

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

1. File Number: 38511	2. Status Change Date: 7/22/2020	3. Change Num: C1	4. Field Office: 04	5. GMD: 03
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6. Status: <input type="checkbox"/> Approved <input type="checkbox"/> Denied by DWR/GMD <input type="checkbox"/> Dismiss by Request/Failure to Return	7. Filing Date of Change: 20-APRIL-2020
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8a. Applicant(s) New to system <input type="checkbox"/> WALTER BEESLEY PO BOX 818 HUGOTON, KS 67951	Person ID <u>1056</u> Add Seq# <u>1</u>
8c. Landowner(s) New to system <input type="checkbox"/>	Person ID Add Seq#

8b. Landowner(s) New to system <input type="checkbox"/> MID AMERICA CATTLE CO Attn: WALTER BEESLEY PO BOX 818 HUGOTON, KS 67951-0818	Person ID <u>39574</u> Add Seq# <u>1</u>
8d. WUC New to system <input type="checkbox"/>	Person ID <u>1056</u> Add Seq# <u>1</u>

9. Documents and Enclosure(s): DWR Meter(s) Date to Comply: 12/31/20 N & P Date to Comply: _____

Anti-Reverse Meter
 Meter Seal
 Check Valve
 N & P Form
 Water Tube
 Driller Copy
 H & E Letter

Conservation Plan
 Date Required: _____
 Date Approved: _____
 Date to Comply: _____

10. Use Made of Water From: _____ To: _____

Date Prepared: **07/21/20** By: **RAK**

Date Entered: 7/27/2020 By: **L Moody**

File No. **38511** 11. County: **SV** Basin: **CIMARRON RIVER** Stream: _____ Formation Code: **200** Special Use: _____

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

NO CHANGES

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

14. Limitation: _____ gpm (_____ cfs) when combined with file number(s) _____
 Limitation: _____ gpm (_____ cfs) when combined with file number(s) _____

15. 5YR Allocation: Allocation Type _____ Start Year _____ 5 YR Amount _____ Amount Unit _____ Base Acres _____ Comment _____

16. Place of Use CHK MOD DEL ENT PUSE S T R ID	NE¼				NW¼				SW¼				SE¼				Total	Owner	Chg?	Overlap Files	
	NE ¼	NW ¼	SW ¼	SE ¼	NE ¼	NW ¼	SW ¼	SE ¼	NE ¼	NW ¼	SW ¼	SE ¼	NE ¼	NW ¼	SW ¼	SE ¼					
MOD 24523 18 34 37W 3 PU COMMENT L-3 (NW SW), L-4 (SW SW)											L-3 30.50	L-4 30.50					122.00	8B	NO	see above	
ENT 55646 19 34 37W 2 PU COMMENT L-1 (NW NW), L-2 (SW NW) L-3 (NW SW), L-4 (SW SW)	12.00	35.00	40.00	35.00	35.00	L-1 12.00	L-2 35.00	40.00	40.00		L-3 35.00	L-4 12.00	35.00	35.00	40.00	35.00	12.00	488.00	8B	NO	see above
MOD 2905 13 34 38W 1										30.50	30.50	30.50	30.50	30.50	30.50	30.50		244.00	8B	NO	see above
MOD 53448 14 34 38W 4	40.00	40.00	40.00	40.00	40.00				40.00	40.00				10.00	40.00	40.00	14.00	424.00	8B	NO	see above

Base Acres: _____ Year: _____ Minimum Reasonable Quantity: _____
 Comments: _____

KANSAS DEPARTMENT OF AGRICULTURE
Division of Water Resources
M E M O R A N D U M

TO: Files

DATE: July 21, 2020

FROM: Richelle A. Krueger

RE: Water Right

File Nos. 22,858; 24,942-D1;
38,511; 41,191-D1; 42,019;
45,333, 45,507 and 45,742

Walter Beesley, President, on behalf of Mid-America Cattle Co., water right owner, filed applications for approval to change the authorized place of use for the referenced file numbers, authorized groundwater for irrigation use in the Cimarron River Basin.

The referenced files do not appear abandoned as per K.S.A. 82a-718.

File Nos. 22,858; 24,942-D1; 38,511; 41,191-D1; 42,019; 45,333, and 45,742 are authorized a combined limited quantity of 1,580 acre-feet for irrigation of the same 790 acres in Section 18, Township 34 South, Range 37 West, and Sections 13 and 14, Township 34 South, Range 38 West, Stevens County. File No. 45,507 is authorized 349 acre-feet for irrigation of 488 acres with no overlaps in Section 19, Township 34 South, Range 37 West, Stevens County. File No. 22,858 is overlapped in the point of diversion by File Nos. 38,511 and 42,019. File No. 24,942-D1 is overlapped in the point of diversion by File Nos. 24,942-D2, 41,191-D1 and 41,191-D2. File No. 45,553 is overlapped in the point of diversion by File Nos. 45,507 and File No. 45,742 has no point of diversion overlaps.

The applicants propose to create an exact overlap in the place of use between File Nos. 22,858; 24,942-D1; 38,511; 41,191-D1; 42,019; 45,333, and 45,742 and File No. 45507 for a total of 1,278 acres pursuant to K.A.R. 5-5-11(b)(1) *Identical places of use*. There will be no net increase in authorized acres and no new acres will be irrigated. The total quantity of water to be authorized for the proposed place of use, 1,929 acre-feet, will irrigate the proposed 1,278 acres with 1.51 acre-feet per acre. The 50% net irrigation requirement for the full irrigation of corn with 85% efficiency in Stevens County is 1.45 acre-feet per acre, so the proposal appears reasonable.

The same local source of supply will not change, previously determined to be Tertiary System (200)/Ogallala Formation (211).

Southwest Kansas Groundwater Management District No. 3 recommended approval of the referenced applications in a letter dated July 14, 2020 from Jason Norquest, Assistant District Manager.

In an e-mail dated July 15, 2020 Mike Meyer, Water Commissioner of the Garden City Field Office, indicated that he recommends approval.

Water flow meters are required. Check valves are required if any chemical or foreign substance is injected into the water through the diversion works.

Based on the above discussion, that the changes are reasonable, that impairment to existing water rights is unlikely, and that no change in the local source of supply will occur, it is recommended the change applications be approved.


Richelle A. Krueger
Environmental Scientist

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

MID AMERICA CATTLE CO
Attn: WALTER BEESLEY
PO BOX 818
HUGOTON, KS 67951-0818

July 22, 2020

RE: Water Right, File Nos. 22,858; 24,942-D1; 38,511; 41,191-D1; 42,019; 45,333; 45,507;
and 45,742

Dear Mr. Beesley:


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

Your attention is directed to the enclosures and to the terms, conditions, and limitations specified in these approvals for change. A condition of these approvals is that acceptable water flow meters must be installed on the diversion works authorized under the referenced file numbers. Please return the required notification of completion of the diversion works and/or installation of the required meters as soon as these actions are completed.

Since the 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,


Richelle A. Krueger
Environmental Scientist
Division of Water Resources

RAK

pc: Garden City Field Office
Groundwater Management District No. 3

THE STATE OF KANSAS



KANSAS DEPARTMENT OF AGRICULTURE
Mike Beam, Secretary of Agriculture

DIVISION OF WATER RESOURCES
Christopher W. Beightel, Acting Chief Engineer

APPROVAL OF APPLICATION FOR CHANGE IN PLACE OF USE WATER RIGHT FILE NO. 38,511

The Chief Engineer, Division of Water Resources, Kansas Department of Agriculture, after due consideration of the written application of Walter Beesley, President, on behalf of Mid America Cattle Company, P.O. Box 818, Hugoton, Kansas 67951, received in this office on April 20, 2020, for approval of a change in the location of the place of use under the certificate of appropriation issued pursuant to the permit to appropriate water for beneficial use, as modified and amended by the Order of the Chief Engineer dated June 30, 2000, approving the application to change the place of use, and by the Findings and Order of the Chief Engineer dated September 10, 2004, modifying the place of use, finds that the change is reasonable and will not impair existing rights, and that the application should be and is hereby approved.

The effective date of the change shall be the date this order is executed by the Chief Engineer, after which the authorized location of the irrigation place of use shall be:

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	34S	37W										Lot 3 30.50	Lot 4 30.50						122.00
19	34S	37W	12.00	35.00	40.00	35.00	35.00	Lot 1 12.00	Lot 2 35.00	40.00	40.00	Lot 3 35.00	Lot 4 12.00	35.00	35.00	40.00	35.00	12.00	488.00
13	34S	38W									30.50	30.50	30.50	30.50	30.50	30.50	30.50	30.50	244.00
14	34S	38W	40.00	40.00	40.00	40.00	40.00			40.00	40.00			10.00	40.00	40.00	14.00	40.00	424.00

a total of 1,278.00 acres in Stevens County, Kansas,

located substantially as shown on the map accompanying the application to change the place of use.

All diversion works shall be equipped with an in-line, automatic, quick-closing check valve capable of preventing pollution of the source of the water supply. The type of valve installed shall meet specifications adopted by the Chief Engineer and shall be maintained in an operating condition satisfactory to the Chief Engineer.

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

In all other respects, the Certificate of Appropriation issued pursuant to Approval of Application, File No. 38,511, 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 orders.

Ordered this 20th day of July, 2020, in Manhattan, Riley County, Kansas.

Lane P. Letourneau

Lane P. Letourneau, P.G.
Program Manager
Water Appropriation Program
Division of Water Resources
Kansas Department of Agriculture

State of Kansas)
) SS
County of Riley)

The foregoing instrument was acknowledged before me this 20th day of July, 2020, by Lane P. Letourneau, P.G., Program Manager, Water Appropriation Program, Division of Water Resources, Kansas Department of Agriculture.

Katie Anderson

Notary Public



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

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



State of Kansas

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

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

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

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

Water Resources
Received
APR 20 2020
1:22
KS Dept Of Agriculture

File No. 38511

2. Name of applicant: Walter Beesley

Address: PO Box 818

City, State and Zip: Hugoton, KS 67951

Phone Number: (620)544-1993 E-mail address: ebeesley@pld.com

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

Name of water use correspondent: same as above

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): To include land in Section 19 T34S R37W (377 acres) under water right file number #45507 with this water right as well as the other overlapping water rights. The existing water right include #22858, #38511, #42019, #24942 D1, #41191 D1, #45333, and #45742.

The change(s) (was) (will be) completed by As soon as approved by Department
(Date)

For Office Use Only:														
F.O.	<u>4</u>	GMD	<u>3</u>	Meets K.A.R. 5-5-1 (YES/NO)	Use	<u>100</u>	Source	<u>G/S</u>	County	<u>SV</u>	By	<u>Bm</u>	Date	<u>4/21</u>
Code	<u>cpu</u>			Fee \$	<u>200</u>	TR #		Receipt Date	<u>4/20/2020</u>	Check #	<u>9359</u>			

RECEIVED

* Rowdown 7/8/20

APPLICATION COMPLETE
7/14/20
Reviewer RAIL

APR 13 2020

SCANNED

4. The presently authorized place of use is:

Owner of Land — NAME: Walter Beesley

ADDRESS: PO Box 818 Hugoton, KS 67951

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	
14	34S	38W	40	40	40	40	40			40				10	40	40	14	40	424
13	34S	38W												30.5	30.5	30.5	30.5	30.5	244
18	34S	37W												30.5	30.5	30.5	30.5		122

List any other water rights that cover this place of use. 22858, 38511, 42019, 24942 D1, 41191 D1, 45333, 45742

Owner of Land — NAME: Mid America Cattle Co. c/o Walter Beesley

ADDRESS: PO Box 818 Hugoton, KS 67951

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: Walter Beesley

ADDRESS: PO Box 818 Hugoton, KS 67951

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	
14	34S	38W	40	40	40	40	40			40				10	40	40	14	40	424
13	34S	38W												30.5	30.5	30.5	30.5	30.5	244
18	34S	37W												30.5	30.5	30.5	30.5		122

List any other water rights that cover this place of use. 22858, 38511, 42019, 24942 D1, 41191 D1, 45333, 45742, 45507

Owner of Land — NAME: Mid America Cattle Co. c/o Walter Beesley

ADDRESS: PO Box 818 Hugoton, KS 67951

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	34S	37W	12	35	40	35	35	L-1 8	L-2 22	40	L-3 17	L-4 11	35	35	40	35	12		377
								12	35	40			35	12					

Water Resources Received

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

IF MORE SPACE IS NEEDED, ATTACH ADDITIONAL SHEETS AS NECESSARY

⊕ per WAIS
⊕ ROK down
7/8/20

* pvc corrected as per 7/2/20 5/7/20 email
Mike Meyer GCFO - center 45507

SCANNED

* ROK down
7/6/20

APR 20 2020
KS Dept Of Agriculture

APR 13 2020

Garden City Field Office
DIVISION OF WATER RESOURCES

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

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

List all presently authorized point(s) of diversion:

8. **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 _____.

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. RECEIVED

SCANNED

APR 20 2020

APR 13 2020

KS Dept Of Agriculture

Garden City Field Office
DIVISION OF WATER RESOURCES

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

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

(Please show any calculations here.)

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

15. It is requested that the maximum rate of diversion of water be reduced to NA gallons per minute (NA 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 additional water is being requested. The additional Place of Use requested will allow flexibility between this group of water rights.

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.

IF MORE SPACE IS NEEDED, ATTACH ADDITIONAL SHEETS AS NECESSARY

Water Resources

Received

APR 20 2020

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APR 13 2020

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KS Dept Of Agriculture

Garden City Field Office
DIVISION OF WATER RESOURCES

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 HUGOTON, Kansas, this 7th day of APRIL, 2020.

Walter Beesley, Pres.
(Owner)

(Spouse)

WALTER BEESLEY, PRES.
(Please Print)

(Please Print)

(Owner)

(Spouse)

(Please Print)

(Please Print)

(Owner)

(Spouse)

(Please Print)

(Please Print)

State of Kansas)
County of Stevens) SS

I hereby certify that the foregoing application was signed in my presence and sworn to before me this 7th day of April, 2020.

My Commission Expires 1-11-21

Kim Chamberlain
KIM CHAMBERLAIN
NOTARY PUBLIC, STATE OF KANSAS
My Appl. Exp. 1-11-21

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.**

Water Resources
Received

APR 20 2020

RECEIVED

APR 13 2020

SCANNED

KS Dept Of Agriculture

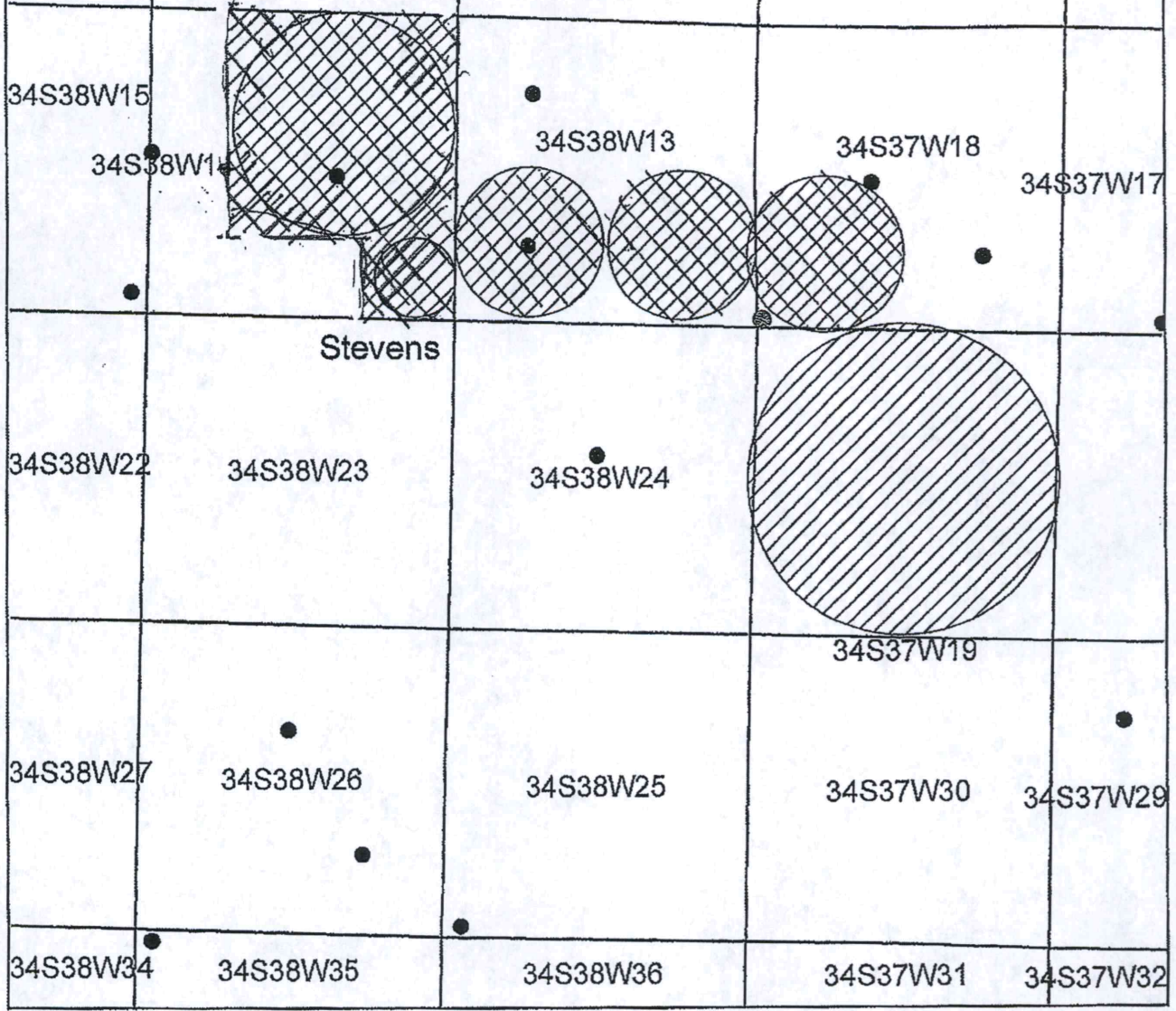
Garden City Field Office
DIVISION OF WATER RESOURCES

34S38W03 34S38W02 34S38W01 34S37W06 34S37W05

APPLICATION TO CHANGE THE PLACE OF USE

FILE NOS. 22858, 38511, 42019, 24942-D1,
41191-D1, 45333, 45507, 45742

/// PROPOSED PLACE OF USE
\\ \ AUTHORIZED PLACE OF USE



1 inch = 3,000 feet

Water Resources
Received

APR 20 2020

RECEIVED

KS Dept Of Agriculture

APR 13 2020

SCANNED

Garden City Field Office
DIVISION OF WATER RESOURCES

Krueger, Richelle [KDA]

From: Meyer, Mike [KDA]
Sent: Wednesday, July 15, 2020 7:49 AM
To: Krueger, Richelle [KDA]
Subject: RE: Request for Recommendation Walter Beesley Change in PU File Nos. 22858, 24942-D1,38511,41191-D1,42019,45333,45507,45742

approve
thanks

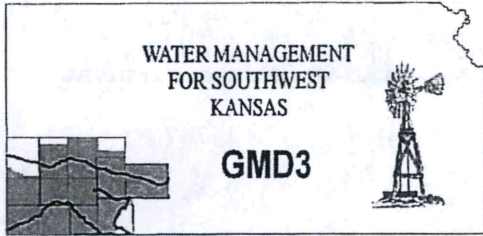
Mike

From: Krueger, Richelle [KDA] <Richelle.Krueger@ks.gov>
Sent: Wednesday, July 15, 2020 7:34 AM
To: Meyer, Mike [KDA] <Mike.Meyer@ks.gov>
Cc: McColloch, Austin [KDA] <Austin.McColloch@ks.gov>
Subject: Request for Recommendation Walter Beesley Change in PU File Nos. 22858, 24942-D1,38511,41191-D1,42019,45333,45507,45742

Hi Mike,
Attached is a draft memo for the referenced pu changes, do you recommend approval?

Thanks,
Richelle

Richelle Krueger, Environmental Scientist
Kansas Department of Agriculture
Division of Water Resources
1320 Research Park Drive, 3rd Floor
Manhattan, KS 66502
(785) 564-6635



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

July 14, 2020

WATER RESOURCES
RECEIVED

JUL 14 2020

KS DEPT OF AGRICULTURE

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

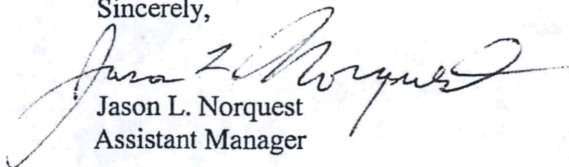
RE: Applications for Change in Place of Use:
Water Right, File Nos. 22858, 24942-D1, 38511, 41191-D1, 42019, 45333, 45507 & 45742

Dear Richelle:

We have completed a review of the applications for the above referenced water rights. The proposed change in place of use is in accordance with current area rules, K.A.R. 5-5-11(b). The change will make a complete overlap in current acres covered by at least one of the above water rights and will not bring in new acres. It is therefore recommended that the 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,

A handwritten signature in cursive script, appearing to read "Jason L. Norquest".

Jason L. Norquest
Assistant Manager

SCANNED

GMD3 Change Review

File No(s): 22858, 24942D1, 38511, 41191D1, 42019, 45333, 45507 & 45742.

DWR office: Manhattan.

App filed to change: PU.

Is Landowner(s) correct in WRIS: Mid American Cattle % Walter Beesley .

If NO, is documentation included?

Is Water Use Correspondent correct in WRIS? ___.

If NO, is documentation included?

Regulation(s) Reviewed: KAR 5-5-11(b)

Point of diversion ID No(s) ___ being changed.

GPS for proposed PD: Lat: ___ Long: ___.

Is proposed PD stacking on existing WRs? No Changes .

Is Proposed PU overlapping existing WRs? 45507 will be overlapped with the rest.

Neighboring certified well(s) notified: ___.

Name ___.

Address ___.

Zip ___.

Email: ___. Phone: ___.

Domestic well(s) notified: ___.

Name ___.

Address ___.

Zip ___.

Base Acres: ___.

Perfected Acres: ___.

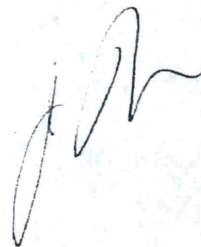
Irr. Return-Flow ___%

This proposal will just make a complete overlap in current place of use for all the water rights. No new acres are being added.

As the change proceeds, there will be a correction order on the certificate to make the acres as they should have been.

Is a waiver needed: They are not proposing any new acres, all are authorized by at least one of the water rights. WR 45507 will have correction order to amend the certificate to describe the correct acres.

Recommendation: After review of all available information, it appears current area rules are met. Staff therefore recommends approval of the applications.



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 July 7, 2020
MANAGEMENT DISTRICT NO 3
ATTN JASON NORQUEST
2009 E SPRUCE ST
GARDEN CITY KS 67846

Re: Water Right, File Nos. 22,858; 24,942-D1; 38,511; 41,191-D1; 42,019; 45,333; 45,507; and 45,742

Dear Jason:

We are enclosing copies of the applications to change the place of use under the above referenced file numbers.

We are delaying further action for a period of 15 days from the date of this letter to allow you time to submit your recommendations concerning these applications.

Please submit your recommendations within the allowed time, or any authorized extension of time thereof. If you have any questions, please contact me at (785) 564-6635. If you call, please reference the file number so we can help you more efficiently.

Sincerely,

A handwritten signature in cursive script that reads "Richelle A. Krueger".

Richelle A. Krueger
Environmental Scientist
Water Appropriation Program

Enclosures

pc: Garden City Field Office

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.

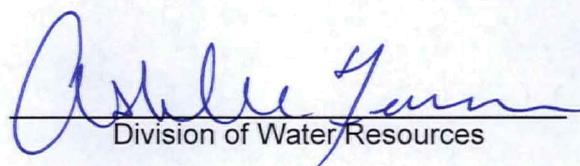
CERTIFICATE OF SERVICE

On this 28 day of JULY, 2020, I hereby certify that the attached Approval of Application for the Change in Place of Use, File No. 38,511, dated 22 JULY, 2020 was mailed postage prepaid, first class, US mail to the following:

MID AMERICA CATTLE CO
Attn: WALTER BEESLEY
PO BOX 818
HUGOTON, KS 67951-0818

With photocopies to:

Garden City Field Office
Groundwater Management District No. 3


Division of Water Resources