

Kansas Department of Agriculture
 Division of Water Resources
CHANGE: PU/PD WORKSHEET

1. File Number: 17668	2. Status Change Date: <u>2-22-2022</u>	3. Change Num: C4	4. Field Office: 04	5. GMD: 03
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6. Status: <input checked="" type="checkbox"/> Approved <input type="checkbox"/> Denied by DWR/GMD <input type="checkbox"/> Dismiss by Request/Failure to Return	7. Filing Date of Change: 2/7/2022
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8a. Landowner, applicant, WUC New to system <input type="checkbox"/> Person ID <u>64148</u> Add Seq# <u>1</u> GREEN PLAINS CATTLE CO LLC 19016 ROAD I KISMET KS 67859-6026	8c. applicant, WUC New to system <input type="checkbox"/> Person ID _____ Add Seq# _____
--	--

8b. Landowner(s) New to system <input type="checkbox"/> Person ID _____ Add Seq# _____	8d. WUC New to system <input type="checkbox"/> Person ID _____ Add Seq# _____ 3
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9. Documents and Enclosure(s): DWR Meter(s) Date to Comply: 12/31/22 N & P Date to Comply: 12-31-2023

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: _____ To: _____

Date Prepared: **2/22/2022** By: **MAM**
 Date Entered: _____ By: _____

File No. 17668	11. County: SW	Basin: CIMARRON RIVER	Stream:	Formation Code:	Special Use:																			
12. Points of Diversion																								
CHK MOD DEL ENT	PDIV	Qualifier	S	T	R	ID	'N	'W	Comment (AKA Line)	Rate and Quantity														
										Authorized		Additional												
										Rate	Quantity	Rate	Quantity	Overlap PD Files										
										gpm	af	gpm	af											
MOD 17225	NCW2NE		17	32	33W	01	3800	2100		855	222.5	850	222.5	NONE										
MOD 51631	SWNWSE		17	32	33W	02	1450	2100		895	222.5	895	222.5	NONE										
13. Storage: Rate _____ NF Quantity _____ ac/ft Additional Rate _____ NF Additional Quantity _____ ac/ft																								
14. Limitation: _____ af/yr at _____ gpm (_____ cfs) when combined with file number(s) _____ Limitation: _____ af/yr at _____ gpm (_____ cfs) when combined with file number(s) _____																								
15. 5YR Allocation: Allocation Type _____ Start Year _____ 5 YR Amount _____ Amount Unit _____ Base Acres _____ Comment _____																								
16. Place of Use		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							
ENT 15665	18	32	33W	1														18	39	57	8A	NO	16613, 26150, 41286	
ENT 27986	19	32	33W	1	38	15		20						5						78	8A	NO	16613, 26150, 41286	
ENT 2989	20	32	33W	5	11	25	40	20	4	20	40	28	4	26			3	8	37	37	303	8A	NO	16613, 26150, 41286
MOD 24034	17	32	33W	1	22	34	35	25	1			1	16		8	16	9	39	37	7	250	8A	NO	16613, 26150, 41286
ENT 32336	29	32	33W	1	22	22															44	8A	NO	16613, 26150, 41286
DEL 17824	20	32	33W	1																				
ENT	21	32	33W			14			34	2	2	22									74	8A	NO	16613, 26150, 41286
Base Acres: 265 Year: _____ Minimum Reasonable Quantity: _____																								
Comments: ENT 2989 PUSE ID TO MOD AND COMBINE WITH PUSE ID 17824. PUSE ID 17824 WILL BE DEL																								

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



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

Mike Beam, Secretary

Laura Kelly, Governor

February 22, 2022

GREEN PLAINS CATTLE CO LLC
19016 ROAD I
KISMET, KS 67859-6026

RE: Field Office Application for Change
Water Right, File Nos. 16613, 17668, 26150, 41286

Dear Sir:

Enclosed are orders executed by the designee of the Chief Engineer, Division of Water Resources, Kansas Department of Agriculture, approving the applications for change under the above referenced file numbers.

Your attention is directed to the enclosures and to the terms, conditions, and limitations specified in this approval for change. A condition of this approval is that an acceptable water flow meter must be installed on the diversion works authorized under the referenced file number and meet current specifications. Please return the required notification of completion of the diversion works and/or installation of the required meter as soon as these actions are completed.

Since the orders modify the original documents referred to above, they should be recorded with the Register of Deeds as other instruments affecting real estate.

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

Sincerely,

A handwritten signature in blue ink that reads "Michael A. Meyer".

Michael A. Meyer
Water Commissioner

MAM
enclosures

pc: GMD 3

CERTIFICATE OF SERVICE

On this 22nd day of February 2022, I hereby certify that the foregoing Approval of Applications for Change in Place of Use, Water Right, File Nos. 16,613, 26,150, 17,668, and 41,286 dated 22nd day of February 2022 was mailed postage prepaid, first class, US mail to the following:

GREEN PLAINS CATTLE CO LLC
19016 ROAD I
KISMET, KS 67859-6026

Pc:

GROUNDWATER MANAGEMENT DISTRICT NO. 3



Division of Water Resources Staff

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

Call for address:

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

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



STATE OF KANSAS

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

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

File No. 17668

RECEIVED
 1:11 pm
FEB 07 2022

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

Place of Use Point of Diversion

Garden City Field Office
 Division of Water Resources

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

The source of supply is: Groundwater Surface water

2. Name and address of Applicant: GREEN PLAINS CATTLE CO LLC
19016 ROAD I, KISMET, KS 67859-6026

Phone Number: () Email address: _____

Name and address of Water Use Correspondent: GREEN PLAINS CATTLE CO LLC
19016 ROAD I, KISMET, KS 67859-6026

Phone Number: () Email address: _____

3. The presently authorized place of use is:

Owner of Land ---- NAME: GREEN PLAINS CATTLE CO LLC, Attn: GREEN PLAINS INC

ADDRESS: 1811 AKSARBEN DR, OMAHA, NE 68108

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

Sec.	Twp.	Range	NE¼				NW¼				SW¼				SE¼				TOTAL ACRES
			NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	
17	32	33W	10	38	38	9	20			20	28			18	5	39	24	23	272

4. If this application is for a change in place of use, it is proposed that the place of use be changed to:

Owner of Land ---- NAME: SEE ATTACHED

ADDRESS: _____

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

Sec.	Twp.	Range	NE¼				NW¼				SW¼				SE¼				TOTAL ACRES
			NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	

For Office Use Only: Code _____ Fee \$ 400.00 TR # _____ Receipt Date 2-7-22 Check # 604006061

5. **Presently authorized point of diversion:**
 One in the NC Quarter of the W2 Quarter of the NE Quarter of Section 17, Township 32 South, Range 33 W, in SW County, Kansas, 3800 feet North 2100 feet West of Southeast corner of section. Authorized Rate 855 GPM Authorized Quantity 310 AF Depth of well _____ (feet)
(DWR use only: Computer ID No. 01 GPS _____ feet North _____ feet West)
 This point will not be changed This point will be changed as follows: No change, point better described with GPS as follows:
Proposed point of diversion: (Complete only if change is requested or if existing point is better described by GPS)
 One in the NC Quarter of the W2 Quarter of the NE Quarter of Section 17, Township 32 South, Range 33 W, in SW County, Kansas, 3800 feet North 2100 feet West of Southeast corner of section. Proposed Rate 855 GPM Proposed Quantity 222.5 AF Proposed well depth (feet) _____
 This point is: Additional Well Geo Center List other water rights that will use this point _____

6. **Presently authorized point of diversion:**
 One in the SW Quarter of the NW Quarter of the SE Quarter of Section 17, Township 32 South, Range 33 W, in SW County, Kansas, 1450 feet North 2100 feet West of Southeast corner of section. Authorized Rate 895 GPM Authorized Quantity 135 AF Depth of well _____ (feet)
(DWR use only: Computer ID No. 02 GPS _____ feet North _____ feet West)
 This point will not be changed This point will be changed as follows: No change, point better described with GPS as follows:
Proposed point of diversion: (Complete only if change is requested or if existing point is better described by GPS)
 One in the SW Quarter of the NW Quarter of the SE Quarter of Section 17, Township 32 South, Range 33 W, in SW County, Kansas, 1450 feet North 2100 feet West of Southeast corner of section. Proposed Rate 895 GPM Proposed Quantity 222.5 AF Proposed well depth (feet) _____
 This point is: Additional Well Geo Center List other water rights that will use this point _____

7. The changes herein are desired for the following reasons?
 (please be specific) ADJUST QUANTITY
AS IN THE PAST

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

9. The change(s) (was)(will be) completed by?
2022

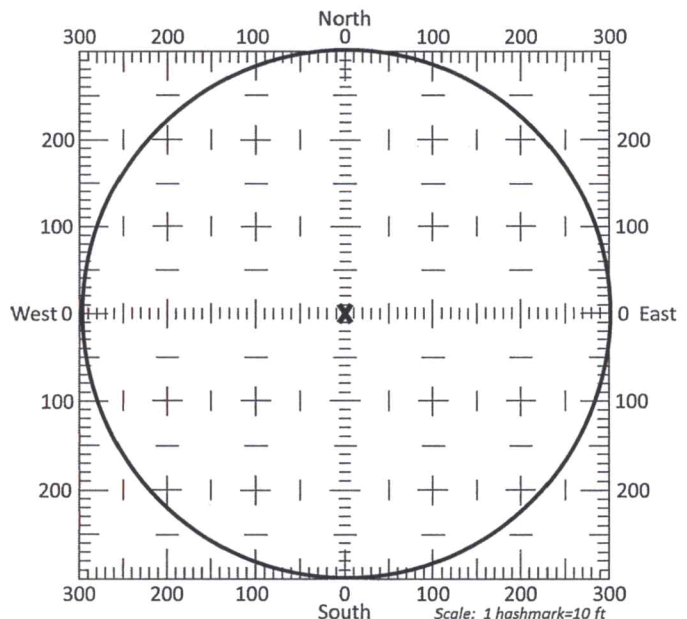
10. If the point of diversion is a well:
 (a) What are you going to do with the old well?

 (b) When will this be done? _____

11. Groundwater Management District recommendation attached?
 Yes No

12. Assisted by MM/GCFO

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



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

APPLICATION FOR APPROVAL TO CHANGE
THE PLACE OF USE AND/OR POINT OF DIVERSION
SUPPLEMENTAL SHEET

FILE NO. 17668

MAKE ADDITIONAL COPIES AS NECESSARY

RECEIVED

FEB 07 2022

Garden City Field Office
Division of Water Resources

3. Continued: The presently authorized place of use is:

Owner of Land ---- NAME: _____
ADDRESS: _____

Sec.	Twp.	Range	NE¼				NW¼				SW¼				SE¼				TOTAL ACRES
			NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	

Owner of Land ---- NAME: _____
ADDRESS: _____

Sec.	Twp.	Range	NE¼				NW¼				SW¼				SE¼				TOTAL ACRES
			NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	

Owner of Land ---- NAME: _____
ADDRESS: _____

Sec.	Twp.	Range	NE¼				NW¼				SW¼				SE¼				TOTAL ACRES
			NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	

4. Continued: If this application is for a change in place of use, it is proposed that the place of use be changed to:

Owner of Land ---- NAME: GREEN PLAINS CATTLE CO LLC, Attn: GREEN PLAINS INC
ADDRESS: 1811 AKSARBEN DR, OMAHA, NE 68108

Sec.	Twp.	Range	NE¼				NW¼				SW¼				SE¼				TOTAL ACRES
			NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	
17	32	33W	22	34	35	25	1			1	16		8	16	9	39	37	7	250
18	32	33W															18	39	57
19	32	33W	38	15		20									5				78

Owner of Land ---- NAME: same as above
ADDRESS: _____

Sec.	Twp.	Range	NE¼				NW¼				SW¼				SE¼				TOTAL ACRES
			NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	
20	32	33W	11	25	40	20	4	20	40	28	4	26			3	8	37	37	303
21	32	33W		14			34	2	2	22									74
29	32	33w	22	22															44

Owner of Land ---- NAME: _____
ADDRESS: _____

Sec.	Twp.	Range	NE¼				NW¼				SW¼				SE¼				TOTAL ACRES
			NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	

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

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

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

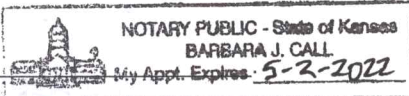
I hereby verify, being first duly sworn upon my oath or affirmation and under penalty of perjury, that I am of lawful age and the owner, the spouse of the owner, or a duly authorized agent of the owner(s) to make this application on their behalf, in regards to the water right(s) to which this application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

Dated at Kismet, Kansas, this 4th day of February, 2022.

<u>Green Plains Cattle Co. LLC by Mike Veltri, GM</u> (Owner)	_____	(Spouse)
<u>Mike Veltri, GM</u> (Please Print)	_____	(Please Print)
<u>Mike Veltri</u> (Owner)	_____	(Spouse)
_____	_____	(Please Print)
(Please Print)	_____	(Please Print)
_____	_____	(Spouse)
(Owner)	_____	(Please Print)
_____	_____	(Please Print)

State of Kansas }
County of SEWARD } SS

I hereby certify that the foregoing application was signed in my presence and sworn to before me this 4th day of February, 2022.

My Commission Expires _____


McCall
Notary Public

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

FEE SCHEDULE

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

- (1) Application to change a point of diversion 300 feet or less \$100
- (2) Application to change a point of diversion more than 300 feet \$200
- (3) Application to change the place of use \$200

RECEIVED
FEB 07 2022

SUMMARY ORDER APPROVING APPLICATION FOR CHANGE AND IMPOSING CONDITIONS

This Summary Order is issued under authority of K.S.A. 82a-708b, as amended, and K.A.R. 5-5-1, et seq. and other applicable provisions of the Kansas Water Appropriation Law, K.S.A. 82a-701 et seq., and rules and regulations promulgated thereunder, With the exception of those conditions expressly contained herein, this Summary Order does not change the terms, conditions and limitations of File No. 17,668.

- 1. A change application was received on February 7, 2022 requesting that the place of use and / or point of diversion authorized under the above-referenced file number be changed as described in the application.
- 2. On and after the effective date of this summary order, the authorized place(s) of use shall be located substantially as shown on the topographic map accompanying the application to change the place of use. Applicable Not Applicable
- 3. The change in point of diversion shall not impair existing rights and shall be limited to the same source or sources of water as previously authorized. The point of diversion authorized by this summary order shall be located within a 50 foot radius of the authorized point(s) of diversion. Applicable Not Applicable
- 4. The point(s) of diversion described herein is administratively corrected to be more accurately described using the Global Positioning System (GPS), as described in the application. Applicable Not Applicable
- 5. The point(s) of diversion authorized herein shall not actually be located more than _____ feet from the previously authorized point(s) of diversion. Applicable Not Applicable
- 6. As required by K.A.R. 5-3-5d, if the works for diversion is a well with a diversion rate of 100 gallons per minute or more, a tube or other device suitable for making water level measurements shall be installed, operated and maintained in accordance with K.A.R. 5-6-13. Applicable Not Applicable
- 7. **The owner of the authorized place(s) of use shall properly install an acceptable water flow meter on or before December 31, 2022, or before the first use of water, whichever occurs first.** The water flow meter shall be installed, operated and maintained in accordance with K.A.R. 5-1-4 through 5-1-12. As required by K.S.A. 82a-732, as amended, and K.A.R. 5-3-5e, the owner shall maintain records and report the reading of the water flow meter and the total quantity of water diverted annually to the Chief Engineer by March 1 following the end of each calendar year. Applicable Not Applicable
- 8. **Installation of the works for diversion of water shall be completed on or before December 31, 2022, or within any authorized extension of time.** By March 1, 2023 the applicant shall notify the Chief Engineer that construction of the works for diversion has been completed, on the form provided by the Chief Engineer, as required by K.A.R. 5-8-4e. Applicable Not Applicable
- 9. **The completed well log shall be submitted with the required notice.** Applicable Not Applicable
- 10. All diversion works into which any type of chemical or other foreign substance will be injected into the water shall be equipped with an in-line, automatic, quick-closing check valve capable of preventing pollution of the source of the water supply. The check valve(s) shall be installed, operated and maintained in accordance with K.A.R. 5-3-5c. Applicable Not Applicable
- 11. Additional Conditions are attached. Yes No
- 12. In accordance with K.S.A. 82a-708a, as amended, and K.A.R. 5-5-14, all of the owners of the authorized place(s) of use of water appropriated under the above-referenced file number are responsible for compliance with its terms, conditions and limitations, as amended and/or supplemented by this Summary Order, and with applicable provisions of the Kansas Water Appropriation Law and the Rules and Regulations promulgated thereunder. Failure to comply with these provisions may result in civil penalties pursuant to K.S.A. 82a-737, as amended, and/or the suspension or revocation and dismissal of the water or appropriation right or any other enforcement actions authorized by law.

Administrative Appeal and Effective Date of Order

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

For Use by Register of Deeds

FOR OFFICE USE ONLY
**APPLICATION APPROVED AND
SUMMARY ORDER ISSUED**

By: Michael A. Meyer
Duly Authorized Designee of the Chief Engineer

(Print Name): MICHAEL A. MEYER
Division of Water Resources - Kansas Department of Agriculture

Date of Issuance: February 22, 2022

State of Kansas)

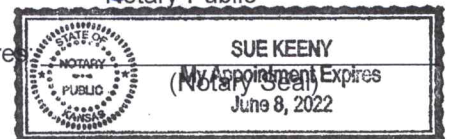
County of Finnney) SS

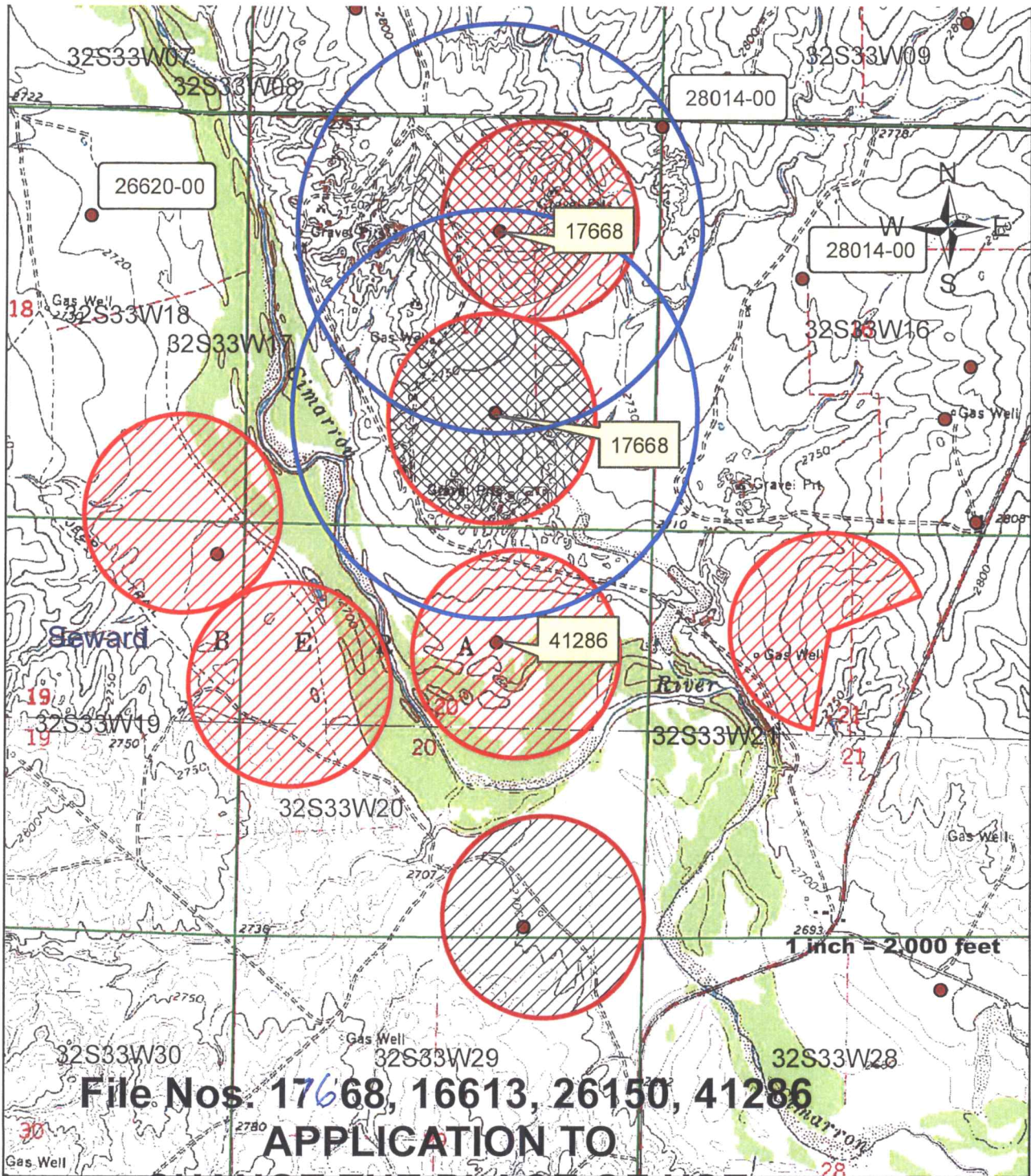
Acknowledged before me on February 22, 2022
Michael A. Meyer

by _____

Signature: Sue Keeny
Notary Public

My commission expires _____



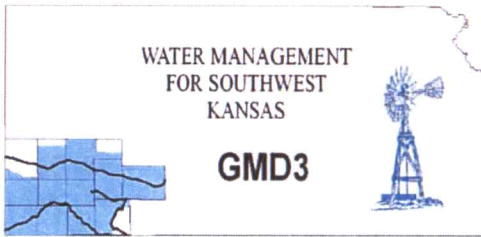


CHANGE THE PLACE OF USE
\\ AUTHORIZED PLACE OF USE
/// PROPOSED PLACE OF USE

RECEIVED

FEB 07 2022

Garden City Field Office
 Division of Water Resources



Southwest Kansas
Groundwater Management District No. 3
2009 E. Spruce Street
Garden City, Kansas 67846
(620) 275-7147 phone (620) 275-1431 fax
www.gmd3.org

February 15, 2022

Michael A. Meyer
Division of Water Resources
4532 W Jones Ave., Suite B
Garden City, Kansas 67846

RE: Applications for Change in Place of Use
Water Right, File Nos. 16613, 17668, 26150 & 41286
Reallocation, Water Right 17668

RECEIVED

FEB 15 2022

Garden City Field Office
Division of Water Resources

Dear Mike:

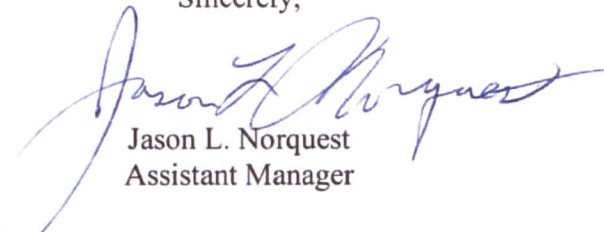
We have completed a review of the applications for the above referenced water rights. The proposed change in place of use are not in conflict with the Management Program of the Southwest Kansas Groundwater Management District No. 3 (GMD3). The proposed change in place of use will make a complete overlap and increases base acres by 10 acres in accordance with K.A.R. 5-5-11(b).

The proposed change in allocation between the wells under Water Right 17668 meets the criteria set forth in K.A.R. 5-23-3, as it pertains to distance moved and minimum spacing to neighboring wells. These two wells have had reallocation applications approved in the recent past. Each time the analysis showed possible effects within our guidelines. The most recent reallocation approved does not give us enough history for an analysis. It is also noted that this proposed reallocation will only change the original certified amounts by a minimal amount and would more than likely be minimal effects for the area.

After review of all this information, it is therefore recommended that the applications be approved at this time.

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

Sincerely,



Jason L. Norquest
Assistant Manager

GMD3 Change Review

File No(s): 16613, 17668, 26150 & 41286.

DWR office: GC.

App filed to change: PU & reallocation.

Is Landowner(s) correct in WRIS: Green Plains Cattle Co LLC.

If NO, is documentation included?

Is Water Use Correspondent correct in WRIS? .

If NO, is documentation included?

Regulation(s) Reviewed: KAR 5-5-11

Point of diversion ID No(s) being changed.

	ft. North	ft. West	
Authorized PD			
Proposed PD			
Difference	0	0	
$a^2 + b^2 = c^2$	0	0	0

GPS for proposed PD: Lat: Long: .

Is proposed PD stacking on existing WRs? No new wells, but 17368 is applying to reallocate between the two wells under the WR.

Is Proposed PU overlapping existing WRs? Making a complete overlap and rearranging the acres to better suit the operation.

Neighboring certified well(s) notified: .

Name .

Address .

Zip .

Email: Phone: .

Domestic well(s) notified: .

Name .

Address .

Zip .

Base Acres: .

Perfected Acres: .

Irr. Return-Flow %

16613: 5000N 300W, 19-32-33, 292AF @ 830gpm, 264base

63acres, SE of section 18

135acres, NE & SE of section 19

186acres, in section 20

17668: ID01 3800N 2100W, 17-32-33, 310AF @ 855gpm, 265base

ID 02 1450N 2100W, 17-32-33, 135AF @ 895gpm

272acres in section 17

Also proposing to redistribute the allocation between the two wells under this WR.

Proposed:

GMD3 Change Review

ID01, 222.5AF @ 855gpm [87.5AF decrease] Prior to 2019 change, 210AF

ID02, 222.5AF @ 895gpm [87.5AF increase] Prior to 2019 change, 235AF

26150: 200N 1500W, 20-32-33, 260AF @ 845gpm, 130base

73acres SE of section 20

57acres NE of section 29

41286: 3880N 1920W, 20-32-33, 240AF @ 1000gpm

****Same acres as 16613. Changes approved in 2019 for complete overlap.**

Proposing 806 total acres. $1237AF/806 = 1.5AF/acre$.

Is a waiver needed: The change in PU increase base acres by the 10acres allowed and will make a complete overlap. The reallocation is moving authority back to very similar to how it was originally. Looking at how it was certified, we are moving a very small amount (roughly 12AF). Not enough time since the last reallocation to really determine if there will be effects since then.

Recommendation: after review of all available information, it appears that the proposal meets current area rules. When going back to certificate for 17668, we are dealing with a small amount in the reallocation and is hard to do analysis since the previous changes really were not in place long enough to get good data on the possible effects to the area. Also, the previous analysis showed possible effects within our guidelines. Staff therefore recommends approval of the applications.



RECEIVED

FEB 15 2022

**Garden City Field Office
Division of Water Resources**

Water Rights and Points of Diversion Within 1 mile of point defined as:

3800 Feet N and 2100 Feet W of the Southeast Corner of Section 17 Twp 32S Rng 33W
 Located at: 100.930080 West Longitude and 37.267676 North Latitude
 Both SURFACE WATER and GROUNDWATER

File Number	Use	ST	SR	Dist (ft)	Q4	Q3	Q2	Q1	FeetN	FeetW	Sec	Twp	Rng	ID	Batt	Auth_Quan	Add_Quan
A__ AF	17668 00	IRR	NK	G*	↔	6	--	NC	W2	NE	3800	2100	17	32	33W	1	310.00 ^{222.5} 310.00
Same AF						2351	--	SW	NW	SE	1450	2100	17	32	33W	2	135.00 ^{222.5} 135.00
A__ AF	26620 00	IRR	NK	G		5216	--	NW	SW	NE	3900	2000	18	32	33W	1	272.00 272.00
A__ AF	27288 D1	IRR	NK	G		3395	--	--	NC	SW	1300	3980	8	32	33W	3	262.00 262.00
A__ AF	28014 00	STK	NK	G		2511	--	NW	NW	NW	5150	5271	16	32	33W	6	100.00 .00
Same AF						3987	--	SW	SE	NW	3226	3394	16	32	33W	5	278.25 .00
A__ AF	39722 00	STK	NK	G		2511	--	NW	NW	NW	5150	5271	16	32	33W	6	311.00 176.09

Total Net Quantities Authorized:	Direct	Storage
Total Requested Amount (AF) =	.00	.00
Total Permitted Amount (AF) =	.00	.00
Total Inspected Amount (AF) =	.00	.00
Total Pro_Cert Amount (AF) =	.00	.00
Total Certified Amount (AF) =	1155.09	.00
Total Vested Amount (AF) =	.00	.00
TOTAL AMOUNT (AF) =	1155.09	.00

Spacing Appears MET

An * after the source of supply indicates a pending application for change under the file number.

An * after the ID indicates a 15 AF exemption was granted under the file number.

A "G" in the Batt column indicates the GEO CTR of a battery. A "B" indicates a well in the battery.

The number in the Batt column is the number of wells in the battery.

Water Rights and Points of Diversion Within 1 mile of point defined as:

3800 Feet North and 2100 Feet West of the Southeast Corner of Section 17 Twp 32S Rng 33W
 Located at: 100.930080 West Longitude and 37.267676 North Latitude
 Both SURFACE WATER and GROUNDWATER
 WATER USE CORRESPONDENTS:

- > File Number Use ST SR
- > GREEN PLAINS CATTLE CO LLC
- >
- > 19016 ROAD I
- > KISMET KS 67859
- >-----
- > BOLES LAND & CATTLE LP
- >
- > PO BOX 1595
- > LIBERAL KS 67905
- >-----
- > FRANZ LAND CO (SEWARD)
- > J H HAY
- > PO BOX 2707
- > LIBERAL KS 67905
- >-----
- > GREEN PLAINS CATTLE CO LLC
- >
- > 19016 ROAD I
- > KISMET KS 67859

Water Rights and Points of Diversion Within 1 mile of point defined as:
 1450 Feet N and 2100 Feet W of the Southeast Corner of Section 17 Twp 32S Rng 33W
 Located at: 100.930080 West Longitude and 37.261222 North Latitude
 Both SURFACE WATER and GROUNDWATER

File Number	Use	ST	SR	Dist (ft)	Q4	Q3	Q2	Q1	FeetN	FeetW	Sec	Twp	Rng	ID	Batt	Auth_Quan	Add_Quan
A__ AF	16613 00	IRR	NK	G	4059	--	NE	NE	NE	5000	300	19	32	33W	1	292.00	292.00
A__ AF	17668 00	IRR	NK	G*	6	--	SW	NW	SE	1450	2100	17	32	33W	2	135.00	135.00
Same AF					2351	--	NC	W2	NE	3800	2100	17	32	33W	1	310.00	310.00
A__ AF	28014 00	STK	NK	G	4286	--	NW	NW	NW	5150	5271	16	32	33W	6	100.00	.00
Same AF					4351	--	SW	SE	NW	3226	3394	16	32	33W	5	278.25	.00
A__ AF	39722 00	STK	NK	G	4286	--	NW	NW	NW	5150	5271	16	32	33W	6	311.00	176.09
A__ AF	41286 00	IRR	NK	G	2966	--	NE	SW	NE	3880	1920	20	32	33W	4	240.00	240.00

Total Net Quantities Authorized:	Direct	Storage
Total Requested Amount (AF) =	.00	.00
Total Permitted Amount (AF) =	.00	.00
Total Inspected Amount (AF) =	.00	.00
Total Pro_Cert Amount (AF) =	.00	.00
Total Certified Amount (AF) =	1153.09	.00
Total Vested Amount (AF) =	.00	.00
TOTAL AMOUNT (AF) =	1153.09	.00

*Spacing Appears
in ET*

An * after the source of supply indicates a pending application for change under the file number.
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- > GREEN PLAINS CATTLE CO LLC
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- > 19016 ROAD I
- > KISMET KS 67859
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FEB 15 2022

Garden City Field Office
 Division of Water Resources

>-----

> GREEN PLAINS CATTLE CO LLC

>

> 19016 ROAD I

> KISMET KS 67859

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Meyer, Mike [KDA]

From: Jason Norquest <norquest@gmd3.org>
Sent: Tuesday, February 15, 2022 1:36 PM
To: Meyer, Mike [KDA]
Subject: RE: request for recommendation, File Nos. 16613, 17668, 26150, 41286
Attachments: 2022-02-15_ReviewMat.pdf

EXTERNAL: This email originated from outside of the organization. Do not click any links or open any attachments unless you trust the sender and know the content is safe.

How does this work for you.

Jason Norquest

Assistant Manager, GMD3
Cell: 620-271-1289
Office: 620-275-7147
www.gmd3.org

From: Meyer, Mike [KDA] <Mike.Meyer@ks.gov>
Sent: Tuesday, February 8, 2022 4:48 PM
To: Jason Norquest <norquest@gmd3.org>
Subject: request for recommendation, File Nos. 16613, 17668, 26150, 41286

good afternoon

attached is a request for a recommendation for the pending applications.

all applications are proposing to make a complete overlap in place of use and to add a center pivot. some pivots have been moved and to current size proposal

base acres are as follows:

16613 has 264 base acres

17668 has 265 base acres

26150 has 130 base acres

41286 has 120 base acres

total base acres = 779 acres.

the proposal is to add 10 acres above base for File Nos. 17668, add 10 acres above base of File Nos. 16613/4286, and add 10 acres above base for File No. 26150

(30 additional acres above base for these individual sperate water rights)

total proposed for application= 806 acres

also, recall, in the past File no. 17668 has been shifting quantities between the two wells under the same water right to manage rotation of crops. therefore, there is a change in point of diversion under File No. 17668 to even out the quantities between the two wells. now that they got the ground healthy again, plumbing all wells together, this should be the final quantity shift between the 2 wells.

please review and provide a recommendation within 15 days.

thank you

Mike

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FEB 15 2022
Garden City Field Office
Division of Water Resources

Meyer, Mike [KDA]

From: Lewis, Earl [KDA]
Sent: Monday, February 14, 2022 3:13 PM
To: KDA DWR - All Group
Subject: HB 2682

Follow Up Flag: Follow up
Flag Status: Flagged

Good afternoon,

As you have probably heard, there is a significant water related legislative bill that was introduced last week and being heard this week. You may have, or get, questions about what is in the bill or what it means for you. So here is the relatively short explanation as I know it.

Reorganization

- Creates a new secretary led cabinet level agency, the Kansas Department of Water and Environment combining
 - KDA – Division of Water Resources
 - KDA – Division of Conservation
 - KDHE – Division of Environment
 - Kansas Water Office
- All authorities, resources, and staff of current agencies and divisions would be moved to the newly created agency
- All current field offices would remain, although there would be a review over the next 5 years of the opportunity to co-locate field staff from the different divisions. That could mean combining field DWR and KDHE field offices if it made sense financially and if it serves the public well.
- There is no change to the authorities of the chief engineer due to this proposed change.

Funding and Fees

- Creates a water maintenance trust fund and trust board
- Increases water protection fee for municipal, industrial, and stockwater from 3 cents/1000 gallon to 5. (raises about \$2.5M)
- Creates a water right fee that is \$1 / authorized af, with a minimum of \$25 and maximum of \$250 per water right. Mun, Ind, and Stk exempt from water right fee since they are paying water protection fee. (raises about \$6M)

- Water protection fee continues to go into state water plan fund with recommendations from the Kansas Water Authority. SWPF becomes a subaccount of the water maintenance trust fund.
- Water right fee goes into water maintenance trust fund and overseen by trust board.

Groundwater Management Districts

- Changes board elections to one person one vote for anyone living within the GMD boundary.
- Changes the number of board members to 5, 7, or 9
- Requires that the GMD provide a financial accounting and budget to the legislature by Feb 1 of each year
- Requires that the GMDs identify areas of significant concern (GW decline) by end of 2024 and develop a plan to address the decline by 2026. If no plan is developed, Chief Engineer authorized to develop an IGUCA to address the issues and report back to the legislature annually by 2027

Secretarial Review of Chief Engineer Decision

- Removes secretarial review of chief engineer decisions that are currently allowed.
- Hearing procedure outlined by Kansas Administrative Procedure Act still apply and decisions can still be taken to district court

Dam Safety

- Exempts dry detention road fill and low head dams from many dam safety requirements, but still treated as stream obstruction
- Allows dam inspections to be done under the supervision of a licensed engineer rather than required the PE do the inspection
- Allows for civil penalties for dam safety violations
- Creates a dam safety emergency fund for use when dam owner doesn't have resources.

Thanks again for all that you do for us. If you have questions about this or anything else, please don't hesitate to ask.

Earl

Earl Lewis, PE | Chief Engineer

Kansas Department of Agriculture

1320 Research Park Drive

Manhattan, Kansas 66502

Office: (785) 564-6658 | Cell: (785) 477-5906

Earl.Lewis@ks.gov | www.agriculture.ks.gov

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



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

Mike Beam, Secretary

Laura Kelly, Governor

February 8, 2022

SOUTHWEST KANSAS GROUNDWATER
MANAGEMENT DISTRICT NO. 3
2009 E SPRUCE ST
GARDEN CITY KS 67846

Re: Request for Recommendation
Water Right, File Nos. 16613, 17668, 26150, 41286

Dear Mr. Norquest:

This is to advise you that Green Plains Cattle Co LLC, has filed applications for approval of the Chief Engineer, Division of Water Resources, Kansas Department of Agriculture, to change the place of use on all applications to make a complete overlap, and to change the point of diversion under File No. 17668.

We are delaying action on the change applications to allow you time to review and provide a recommendation. Please submit a recommendation within 15 days from the date of this letter.

Thank you and as always feel free to contact this office at any time.

Sincerely,

A handwritten signature in blue ink that reads "Michael A. Meyer".

Michael A. Meyer
Water Commissioner

MAM
Enclosures