

Kansas Department of Agriculture
 Division of Water Resources
**CHANGE: P/U UMW WORKSHEET
 & ORDER IN AUTHORIZED QUANTITY (DUAL USE)**

1. File Number: 16882	2. Status Change Date: 4/5/2022	3. Change Num: C1	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: 7/14/2021
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8a. Applicant(s) New to system <input type="checkbox"/> Person ID 66622 Add Seq# _____ SATANTA FARMS LLC PO BOX 15568 AMARILLO, TX 79101-5568 F & E COX FARMS INC KENNETH M COX PRES 1111 RD 90 SUBLETTE, KS 67877 reserved from water right	8c. Landowner(s) New to system <input type="checkbox"/> Person ID 66516 Add Seq# _____ FRIONA INDUSTRIES LP <i>stk pu</i> Attn: KANSAS FEEDLOTS 1174 EMPIRE CIR SANTANTA, KS 67870
4/4/2022 PER ORKA LI/DWR	8d. Landowner(s) New to system <input type="checkbox"/> Person ID 2662 Add Seq# <u>64282 - 1</u> CATTLE EMPIRE LLC Attn: ROY N BROWN 2425 RD DD SATANTA, KS 67870

8b. Landowner(s) New to system <input type="checkbox"/> Person ID _____ Add Seq# _____ 8a	8d. WUC New to system <input type="checkbox"/> Person ID _____ Add Seq# _____ 8a
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9. Documents and Enclosure(s): DWR Meter(s) Date to Comply: **12/31/2022** N & P Date to Comply: ~~3/1/2023~~

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: **IRR** To: **IRR / STK DUAL USE**

Date Prepared: **3/25/2022** By: **AM**
 Date Entered: 4/11/2022 By: LMoody

4/4/2022
L'Ireland

File No. **16882** 11. County: **HS** Basin: **ARKANSAS RIVER** Stream: Formation Code: **211/331** Special Use:

12. Points of Diversion										Rate and Quantity							
CHK	MOD	DEL	ENT	PDIV	Qualifier	S	T	R	ID	'N	'W	Comment (AKA Line)	Rate gpm/cfs	Quantity af/mgy	Rate gpm/cfs	Quantity af/mgy	Overlap PD Files
MOD	89047	SE NW SE	4	28S 33W	7	1475	1629	DUAL IRR STK USE	1275	412	1275	412	NONE				

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

14. Limitation: **349.788** af/yr at _____ gpm (_____ cfs) when combined with file number(s) **DUAL IRR/STK USE QUANTITY**
 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				NE¼				NW¼				SW¼				SE¼				Total	Owner	Chg?	Overlap Files			
CHK	MOD	DEL	ENT	PUSE	S	T	R	ID	NE ¼	NW ¼	SW ¼	SE ¼	NE ¼	NW ¼	SW ¼	SE ¼	NE ¼	NW ¼	SW ¼	SE ¼						
CHK	21944	9	28S33W	1					40	40	40	40					40	40	40	27.66	307.66	8d 8a	N	18659; 23410; 31093		
ENT	17140	9	28S33W	4					FEEDLOT (W2)															8c	N	14091; 16955; 23410
																								34236; 34553; 34554; 14492		
CHK	31503	8	28S33W	1					40	40	40	40	40	40	40	40	40	40	40	32.88	632.88	8a 8d	N	18659; 23410; 31093		

Base Acres: Year: Minimum Reasonable Quantity:

Comments: **POP UP TEMPORARY QUANTITY REDUCTION: LIMITED TO 349.788 AF (113.978 MGY) WHILE STK USE AUTH BY DUAL USE**

KANSAS DEPARTMENT OF AGRICULTURE
Division of Water Resources

M E M O R A N D U M

TO: Files **DATE:** March 15, 2022
FROM: Austin McColloch **RE:** Water Right, File Nos. 14492 & 16882

Satanta Farms LLC as owner of File Nos. 14492 & 16882, have submitted applications for approval to change the use made of water from irrigation use to irrigation and stockwatering use and to change their place of use. The applications were received on July 14, 2021.

The referenced files appear to be in good standing, as per K.S.A. 82a-718 and 82a-732. The applications comply with K.A.R. 5-5-2a, *Complete change application*.

Water Right, File No. **14492**, authorizes one (1) well to divert 640 acre-feet (AF) at a maximum rate of 900 gallons per minute (gpm) (2.00 c.f.s). The well is located in the Southeast Quarter of the Northwest Quarter of the Southwest Quarter (SE $\frac{1}{4}$ NW $\frac{1}{4}$ SW $\frac{1}{4}$) of Section 4, Township 28 South, Range 33 West, Haskell County, Kansas, located in the Arkansas River Basin. The place of use is 320 irrigated acres in the South Half of Section 4, Township 28 South, Range 33 West, Greeley County. There are no overlaps to the irrigation place of use. The proposed place of use for the stockwater portion is a feedlot located in the West Half (W $\frac{1}{2}$) of Section 9, Township 28 South, Range 33 West, Haskell County. Water Right File Nos. 14091; 16955; 23410; 34236; 34553 and 34554 currently overlap the stockwater place of use. The right is not located in a special use area but is located in the Southwest Kansas Groundwater Management District No. 3, (GMD 3). The source of supply for this right has been determined to be the Ogallala Formation / Unconfined Dakota Formation (Code 211 / 331).

The water right owner proposes a dual use of water that will allow them to retain the original 640 acre-feet for irrigation but will limit the total annual use to 543.36 acre-feet in any year when water is used for stockwatering during the duration of the dual use stockwater/irrigation dual use permit. Should the stockwatering use ever cease, the applicant will request to revert back to irrigation for the full original quantity of 640 acre-feet. The temporary reduced quantity is based on K.A.R. 5-5-9 calculation. The irrigation place of use will not change.

Water Right, File No. **16882**, authorizes one (1) well to divert 412 acre-feet (AF) at a maximum rate of 1275 gallons per minute (gpm) (2.84 c.f.s). The well is located in the Southeast Quarter of the Northwest Quarter of the Southeast Quarter (SE $\frac{1}{4}$ NW $\frac{1}{4}$ SE $\frac{1}{4}$) of Section 4, Township 28 South, Range 33 West, Haskell County, Kansas, located in the Arkansas River Basin. The place of use is 940.54 irrigated acres in Sections 8 and 9, both in Township 28 South, Range 33 West, Haskell County. Water Right, File Nos. 16882; 18659; 23409; 23410 and 31093 overlap the irrigation place of use. The proposed place of use for the stockwater portion is a feedlot located in the West Half (W $\frac{1}{2}$) of Section 9, Township 28 South, Range 33 West, Haskell County. Water Right File Nos. 14091; 16955; 23410; 34236; 34553 and 34554 currently overlap the stockwater place of use. The right is not located in a special use area but is located in the Southwest Kansas Groundwater Management District No. 3, (GMD 3). The source of supply for this right has been determined to be the Ogallala Formation / Unconfined Dakota Formation (Code 211 / 331). Irrigated place of use in Section 8 is owned by F&E Cox Farms but is reserved from the WR. li/dwr

The water right owner proposes a dual use of water that will allow them to retain the original 412 acre-feet for irrigation but will limit the total annual use to 349.788 acre-feet in any year when water is used for stockwatering during the duration of the dual use stockwater/irrigation dual use permit. Should the stockwatering use ever cease, the applicant will request to revert back to irrigation for the full original quantity of 412 acre-feet. The temporary reduced quantity is based on K.A.R. 5-5-9 calculation. The irrigation place of use will not change.

Under File Nos. 14492 & 16882, the change in use made of water from irrigation to stockwater/irrigation complies with K.A.R. 5-5-3, Change in consumptive use with the stated temporary reduction in quantity.

File No. 16882 *There is one (1) well located within one-half (½ mile) of the proposed existing wells which are not owned by the applicant. Nearby notification letter was sent out on February 21, 2022. There was no response of any kind as of today's date.

In a letter dated March 11, 2022, Jason Norquest, Assistant Manager of Southwest Kansas Groundwater Management District No. 3 recommended approval of the applications.

Mike Meyer, Water Commissioner, Garden City Field Office was contacted for a comment on the proposed change. He recommended approval of the proposed change per his email dated March 28, 2022.

Conditions of the approval will require the installation of a water flowmeters for each use and check valves if anything is injected into the water through the diversion works according to K.A.R.5-3-5(c), *Check valves*. Water level measurement tubes and WWC-5 information are not applicable to the changes.

Based on the above discussion, it appears the requested changes are not unreasonable, will not result in an increase in consumptive use, impairment of existing rights unlikely, and the source of supply will remain the same, it is recommended that the referenced applications be approved.



Austin McColloch
Assistant Water Commissioner
Garden City Field Office

* LI /DWR 4/4/2022

From: Meyer, Mike [KDA]
Sent: Mon 3/28/2022 11:54 AM
To: McColloch, Austin [KDA]
Subject: RE: Recommendation Change File Nos. 14492 & 16882

proceed
thanks

Mike

From: McColloch, Austin [KDA] <Austin.McColloch@ks.gov>
Sent: Monday, March 28, 2022 9:38 AM
To: Meyer, Mike [KDA] <Mike.Meyer@ks.gov>
Subject: FW: Recommendation Change File Nos. 14492 & 16882

Austin McColloch
Ph: (620) 276-2901

From: McColloch, Austin [KDA]
Sent: Tuesday, March 15, 2022 9:12 AM
To: Meyer, Mike [KDA] <Mike.Meyer@ks.gov>
Subject: Recommendation Change File Nos. 14492 & 16882

Mike,

Attached is my draft memo for the above referenced files along with the gmd3 recommendation. I updated the application under 16882 to reflect the current PD location from the FO change you approved last September. Let me know if you have any questions or need anything changed.

Thanks,

Austin McColloch
Ph: (620) 276-2901

THE STATE OF KANSAS



KANSAS DEPARTMENT OF AGRICULTURE
Mike Beam, Secretary of Agriculture

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

**APPROVAL OF APPLICATION
FOR
CHANGE IN USE MADE OF WATER
PLACE OF USE
AND
ORDER IN THE MATTER OF THE AUTHORIZED QUANTITY OF WATER
WATER RIGHT, FILE NO. 16,882**

The Chief Engineer, Division of Water Resources, Kansas Department of Agriculture, after due consideration of the written application of William L Graham, Vice-President, Satanta Farms LLC, PO Box 15568, Amarillo, Texas 79101-5568 and Donald Gales, Chairman and Chief Executive Officer, Friona Industries LP, 500 S. Taylor, Suite 601, Amarillo, Texas 79101, received in this office on July 14, 2021, for approval of a change in the use made of water and location of the place of use under the certificate of appropriation issued pursuant to the application for permit to appropriate water for beneficial use, as modified and amended by the Order of the Chief Engineer dated January 5, 2015, determining the authorized place of use, and dated September 13, 2021, approving the application to change the point of diversion, finds that the changes are reasonable and will not impair existing rights, that the changes relate to the same local source of supply and that the application should be and is hereby approved.

The authorized quantity of water under this right will remain 412 acre-feet (134.25 million gallons). **This order effectively limits the authorized quantity of water to 349.788 acre-feet (113.978 million gallons) per calendar year for both stockwatering and irrigation uses combined.** That the limitation on the quantity of water shall exist until such a time that the quantity of water for stockwatering use authorized by this approval is no longer required.

The effective date of the change shall be the date this order is executed by the Chief Engineer, after which the authorized quantity for dual use as irrigation and stockwatering use shall be:

one (1) well located in the Southeast Quarter of the Northwest Quarter of the Southeast Quarter (SE $\frac{1}{4}$ NW $\frac{1}{4}$ SE $\frac{1}{4}$) of Section 4, more particularly described as being near a point 1,475 feet North and 1,629 feet West of the Southeast corner of said section, in Township 28 South, Range 33 West, Haskell County, Kansas at a quantity not to exceed to 349.788 acre-feet (113.978 million gallons) per calendar year at a rate of diversion not in excess of 1,275 gallons per minute (2.84 c.f.s), for both stockwatering and irrigation uses combined.

The authorized location of the place of use for irrigation use shall be:

Sec. Twp. Range	NE¼				NW¼				SW¼				SE¼				TOTAL	
	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼		
8 28S 33W	40	40	40	40	40	40	40	40	40	40	40	40	40	40	40	40	32.88	632.88
9 28S 33W	40	40	40	40										40	40	40	27.66	307.66

a total of 940.54 acres in Sections 8 and 9, both in Township 28 South, Range 33 West, Haskell County, Kansas and the place of use authorized for stockwater use shall be:

a feedlot located in the West Half (W½) of Section 9, Township 28 South, Range 33 West, Haskell County Kansas,

all located substantially as shown on the topographic map accompanying the application to change the use made of water and place of use.

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

All diversion works into which any type of chemical or other foreign substance will be injected into the water pumped from the diversion works shall be equipped with an in-line, automatic, quick-closing check valve capable of preventing pollution of the source of the water supply. The type of valve installed shall meet specifications adopted by the Chief Engineer and shall be maintained in an operating condition satisfactory to the Chief Engineer.

In all other respects, the Certificate of Appropriation issued pursuant to Approval of Application, File No. 16,882, for permit to appropriate water for beneficial use, is as stated and set forth in the Certificate of Appropriation dated August 30, 1983, as modified and amended by the aforementioned orders.

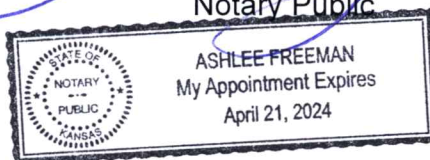
Ordered this 5 day of April, 2022, in Manhattan, Riley County, Kansas.

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

State of Kansas)
) SS
 County of Riley)

The foregoing instrument was acknowledged before me this 5 day of April 2022, by Lane P. Letourneau, P.G., Water Appropriation Program Manager, Division of Water Resources, Kansas Department of Agriculture.

Ashlee Freeman
 Notary Public



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

April 13, 2022

SATANTA FARMS LLC
PO BOX 15568
AMARILLO, TX 79101-5568

RE: Water Right, File Nos. 14,492 & 16,882

Dear Sir or Madam:

Enclosed are the orders executed by the Chief Engineer, Division of Water Resources, Kansas Department of Agriculture, approving the application for change under the referenced files.

Your attention is directed to the enclosures and to the terms, conditions, and limitations specified in the approval for change. It is required as a condition of the approval that **water flowmeter for each requested use** and which meets or exceeds specifications adopted by the Chief Engineer must be installed on the diversion works authorized under the referenced file. Please return the required notification of installation of the meters as soon as this action is completed.

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

If you have any questions regarding the enclosed documents, please contact our office at (785) 564-6640. Inquiries about the metering please contact our staff at the Garden City Field Office, (620) 276-2901. Information is also available on our web site at <http://agriculture.ks.gov>.

If you contact us to discuss a specific file, please have the file number ready so that we may help you more efficiently.

Sincerely,

A handwritten signature in black ink that reads "Kristen A. Baum".

Kristen A. Baum
New Application and Change Unit Supervisor
Water Appropriation Program

KAB:am:li
Enclosures
pc:

Garden City Field Office
Groundwater Management District No. 3
Friona Industries LP

RIGHT TO A HEARING AND TO ADMINISTRATIVE REVIEW

If you are aggrieved by this Order, then pursuant to K.S.A. 82a-1901, you may:

- 1) request an evidentiary hearing before the Chief Engineer, or
- 2) request administrative review by the Secretary of Agriculture.

Failure to request an evidentiary hearing before the Chief Engineer does not preclude your right to administrative review by the Secretary.

To obtain an evidentiary hearing before the Chief Engineer, a written request for hearing must be filed within 15 days after service of this Order as provided in K.S.A. 77-531 (**i.e., within a total of 18 days after this Order was mailed to you**), with: Kansas Department of Agriculture, Attn: Legal Section, 1320 Research Park Drive, Manhattan, KS 66502, FAX (785) 564-6777.

If you do not file a request for an evidentiary hearing before the Chief Engineer, you may petition for administrative review of the Order by the Secretary of Agriculture. A petition for review shall be in writing and state the basis for requesting administrative review. The request for hearing may be denied if the request fails to clearly establish factual or legal issues for review. See K.S.A. 77-527. The petition must be filed within 30 days after service of this Order as provided in K.S.A. 77-531 (**i.e., within a total of 33 days after this Order was mailed to you**), and be filed with: Secretary of Agriculture, Attn: Legal Division, Kansas Department of Agriculture, 1320 Research Park Drive, Manhattan, KS 66502, FAX (785) 564-6777.

If neither a request for an evidentiary hearing nor a petition for administrative review is filed as set forth above, then this Order shall be effective and become a final agency action as defined in K.S.A. 77-607(b). Failure to timely request either an evidentiary hearing or administrative review may preclude further judicial review under the Kansas Judicial Review Act.

Any request for hearing or petition for administrative review shall be in writing and shall be submitted to the attention of: Chief Legal Counsel, Kansas Department of Agriculture, 1320 Research Park Drive, Manhattan, Kansas 66502, Fax: (785) 564 – 6777.

CERTIFICATE OF SERVICE

On this 13 day of April, 2022, I hereby certify that the attached Approval of Application for Change in Use Made of Water, Place of Use and Order in the Matter of the Authorized Quantity of Water under File No. 16,882, dated 5 April 2022 was mailed postage prepaid, first class, US mail to the following:

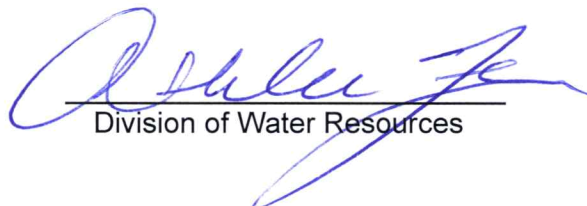
SATANTA FARMS LLC
PO BOX 15568
AMARILLO, TX 79101-5568

With a Photocopy to:

FRIONA INDUSTRIES LP
Attn: KANSAS FEEDLOTS
1174 EMPIRE CIR
SANTANTA, KS 67870

Garden City Field Office

Groundwater Management District No. 3



Division of Water Resources