas, by County

based on area-weighted average irrigation return flow



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:

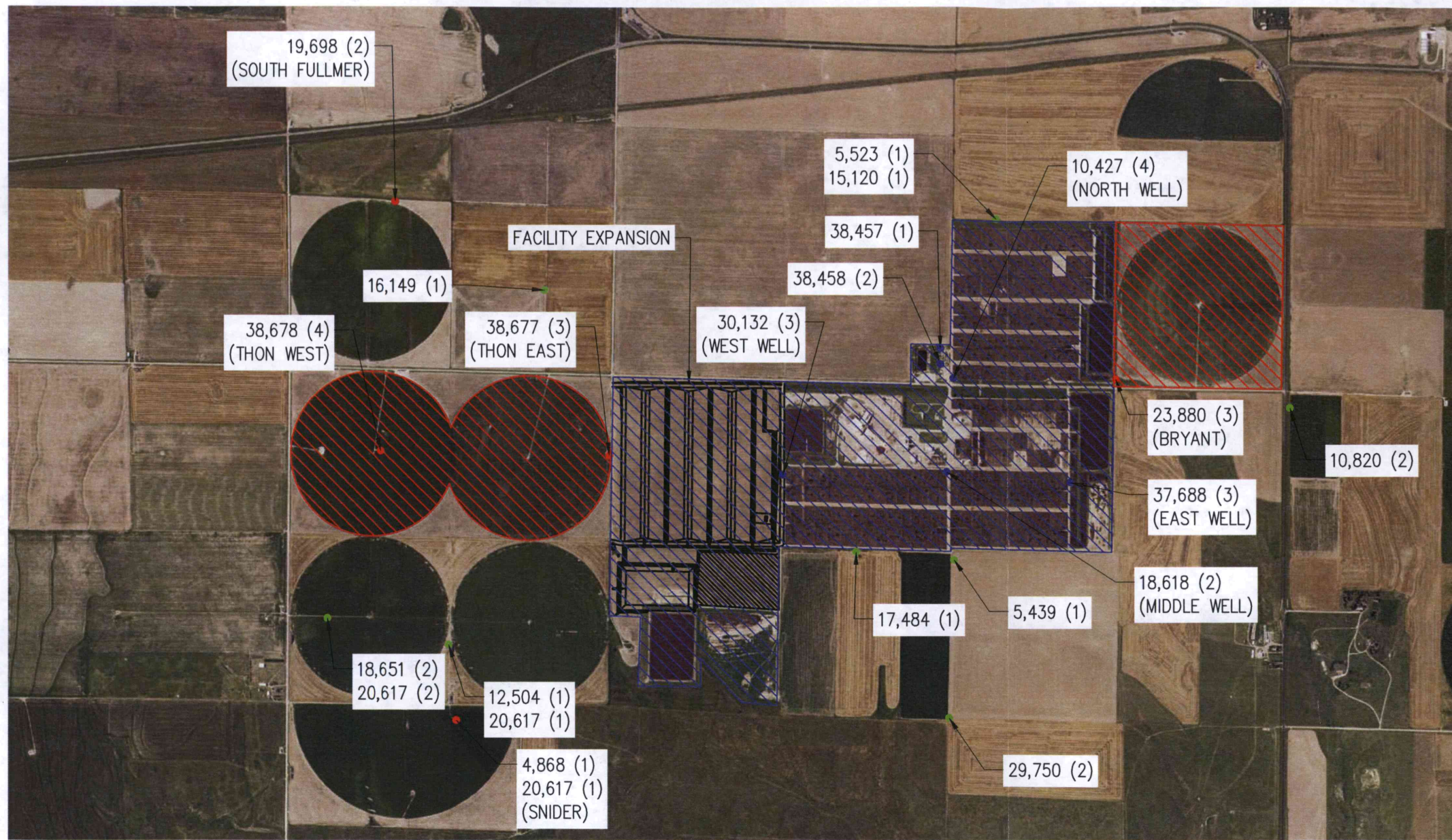
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$$150 \times 86.7\% = 150 \times 0.867 = 130 \text{ acre-feet}$$

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Kansas Department of Agriculture  
Division of Water Resources  
August 3, 2017

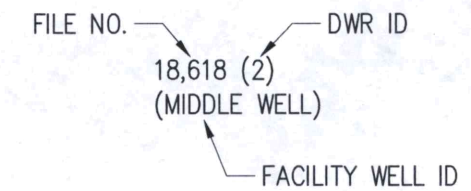


T16S  
T17S

LEGEND

- FACILITY POINT OF DIVERSION (IRR)
- FACILITY POINT OF DIVERSION (STK)
- NEIGHBORING POINT OF DIVERSION (IRR)

- CURRENT PLACE OF USE (IRR)
- PROPOSED PLACE OF USE (STK)



R29W | R28W

|          |     |      |      |
|----------|-----|------|------|
| DRAWN    | CSG | DATE | 1/20 |
| CHECKED  | KLS | DATE | 2/20 |
| APPROVED | KLS | DATE | 2/20 |

LANE COUNTY FEEDERS LLC  
 WATER RIGHT CHANGE APPLICATIONS  
 SEC 1, 2, 11, & SEC 12 T17S R29W  
 LANE COUNTY, KANSAS

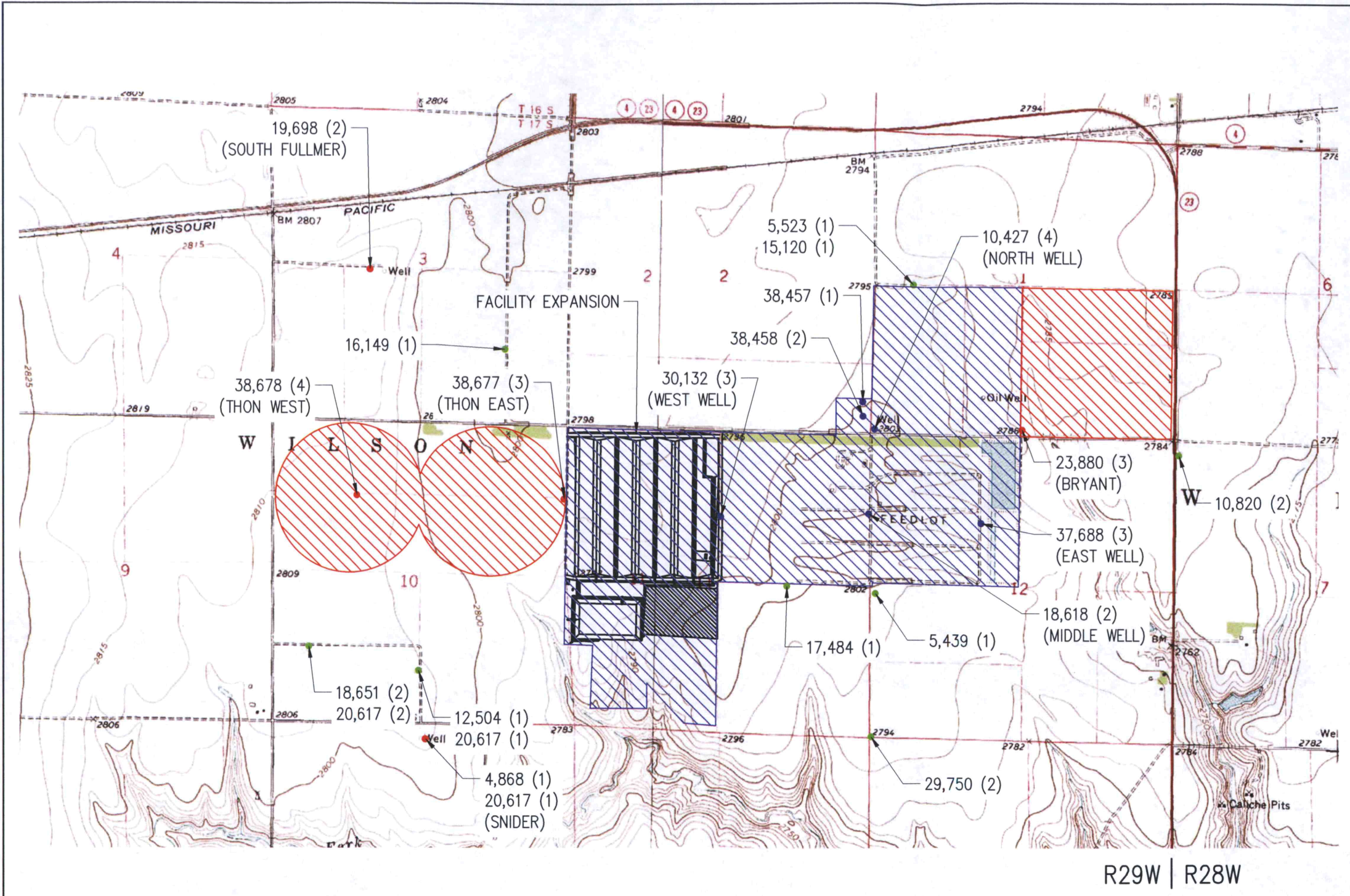
1700 E. IRON  
 SALINA, KANSAS 67401  
 (785) 823-0097

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

CAD FILE NAME:  
 WATER RIGHTS MAP.DWG  
 SHEET NO. 1 OF 2

Water Resources  
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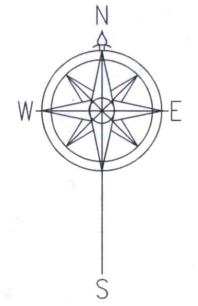
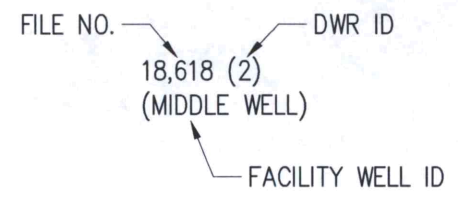
PLACE OF USE MAP – AERIAL



T16S  
T17S

LEGEND

- FACILITY POINT OF DIVERSION (IRR)
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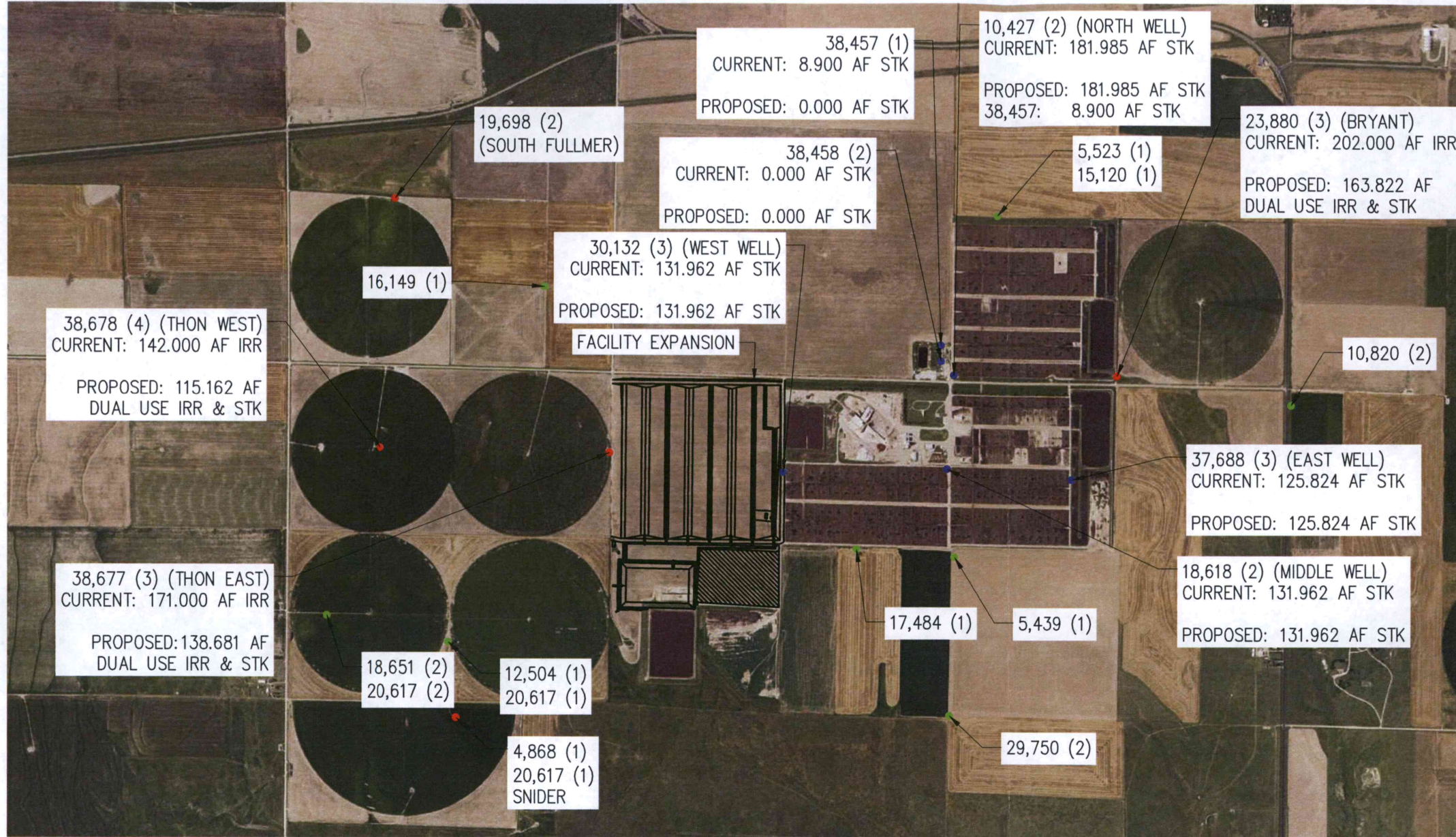
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CAD FILE NAME:  
WATER RIGHTS MAP.DWG

SHEET NO. 2 OF 2

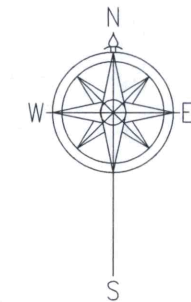
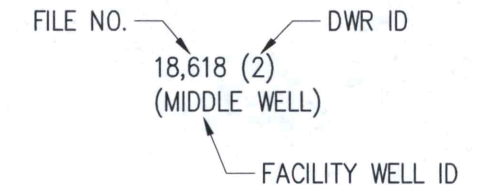
PLACE OF USE MAP - TOPOGRAPHIC



T16S  
T17S

LEGEND

- FACILITY POINT OF DIVERSION (IRR)
- FACILITY POINT OF DIVERSION (STK)
- NEIGHBORING POINT OF DIVERSION (IRR)



R29W | R28W

Water Resources  
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| CSG | DATE |
|-----|------|
| CSG | 1/20 |
| KLS | 2/20 |
| KLS | 2/20 |

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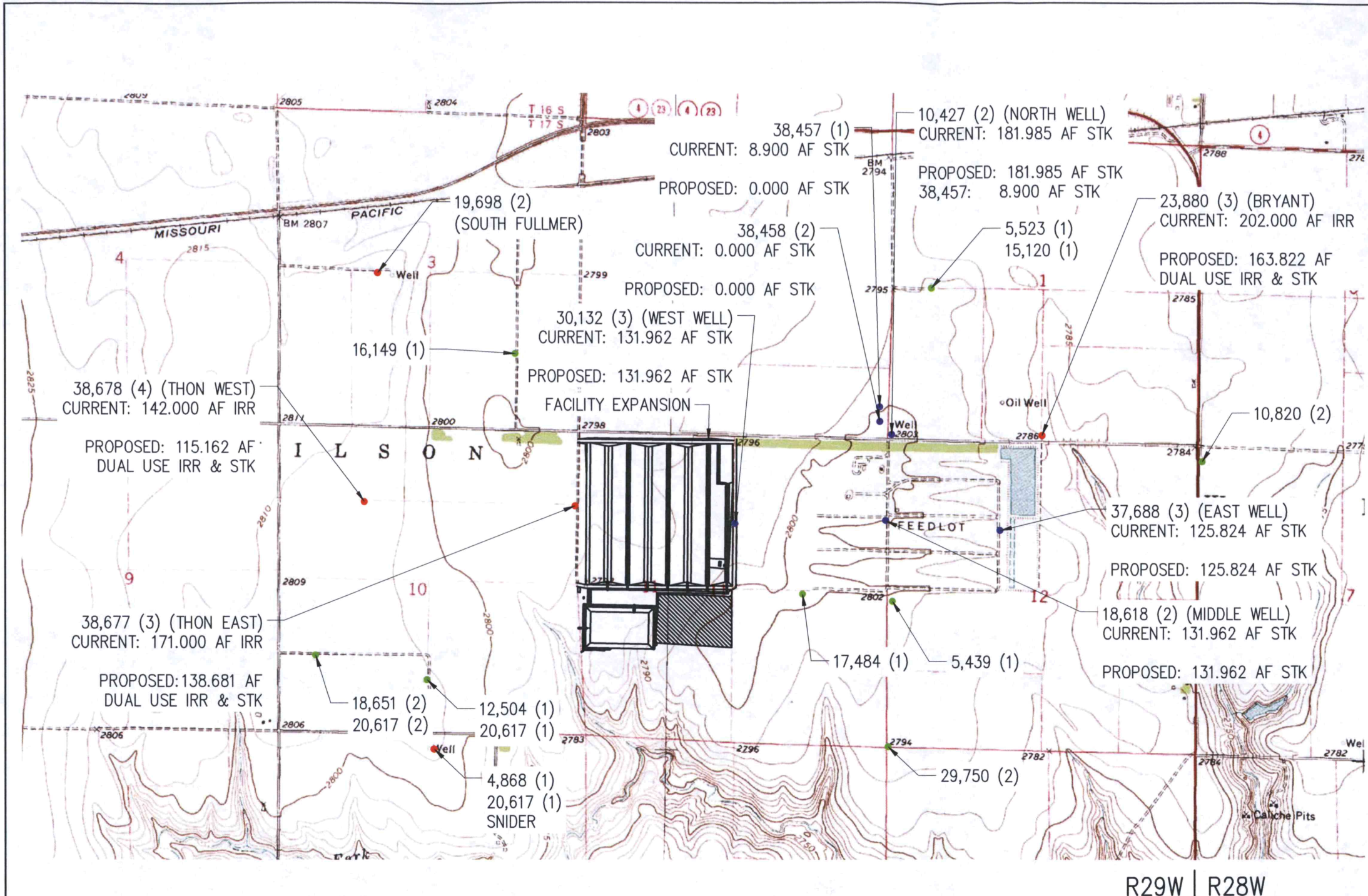


CAD FILE NAME:  
WATER RIGHTS MAP.DWG

SHEET NO. 1 OF 2

RATE AND QUANTITY MAP - AERIAL

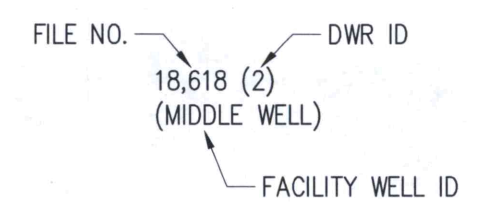




T16S  
T17S

**LEGEND**

- FACILITY POINT OF DIVERSION (IRR)
- FACILITY POINT OF DIVERSION (STK)
- NEIGHBORING POINT OF DIVERSION (IRR)



| DRAWN    | CSG | DATE |
|----------|-----|------|
|          |     | 1/20 |
| CHECKED  | KLS | DATE |
|          |     | 2/20 |
| APPROVED | KLS | DATE |
|          |     | 2/20 |

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CAD FILE NAME:  
 WATER RIGHTS MAP.DWG

**RATE AND QUANTITY MAP – TOPOGRAPHIC**