

NOTICE

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

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

APPLICATION FOR TERM PERMIT

- GROUNDWATER
 - SURFACE WATER
- (check one)

WATER RESOURCES RECEIVED

AUG 25 2021



State of Kansas

STATUTORY FILING FEE MUST ACCOMPANY THIS APPLICATION
(Make check payable to the Kansas Department of Agriculture)

11:38
AGRICULTURE

1. Applicant: (Please print or type)
Name Midwest Feeders, Inc.
Street 05013 13 Road
City and State Ingalls, KS
Zip Code 67853 Telephone No. (620) 335-5790
E-Mail Address jeff@midwest-feeders.com
Social Security I.D. No. _____
and/or Taxpayer I.D. No. _____

4. Water is to be used for (briefly describe proposed use and explain the rate and quantity requested):
Stockwater use to group existing stockwater rights to allow for flexibility in management.

2. Location of Point of Diversion: Listed on attachment
Sec. _____, Twp. _____, Rng. _____, (E/W),
Gray County, Kansas.
Distance from Southeast Corner of Section:
Listed on attachment feet North from Southeast Corner
Listed on attachment feet West from Southeast Corner
NOTE: If point of diversion is not site specific (i.e. groundwater pit) show the approximate geographic center.

5. Location of place of use:
Sections 24 and 25 in T24S, R29W and
Sections 18 and 19 in T24S, R28W in Gray County, KS

6. Period of use:
Commencing date: January 1st, 2022
Ending Date: Dec 31st, 2026 Also enter on Item 12

If off-stream pit, check here
Will pit floor intersect water table? Yes No

3. Water Use Data:
Proposed Max. Pumping Rate (gpm) See attachment
Amount Requested (acre-feet) See attachment
per calendar year
Depth of Well (feet) NA
Date (completed) (will be completed) NA-existing wells
Drainage Basin Upper Arkansas River & Buckner Creek
Name of Stream NA

7. Location of the proposed point of diversion and those of other water users within 1/2 mile shall be indicated on the diagram to the lower-left, scale 1 inch = 2,000 feet. If surface water, indicate on the diagram the course of the stream, and its name. List other D.W.R. permit numbers that cover the requested point(s) of diversion or place of use here:
See attached.

FEE SCHEDULE

1. The filing fee for an application is based on the maximum amount of water use proposed within a year. Except for storage, the fee is:

Acre-feet	Fee
0-100	\$200.00
101-320	\$300.00
More than 320	\$300.00

 plus \$20 for each additional 100 acre-feet or any part thereof.
2. The fee for an application in which storage is requested, is:

Acre-feet	Fee
0-250	\$200.00
More than 250	\$200.00

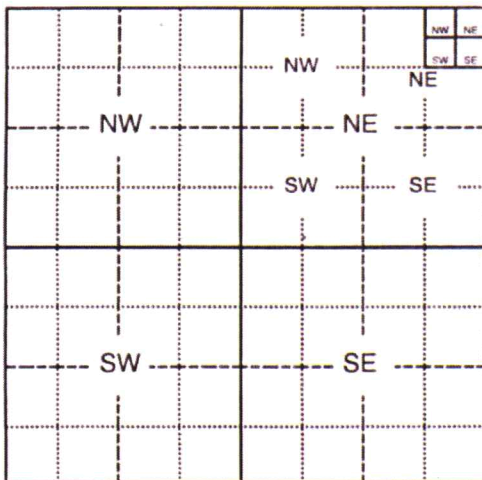
 plus \$20.00 for each additional 250 acre-feet of storage or any part thereof.

NOTE: If an application requests both direct use and storage, the fee charged shall be as determined under No. 1 or No. 2 above, whichever is greater, but not both fees.

3. The fee for an application for a permit to appropriate water for water power or dewatering purposes shall be \$100.00 plus \$200.00 for each 100 cubic feet per second, or part thereof, of the diversion rate requested.
4. A request for an extension of time to extend the term of a term permit shall be accompanied by a fee of \$100.00.
5. There is a separate application form for domestic use. Do not use this form for domestic use.

CONVERSION FACTORS

1 acre-foot equals 325,851 gallons
1 million gallons equal 3.07 acre-feet



Assisted by _____

For Office Use Only:
 F.O. 4 GMD 3 Meets K.A.R. 5-3-1 (YES/NO) Use STK Source G/S County GY By BMM Date 8/25/21
 Code TR3 Fee \$ 480 TR # _____ Receipt Date 8-25-21 Check # 251296

8/30/2021
LMoody

8. For groundwater use, list below all wells within 1/4 mile of the proposed well, and plot locations upon the diagram on reverse side. If additional space is needed, attach a map.

Other wells –

Well A Owner(s): See attached files.
Address: _____

Well B Owner(s): _____
Address: _____

9. For surface water use, list below the names and addresses of all landowners from a point 1/2 mile upstream to a point 1/2 mile downstream of the tract of land upon which the point of diversion is located. If additional space is needed, attach sheet.

Tract A Owner(s): NA
Address: _____

Tract B Owner(s): _____
Address: _____

10. The owner of the point of diversion, if other than the applicant is (please print):

NA - all points of diversion are owned by applicant.
(name, address and telephone number)

You must provide evidence of legal access to, or control of, the point of diversion from the landowner or the landowner's authorized representative. Provide a copy of a recorded deed, lease, easement or other document with this application. In lieu thereof, you may sign the following sworn statement:

I have legal access to, or control of, the point of diversion described in this application from the landowner or the landowner's authorized representative. I declare under penalty of perjury that the foregoing is true and correct.

Executed on August 20th, 2021. [Signature]
Applicant's Signature

The applicant must provide the required information or signature irrespective of whether they are the landowner. Failure to complete this portion of the application will cause it to be unacceptable for filing and the application will be returned to the applicant.

11. The applicant states that the information set hereon is true and accurate to the best of his/her knowledge.

12. The applicant agrees to waive any right to a hearing on the matter of abandonment of this appropriation right and further agrees that this appropriation right may be dismissed and terminated upon completion of the proposed project, said dismissal date to be on December 31st, 2026 or within any extension of time authorized by the Chief Engineer, Division of Water Resources, Kansas Department of Agriculture.

13. The applicant agrees to provide water to nearby water users, at no charge to said users, should their rights to use water become impaired by the project proposed by this application.

14. Water use contact person (in event emergency contact is needed):

Name: Jeff Sternberger Telephone No. (620) 335-5790

[Signature] Signature of Applicant or _____ Authorized Representative _____ Date
Jeff Sternberger Applicant's Name Printed _____ Title

DO NOT WRITE BELOW THIS LINE

CONDITIONS OF APPROVAL:

The applicant shall maintain accurate and complete records from which the quantity of water diverted during each calendar year may be readily determined. Accurate and complete records shall be furnished to the Chief Engineer by March 1 following the end of each calendar year. Failure to file the annual water use report by the due date, shall cause the applicant to be subject to a civil penalty.

The use of water herein authorized shall not be made so as to impair any use under existing water rights nor prejudicially and unreasonably affect the public interest.

The Chief Engineer specifically retains jurisdiction in this matter with authority to make such reasonable reductions in the approved rate of diversion and quantity authorized, and such changes in other terms, conditions, and limitation set forth in this approval and permit to proceed as may be deemed to be in the public interest.

WATER RESOURCES RECEIVED

AUG 25 2021

KS DEPT OF AGRICULTURE

ATTACHMENT TO TERM PERMIT FOR MIDWEST FEEDERS, INC.

WELLS WILL BE HELD TO FOLLOWING RATE LIMITATIONS. FILE NO. 10,999 (ID 3-GEOCENTER) AND FILE NO. 10,999 (ID 8-GEOCENTER) WILL BE HELD TO ANNUAL QUANTITY LIMITATIONS. TOTAL DIVERSION RATE OF ALL WELLS IS NOT TO EXCEED 800 GPM. TOTAL ANNUAL QUANTITY OF ALL WELLS IS NOT TO EXCEED 1,169.471 AF.

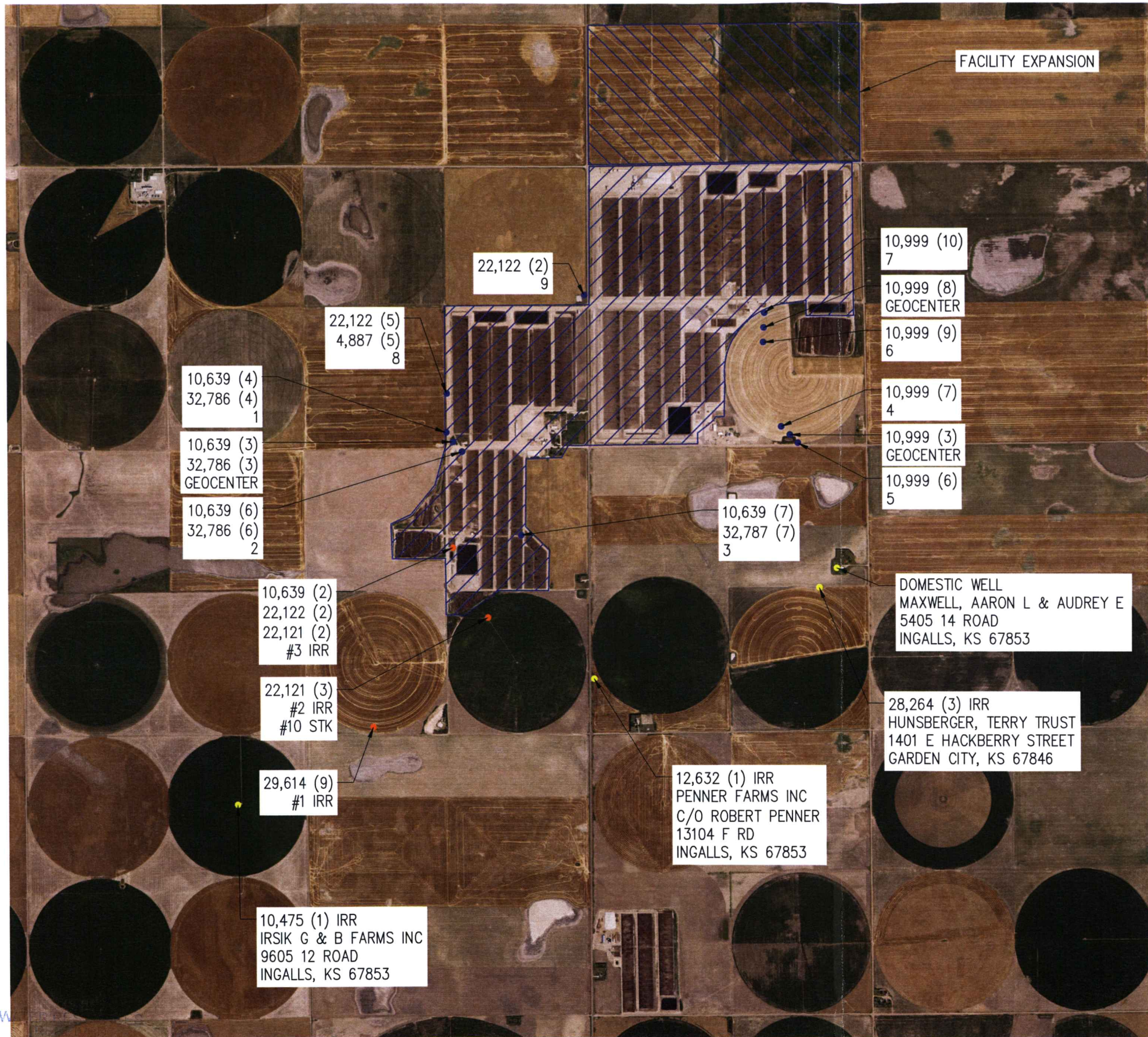
WATER RIGHTS	FACILITY ID	SECTION	TOWNSHIP	RANGE	COUNTY	DISTANCE FROM SE SECTION CORNER (FT)		RATE LIMITATION (GPM)	QUANTITY LIMITATION (AF)	
						NORTH	WEST			
FILE NOS. 4,887 & 22,122 ID 5	STK WELL 8	24	24S	29W	GRAY	990	2,630	800		79489
FILE NOS. 10,639 & 32,786 ID 4 (BATTERY 1 OF 2 WELLS)	STK WELL 1	24	24S	29W	GRAY	270	2,640	800		62511 37771 BATT 533
FILE NOS. 10,639 & 32,786 ID 6 (BATTERY 1 OF 2 WELLS)	STK WELL 2	25	24S	29W	GRAY	5,213	2,388	800		62512 BATT 533
FILE NOS. 10,639 & 32,787 ID 7	STK WELL 3	25	24S	29W	GRAY	3,667	1,248	800		487
FILE NO. 10,999 GEOCENTER ID 6 (BATTERY 1 OF 2 WELLS)	STK WELL 5	19	24S	28W	GRAY	25	1,400	70	241	61036 62014 BATT 475
FILE NO. 10,999 GEOCENTER ID 7 (BATTERY 1 OF 2 WELLS)	STK WELL 4	19	24S	28W	GRAY	325	1,700	80		62014 BATT 475
FILE NO. 10,999 GEOCENTER ID 9 (BATTERY 1 OF 2 WELLS)	STK WELL 6	19	24S	28W	GRAY	1,803	1,844	210	267	62494 62495 BATT 530
FILE NO. 10,999 GEOCENTER ID 10 (BATTERY 1 OF 2 WELLS)	STK WELL 7	19	24S	28W	GRAY	2,393	1,844	170		62496 BATT 530
FILE NO. 22,122 ID 2	STK WELL 9	24	24S	29W	GRAY	2,800	100	800		35128
FILE NOS. 10,639; 22,121; & 22,122 ID 2	IRR WELL 3	25	24S	29W	GRAY	3,440	2,525	800		996
FILE NO. 22,121 ID 3	IRR WELL 2 & STK WELL 10	25	24S	29W	GRAY	2,220	1,990	800		UNCLEAR ON WELL
FILE NO. 29,614 ID 9	IRR WELL 1	25	24S	29W	GRAY	170	4,030	800		69799

KS DEPT OF AGRICULTURE
 WATER RESOURCES
 RECEIVED
 AUG 25 2021

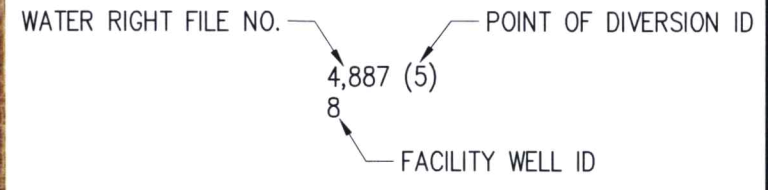
PORTION 2
FIVE-YEAR AREA TERM PERMIT APPLICATION



WATER RESOURCES
RECEIVED
Water Right Applications
AUG 25 2021
KS DEPT OF AGRICULTURE



- LEGEND**
- EXISTING PLACE OF USE (STK)
 - PROPOSED ADDITIONAL PLACE OF USE (STK)
 - POINT OF DIVERSION (STK)
 - POINT OF DIVERSION (PROPOSED STK & IRR)
 - NEIGHBORING WELL



T24S

NOTE: ALL KNOWN ACTIVE WELLS WITHIN 0.5 MILE SEPARATION DISTANCE ARE MAPPED.



DRAWN	CSG	DATE	08/21
CHECKED	KLS	DATE	08/21
APPROVED		DATE	

MIDWEST FEEDERS, INC.
 WATER RIGHTS
 SECTIONS 18 & 19 T24S R28W & SECTIONS 24 & 25 T24S R29W
 GRAY COUNTY, KANSAS

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

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

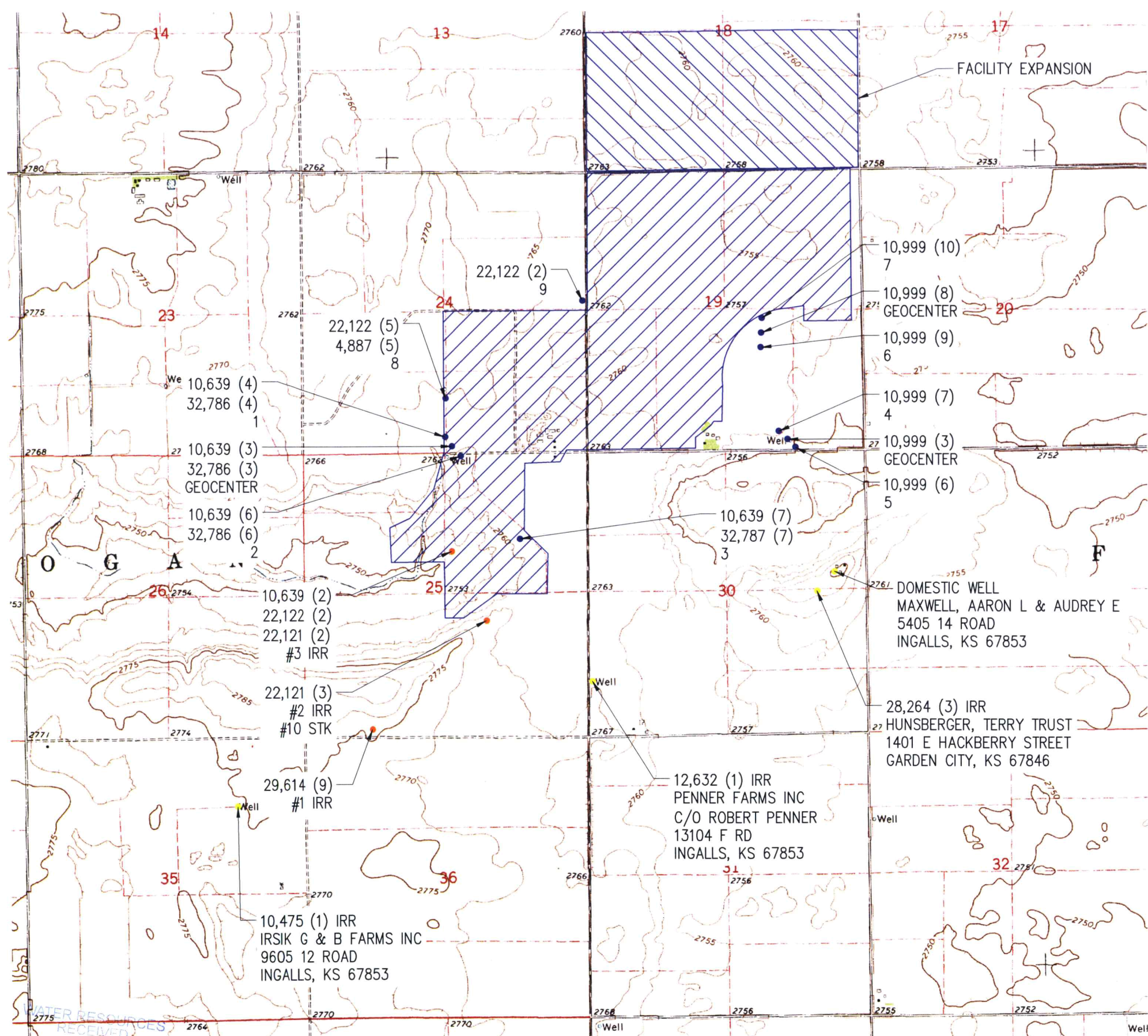


CAD FILE NAME:
 WATER RIGHTS.dwg

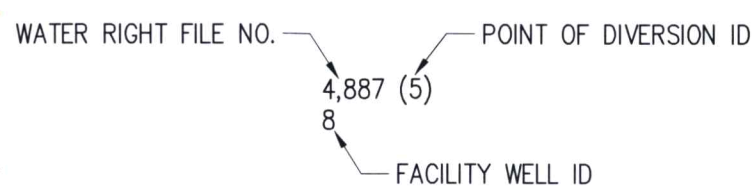
AUG 25 2021

R29W | R28W

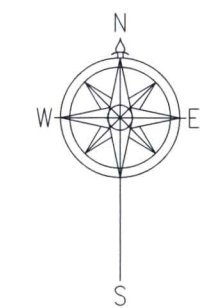
WELL LOCATION MAP – TERM PERMIT



- LEGEND**
- EXISTING PLACE OF USE (STK)
 - PROPOSED ADDITIONAL PLACE OF USE (STK)
 - POINT OF DIVERSION (STK)
 - POINT OF DIVERSION (PROPOSED STK & IRR)
 - NEIGHBORING WELL



NOTE: ALL KNOWN ACTIVE WELLS WITHIN 0.5 MILE SEPARATION DISTANCE ARE MAPPED.



DRAWN	CSG	DATE	08/21
CHECKED	KLS	DATE	08/21
APPROVED		DATE	

MIDWEST FEEDERS, INC.
 WATER RIGHTS
 SECTIONS 18 & 19 T24S R28W & SECTIONS 24 & 25 T24S R29W
 GRAY COUNTY, KANSAS

1700 E. IRON
 SALINA, KANSAS 67401
 (785) 823-0087
 1303 YUCCA STREET
 SCOTT CITY, KANSAS 67871
 (620) 872-2300

CAD FILE NAME:
 WATER RIGHTS.dwg

AUG 25 2021

R29W | R28W

WELL LOCATION MAP – TERM PERMIT (TOPOGRAPHIC)

**WATER RIGHT CHANGE APPLICATIONS;
FIVE-YEAR TERM PERMIT APPLICATION;
& NEW APPROPRIATION APPLICATIONS**

Midwest Feeders, Inc.
Sections 18 & 19 T24S R28W and Sections 24 & 25 T24S R29W
Gray County, Kansas

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

**WATER RIGHT CHANGE APPLICATIONS;
FIVE-YEAR TERM PERMIT APPLICATION;
& NEW APPROPRIATION APPLICATIONS**

Midwest Feeders, Inc.
Sections 18 & 19 T24S R28W and Sections 24 & 25 T24S R29W
Gray County, Kansas

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

RECEIVED WATER RESOURCES

AUG 23 2021

KS DEPT AGRICULTURE

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

August 20, 2021

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

Subject: Change Applications Pertaining to Water Right File Nos. 4,887; 10,639; 10,999; 22,121; 22,122; 29,614; 32,786; and 32,787; Five-Year Area Term Permit Application; and Two New Appropriation Applications for Midwest Feeders, Inc.

Dear Mr. Lewis:

The subject applications are enclosed for your consideration. These applications are submitted on behalf of the applicant, Midwest Feeders, Inc. KLA Environmental Services, Inc. assisted with the preparation of these applications.

Water for livestock consumption at Midwest Feeders, Inc. is currently supplied by ten wells. All stockwater wells discharge into an interconnected, pressurized pipe 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 supply system.

Midwest Feeders, Inc. currently has a maximum permitted capacity of 74,000 head of beef cattle, with a plan to expand to a 104,000 head capacity. The water system for the new expansion is planned to be interconnected with the existing feedyard's pipeline system. Changes to the place of use as well as additional sources of stock water are needed to support this expansion and the project is contingent upon acquiring additional water rights that will provide a sufficient and stable water supply. The area for the proposed expansion is under contract for purchase, and documentation is included.

The maximum reasonable use for the expanded capacity is 1,747.424 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

2012-2020, the facility used an average of 8.89 gallons/head/day with a maximum rate of 9.79 gallons/head/day during a year. To provide a safety factor of approximately 12.5% to the average historic use, calculations were made using a rate of 10 gallons/head/day. At this rate, annual use is calculated to be 1,164.950 acre-feet.

The total of all stockwater rights currently associated with the facility is 746.10 acre-feet per year. This implies a potential supply deficit of 418.850 acre-feet per year, based on historic use, or 1,001.324 acre-feet per year, based on the maximum reasonable consumption.

To successfully supply the existing feedyard and the new expansion, applications are being submitted in three portions.

Portion 1: Change Applications

Application for Change in Place of Use to File Nos. 4,887; 10,999; 32,786; and 32,787

Midwest Feeders, Inc. has four water rights that are authorized solely for stockwatering purposes. The current place of use for all stockwatering rights is completely overlapped. It is requested to expand the place of use for File Numbers 4,887; 10,999; 32,786; and 32,787 to cover the entire facility, including the new expansion.

Application for Change in Place of Use and Use Made of Water Pertaining to File Nos. 10,639; 22,121; 22,122; and 29,614

Four dual use permits are proposed to provide a supplemental source of stockwater for Midwest Feeders, Inc. 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 stockwater place of use would completely overlap that of the other change applications being submitted, which will supply stockwater to the existing feedyard and new expansion.

File No. 10,639 is currently authorized for stockwater use from a single well (ID 7) and a battery of wells (IDs 3, 4, and 6). Additionally, File No. 10,639 is authorized for irrigation use from a single well (ID 2). The irrigation point of diversion has stacked water rights with File Nos. 22,121 and 22,122. An application is included to change the irrigation point of diversion to dual irrigation and stockwater use with a quantity of 142.523 acre-feet per year under File No. 10,639.

File No. 22,121 is currently authorized to divert water for irrigation use from a single well (ID 2) which has stacked water rights including File Nos. 10,639 and 22,122. An application is included to change the irrigation point of diversion to dual irrigation and stockwater use with a quantity of 36.970 acre-feet per year under File No. 22,121. Additionally, another point of diversion (ID 3) is authorized to divert 112.0 acre-feet per year for stockwater purposes and 112.10 acre-feet per year for irrigation purposes. An application is included to change the irrigation portion to dual irrigation and stockwater use with a quantity of 100.105 acre-feet per year.

File No. 22,122 is currently authorized to divert water for stock use from two wells (IDs 2 and 5) and irrigation use from a single well (ID 2) which has stacked water rights including File Nos. 10,639 and 22,121. An application is included to change the irrigation point of diversion to dual irrigation and stockwater use with a quantity of 46.436 acre-feet per year under File No. 22,122.

File No. 29,614 is currently authorized to divert water for irrigation use from a single well (ID 9). An application is included to change the irrigation point of diversion to dual irrigation and stockwater use with a quantity of 97.337 acre-feet per year.

Authorization of these dual use permits for File Nos. 10,639; 22,121; 22,122; and 29,614 would provide a sufficient supplemental source of stockwater while retaining water for irrigation. Determination of the consumptive use quantity is based on the consumptive use factor from "Consumptive Use Percentages in Kansas, by County" as contained in K.A.R. 5-5-9(a) (1): 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.

Portion 2: Area Term Permit Application

Flexibility in operation of the stockwater wells is necessary to provide a reliable supply of water for the feedyard. A Five-Year Term Permit is requested to encompass File Nos. 4,887; 10,639; 10,999; 22,121; 22,122; 29,614; 32,786; and 32,787 into a single group allotment of 1,169.471 AF. Under the term permit, it is requested that individual wells can be pumped in any quantity as long as the total annual quantity of water use does not exceed the total allotment. File No. 10,999 with a geocenter ID 3 will be held to a maximum annual quantity of 241 AF and a maximum rate of 150 gpm. File No. 10,999 with a geocenter ID 8 will be held to a maximum annual quantity of 267 AF and a maximum rate of 380 gpm. The total diversion rate of all wells will not exceed 800 gpm, nor will any single well exceed an 800 gpm diversion rate.

Portion 3: Dakota Formation New Appropriation Applications

We determined that the areas in the vicinity of the proposed wells are within a groundwater management district. Preliminary discussions with Division of Water Resources staff (Mike Meyer) indicated that new appropriations within the Dakota formation may be available for this facility. These applications request new appropriations from this source of water.

We acknowledge the requirements for well spacing limitation for wells placed in confined aquifers and request guidance from your agency. To the best of our knowledge, there are no other wells that rely on the Dakota aquifer in the immediate vicinity of these applications. The likelihood of impairment of non-owned neighboring wells is minimal. We therefore request a waiver of the applicable provisions of K.A.R. 5-23-3a as it pertains to these applications.

The maximum reasonable quantity of water for stock use resulting from the proposed expansion is 1,747.424 AF under the provisions in K.A.R. 5-3-22. This indicates a potential deficit of 577.953 AF upon approval of the dual use applications. The requested quantity for the primary application (Test Hole 2) is 400.000 AF. To ensure a sufficient and stable water supply, a secondary application (Test Hole 5) is also being submitted for 100.000 AF. It is requested that the primary application be reviewed, and a final decision be reached, before reviewing the secondary application. Upon approval of the secondary application, it is requested that the primary application be reduced to 300.000 AF to maintain a total quantity of 400 AF.

An authorized rate of 410 gallons per minute is requested for the primary application and 300 gallons per minute for the secondary application. These rates are sufficient to produce the requested quantity in a reasonable period of time.

We searched the *Water Well Completion Records (WWC5) Database* and the *Water Information Management and Analysis System (WIMAS) Program* operated by the Kansas Geological Survey and the Division of Water Resources and found no evidence of active wells, including no domestic wells, within ½ mile of the proposed wells associated with these applications. Midwest Feeders, Inc. owns all of Section 19 T24S R28W and Section 25 T24S R29W. Midwest Feeders, Inc. also owns all active wells in Section 24 T24S R29W.

Approval of these 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. Upon approval of the change applications, area term permit, and new appropriation applications, it is requested that the existing Water Conservation Area be dismissed.

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

Respectfully,



Craig Griswold, I.E.
cgriswold@klaenviro.com
cell: 660-292-0823

Enclosures

cc/enc: Jeff Sternberger, Midwest Feeders, Inc.

MIDWEST FEEDERS, INC.

SUMMARY OF FEES REQUIRED FOR WATER RIGHT CHANGE APPLICATIONS

WATER RIGHT FILE NO.	CHANGE REQUESTED	FEE
4,887	PLACE OF USE	\$ 200
10,639	PLACE OF USE	\$ 200
	USE MADE OF WATER	\$ 300
10,999	PLACE OF USE	\$ 200
22,121	PLACE OF USE	\$ 200
	USE MADE OF WATER	\$ 300
22,122	PLACE OF USE	\$ 200
	USE MADE OF WATER	\$ 300
29,614	PLACE OF USE	\$ 200
	USE MADE OF WATER	\$ 300
32,786	PLACE OF USE	\$ 200
32,787	PLACE OF USE	\$ 200
SUBTOTAL:		\$ 2,800

SUMMARY OF FEES REQUIRED FOR TERM PERMIT APPLICATION

WATER RIGHT FILE NO.	CHANGE REQUESTED	FEE
4,887; 10,639; 10,999; 22,121; 22,122; 29,614; 23,786; & 32,787	FIVE-YEAR TERM PERMIT FOR 1,169.471 AF	\$ 480
SUBTOTAL:		\$ 480

SUMMARY OF FEES REQUIRED FOR NEW WATER RIGHT APPROPRIATIONS

		FEE
TEST HOLE #2	NEW APPLICATION 400 AF	\$ 320
TEST HOLE #5	NEW APPLICATION 100 AF	\$ 200
SUBTOTAL:		\$ 520

TOTAL:	\$ 3,800
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Payment is mailed separately to KDA - DWR, 1320 Research Park Dr., Manhattan, KS 66502.
Scanned check is included on the next page.

DATA ENTRY SYSTEM ID NUMBER SHEET

FILE NUMBER 20219062

APPLICANT PERSON ID & SEQ #	PDIV ID SEE ATTACHMENT	BATTERY ID
37213		

LANDOWNER PERSON ID & SEQ #	PUSE ID
37213	20013
	27410
	51675

WATER USE CORRESPONDENT PERSON ID & SEQ #
37213