



File No. **31930**      11. County: **ST**      Basin: **BEAR CREEK**      Stream: **NA**      Formation Code:211/331      Special Use: **NA**

12. Points of Diversion      Rate and Quantity  
 CHK      Authorized      Additional  
 MOD      Rate      Quantity      Rate      Quantity  
 DEL      gpm      AF      gpm      AF      Overlap PD Files  
 ENT      PUSE      S      T      R      ID      'N      'W      Comment (AKA Line)

**MOD**    **69629**    **LOT 1 NE NE**    **1**    **28**    **41W**    **3**    **4179**    **602**    **DUAL IRR/STK**    **950**    **562.2 AF**    **950**    **562.2 AF**    **NONE**

**MOD**    ~~30213~~    **LOT 3 NW SW**    **6**    **28**    **40W**    **1**    **2319**    **4435**    **STK**    **150**    **32.590 MGY**    **150**    **32.590 MGY**    **20219074**

**NOTE LOT# FOR THE STK WELL IS WRONG IN WRIS THE ORDER WILL CORRECT & ORDER FOR TERM WAS COMPLETED**  
**30216**

13. Storage: Rate \_\_\_\_\_ NF      Quantity \_\_\_\_\_ ac/ft      Additional Rate \_\_\_\_\_ NF      Additional Quantity \_\_\_\_\_ ac/ft

14. Limitation: **486.87** af/yr at \_\_\_\_\_ gpm ( \_\_\_\_\_ cfs) when combined with file number(s) **DUAL USE IRR /STK (158.65 MGY) ID 1 SEC 1**  
 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 CHK MOD DEL ENT	PUSE	S	T	R	ID	NE¼				NW¼				SW¼				SE¼				Total	Owner	Chg?	Overlap Files
						NE ¼	NW ¼	SW ¼	SE ¼	NE ¼	NW ¼	SW ¼	SE ¼	NE ¼	NW ¼	SW ¼	SE ¼	NE ¼	NW ¼	SW ¼	SE ¼				
<b>CHK 34347</b>	<b>1</b>	<b>28</b>	<b>41W</b>	<b>3</b>																	<b>8B</b>	<b>NO</b>	<b>39647 20219074</b>		
<b>CHK 29524</b>	<b>6</b>	<b>28</b>	<b>40W</b>	<b>3</b>																	<b>8B</b>	<b>NO</b>	<b>39647 20219074</b>		
<b>CHK 21329</b>	<b>6</b>	<b>28</b>	<b>40W</b>	<b>1</b>			<b>5.00</b>	<b>5.00</b>		<b>38.0</b>	<b>LT 1 22.0</b>	<b>LT 2 22.0</b>	<b>38.0</b>	<b>38.0</b>	<b>LT 3 22.0</b>	<b>LT 4 22.0</b>	<b>38.0</b>		<b>5.00</b>	<b>5.00</b>	<b>260</b>	<b>8B</b>	<b>NO</b>	<b>NONE</b>	
<b>CHK 10508</b>	<b>1</b>	<b>28</b>	<b>41W</b>	<b>2</b>														<b>30.00</b>	<b>15.0</b>	<b>13.0</b>	<b>40.0</b>	<b>98</b>	<b>8B</b>	<b>NO</b>	<b>NONE</b>

Year:      Minimum Reasonable Quantity:      Comments:  
**POP UP TEMPORARY IRR QUANTITY REDUCTION QUANTITY LIMITED TO 486.87 AF AS LONG AS DUAL IRR/STK USE IS DESIRED**



The feedlot located in the West Half (W ½) of Section 6, in Township 28, Range 40 West, and the East Half (E ½) of Section 1 in Township 28, Range 41 West, Stanton County and Stanton County is the existing authorized place of use. File Nos. 31,930 and 39,647 under the Term Permit, File No. 20219074 currently provide a flexible total of 40.74 mgy (125 AF) that can be diverted from either stockwater well under these files. The proposed dual use quantity of 158.59 mgy could yield a maximum total variable quantity of 199.33 mgy (611.7 AF). As the entire quantity will not be 100% for stockwater use, as designated by the dual use option, no additional limitation will be added.

Review of the WRIS database for the description of the stockwater well found it listing Lot 6 in Section 6, NW¼ SW ¼ Township 28 South, Range 40 West. The Official Survey indicates this would be Lot 3. The order will call it out as Lot 3 and request the database be updated for the referenced file and the Term Permit. A Correctional Order for this term permit was completed under a separate memo.

The reference file is authorized to irrigate 358 acres in the Southeast Quarter (SE¼) of Section 1, in Township 28 South, Range 41 West, Stanton County, Kansas and pivot in Section 6, in Township 28 South, Range 40 West, Stanton County, Kansas. The irrigation portion will now authorize 486.87 AF on the 358 acres (A) resulting in an irrigation ratio of 1.36 AF/acre which is greater than the 80% chance of 1.33 AF per K.A.R. 5-5-12, *Net irrigation requirements*.

In a letter dated June 22, 2023, from Jason Norquest, Manager of Southwest Kansas Groundwater Management District No. 3, recommended for approval.

Mike Meyer, Water Commissioner of the Garden City Field Office, indicated that he recommended approval of the application and operation as dual use, by email June 26, 2023.

A condition of the approval will be the requirement of a flow meter for each use authorized, pursuant to K.S.A. 82a-706c. A check valve will be required if chemigation occurs. The water use correspondent will remain as designated.

Based on the above discussion, that the change is reasonable, consumptive use will not increase, impairment of existing water rights is unlikely, and that no change in the local source of supply will occur, it is recommended that the referenced application for change be approved.



Leslie Ireland  
Environmental Scientist  
Water Appropriation Program

## Ireland, Leslie [KDA]

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**From:** Meyer, Mike [KDA]  
**Sent:** Monday, June 26, 2023 9:07 AM  
**To:** Ireland, Leslie [KDA]  
**Subject:** RE: Review and Recommendation for Change File No. 31930 McClure -Prairie Winds & CO File No. 20219074

Approve thanks

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**From:** Ireland, Leslie [KDA] <Leslie.Ireland@ks.gov>  
**Sent:** Monday, June 26, 2023 8:12 AM  
**To:** Meyer, Mike [KDA] <Mike.Meyer@ks.gov>  
**Subject:** Review and Recommendation for Change File No. 31930 McClure -Prairie Winds & CO File No. 20219074

Mike,

Good Morning,

It appears to be the standard dual use. Irr looks OK. The Area Permit threw me a little, so I looked at it,, Found the lot number for Sec 6 was wrong, Lot 6 vs correct Lot 3, probably has been for years, anyway the approval will fix it and an order for the term will be included in the pkg.

Please let me know if you would recommend the change and correctional order. The transmittal for the change will remind McClure of the area permit standing for only the existing stockwatering wells.... but that would be a lot of stockwater.

As always comments and concerns are welcome.

Leslie Ireland  
Environmental Scientist  
Change Application Unit  
Division of Water Resources



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  
AND  
ORDER IN THE MATTER OF THE AUTHORIZED QUANTITY OF WATER  
WATER RIGHT, FILE NO. 31,930**

The Chief Engineer, Division of Water Resources, Kansas Department of Agriculture, after due consideration of the written application of T J McClure on behalf of the Prairie Wind Heifer Development LLC, 4652 North Road L, Johnson, Kansas 67855, received in this office on October 18, 2022, for approval of a change in the use made of water 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 September 6, 1991, approving the application to change the place of use, by the Order of the Chief Engineer dated August 6, 1997, approving the application to change the point of diversion and place of use, by the Order of the Chief Engineer dated January 20, 1999, approving the application to change the place of use, point of diversion and use made of water, by the Order of the Chief Engineer dated October 27, 2003, approving the application to change the point of diversion, by the Findings and Order of the Chief Engineer dated November 29, 2012, in the matter of the authorized points of diversion, finds that the change is 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 water right will remain a total of 662 acre-feet (215.718 million gallons) per calendar year with irrigation use authorized 562.2 acre-feet (183.128 million gallons) per calendar year and stockwatering use authorized 100 acre-feet (32.590 million gallons) per calendar year. This order authorizes irrigation use not to exceed 486.87 acre-feet (158.65 million gallons) per calendar year and stockwatering use authorized 586.87 acre-feet (191.236 million gallons) per calendar year. This order effectively limits the total authorized quantity of water to a total of 586.87 acre-feet (191.236 million gallons) per calendar year. That the limitation on the quantity of water shall exist until such a time that the well identified for dual use as stockwatering and irrigation uses 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 that portion to be authorized for both irrigation and stockwatering uses shall be authorized from the following dual use point of diversion:

one(1) well located Lot 1 (NE $\frac{1}{4}$  NE $\frac{1}{4}$ ) of Section 1, more particularly described as being near a point 4,179 feet North and 602 feet West of the Southeast corner of said section, at a diversion rate not in excess of 950 gallons per minute (2.12 c.f.s.) and a quantity not to exceed 486.87 acre-feet (158.65 million gallons) of water per calendar year, in Township 28 South, Range 41 West, Stanton County, Kansas.



The point of diversion to remain authorized solely for stockwatering use shall be:

one(1) well located in Lot 3 ( NW<sup>1</sup>/<sub>4</sub> SW<sup>1</sup>/<sub>4</sub> ) of Section 6, more particularly described as being near a point 2,319 feet North and 4,435 feet West of the Southeast corner of said section, at a diversion rate not in excess of 150 gallons per minute (0.33 c.f.s.) and a quantity not to exceed 32.590 million gallons (100 acre-feet) of water per calendar year, in Township 28 South, Range 40 West, Stanton County, Kansas.

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

Sec.	Twp.	Range	NE <sup>1</sup> / <sub>4</sub>				NW <sup>1</sup> / <sub>4</sub>				SW <sup>1</sup> / <sub>4</sub>				SE <sup>1</sup> / <sub>4</sub>				TOTAL
			NE <sup>1</sup> / <sub>4</sub>	NW <sup>1</sup> / <sub>4</sub>	SW <sup>1</sup> / <sub>4</sub>	SE <sup>1</sup> / <sub>4</sub>	NE <sup>1</sup> / <sub>4</sub>	NW <sup>1</sup> / <sub>4</sub>	SW <sup>1</sup> / <sub>4</sub>	SE <sup>1</sup> / <sub>4</sub>	NE <sup>1</sup> / <sub>4</sub>	NW <sup>1</sup> / <sub>4</sub>	SW <sup>1</sup> / <sub>4</sub>	SE <sup>1</sup> / <sub>4</sub>	NE <sup>1</sup> / <sub>4</sub>	NW <sup>1</sup> / <sub>4</sub>	SW <sup>1</sup> / <sub>4</sub>	SE <sup>1</sup> / <sub>4</sub>	
6	28S	40W		5.00	5.00		38.00	Lot 1 22.00	Lot 2 22.00	38.00	38.00	Lot 3 22.00	Lot 4 22.00	38.00		5.00	5.00		260.0
1	28S	41W												30.00	15.00	13.00	40.00		98.0

a total of 358 acres in Sections 1, Township 28 South, Range 41 West, and 6, Township 28 South, Range 40 West, Stanton County, Kansas and

the place of use authorized for the stockwatering use shall be:

a feedlot located in the West Half (W<sup>1</sup>/<sub>2</sub> ) of Section 6, in Township 28 South, Range 40 West, Stanton County, Kansas, and

a feedlot located in the East Half (E<sup>1</sup>/<sub>2</sub> ) of Section 1, in Township 28 South, Range 41 West, Stanton County, Kansas,

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

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.





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

July 5, 2023

PRAIRIE WIND HEIFER DEVELOPMENT LLC  
Attn: T J MCCLURE  
4652 N RD L  
JOHNSON, KS 67855

RE: Water Right, File No. 31,930

Dear Mr. McClure:

Enclosed is the order executed by the Chief Engineer, Division of Water Resources, Kansas Department of Agriculture, approving the application for change under the referenced file.

Your attention is directed to the enclosures and to the terms, conditions, and limitations specified in the approval for change. **A condition of the approval is the requirement that the well authorized for dual use shall have acceptable water flow meters installed so both irrigation and stockwatering uses can be metered independent of each other.** Meters should be installed prior to the diversion of water. Please return the required *Notice of Completion* form for the installation of the meters as soon as this action is completed. The form and other information may be found at our web site <http://agriculture.ks.gov>.

Please be reminded that this approval is separate from the Area Permit approved under File No. 20219074.

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

Sincerely,

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

KAB:LI

Enclosures

pc: Garden City Field Office  
Groundwater Management District No. 3

## 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 request an evidentiary hearing before the Chief Engineer or 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, Kansas 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.

## CERTIFICATE OF SERVICE

On this 5 day of July, 2023, I hereby certify that the attached Approval of Application for Change in Use Made of Water and Order in the Matter of the Authorized Quantity of Water under Water Right, File No. 31,930; dated June 29 was mailed postage prepaid, first class, US mail to the following:

PRAIRIE WIND HEIFER DEVELOPMENT LLC  
Attn: T J MCCLURE  
4652 N RD L  
JOHNSON, KS 67855

With a Photocopy to:

Garden City Field Office  
Groundwater Management District No. 3

  
Division of Water Resources