

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

1. File Number: 8561	2. Status Change Date:	3. Change Num: C2	4. Field Office: 4	5. GMD: 3
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6. Status: <input checked="" type="checkbox"/> Approved <input type="checkbox"/> Denied by DWR/GMD <input type="checkbox"/> Dismiss by Request/Failure to Return	7. Filing Date of Change: 2/6/2020
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8a. Applicant(s) New to system <input type="checkbox"/> FIVE RIVERS RANCH CATTLE FEEDING LLC Attn: GRANT COUNTY FEEDERS PO BOX 1087 ULYSSES, KS 67880	Person ID 58712 Add Seq# _____	8c. Landowner(s) New to system <input type="checkbox"/>	Person ID _____ Add Seq# _____
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8b. Landowner(s) New to system <input type="checkbox"/> 8a	Person ID _____ Add Seq# _____	8d. WUC New to system <input type="checkbox"/> 8a	Person ID _____ Add Seq# _____
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9. Documents and Enclosure(s): DWR Meter(s) Date to Comply: **12/31/2020** N & P Date to Comply: **12/31/2021**

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: **2/7/2020** By: **AM**
Date Entered: _____ By: _____

File No. **8561** 11. County: **GT** Basin: **N F CIMARRON RIVER** Stream: _____ Formation Code: **210/330** Special Use: _____

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

DEL 12605
 ENT SW SE SW 20 29S 38W 246 3859 1023 64.649 1023 64.649 NONE

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

14. Limitation: _____ af/yr at _____ gpm (_____ cfs) when combined with file number(s) _____
 Limitation: _____ af/yr at _____ 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	P U S E	S T R I D	NE 1/4		NW 1/4		SW 1/4		SE 1/4			Total	Owner	Chg?	Overlap Files	
			NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4					NW 1/4
CHK 10943																
CHK 38706																

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

Garden City Field Office
4532 W. Jones, Suite B
Garden City, KS 67846



Phone: 620-276-2901
Fax: 620-276-9315
www.agriculture.ks.gov

Mike Beam, Secretary

Laura Kelly, Governor

February 7, 2020

FIVE RIVERS RANCH CATTLE FEEDING LLC
Attn: GRANT COUNTY FEEDERS
PO BOX 1087
ULYSSES, KS 67880

RE: Water Right, File No. 8561

Dear Sir or Madam:

Enclosed is the order executed by the designee of 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 this approval is that an acceptable water flow meter must be installed on the diversion works authorized under the referenced file number and meet current specifications. Please return the required notification of completion of the diversion works and installation of the required meter as soon as these actions are completed.

Since the order modifies the original document referred to above, it should be recorded with the Register of Deeds as other instruments affecting real estate.

Should you have any questions, please feel free contact this office. If you would prefer, you could arrange an appointment for additional assistance.

Sincerely,

A handwritten signature in blue ink, appearing to read "Austin J. McColloch".

Austin J. McColloch
Assistant Water Commissioner

AM:
enclosures

pc:
GROUNDWATER MANAGEMENT DISTRICT NO. 3

CERTIFICATE OF SERVICE

On this 7th day of February, 2020, I hereby certify that the foregoing Approval of Application for Change in Point of Diversion, Water Right, File No. 8,561 dated 7th day of February, 2020 was mailed postage prepaid, first class, US mail to the following:

FIVE RIVERS RANCH CATTLE FEEDING LLC
Attn: GRANT COUNTY FEEDERS
PO BOX 1087
ULYSSES, KS 67880

Pc:

GROUNDWATER MANAGEMENT DISTRICT NO. 3



Division of Water Resources Staff

Submit completed application to:
 Kansas Department of Agriculture
 Division of Water Resources
 Field Office for your area.

Call for address:
 Topeka -- (785) 296-5733
 Stafford -- (620) 234-5311
 Stockton -- (785) 425-6787
 Garden City -- (620) 276-2901
<http://agriculture.ks.gov/dwr>

DWR FIELD OFFICE APPLICATION FOR APPROVAL TO CHANGE THE PLACE OF USE AND/OR THE POINT OF DIVERSION



STATE OF KANSAS

Filing Fee Must Accompany the Application, K.S.A. 82a-708b(b), as amended.
 Fee Schedule is on the third page of this application form.

Paragraph Nos. 1, 2, 3 & 5 must be completed. Complete all other applicable portions. If change in point of diversion is greater than 100 feet, or if place of use will be changed, include a topographic map or detailed plat showing the authorized and proposed point(s) of diversion and/or place of use.

File No. 8561

RECEIVED
 11:50 AM
FEB 06 2020
 Garden City Field Office
 DIVISION OF WATER RESOURCES

1. Application is hereby made for approval of the Chief Engineer to change the (check one or both):

Place of Use Point of Diversion

under the water right which is the subject of this application in accordance with the conditions described below.

The source of supply is: Groundwater Surface water

2. Name and address of Applicant: Grant County Feeders
7957 West Rd 17, PO Box 1087 Ulysses, KS 67880

Phone Number: () Email address: _____

Name and address of Water Use Correspondent: Five Rivers Ranch Cattle Feeding LLC
PO Box 1087 Ulysses, KS 67880

Phone Number: () Email address: _____

3. The presently authorized place of use is:
 Owner of Land ---- NAME: Five Rivers Ranch Cattle Feeding LLC
 ADDRESS: PO Box 1087 Ulysses, KS 67880

(If there is more than one landowner, attach supplemental sheets as necessary.)

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	

4. If this application is for a change in place of use, it is proposed that the place of use be changed to:
 Owner of Land ---- NAME: No Change
 ADDRESS: _____

(If there is more than one landowner, attach supplemental sheets as necessary.)

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	

For Office Use Only: Code _____ Fee \$ 100.00 TR # _____ Receipt Date 2-6-20 Check # 400246

5. **Presently authorized point of diversion:**

One in the SW Quarter of the SE Quarter of the SW Quarter of Section 20, Township 29 South, Range 38 W, in Grant County, Kansas, 464 feet North 3868 feet West of Southeast corner of section. Authorized Rate 1023 gpm Authorized Quantity 64.649 mgy Depth of well _____ (feet)
(DWR use only: Computer ID No. _____ GPS _____ feet North _____ feet West)

This point will not be changed This point will be changed as follows: No change, point better described with GPS as follows:

Proposed point of diversion: (Complete only if change is requested or if existing point is better described by GPS)

One in the SW Quarter of the SE Quarter of the SW Quarter of Section 20, Township 29 South, Range 38 W, in Grant County, Kansas, 246 feet North 3859 feet West of Southeast corner of section. Proposed Rate 1023 gpm Proposed Quantity 64.649 mgy Proposed well depth (feet) 550'.
 This point is: Additional Well Geo Center List other water rights that will use this point _____.

6. **Presently authorized point of diversion:**

One in the SW Quarter of the SE 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 _____ Depth of well _____ (feet)
(DWR use only: Computer ID No. _____ GPS _____ feet North _____ feet West)

This point will not be changed This point will be changed as follows: No change, point better described with GPS as follows:

Proposed point of diversion: (Complete only if change is requested or if existing point is better described by GPS)

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 _____ Proposed well depth (feet) _____.
 This point is: Additional Well Geo Center List other water rights that will use this point _____.

7. The changes herein are desired for the following reasons? (please be specific) _____
 Loss of production in current well

8. If a well, is the test hole log attached? Yes No

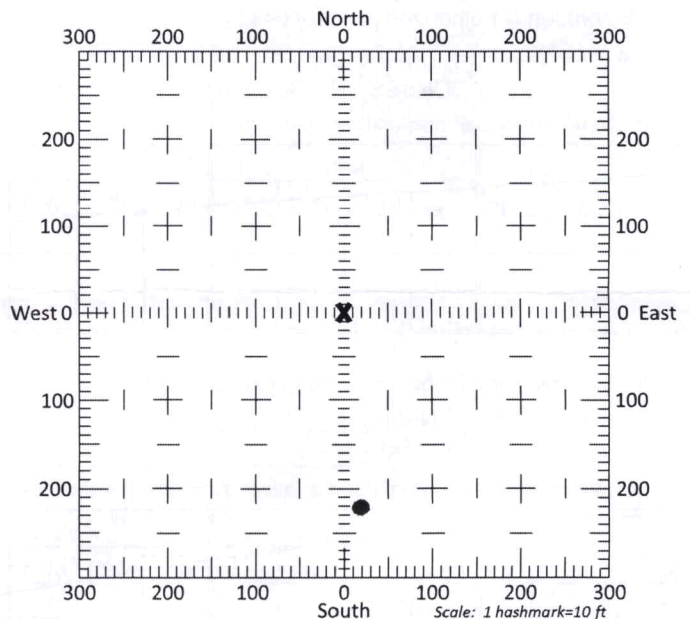
9. The change(s) (was)(will be) completed by?
 Upon approval

10. If the point of diversion is a well:
 (a) What are you going to do with the old well?
Cap
 (b) When will this be done? 60 Days

11. Groundwater Management District recommendation attached?
 Yes No

12. Assisted by CL-GMD3

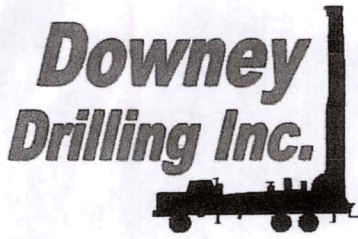
13a. If the proposed point of diversion will be relocated more than 300 feet but within 2,640 feet of the existing point of diversion, attach a topographic map or aerial photograph. For groundwater sources, show all wells (including domestic) within one-half mile of the proposed point of diversion and the names and mailing addresses of the owners. For surface water sources, show the names and addresses of the landowner(s) one-half mile downstream and one-half mile upstream from your property lines



13b. If the proposed point of diversion will be relocated within 300 feet of the existing point of diversion, indicate its location on the diagram shown above in relation to the existing point of diversion. (PLEASE NOTE: The "X" in center of diagram above represents the presently authorized point of diversion.)

WELL LOG

DATE: 8/13/2019



CUSTOMER NAME: GRANT COUNTY FEEDERS CO

TEST HOLE #1

LEGAL: SW 20-29S-38W

SOUTH OF IRRIGATION WELL

COUNTY: GRANT

GPS: N 37.504893

W 101.502946

DRILLER: ROCKY

WO: 19-694

TW	FROM	TO	TYPE	HARDNESS	COLOR	SPEED	PULL DOWN	OTHER / DRILLING ACTION
	0	3	TOPSOIL	SOFT	DK	FAST		SMOOTH
	3	45	SANDY CLAY	SOFT	BROWN	FAST		SMOOTH
	45	50	MED SAND	SOFT	BROWN / TAN	FAST		LT. CHATTER
	75	116	SILT & SANDY CLAY	SOFT	BROWN	FAST		SMOOTH
	116	145	VERY COARSE SAND, FINE, TR. MED GRAVEL	SOFT	RED	FAST		CHATTER
	145	164	SANDY CLAY	SOFT	BROWN	FAST		SMOOTH
	164	173	SILTY SAND	SOFT	BROWN	FAST		SLIGHT CHATTER
	173	183	FINE SAND, SANDY CLAY	SOFT	BROWN	FAST		SMOOTHER
	183	187	MED - COARSE SAND	SOFT	TAN	FAST		LT. CHATTER
	187	206	FINE - MED GRAVEL	SOFT	RED	FAST		CHATTER
	206	213	SAND, SANDY CLAY	SOFT	BROWN	FAST		SMOOTHER
	213	240	FINE - MED GRAVEL	SOFT	RED	FAST		CHATTER
	240	270	VERY COARSE SAND, FINE GRAVEL	SOFT	RED / TAN	FAST		CHATTER
	270	309	MED - COARSE, W/FINE GRAVEL	SOFT	RED / TAN	FAST		CHATTER
	309	320	VERY COARSE SAND, FINE GRAVEL	SOFT	RED / TAN	FAST		CHATTER
	320	324	CLAY, SANDY CLAY	STIFFER	BROWN	SLOWER		SMOOTHER
	324	334	MED SAND	SOFTER	TAN	FASTER		LT CHATTER
	334	370	SANDY CLAY, FINE SAND, SOAPSTONE	FIRMER	BROWN / WHITE	NOT AS FAST		SMOOTHER
	370	381	FINE SAND, SANDY CLAY	SOFTER	BROWN	SAME AS ABOVE		VERY LT. CHATTER
	381	387	SANDY CLAY	SOFT	BROWN	SLOWER		SMOOTHER
	387	405	SANDY CLAY, TR. CLAY, BROWN ROCK	NOT AS SOFT	YELLOW / BROWN	LITTLE FASTER		LT CHATTER @ TIMES
	405	440	FINE - MED SAND, BROWN ROCK	SOFTER	TAN / BROWN	FASTER		CHATTER @ TIMES
	440	450	CLAY W/FINE SAND LENSES	STIFFER	YELLOW / BROWN	SLOWER		SMOOTHER
	450	494	FINE, TR. MED SAND, BROWN ROCK, SANDSTONE	SOFTER	BROWN / TAN	FASTER		CHATTER @ TIMES
	494	500	CLAY	STIFFER	BLUE	SLOWER		SMOOTH
	500	534	SANDSTONE, FINE SAND, FEW CLAY LENSES	SOFTER	TAN / YELLOW	FASTER		CHATTER @ TIMES
	534	550	RED BED	STIFFER	RED	SLOWER		SMOOTH
			QUIKGEL - 6 BAGS					
			QUIK TROL - 3 BAGS					
			EZ MUD GOLD - 4 CUPS					
			WATER - 1.5 LOADS					

14. If the proposed groundwater point of diversion is 300 or fewer feet from the existing point of diversion, complete the following:

- (a) Does the undersigned represent all owners of the currently authorized place(s) of use identified in this application?
 Yes No (If no, all owners must sign this application.)
- (b) Will the ownership interest of any owner of the currently authorized place(s) of use identified in this application be adversely affected if this application is approved as requested?
 Yes No (If yes, all owners must sign this application.)
- (c) If this application is not approved expeditiously, will there be substantial damage to property, public health or safety?
 Yes No (If no, all owners must sign this application.)

If the application proposes a surface water change in point of diversion, a groundwater change in point of diversion greater than 300 feet, or a change in place of use, the application must be signed by all owners of the currently authorized place of use, or their duly authorized agent (attach notarized statement authorizing representation).

I hereby verify, being first duly sworn upon my oath or affirmation and under penalty of perjury, that I am of lawful age and the owner, the spouse of the owner, or a duly authorized agent of the owner(s) to make this application on their behalf, in regards to the water right(s) to which this application pertains. I further verify that the statements contained in this application are true, correct and complete.

Dated at Wichita, Kansas, this 3 day of February, 2020.

<u>[Signature]</u> (Owner)	_____ (Spouse)
<u>Chad W. McCormick</u> (Please Print)	_____ (Please Print)
_____ (Owner)	_____ (Spouse)
_____ (Please Print)	_____ (Please Print)
_____ (Owner)	_____ (Spouse)
_____ (Please Print)	_____ (Please Print)

State of Kansas }
County of Grant } SS

MILLIE NICKEL
Notary Public - State of Kansas
My Appt. Expires 02/25/2020

I hereby certify that the foregoing application was signed in my presence and sworn to before me this 3rd day of February, 2020.

Millie Nickel
Notary Public

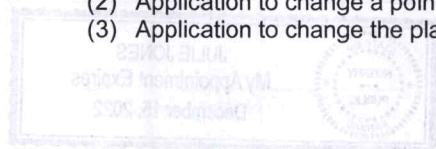
My Commission Expires 02/25/2020

ONLY COMPLETE APPLICATIONS WILL BE PROCESSED. To be complete, all of the applicable portions of the application form must be completed with accurate information; maps, if necessary, must be included; signatures of all the appropriate owners' must be affixed to the application and notarized; and the appropriate fee must be paid.

FEE SCHEDULE

Each application to change the place of use or the point of diversion under this section shall be accompanied by the application fee set forth in the schedule below: Make checks payable to: **Kansas Department of Agriculture**

- (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



SUMMARY ORDER APPROVING APPLICATION FOR CHANGE AND IMPOSING CONDITIONS

This Summary Order is issued under authority of K.S.A. 82a-708b, as amended, and K.A.R. 5-5-1, *et seq.* and other applicable provisions of the *Kansas Water Appropriation Law, K.S.A. 82a-701 et seq.*, and rules and regulations promulgated thereunder. With the exception of those conditions expressly contained herein, this Summary Order does not change the terms, conditions and limitations of File No. 8561.

1. A change application was received on February 6, 2020 requesting that the place of use and / or point of diversion authorized under the above-referenced file number be changed as described in the application.
2. On and after the effective date of this summary order, the authorized place(s) of use shall be located substantially as shown on the topographic map accompanying the application to change the place of use. Applicable Not Applicable
3. The change in point of diversion shall not impair existing rights and shall be limited to the same source or sources of water as previously authorized. The point of diversion authorized by this summary order shall be located within a 50 foot radius of the authorized point(s) of diversion. Applicable Not Applicable
4. The point(s) of diversion described herein is administratively corrected to be more accurately described using the Global Positioning System (GPS), as described in the application. Applicable Not Applicable
5. The point(s) of diversion authorized herein shall not actually be located more than 300 feet from the previously authorized point(s) of diversion. Applicable Not Applicable
6. As required by K.A.R. 5-3-5d, if the works for diversion is a well with a diversion rate of 100 gallons per minute or more, a tube or other device suitable for making water level measurements shall be installed, operated and maintained in accordance with K.A.R. 5-6-13. Applicable Not Applicable
7. **The owner of the authorized place(s) of use shall properly install an acceptable water flow meter on or before December 31, 2020**, or before the first use of water, whichever occurs first. The water flow meter shall be installed, operated and maintained in accordance with K.A.R. 5-1-4 through 5-1-12. As required by K.S.A. 82a-732, as amended, and K.A.R. 5-3-5e, the owner shall maintain records and report the reading of the water flow meter and the total quantity of water diverted annually to the Chief Engineer by March 1 following the end of each calendar year. Applicable Not Applicable
8. **Installation of the works for diversion of water shall be completed on or before December 31, 2020**, or within any authorized extension of time. By March 1, 2021 the applicant shall notify the Chief Engineer that construction of the works for diversion has been completed, on the form provided by the Chief Engineer, as required by K.A.R. 5-8-4e. Applicable Not Applicable
9. **The completed well log shall be submitted with the required notice.** Applicable Not Applicable
10. All diversion works into which any type of chemical or other foreign substance will be injected into the water shall be equipped with an in-line, automatic, quick-closing check valve capable of preventing pollution of the source of the water supply. The check valve(s) shall be installed, operated and maintained in accordance with K.A.R. 5-3-5c. Applicable Not Applicable
11. Additional Conditions are attached. Yes No
12. In accordance with K.S.A. 82a-708a, as amended, and K.A.R. 5-5-14, all of the owners of the authorized place(s) of use of water appropriated under the above-referenced file number are responsible for compliance with its terms, conditions and limitations, as amended and/or supplemented by this Summary Order, and with applicable provisions of the *Kansas Water Appropriation Law* and the *Rules and Regulations* promulgated thereunder. Failure to comply with these provisions may result in civil penalties pursuant to K.S.A. 82a-737, as amended, and/or the suspension or revocation and dismissal of the water or appropriation right or any other enforcement actions authorized by law.

Administrative Appeal and Effective Date of Order

If you are aggrieved by this order, pursuant to K.S.A. 82a-1901, you may request an evidentiary hearing before the Chief Engineer or request administrative review by the Secretary of Agriculture. A request for hearing by the Chief Engineer must be filed within **15 days** of service of this Order and a request for administrative review by the Secretary must be filed within **30 days** pursuant to K.S.A. 77-531. Any request for administrative review must state a basis for review pursuant to K.S.A. 77-527. File any request with **Kansas Department of Agriculture, Legal Division, 1320 Research Park Drive, Manhattan, KS 66502**. Failure to timely request a hearing or review may preclude review under the Kansas Judicial Review Act.

For Use by Register of Deeds

FOR OFFICE USE ONLY
APPLICATION APPROVED AND SUMMARY ORDER ISSUED

By: Austin McCulloch
Duly Authorized Designee of the Chief Engineer

(Print Name): Austin McCulloch
Division of Water Resources - Kansas Department of Agriculture

Date of Issuance: February 7, 2020

State of Kansas)

) SS

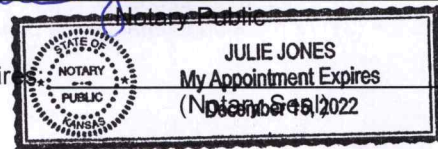
County of Finney)

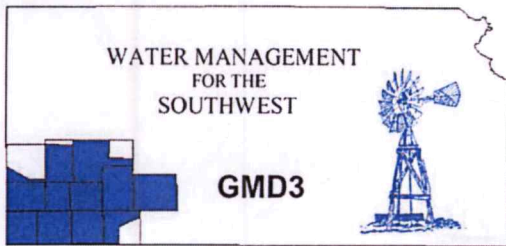
Acknowledged before me on February 7, 2020

by Austin McCulloch

Signature: Julie Jones
(Notary Public)

My commission expires December 31, 2022





Southwest Kansas
Groundwater Management District
2009 E. Spruce Street
Garden City, Kansas 67846-6158
(620) 275-7147 phone (620) 275-1431 fax
www.gmd3.org

January 21, 2020

Mike Meyer
Kansas Department of Agriculture
Division of Water Resources
4532 W Jones Ave Suite B
Garden City, KS 67846

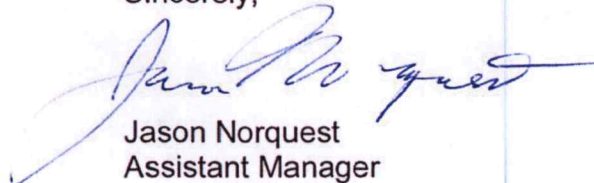
RE: Application for Change in Point of Diversion
Water Right File No. 8561

Dear Mike,

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. The change in point of diversion is in accordance with K.A.R. 5-23-3(c)(1). It is therefore recommended that the application be approved at this time.

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

Sincerely,



Jason Norquest
Assistant Manager