

# 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 50675
This item to be completed by the Division of Water Resources.

WATER RESOURCES RECEIVED
OCT 29 2021 8:07
KS DEPT OF AGRICULTURE

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.)

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 [x] 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 400,000 acre-feet OR 130,340,400 gallons per calendar year, to be diverted at a maximum rate of 410 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) [x] 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 11/1/21
Code RE3 Fee \$ 320 TR # Receipt Date 10-29-21 Check # 255400

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 28 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 \_\_\_\_\_, 20\_\_\_\_. \_\_\_\_\_  
 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  
 OCT 29 2021  
 KS DEPT OF AGRICULTURE

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 were previously 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. Two new appropriation applications were also submitted and assigned File Nos. 50,636 and 50,637. It is requested that this application replace the applications for File Nos. 50,636 and 50,637. Dismissal requests are being submitted with this application for File Nos. 50,636 and 50,637. The dismissal of File No. 50,637 is contingent upon approval of this application and completion of the associated well.

ER RESOURCES  
RECEIVED

OCT 29 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 25th day of October, 2021.  
 (month) (year)

  
 (Applicant Signature)

By \_\_\_\_\_  
 (Agent or Officer Signature)

\_\_\_\_\_  
 (Agent or Officer - Please Print)

Assisted by \_\_\_\_\_ Date: \_\_\_\_\_  
 (office/title)

WATER RESOURCES  
 RECEIVED  
 OCT 29 2021  
 KS DEPT OF AGRICULTURE

**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

OCT 29 2021

KANSAS DEPT OF 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

October 25, 2021

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

Subject: New Appropriation Application and Dismissal of Applications for File Nos. 50,636 and 50,637 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.

Applications for changes to the facility water rights were submitted on August 20, 2021. Included were two applications for new appropriations from the Dakota Formation. Plans have been modified, and the following applications reflect those modifications.

A new appropriation of 400.000 AF is requested for the location of Test Hole #5 in the SE ¼ of Section 18 T24S R28W, Gray County, Kansas. Upon approval of this new application, it is requested that File No. 50,636 (also for the Test Hole #5 location) be dismissed. It is requested that File No. 50,637 (Test Hole #2 location in the NE ¼ of Section 24 T24S R29W, Gray County, Kansas) be dismissed upon approval of this new application and completion of the associated well.

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

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

Respectfully,

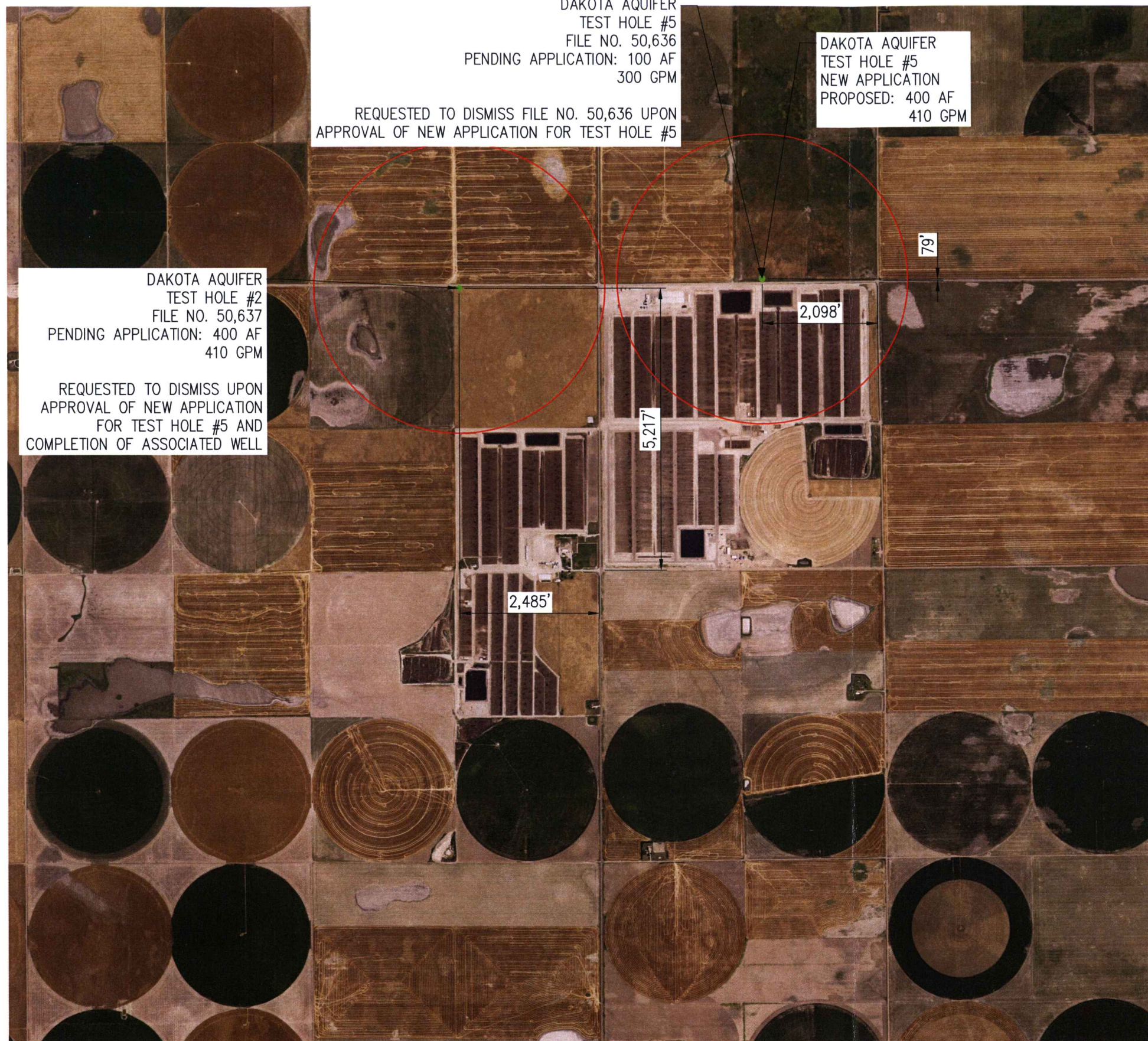
*Craig Griswold*

Craig Griswold, I.E.  
[cgriswold@klaenviro.com](mailto:cgriswold@klaenviro.com)  
cell: 660-292-0823

Enclosures

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





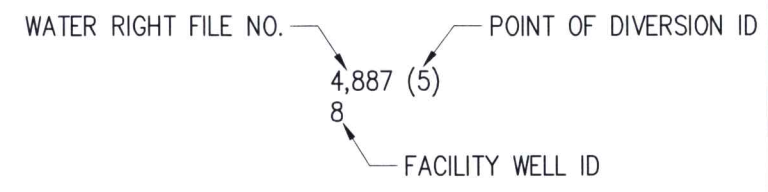
R29W|R28W

REV.	DATE	BY	DESCRIPTION	CHECK	APPROVE
1	10/21	CSG	REVISE TO MATCH REVISED APPLICATIONS		

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

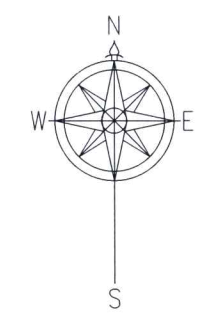
**LEGEND**

- 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.



OCT 29 2021

KS DEPT OF AGRICULTURE  
**WELL LOCATION MAP**

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

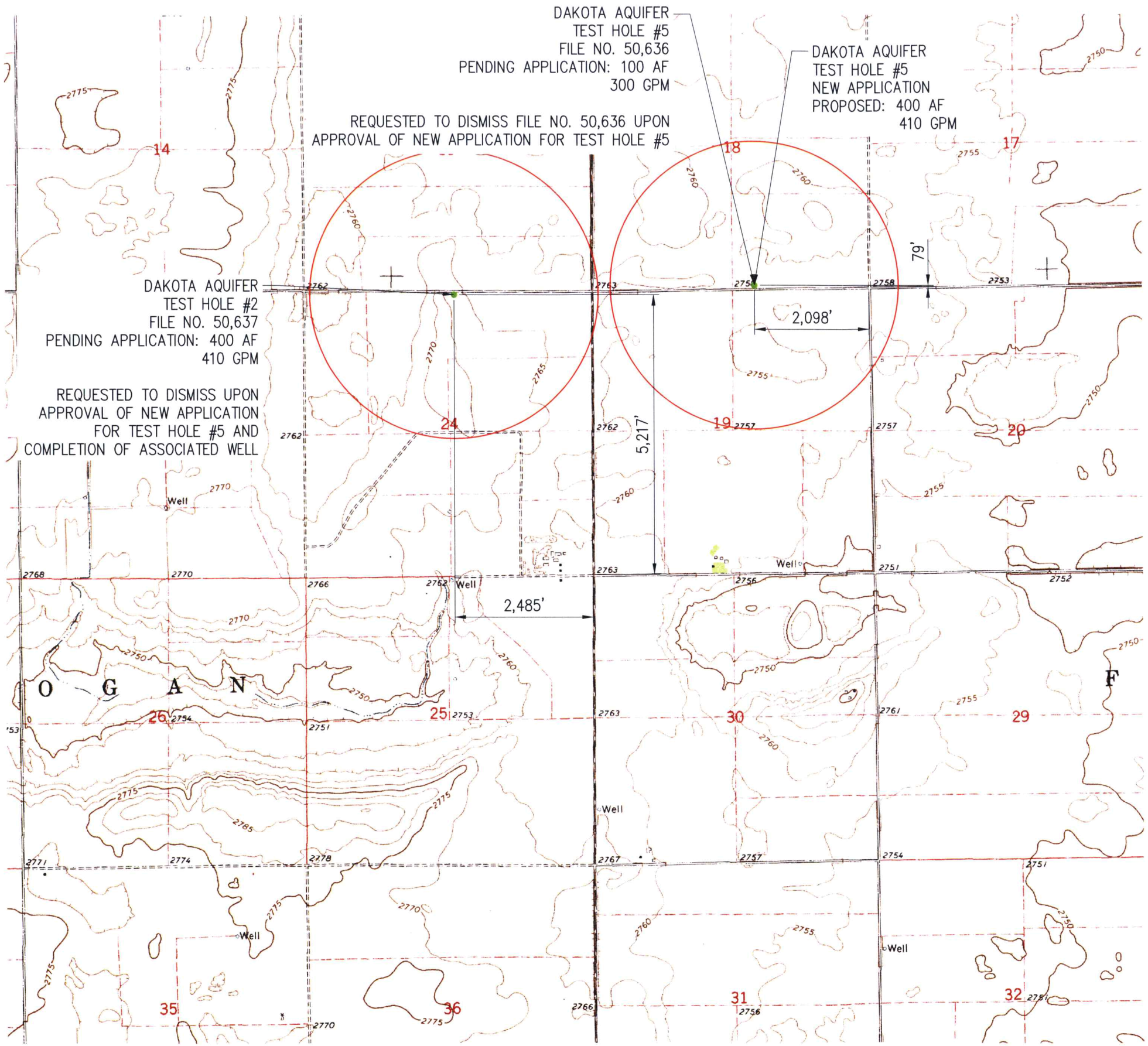
1700 E. IRON  
 SALINA, KANSAS 67401  
 (785) 823-0097  
 1303 YUCCA STREET  
 SCOTT CITY, KANSAS 67871  
 (620) 872-2300



CAD FILE NAME:  
WATER\_RIGHTS.dwg  
SHEET NO. 1 OF 2

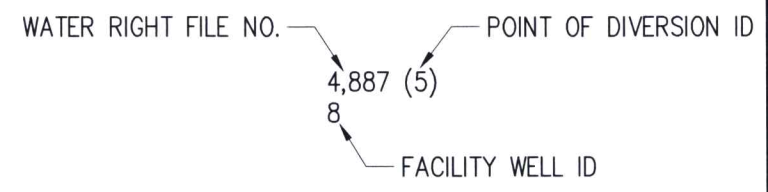
REV.	DATE	BY	DESCRIPTION	CHECK	APPROVE
1	10/21	CSG	REVISE TO MATCH REVISED APPLICATIONS		

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



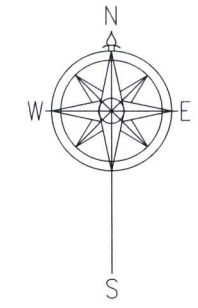
**LEGEND**

- 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.



OCT 29 2021

**WELL LOCATION MAP (TOPOGRAPHIC)**

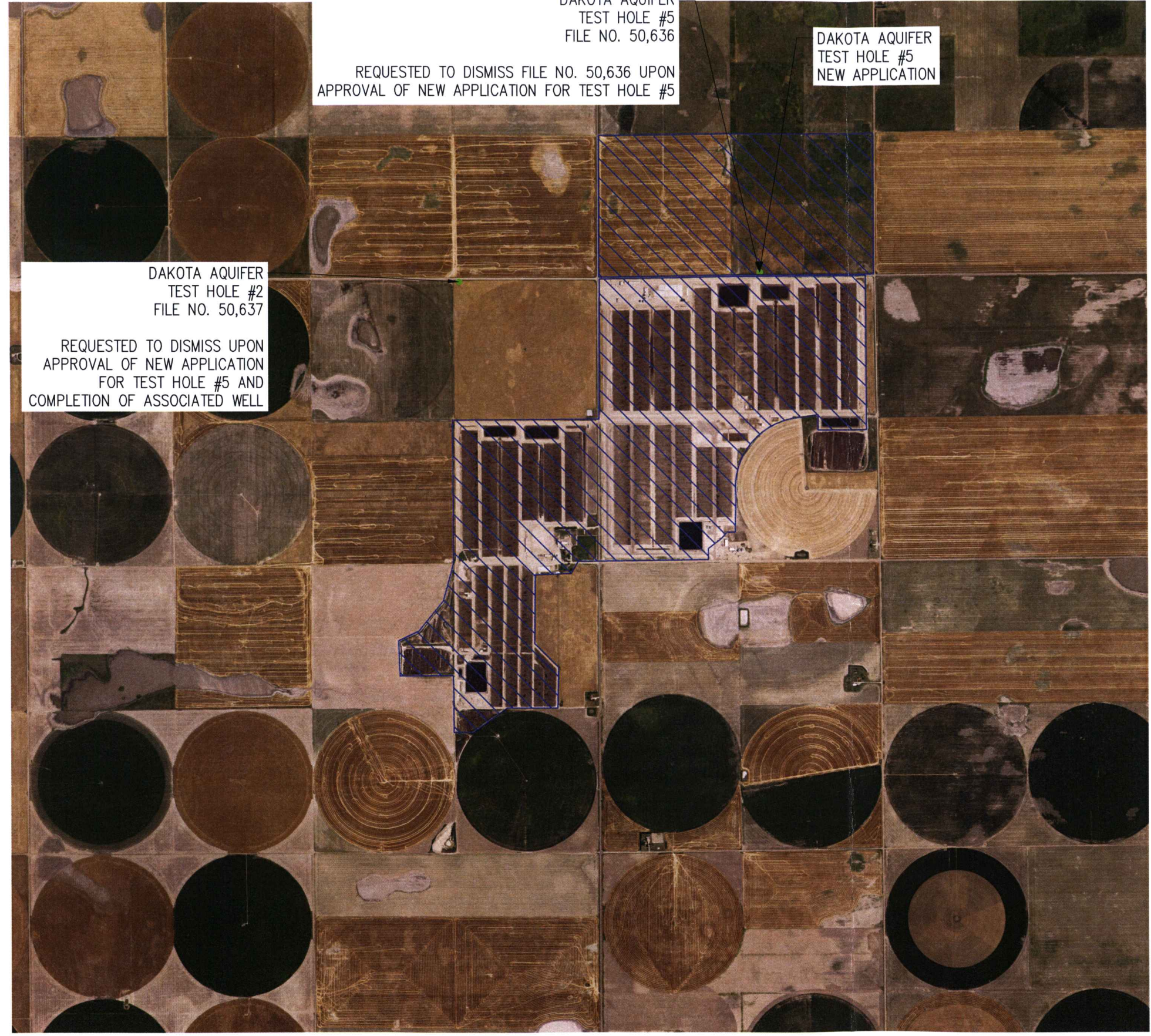
**MIDWEST FEEDERS, INC.**  
 WATER RIGHTS  
 SECTIONS 18 & 19 T24S R28W & SECTIONS 24 & 25 T24S R29W  
 GRAY COUNTY, KANSAS

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

REV.	DATE	BY	DESCRIPTION	CHECK	APPROVE
1	10/21	CSG	REVISE TO MATCH REVISED APPLICATIONS		



DAKOTA AQUIFER  
TEST HOLE #5  
FILE NO. 50,636

REQUESTED TO DISMISS FILE NO. 50,636 UPON  
APPROVAL OF NEW APPLICATION FOR TEST HOLE #5

DAKOTA AQUIFER  
TEST HOLE #5  
NEW APPLICATION

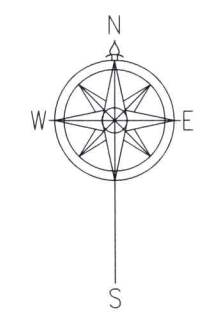
DAKOTA AQUIFER  
TEST HOLE #2  
FILE NO. 50,637

REQUESTED TO DISMISS UPON  
APPROVAL OF NEW APPLICATION  
FOR TEST HOLE #5 AND  
COMPLETION OF ASSOCIATED WELL

**LEGEND**

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

T24S



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



KS DEPT OF AGRICULTURE

CAD FILE NAME:  
WATER RIGHTS.dwg

SHEET NO. 1 OF 2

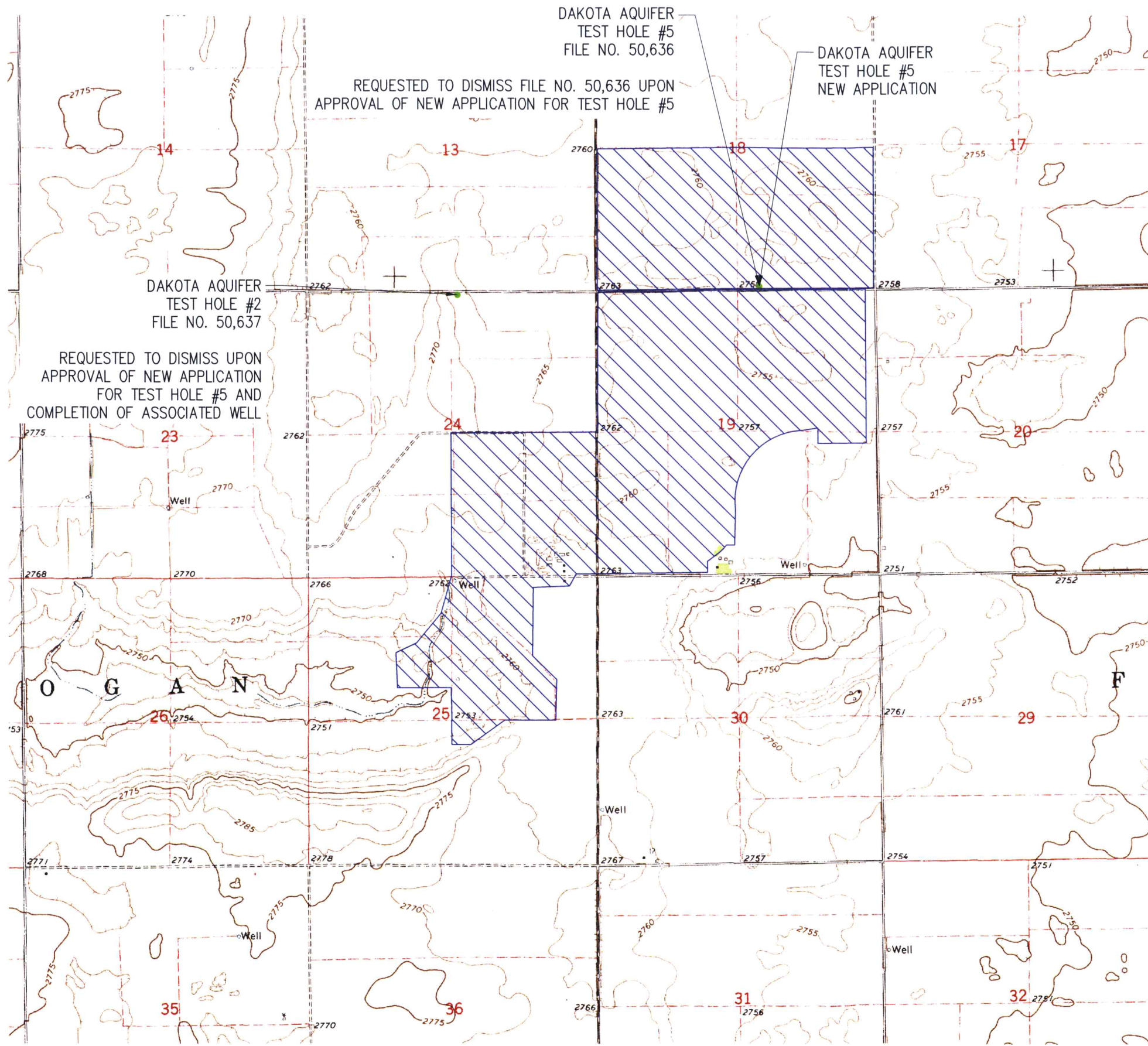
**PLACE OF USE MAP**

R29W|R28W

WATER RESOURCES  
RECEIVED  
OCT 29 2021

REV.	DATE	BY	DESCRIPTION	CHECK	APPROVE
1	10/21	CSG	REVISE TO MATCH REVISED APPLICATIONS		

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



**LEGEND**

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

T24S



WATER RESOURCES RECEIVED  
OCT 29 2021  
KS DEPT OF AGRICULTURE

R29W/R28W

**PLACE OF USE MAP (TOPOGRAPHIC)**

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

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



CAD FILE NAME:  
WATER RIGHTS.dwg

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

November 2, 2021

MIDWEST FEEDERS INC  
05013 13 ROAD  
INGALLS KS 67853

RE: Application, File No(s). **50675**

Dear Sir or Madam:

The Division of Water Resources (Division) has received your application(s) for a permit to appropriate water for beneficial use. Your application(s) has been assigned the file number(s) referenced above. Please be aware that the Division may have a large number of pending applications on hand at times and makes every attempt to process them in the order in which they are received. You will be contacted if additional information is required.

Please note, this letter only acknowledges receipt of your application(s) and does not guarantee approval. In accordance with the provisions of the Kansas Water Appropriation Act, the use of water as proposed prior to approval of the application(s) is unlawful.

Additional information about the process may be found on our website at [agriculture.ks.gov/divisions-programs/dwr](http://agriculture.ks.gov/divisions-programs/dwr). If you have any other questions, please contact our office at 785-564-6640 or your local Garden City Field Office at 620-276-2901. *Garden City Field Office at 620-276-2901*. If you call, please reference the file number so we can help you more efficiently.

Sincerely,

A handwritten signature in black ink that reads "Kris Neuhauser". The signature is written in a cursive style with a long horizontal flourish at the end.

Kris Neuhauser  
New Applications Lead  
Water Appropriation Program