

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.

THE STATE OF KANSAS



KANSAS DEPARTMENT OF AGRICULTURE
Mike Beam, Secretary of Agriculture

DIVISION OF WATER RESOURCES
Earl D. Lewis Jr., Chief Engineer

File Number **50636**
This item to be completed by the Division of Water Resources.

APPLICATION FOR PERMIT TO APPROPRIATE WATER FOR BENEFICIAL USE

Filing Fee Must Accompany the Application
(Please refer to Fee Schedule attached to this application form.)

WATER RESOURCES RECEIVED

AUG 25 2021

11:38

KS DEPT OF AGRICULTURE

To the Chief Engineer of the Division of Water Resources, Kansas Department of Agriculture,
1320 Research Park Drive, Manhattan, Kansas 66502:

1. Name of Applicant (Please Print): Midwest Feeders, Inc.
Address: 05013 13 Road
City: Ingalls State Kansas Zip Code 67853
Telephone Number: (620) 335-5790

2. The source of water is: surface water in _____ (stream)
OR groundwater in Buckner Creek (drainage basin)

Certain streams in Kansas have minimum target flows established by law or may be subject to administration when water is released from storage for use by water assurance district members. If your application is subject to these regulations on the date we receive your application, you will be sent the appropriate form to complete and return to the Division of Water Resources.

3. The maximum quantity of water desired is 100.000 acre-feet OR 32.5851 gallons per calendar year, to be diverted at a maximum rate of 300 gallons per minute OR _____ cubic feet per second.

Once your application has been assigned a priority, the requested maximum rate of diversion and maximum requested quantity of water under that priority number can **NOT** be increased. Please be certain your requested maximum rate of diversion and maximum quantity of water are appropriate and reasonable for your proposed project and are in agreement with the Division of Water Resources' requirements.

4. The water is intended to be appropriated for (Check use intended):
(a) Artificial Recharge (b) Irrigation (c) Recreational (d) Water Power
(e) Industrial (f) Municipal (g) Stockwatering (h) Sediment Control
(i) Domestic (j) Dewatering (k) Hydraulic Dredging (l) Fire Protection
(m) Thermal Exchange (n) Contamination Remediation

YOU **MUST** COMPLETE AND ATTACH ADDITIONAL DIVISION OF WATER RESOURCES FORM(S) PROVIDING INFORMATION TO SUBSTANTIATE YOUR REQUEST FOR THE AMOUNT OF WATER FOR THE INTENDED USE REFERENCED ABOVE.

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 _____ **REG** Fee \$ 200 TR # _____ Receipt Date 8/25/21 Check # 254290

8/30/2021
LMoody

File No. _____

5. The location of the proposed wells, pump sites or other works for diversion of water is:

Note: For the application to be accepted, the point of diversion location must be described to at least a 10 acre tract, unless you specifically request a 60 day period of time in which to locate the site within a specifically described, minimal legal quarter section of land.

- (A) One in the SW quarter of the SW quarter of the SE quarter of Section 18, more particularly described as being near a point 79 feet North and 2098 feet West of the Southeast corner of said section, in Township 24 South, Range 29 East West (circle one), Gray County, Kansas.
- (B) One in the _____ quarter of the _____ quarter of the _____ quarter of Section _____, more particularly described as being near a point _____ feet North and _____ feet West of the Southeast corner of said section, in Township _____ South, Range _____ East/West (circle one), _____ County, Kansas.
- (C) One in the _____ quarter of the _____ quarter of the _____ quarter of Section _____, more particularly described as being near a point _____ feet North and _____ feet West of the Southeast corner of said section, in Township _____ South, Range _____ East/West (circle one), _____ County, Kansas.
- (D) One in the _____ quarter of the _____ quarter of the _____ quarter of Section _____, more particularly described as being near a point _____ feet North and _____ feet West of the Southeast corner of said section, in Township _____ South, Range _____ East/West (circle one), _____ County, Kansas.

If the source of supply is groundwater, a separate application shall be filed for each proposed well or battery of wells, except that a single application may include up to four wells within a circle with a quarter (1/4) mile radius in the same local source of supply which do not exceed a maximum diversion rate of 20 gallons per minute per well.

A battery of wells is defined as two or more wells connected to a common pump by a manifold; or not more than four wells in the same local source of supply within a 300 foot radius circle which are being operated by pumps not to exceed a total maximum diversion rate of 800 gallons per minute and which supply water to a common distribution system.

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

Under contract to be purchased by the facility

 (name, address and telephone number)

(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.

7. The proposed project for diversion of water will consist of 1 well, 1 pump, and appurtenances.

 (number of wells, pumps or dams, etc.)
 and (was)(will be) completed (by) _____ upon approval

 (Month/Day/Year - each was or will be completed)

8. The first actual application of water for the proposed beneficial use was or is estimated to be 07/01/2022.
 (Mo/Day/Year)

WATER RESOURCES RECEIVED

AUG 25 2021

File No. _____

- 9. Will pesticide, fertilizer, or other foreign substance be injected into the water pumped from the diversion works?
 Yes No If "yes", a check valve shall be required.

All chemigation safety requirements must be met including a chemigation permit and reporting requirements.

- 10. If you are planning to impound water, please contact the Division of Water Resources for assistance, prior to submitting the application. Please attach a reservoir area capacity table and inform us of the total acres of surface drainage area above the reservoir.

Have you also made an application for a permit for construction of this dam and reservoir with the Division of Water Resources? Yes No

- If yes, show the Water Structures permit number here _____
- If no, explain here why a Water Structures permit is not required _____

- 11. The application must be supplemented by a U.S.G.S. topographic map, aerial photograph or a detailed plat showing the following information. On the topographic map, aerial photograph, or plat, identify the center of the section, the section lines or the section corners and show the appropriate section, township and range numbers. Also, please show the following information:

- (a) The location of the proposed point(s) of diversion (wells, stream-bank installations, dams, or other diversion works) should be plotted as described in Paragraph No. 5 of the application, showing the North-South distance and the East-West distance from a section line or southeast corner of section.
- (b) If the application is for groundwater, please show the location of any existing water wells of any kind within ½ mile of the proposed well or wells. Identify each existing well as to its use and furnish the name and mailing address of the property owner or owners. If there are no wells within ½ mile, please advise us.
- (c) If the application is for surface water, the names and addresses of the landowner(s) ½ mile downstream and ½ mile upstream from your property lines must be shown.
- (d) The location of the proposed place of use should be shown by crosshatching on the topographic map, aerial photograph or plat.
- (e) Show the location of the pipelines, canals, reservoirs or other facilities for conveying water from the point of diversion to the place of use.

A 7.5 minute U.S.G.S. topographic map may be obtained by providing the section, township and range numbers to: Kansas Geological Survey, 1930 Constant, Campus West, University of Kansas, Lawrence, Kansas 66047.

- 12. List any application, appropriation of water, water right, or vested right file number that covers the same diversion points or any of the same place of use described in this application. Also list any other recent modifications made to existing permits or water rights in conjunction with the filing of this application.

Change applications are submitted for File Nos. 4,887; 10,639; 10,999; 22,121; 22,122; 29,614; 32,786; and 32,787 to have a completely overlapping place of use. A primary new appropriation application is being submitted for Test Hole #2. It is requested that the primary application for Test Hole #2 be reviewed, and a final decision be reached, before reviewing this secondary application for Test Hole #5. Upon approval of the secondary application, it is requested that this primary application be reduced to 300.000 AF to maintain a total new appropriation of 400.000 AF.

WATER RESOURCES RECEIVED

AUG 25 2021

File No. _____

- 13. Furnish the following well information if the proposed appropriation is for the use of groundwater. If the well has not been completed, give information obtained from test holes, if available.

Information below is from: Test holes Well as completed Drillers log attached

Well location as shown in paragraph No.	(A)	(B)	(C)	(D)
Date Drilled	06/09/2021	_____	_____	_____
Total depth of well	880'	_____	_____	_____
Depth to water bearing formation	378'	_____	_____	_____
Depth to static water level	Not measured	_____	_____	_____
Depth to bottom of pump intake pipe	Not installed	_____	_____	_____

- 14. The relationship of the applicant to the proposed place where the water will be used is that of Owner
(owner, tenant, agent or otherwise)

- 15. The owner(s) of the property where the water is used, if other than the applicant, is (please print):
N/A - Place of Use is under contract for purchase.
(name, address and telephone number)

(name, address and telephone number)

- 16. The undersigned states that the information set forth above is true to the best of his/her knowledge and that this application is submitted in good faith.

Dated at Ingalls, Kansas, this 20th day of August, 2021.
(month) (year)


(Applicant Signature)

By _____
(Agent or Officer Signature)

(Agent or Officer - Please Print)

Assisted by _____ (office/title) Date: _____

WATER RESOURCES RECEIVED

AUG 25 2021

FEE SCHEDULE

1. The fee for an application for a permit to appropriate water for beneficial use, except for domestic use, shall be (see paragraph No. 2 below if requesting storage):

ACRE-FEET	FEE
0-100	\$200.00
101-320	\$300.00
More than 320	\$300.00 plus \$20.00 for each additional 100 acre-feet or any part thereof.

2. The fee for an application in which storage is requested, except for domestic use, shall be:

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.

Note: The applicant shall notify the Chief Engineer and pay the statutorily required field inspection fee of \$400.00 when construction of the works for diversion has been completed, except that for applications filed on or after July 1, 2009, for works constructed for sediment control use and for evaporation from a groundwater pit for industrial use shall be accompanied by a field inspection fee of \$200.00.

MAKE CHECKS PAYABLE TO THE KANSAS DEPARTMENT OF AGRICULTURE

ATTENTION

A Water Conservation Plan may be required per K.S.A. 82a-733. A statement that your application for permit to appropriate water may be subject to the minimum desirable streamflow requirements per K.S.A. 82a-703a, b, and c may also be required from you. After the Division of Water Resources has had the opportunity to review your application, you will be notified whether or not you will need to submit a Water Conservation Plan. You also may be required to install a water flow meter or water stage measuring device on your diversion works prior to diverting water. There may be other special conditions or Groundwater Management District regulations that you will need to comply with if this application is approved.

CONVERSION FACTORS

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

WATER RESOURCES
 RECEIVED
 AUG 25 2021
 KS DEPT OF AGRICULTURE

PORTION 3
DAKOTA FORMATION NEW APPROPRIATION
APPLICATIONS



Nash Water Well Service, LLC
 710 W Ave A
 PO Box 1388
 Cimarron, KS 67835

Owner: Midwest Feeders

Depth of Test Hole Drilled: 880'
 Job Name: Test Hole # 2
 West 1/2 Mile from Main Office
 Date: 05/27/2021

Latitude: 37.957457
 Longitude: 100.454750

Lithologic Log Information:

<u>From</u>	<u>To</u>	<u>Lithologic Log</u>	<u>% Production</u>
0'	25'	TOP SOIL BROWN CLAY & FINE SAND	
25'	50'	TAN CLAY WHITE CLAY CALICHE & FINE SAND	
50'	60'	TAN CLAY & FINE SAND	
60'	70'	FINE COARSE SAND WITH TAN CLAY & THIN ROCK LAYERS	
70'	85'	TAN CLAY FINE SAND	
85'	100'	FINE MEDIUM SAND WITH TAN CLAY STREAKS	
100'	165'	FINE COARSE SAND WITH TAN CLAY STREAKS AND LAYERS	
165'	175'	FINE COARSE SAND WITH SMOOTH SMALL WHITE GRAVEL STREAKS	
175'	230'	TAN CLAY & FINE SAND	
230'	242'	TAN WHITE CLAY WITH FINE SAND & ROCK LAYERS	
242'	374'	BLUE GRAY SHALE CLAY ROCK LAYERS	
374'	390'	BLUE CLAY	
390'	400'	BLUE CLAY WITH SANDSTONE STREAKS	MEDIUM 40%
400'	420'	GRAY SANDSTONE WITH BLUE & BROWN CLAY	MEDIUM 50%
420'	440'	BLUE CLAY & GRAY SANDSTONE	MEDIUM 25%
440'	500'	GRAY SANDSTONE & BLUE CLAY	MEDIUM 70%
500'	550'	GRAY & TAN CLAY WITH GRAY SANDSTONE	MEDIUM 45%
550'	580'	BLUE CLAY GRAY SANDSTONE	MEDIUM 40%
580'	595'	BLUE CLAY GRAY SANDSTONE	MEDIUM 50%
595'	620'	GRAY SANDSTONE WITH BLUE CLAY	MEDIUM 90%
620'	708'	TAN SANDSTONE WITH GRAY CLAY GOOD	MEDIUM LOOSE 90%

WATER RESOURCES
 RECEIVED

AUG 25 2021

<u>From</u>	<u>To</u>	<u>Lithologic Log</u>	<u>% Production</u>
708'	760'	GRAY SANDSTONE WITH GRAY BLUE TAN CLAYS & STREAKS	MEDIUM 65%
760'	820'	GRAY TAN SANDSTONE W/ GRAY BLUE TAN CLAY & SHALE	MEDIUM 85%
820'	865'	TAN GRAY SANDSTONE WITH BLUE GRAY BROWN CLAY SHALE WITH A FEW HARD ROCK STREAKS	TIGHT/MEDIUM 90%
865'	868'	HARD ROCK LAYER	
868'	880'	BLUE GRAY SHALE CLAY HARD	HARD/TIGHT

WATER RESOURCES
RECEIVED

AUG 25 2021

KS DEPT OF AGRICULTURE

Nash Water Well Service, LLC
 710 W Ave A
 PO Box 1388
 Cimarron, KS 67835

Owner: Midwest Feeders

Depth of Test Hole Drilled: 880'
 Job Name: Test Hole # 5
 1/2 Mile East of Main Office North side of Rd.
 Date: 06/09/2021

Latitude: 37.957720
 Longitude: 100.435637

Lithologic Log Information:

<u>From</u>	<u>To</u>	<u>Lithologic Log</u>	<u>% Production</u>
0'	20'	TOP SOIL BROWN CLAY FINE SAND	
20'	40'	RED TAN CLAY FINE SAND	
40'	50'	TAN BROWN CLAY WITH FINE SAND	
50'	70'	FINE COARSE SAND SMALL MEDIUM GRAVEL TAN CLAY	
70'	90'	TAN CLAY FINE MEDIUM SAND	
90'	130'	FINE COARSE SAND WITH SMALL GRAVEL & TAN CLAY STREAKS	
130'	165'	FINE MEDIUM SAND TAN CLAY	
165'	175'	FINE COARSE SAND SMALL TO LARGE GRAVEL	
175'	217'	FINE MEDIUM SAND WITH TAN CLAY	
217'	225'	FINE COARSE SAND WITH WHITE LOOSE MEDIUM - LARGE SIZED GRAVEL	
225'	235'	FINE MEDIUM SAND WITH TAN CLAY	
235'	360'	BLUE SHALE WITH STREAKS & LAYER OF ROCK	
360'	378'	BLUE CLAY	
378'	400'	GRAY SANDSTONE BLUE GRAY CLAY STREAKS	MEDIUM 60%
400'	420'	TAN SANDSTONE BLUE GRAY CLAY STREAKS	MEDIUM 90%
420'	480'	TAN SANDSTONE BLUE GRAY CLAY STREAKS	MEDIUM 80%
480'	510'	TAN SANDSTONE BLUE GRAY CLAY STREAKS	MEDIUM 90%
510'	540'	TAN SANDSTONE BLUE GRAY TAN CLAY STREAKS	MEDIUM 75%
540'	560'	TAN SANDSTONE BLUE GRAY CLAY STREAKS	MEDIUM TIGHT 60%
560'	580'	TAN SANDSTONE BLUE GRAY CLAY STREAKS	MEDIUM 85%
580'	600'	TAN SANDSTONE BLUE GRAY CLAY STREAKS	MEDIUM 50%
600'	620'	TAN SANDSTONE BLUE GRAY CLAY STREAKS	MEDIUM 90%

WATER RESOURCES
 RECEIVED
 AUG 25 2021

<u>From</u>	<u>To</u>	<u>Lithologic Log</u>	<u>% Production</u>
620'	640'	TAN SANDSTONE BLUE GRAY BROWN RED CLAY STREAKS	MEDIUM 30%
640'	660'	GRAY FINE SANDSTONE BLUE GRAY BROWN RED	MEDIUM 85%
660'	680'	GRAY FINE SANDSTONE BLUE GRAY BROWN RED	MEDIUM LOOSE 85%
680'	700'	GRAY FINE SANDSTONE BLUE GRAY BROWN RED	MEDIUM LOOSE 95%
700'	720'	GRAY FINE SANDSTONE BLUE GRAY CLAY	MEDIUM TIGHT 80%
720'	740'	TAN GRAY SANDSTONE WITH BLUE SHALE & ROCK LAYERS	MEDIUM TIGHT 85%
740'	750'	GRAY TAN SANDSTONE WITH BLUE GRAY BROWN SHALE STREAKS	TIGHT 60%
750'	760'	BLUE SHALE WITH TIGHT STREAKS OF FINE SANDSTONE	TIGHT 20%
760'	780'	BLUE SHALE WITH TIGHT STREAKS OF FINE SANDSTONE	TIGHT 25%
780'	800'	GRAY SANDSTONE WITH BLUE TAN GRAY CLAY	MEDIUM TIGHT 60%
800'	820'	GRAY SANDSTONE WITH BLUE TAN GRAY CLAY	MEDIUM 85%
820'	848'	GRAY SANDSTONE WITH BLUE TAN GRAY CLAY	MEDIUM 85%
848'	860'	BLUE SHALE WITH GRAY SANDSTONE STREAKS	TIGHT 35%
860'	880'	BLUE SHALE WITH GRAY SANDSTONE & HARD ROCK LAYER	TIGHT 10%

WATER RESOURCES
RECEIVED

AUG 25 2021

DEPT. OF AGRICULTURE

KLA ENVIRONMENTAL SERVICES, INC.

PROJECT: **MIDWEST FEEDERS, INC.**

LOCATION: **GRAY COUNTY, KANSAS**

BY: **CSG**
DATE: 7/22/2021

CHECKED BY: **KLS**
DATE: 8/19/2021

TEST HOLE SUMMARY

TEST HOLE ID	BENEFICIAL USE	Latitude	Longitude	P/D DIST. FROM SE SECTION CORNER			QUALIFIERS		
				SEC-TWP-RGE	NORTH	WEST			
TH-2	STK	37.957457	-100.454750	24-24S-29W	5217 FT	2485 FT	NW	NW	NE
TH-5	STK	37.957720	-100.435637	18-24S-28W	79 FT	2098 FT	SW	SW	SE

Reference Point	Latitude	Longitude
SE Corner of 18-24S-28W	37.9575035	-100.428351
SE Corner of 24-24S-29W	37.9431736	-100.446121

WATER RESOURCES
RECEIVED

AUG 25 2021

KANSAS DEPT OF AGRICULTURE

KLA ENVIRONMENTAL SERVICES, INC.

PROJECT: MIDWEST FEEDERS, INC.

LOCATION: SECTION 19 T24 S R28W & SECTIONS 24 & 25 T24S R29W, GRAY COUNTY, KANSAS

BY: CSG
DATE: 07/01/21

CHECKED BY: KLS
DATE: 8/19/2021

STOCKWATER REQUIREMENTS

Midwest Feeders, Inc. is a beef cattle feeding facility. An expansion is desired to raise the permitted number of cattle 30,000 head. An additional source of water is required to support the increase in permitted headcount. It is anticipated that the actual quantities used for stockwatering will vary from year to year depending upon cattle numbers, cattle sizes, and environmental conditions. Midwest Feeders, Inc. has three irrigation wells and proposes to convert them to dual use irrigation and stockwater. Additionally, Midwest Feeders, Inc. is submitting two applications for new appropriations in the Dakota Formation.

Current facility maximum permitted capacity =	74,000 head of beef cattle
Planned facility expansion =	30,000 head of beef cattle
<hr/> Planned facility maximum annual capacity =	<hr/> 104,000 head of beef cattle

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

→ Maximum Reasonable Quantity = 104,000 head x 15 gallons/head/day x 365 days/year = 569.400 MGY
= 1,747.424 AF

→ Facility Specific Planned Quantity* = 104,000 head x 10 gallons/head/day x 365 days/year = 379.600 MGY
= 1,164.950 AF

*Facility-Specific Planned Quantity is based off of 2012-2020 historic average use of 8.89 gal/head/day with an additional 12.5% safety factor.

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

Existing Facility Stockwater Summary Total =	746.100 AF
Irrigation Well #1 Converted Quantity =	97.337 AF
Irrigation Well #2 Converted Quantity =	100.105 AF
Irrigation Well #3 Converted Quantity =	225.929 AF
<hr/> Total Stockwater Rights = 1,169.471 AF	<hr/> = 381.073 MGY

→ Maximum additional quantity of stockwater needed = (Maximum Reasonable Quantity) - (Existing Quantity)
= 1747.424 AF - 1169.471 AF = 577.953 AF

Dakota Formation New Appropriation Applications:

Requested Additional Quantity =	400.000 AF
<hr/> Total Proposed Stockwater Rights = 1,569.471 AF	<hr/> = 511.414 MGY

→ Check to see if requested stockwatering quantity is reasonable:

1,164.950 AF < 1,569.471 AF < 1,747.424 AF maximum

→ THE QUANTITY IS REASONABLE

Check requested rate of 410 GPM for capacity to supply 400.000 AF of stockwater:

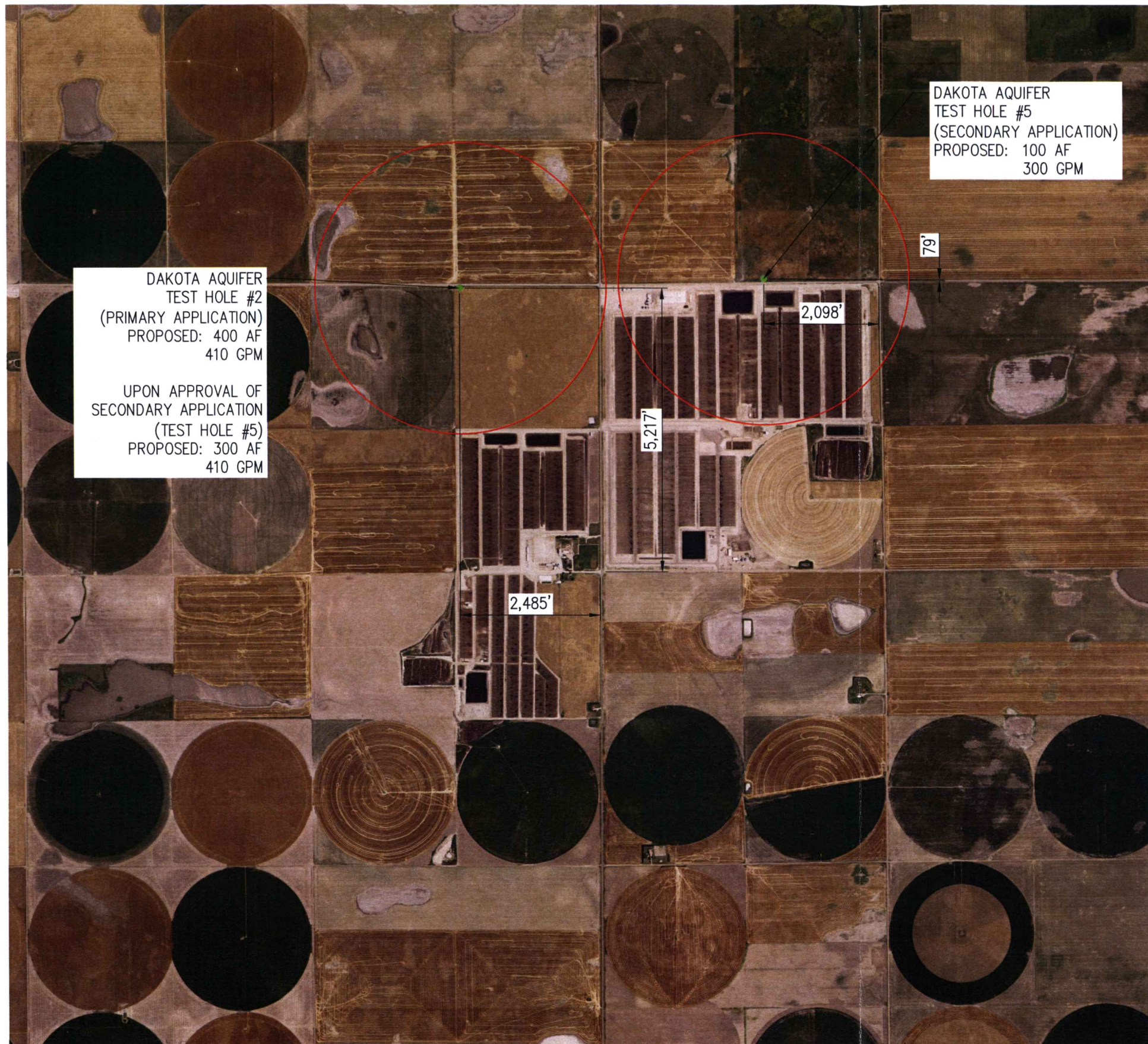
Maximum quantity supplied = $\frac{410 \text{ GPM} \times 60 \text{ min/hr} \times 24 \text{ hr/day} \times 365 \text{ days/yr}}{325,851 \text{ gal/AF}}$ = 661.333 AF

→ The requested rate is sufficient to supply the requested quantity.

WATER RESOURCES
RECEIVED

AUG 25 2021

KS DEPT OF AGRICULTURE



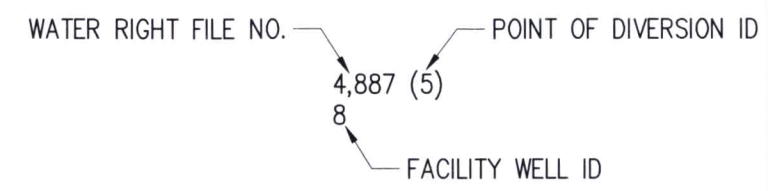
DAKOTA AQUIFER
TEST HOLE #2
(PRIMARY APPLICATION)
PROPOSED: 400 AF
410 GPM

UPON APPROVAL OF
SECONDARY APPLICATION
(TEST HOLE #5)
PROPOSED: 300 AF
410 GPM

DAKOTA AQUIFER
TEST HOLE #5
(SECONDARY APPLICATION)
PROPOSED: 100 AF
300 GPM

LEGEND

- PROPOSED POINT OF DIVERSION (STK)
- 1/2 MILE FROM WELL
- 79' DISTANCE FROM SE SECTION CORNER



T24S

NOTE: MIDWEST FEEDERS, INC. OWNS ALL OF SECTION 19 T24S R28W AND SECTION 25 T24S R29W, INCLUDING ANY DOMESTIC WELLS. MIDWEST FEEDERS, INC. OWNS ALL ACTIVE WELLS IN SECTION 24 T24S R29W. THERE ARE NO ACTIVE WELLS WITHIN THE 1/2 MILE SEPARATION DISTANCE.



R29W|R28W

AUG 25 2021

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

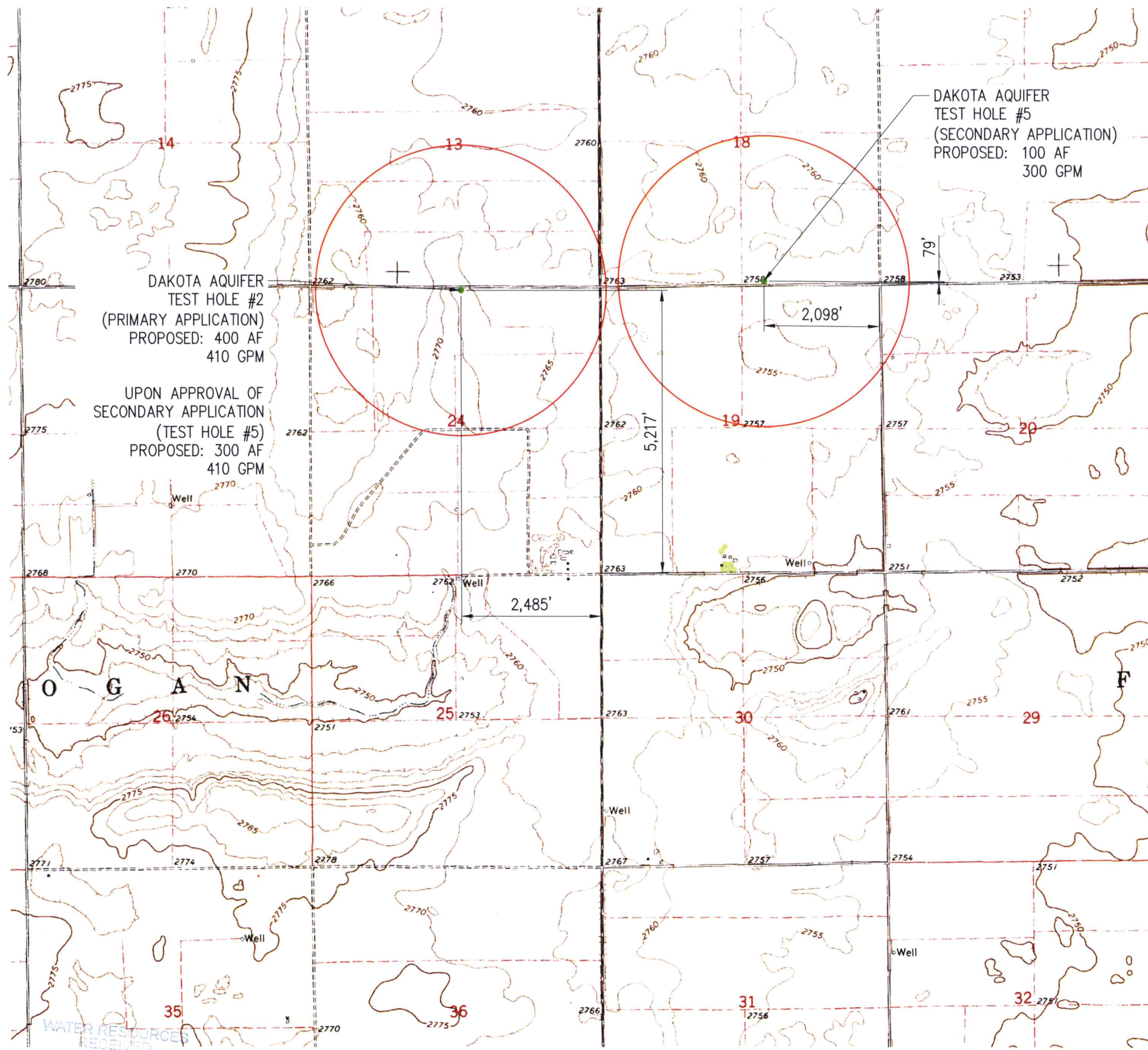
1303 YUCCA STREET
SCOTT CITY, KANSAS 67871
(620) 872-2300



CAD FILE NAME:
WATER_RIGHTS.dwg

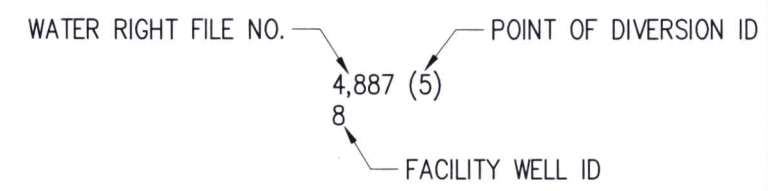
SHEET NO. 1 OF 2

WELL LOCATION MAP



LEGEND

- PROPOSED POINT OF DIVERSION (STK)
- 1/2 MILE FROM WELL
- 79' DISTANCE FROM SE SECTION CORNER



T24S

NOTE: MIDWEST FEEDERS, INC. OWNS ALL OF SECTION 19 T24S R28W AND SECTION 25 T24S R29W, INCLUDING ANY DOMESTIC WELLS. MIDWEST FEEDERS, INC. OWNS ALL ACTIVE WELLS IN SECTION 24 T24S R29W. THERE ARE NO ACTIVE WELLS WITHIN THE 1/2 MILE SEPARATION DISTANCE.



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

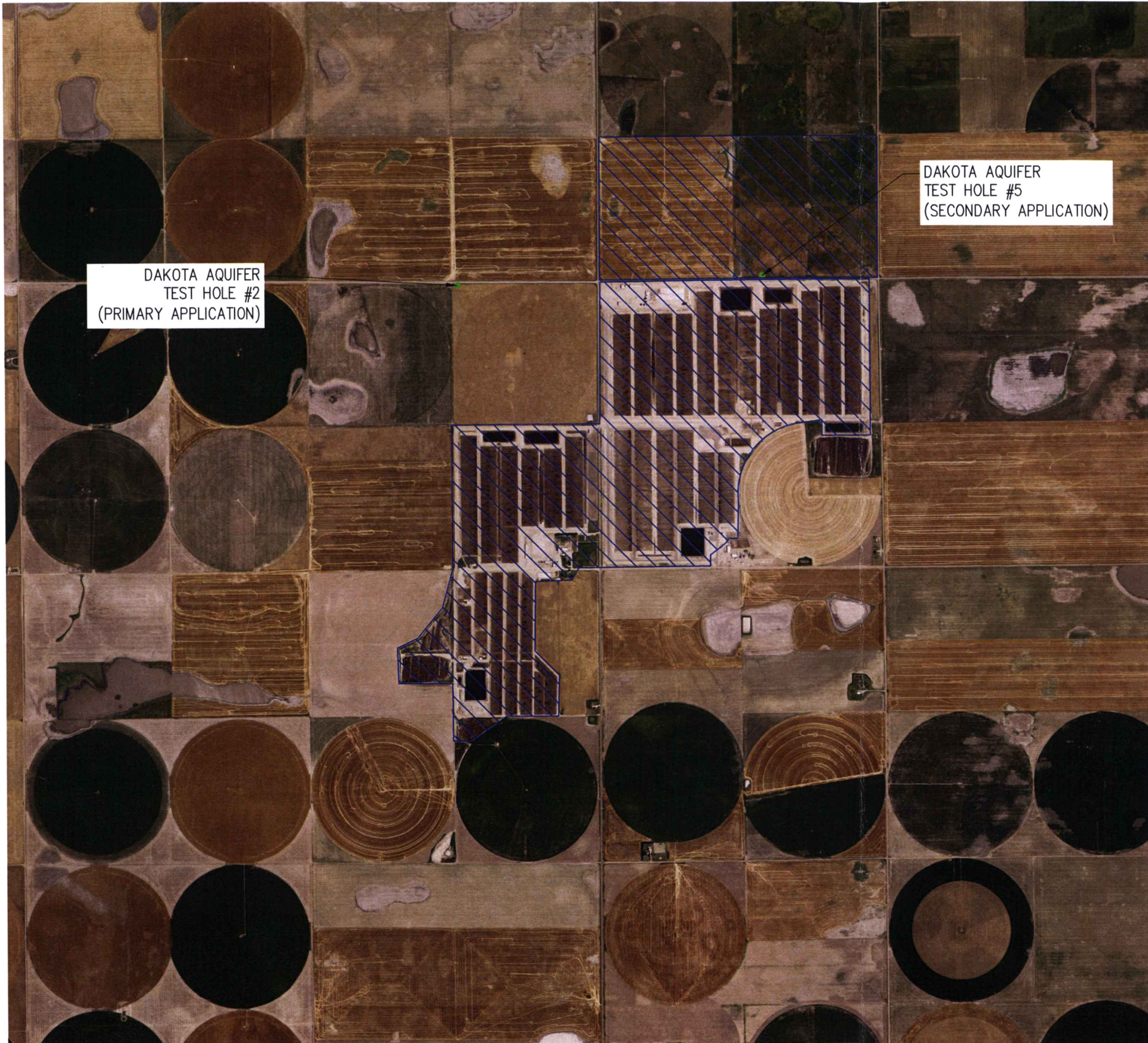
SHEET NO. 2 OF 2

AUG 25 2021

R29W|R28W

WELL LOCATION MAP (TOPOGRAPHIC)

KANSAS DEPARTMENT OF AGRICULTURE



DAKOTA AQUIFER
TEST HOLE #2
(PRIMARY APPLICATION)

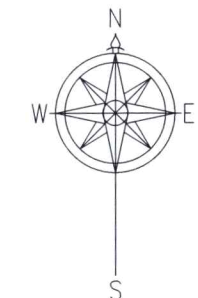
DAKOTA AQUIFER
TEST HOLE #5
(SECONDARY APPLICATION)

T24S

R29W|R28W

LEGEND

- PROPOSED POINT OF DIVERSION (STK)
- ▨ PROPOSED PLACE OF USE (STK)



PLACE OF USE MAP

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

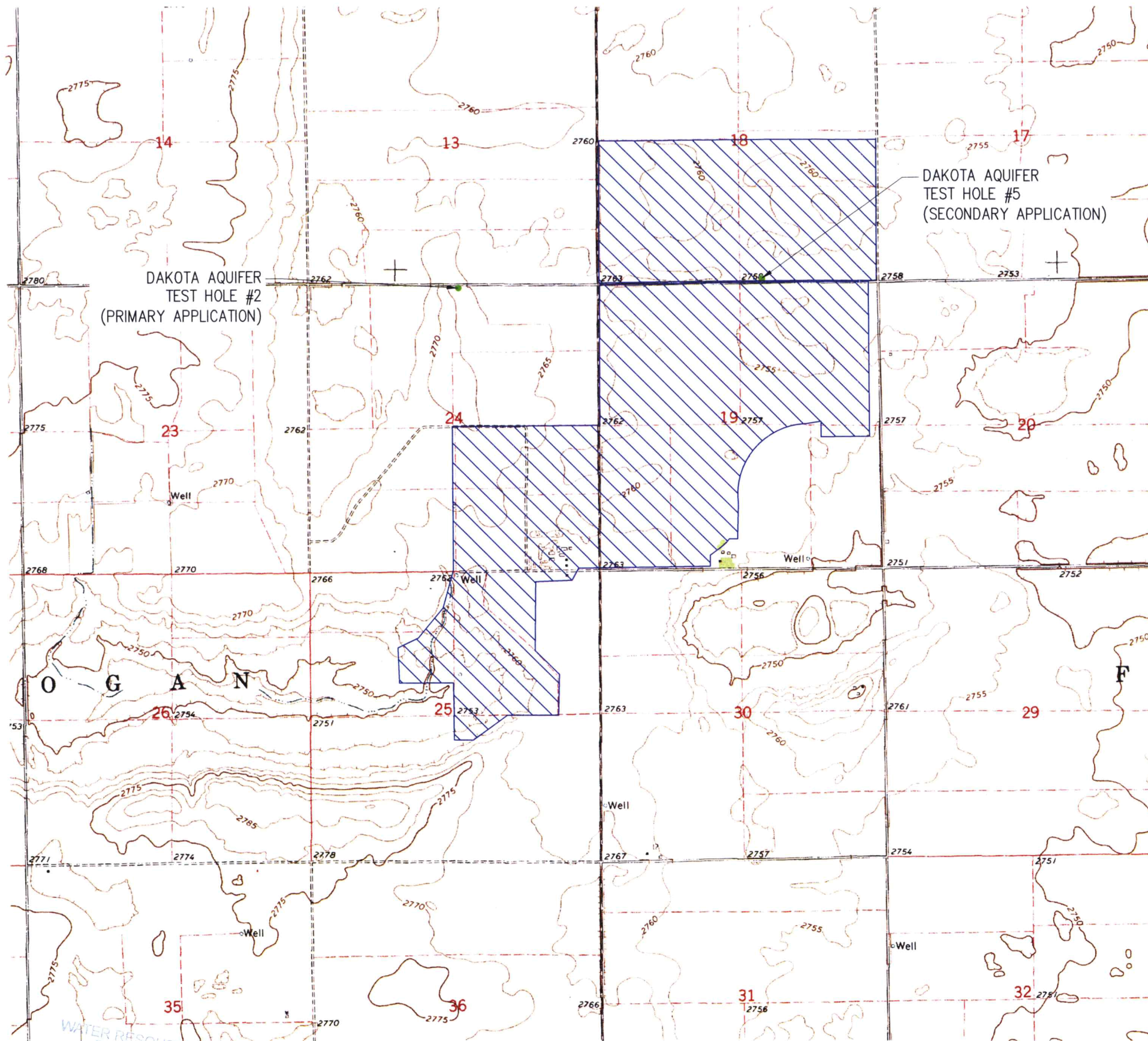
1700 E. IRON
SALINA, KANSAS 67401
(785) 823-0097
1303 YUCCA STREET
SCOTT CITY, KANSAS 67871
(620) 872-2300



CAD FILE NAME:
WATER RIGHTS.dwg

SHEET NO. 1 OF 2

RESOURCES RECEIVED
AUG 25 2021
DEPT OF AGRICULTURE

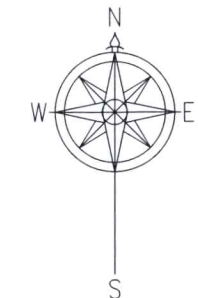


T24S

R29W | R28W

LEGEND

- PROPOSED POINT OF DIVERSION (STK)
- PROPOSED PLACE OF USE (STK)



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

SHEET NO. 2 OF 2

PLACE OF USE MAP (TOPOGRAPHIC)

AUG 25 2021

DEPT OF AGRICULTURE

WATER RESOURCES RECEIVED

**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
--------	-----------------

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 50636

APPLICANT PERSON ID & SEQ #	PDIV ID	BATTERY ID
<u>37213</u>	<u>89022</u>	

LANDOWNER PERSON ID & SEQ #	PUSE ID
<u>37213</u>	<u>20013</u>
	<u>27410</u>
	<u>51675</u>

WATER USE CORRESPONDENT PERSON ID & SEQ #
<u>37213</u>