

**Kansas Department of Agriculture  
Division of Water Resources**

FINDINGS AND ORDER WORKSHEET

1a. File No.: <p align="center"><b>37206</b></p>	1b. Document Date: <p align="center"><b>2/6/2023</b></p>	1c. Field Office: <p align="center"><b>4</b></p>	1d. GMD: <p align="center"><b>3</b></p>
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2a. Name & Address <b>SANTA FE FEEDERS LLC</b> <b>CLINT MORRISON</b> <b>1352 NW 60TH RD approval</b> <b>LIBERAL, KS 64762-9530</b>	2b. Name & Address Person ID _____ _____ _____ _____
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2c. Name & Address <b>SANTA FE FEEDERS LLC</b> <b>1352 NW 60TH RD</b> <b>LIBERAL, KS 64762-9530</b>	2d. PC Person ID _____ _____ _____ _____
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2e. WUR Correspondent <b>2c</b> _____ _____	3. Use of Water <input checked="" type="checkbox"/> Groundwater <input type="checkbox"/> Surface Water <input type="checkbox"/> IRR <input type="checkbox"/> REC <input type="checkbox"/> DEW <input type="checkbox"/> MUN <input checked="" type="checkbox"/> STK <input type="checkbox"/> SED <input type="checkbox"/> DOM <input type="checkbox"/> CON <input type="checkbox"/> HYD DRG <input type="checkbox"/> WTR PWR <input type="checkbox"/> ART RECHRG <input type="checkbox"/> IND    SIC: _____ <input type="checkbox"/> OTHER: _____
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4a. PD <input type="checkbox"/> Correct _____ <input type="checkbox"/> Delete _____ <input type="checkbox"/> Add _____ <input type="checkbox"/> Reduce _____	4b. PU <input type="checkbox"/> Correct _____ <input type="checkbox"/> Delete _____ <input type="checkbox"/> Add _____ <input type="checkbox"/> Reduce _____	4c. LIMITATIONS <input type="checkbox"/> Correct _____ <input type="checkbox"/> Delete _____ <input type="checkbox"/> Add _____ <input checked="" type="checkbox"/> Reduce <b>15.48 mgyw/#</b>	4d. RATE <input type="checkbox"/> Correct _____ <input type="checkbox"/> Delete _____ <input type="checkbox"/> Add _____ <input type="checkbox"/> Reduce _____	4e. QUANTITY <input type="checkbox"/> Correct _____ <input type="checkbox"/> Delete _____ <input type="checkbox"/> Add _____ <input type="checkbox"/> Reduce _____
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5. Old Information to be Changed (New Information to be written in 7, 8 & 11)  
**17.92MGY COM/W #37,205**  
\_\_\_\_\_  
\_\_\_\_\_

6. Previous Modifications and Amendments

Document Type

**Cert 12/23/1997** \_\_\_\_\_

**PU Chg 5/31/2006** \_\_\_\_\_

\_\_\_\_\_

7. Point of Diversion

Groundwater to be withdrawn by means of ( \_\_\_\_\_ well(s) ( \_\_\_\_\_ ) ( \_\_\_\_\_ pit(s))

Surface water in the \_\_\_\_\_ to be diverted (at a point

(at \_\_\_\_\_ points) ( \_\_\_\_\_ pit(s)) ( \_\_\_\_\_ dam(s))

Date Prepared **1/24/2023**    By **li**

Date Entered **2/7/2023**    By **L Moody**

File No. **37206**      Priority Date: **5/2/84**      County: **GY**      Basin: **ARKANSAS RIVER**      Stream: **na**      Formation Code: **113 & 211**

8. Points of Diversion										Rate and Quantity				
T	<input checked="" type="checkbox"/> G <input type="checkbox"/> S									Authorized		Additional		
MOD	PDIV	Qualifier	S	T	R	ID	'N	'W	Comment	Rate	Quantity	Rate	Quantity	Overlap PD Files
ENT										gpm	mgy	gpm	mgy	
<b>CHK</b>	<b>6959</b>	<b>SWSESE</b>	<b>22</b>	<b>26</b>	<b>28W</b>	<b>4</b>	<b>93</b>	<b>888</b>		<b>21</b>	<b>7.3</b>	<b>21</b>	<b>7.3</b>	<b>NONE</b>

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

10. Limitation: \_\_\_\_\_ af/yr at \_\_\_\_\_ gpm ( \_\_\_\_\_ cfs) when combined with file number(s) **15.48 MGY COM/W #37,205 CHANGE**  
 Limitation: \_\_\_\_\_ af/yr at \_\_\_\_\_ gpm ( \_\_\_\_\_ cfs) when combined with file number(s) \_\_\_\_\_

11. Place of Use T 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>NO CHANGE</b>																										

12. Comments:

**KANSAS DEPARTMENT OF AGRICULTURE**  
**Division of Water Resources**

**MEMORANDUM**

**TO:** Files

**DATE:** January 25, 2023

**FROM:** Leslie Ireland

**RE:** Water Right,  
File Nos. 37,205, 37,206 & 39,560

Clint Morrison on behalf of Santa Fe Feeders LLC, owner of the referenced file applied on November 23, 2020, to change the point of diversion, place of use and use made of water authorized for stockwater use under File No. 39,561. It was determined that as File No. 39,561 had no additional authorized quantity due to the quantity limitation not to exceed its authorized with the referenced files.

The owner was informed by letter dated August 4, 2022, about the need for reductions in quantity to the senior stockwater files should they want to proceed with the change from stockwater to irrigation use for File No. 39,561.

Further review found the letter incorrectly listed the quantity for File No. 37,206. It listed a reduction to 15.48 million gallons per year (mgy), but as the file is authorized 7.3 mgy the reduction does not appear to have been needed. File No. 37,206 will remain authorized 7.3 mgy with the additional limitation modified to not exceed 15.48 mgy with File No. 37,205. The same modification will be needed to the limitation under File No. 39,560, that it not exceed 15.48 mgy with File Nos. 37,205 & 37,206.

The reduction in quantity to File Nos. 37,205, with File Nos. 37,250 and 39,560 additional limitation modified, to afford the 3.75 million gallons (11.5 acre-feet) to be available for the proposed change to irrigation use. This will result in the stockwater use quantity authorized to be:

File No.	Quantity Authorized mgy	Quantity Additional mgy	Limitation mgy
37,205	15.48	15.48	NONE
37,206 STANDBY	7.30	0	15.48 w / 37,205
39,560	8.15	0	15.48 w/ 37,205 & 37,206
46,562	32.149	16.795	32.275 w/ 37,205; 37,206 & 39,560

Based upon the above discussion, approvals of the Findings and Orders is recommended to provide the quantity for the requested change to File No. 39,561.



Leslie Ireland  
Environmental Scientist  
Water Appropriation Program

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

SANTA FE FEEDERS LLC  
Attn: CLINT MORRISON  
16804 Q ROAD  
CIMARRON, KS 67835-9530

RE: Water Right, File Nos. 37,205; 37,206 & 39,560  
Subject: Findings and Order

Dear Mr. Morrison:

Enclosed are the Findings and Orders by the Chief Engineer, Division of Water Resources, Kansas Department of Agriculture, modifying the authorized quantity and limitations under the referenced files for the proposed change to File No. 39,561 and dismisses the *Application for Approval to Change the Point of Diversion* for File No. 37,205, as requested.

The Water Appropriation Act requires that the Certificate of Appropriation shall be recorded with the Register of Deeds in the county or counties wherein the point of diversion is located as instruments affecting real estate. Since the enclosed Findings and Orders by the Chief Engineer modify said Certificate of Appropriation, they should also be recorded with the Register of Deeds.

If you have any questions, please contact our office at (785) 564-6640. If you wish 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". The signature is written in a cursive style.

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

KAB:LI

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

**RIGHT TO PETITION FOR REVIEW  
UNDER THE KANSAS JUDICIAL REVIEW ACT**

This is a final agency action. If you choose to appeal this decision or any finding part thereof, you must do so by filing a petition for review in the manner prescribed by the Kansas Act for Judicial Review and Civil Enforcement of Agency Actions (KJRA K.S.A. 77-601 et seq.) within 30 days of service of this order. Your appeal must be made with the appropriate district court for the district of Kansas. The Chief Legal Counsel for the Kansas Department of Agriculture, 1320 Research Park Drive, Manhattan, Kansas 66502, is the agency officer who will receive service of a petition for judicial review on behalf of the Kansas Department of Agriculture, Division of Water Resources. If you have questions or would like clarification concerning this order, you may contact the Chief Engineer.

**CERTIFICATE OF SERVICE**

On this        day of        , I hereby certify that the attached original Findings and Order, 37,205; 37,206 & 39,560, dated        , were mailed postage prepaid, first class, US mail to the following:

SANTA FE FEEDERS LLC  
Attn: CLINT MORRISON  
16804 Q ROAD  
CIMARRON, KS 67835-9530

With photocopies to:

Garden City Field Office  
Groundwater Management District No. 3

\_\_\_\_\_  
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

REQUEST TO REDUCE A PORTION OF AN EXISTING WATER RIGHT  
(NO FEE REQUIRED)

Identify the file which is the subject of this request:

- Vested Right, File No. \_\_\_\_\_
- (CHECK ONE)  Water Right, File No. 37,206
- Appropriation of Water, File No. \_\_\_\_\_

To: CHIEF ENGINEER  
Division of Water Resources  
Kansas Department of Agriculture  
1320 Research Park Drive  
Manhattan, Kansas 66502

From: (Names and addresses of owners of authorized place of use. Please see instructions on back.)  
SANTA FE FEEDERS LLC, 16804 Q ROAD, CIMARRON, KS 67835-9530

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

REQUEST

The above listed owners request a:

[Complete only the sections that apply. Check only the boxes that apply. Fill in only the blanks that apply.]

A.  REDUCTION IN AUTHORIZED MAXIMUM ANNUAL QUANTITY OF WATER.\*\*\*\*

It is requested that the maximum annual quantity of water be reduced to 15.48 mgy  
(acre-feet or million gallons; circle one) per calendar year.

B.  REDUCTION IN AUTHORIZED MAXIMUM RATE OF DIVERSION OF WATER.

It is requested that the maximum rate of diversion of water be reduced to \_\_\_\_\_ gallons per minute  
(\_\_\_\_\_ c.f.s.).

\*\*\*\* Contingent upon the approval of the change to File No. 39,561

Assisted by: LI/DWR

WATER RESOURCES  
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AUG 29 2022

KS DEPT OF AGRICULTURE

File No. 37,206

C.  REDUCTION IN THE SIZE OF THE AUTHORIZED **PLACE OF USE** OF WATER.  
*(A reduction in place of use may result in a reduction of the authorized rate and quantity to reflect reasonable needs.)*

It is requested that the authorized place of use be reduced to:

Owner of Land - NAME: \_\_\_\_\_

ADDRESS: \_\_\_\_\_

IRRIGATION USE

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		

OR

NON IRRIGATION USE

Describe:

(If more space is needed, attach additional sheets as necessary.)

A copy of a topographic map is attached showing the place of use after the requested reduction.

D.  REDUCTION IN THE NUMBER OF **POINTS OF DIVERSION** AUTHORIZED.  
*(A reduction in the point(s) of diversion may result in the reduction of the rate and quantity authorized by the amounts associated with those points of diversion.)*

It is requested that the number of authorized points of diversion be reduced to:

\_\_\_\_\_ located as follows:  
(No. of points of diversion) (wells, pumps, or other works for diversion of water)

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, and

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 more space is needed, attach additional sheets as necessary.)

A copy of a topographic map is attached, showing the location of the remaining point(s) of diversion after the requested reduction.

E.  REDUCTION IN THE **TYPES OF BENEFICIAL USE** AUTHORIZED.

It is requested that the types of beneficial use of water be reduced to: \_\_\_\_\_

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File No. 37,206

I, the undersigned owner of this water right or permit declare that: (1) I am freely and voluntarily choosing to reduce the water right listed; and (2) I am waiving any rights to a hearing or an appeal that I may have had regarding the reduction of the water right listed.

I declare that I am an owner, as identified herein, or that I represent an owner, as identified herein, and am authorized to make this request on his or her behalf.

Dated at Cimarron, Kansas, this 16 day of August, 2022.  
(City) (Month) (Year)

Clint Morrison  
(Owner)

\_\_\_\_\_  
(Spouse)

Clint Morrison - Santa Fe Feeders LLC  
(Please Print)

\_\_\_\_\_  
(Please Print)

\_\_\_\_\_  
(Owner)

\_\_\_\_\_  
(Spouse)

\_\_\_\_\_  
(Please Print)

\_\_\_\_\_  
(Please Print)

\_\_\_\_\_  
(Owner)

\_\_\_\_\_  
(Spouse)

\_\_\_\_\_  
(Please Print)

\_\_\_\_\_  
(Please Print)

State of Kansas )  
County of Gray ) ss

I hereby certify that the foregoing application was signed in my presence and sworn to before me this

16<sup>th</sup> day of August, 2022.  
(Month) (Year)

Sharla R Smith  
Notary Public

My Commission expires 9-10-22

Notary Public State of Kansas  
Sharla R Smith  
My Appt Exp 9-10-22

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AUG 29 2022  
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INSTRUCTIONS:

The request must be signed by each owner of the place of use authorized by the water right or permit and his or her spouse, if married. All water right or permit owners, including spouses, must sign this request for it to be valid. Unless the water right or permit has been legally severed from the authorized place of use, the owners of the water right or permit are the owners of the authorized place of use. Please indicate if there is no spouse. If land is being purchased under contract, the seller must sign as owner until such time as the contract is completed.

In the event that all owners cannot sign together in front of one notary public, they may, as necessary, sign appropriate copies of the request in front of any notary public conveniently available to them. All copies signed in this manner shall be accepted as valid parts of the request.

If the request is signed on behalf of any owner by someone with legal authority to do so (for example, an agent, one who has power of attorney, or an executor, executrix, conservator), it will be necessary to attach proper documents showing such authority.

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AUG 29 2022  
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# THE STATE OF KANSAS



**KANSAS DEPARTMENT OF AGRICULTURE**  
Mike Beam, Secretary of Agriculture

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

## **FINDINGS AND ORDER IN THE MATTER OF THE MODIFICATION OF AN ADDITIONAL QUANTITY LIMITATION UNDER WATER RIGHT FILE NO. 37,206**

After due consideration, the Chief Engineer, Division of Water Resources, Kansas Department of Agriculture (hereinafter referred to as the "Chief Engineer"), makes the following findings and order:

### **FINDINGS**

1. That on December 23, 1997, the Chief Engineer, in accordance with K.S.A. 82a-714, issued a Certificate of Appropriation pursuant to File No. 37,206, for beneficial use, to currently authorize the diversion of groundwater by means of a standby well located in the Southwest Quarter of the Southeast Quarter of the Southwest Quarter (SW $\frac{1}{4}$  SE $\frac{1}{4}$  SE $\frac{1}{4}$ ) of Section 22, more particularly described as being near a point 93 feet North and 888 feet West of the Southeast corner of said section, in Township 26 South, Range 28 West, Gray County, Kansas, at a diversion rate not in excess of 21 gallons per minute (0.04 c.f.s.) and a quantity not to exceed 7.3 million gallons (22.4 acre-feet) of water per calendar year for standby stockwatering use at a feedlot located in the Northeast Quarter of the Southeast Quarter (NE $\frac{1}{4}$  SE $\frac{1}{4}$ ) and Southeast Quarter of the Southeast Quarter (SE $\frac{1}{4}$  SE $\frac{1}{4}$ ) of Section 22, and in the Southwest Quarter of the Southwest Quarter (SW $\frac{1}{4}$  SW $\frac{1}{4}$ ) of Section 23, all in Township 26 South, Range 28 West, Gray County, Kansas.
2. That the Certificate of Appropriation dated December 23, 1997, placed an additional quantity limitation on File No. 37,206, described as follows:

This appropriation right is further limited to a quantity of water which when combined with the water right set forth in the Certificate of Appropriation issued pursuant to File No. 37,205, will provide a total quantity not to exceed 17.92 million gallons of water per calendar for stockwatering use.
3. That File No. 37,206 has no overlaps in the authorized point of diversion but the place of use overlaps Water Right File Nos. 37,205; 39,560 and 39,561; Appropriation of Water, File No. 46,562, that was modified by the Approval of Application for Change in Place of Use issued on May 31, 2006, to authorize the place of use described as:

a feedlot located in the Southeast Quarter (SE $\frac{1}{4}$ ) of Section 22, and in the Northwest Quarter of the Southwest Quarter (NW $\frac{1}{4}$  SW $\frac{1}{4}$ ) and the Southwest Quarter of the Southwest Quarter (SW $\frac{1}{4}$  SW $\frac{1}{4}$ ), of Section 23, all in Township 26 South, Range 28 West, Gray County, Kansas.
4. That on November 23, 2020, an Application for Approval to Change the Authorized Place of Use, Point of Diversion and Use Made of Water was received in the office of the Chief Engineer for File No. 39,561. The application proposes to change the use made of water from stockwatering use to irrigation use and to remove the overlap in place of use with File Nos. 37,205; 39,560; 39,560 and 46,562. That Water Right, File No. 39,561, is limited to 19.23 million gallons per year with File Nos. 37,205; 37,206 and 39,560.

5. That in a letter dated August 4, 2022, the owner was informed the quantity under the senior files would need to be reduced to remove the limitation on Water Right, File No. 39,561, and provide quantity for the proposed application as detailed in Paragraph No. 4.
6. That on August 29, 2022, Clint Morrison on behalf of Santa Fe Feeders LLC, 16804 Q Road, Cimarron, Kansas 67835-9530, submitted the *Request to Reduce a Portion of an Existing Water Right*, requesting that the authorized quantity of File No. 37,205 be reduced, to 15.48 million gallons per year, upon the Chief Engineers approval of the Application under Water Right, File No. 39,561.
7. That on February 6, 2023, the Chief Engineer, approved the Application under Water Right, File No. 39,561.
8. That as the quantity authorized by Water Right, File No. 37,205, will be reduced to 15.48 million gallons of water per calendar year, the quantity authorized by the additional limitation under Water Right, File No. 37,206 should be modified to not exceed 15.48 million gallons when combined with Water Right, File No. 37,205.

**ORDER**

NOW, THEREFORE, It is the decision and order of the Chief Engineer, Division of Water Resources, Kansas Department of Agriculture, that effective the date of this order, the additional quantity limitation on Water Right, File No. 37,206, shall be:

This appropriation right is further limited to a quantity of water which when combined with the water right set forth in the Certificate of Appropriation issued pursuant to File No. 37,205, will provide a total quantity not to exceed 15.48 million gallons of water per calendar for stockwatering use.

In all other respects, the Certificate of Appropriation for Beneficial Use of Water, issued pursuant to Water Right, File No. 37,206, dated December 23, 1997, remains as authorized, as modified and amended by the aforementioned orders.

Ordered this 6<sup>th</sup> day of February, 2023, in Manhattan, Riley County, Kansas.



Earl D. Lewis Jr.  
Earl D. Lewis Jr., P.E.  
Chief Engineer  
Division of Water Resources  
Kansas Department of Agriculture

State of Kansas )  
  ) SS  
County of Riley )

The foregoing instrument was acknowledged before me this 6 day of February 2023, by Earl D. Lewis Jr., P.E., Chief Engineer, Division of Water Resources, Kansas Department of Agriculture.

Melinda Jennings  
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

February 7, 2023

SANTA FE FEEDERS LLC  
Attn: CLINT MORRISON  
16804 Q ROAD  
CIMARRON, KS 67835-9530

RE: Water Right, File Nos. 37,205; 37,206 & 39,560  
Subject: Findings and Order

Dear Mr. Morrison:

Enclosed are the Findings and Orders by the Chief Engineer, Division of Water Resources, Kansas Department of Agriculture, modifying the authorized quantity and limitations under the referenced files for the proposed change to File No. 39,561 and dismisses the *Application for Approval to Change the Point of Diversion* for File No. 37,205, as requested.

The Water Appropriation Act requires that the Certificate of Appropriation shall be recorded with the Register of Deeds in the county or counties wherein the point of diversion is located as instruments affecting real estate. Since the enclosed Findings and Orders by the Chief Engineer modify said Certificate of Appropriation, they should also be recorded with the Register of Deeds.

If you have any questions, please contact our office at (785) 564-6640. If you wish 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". The signature is written in a cursive style.

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

KAB:LI

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

**RIGHT TO PETITION FOR REVIEW  
UNDER THE KANSAS JUDICIAL REVIEW ACT**

This is a final agency action. If you choose to appeal this decision or any finding part thereof, you must do so by filing a petition for review in the manner prescribed by the Kansas Act for Judicial Review and Civil Enforcement of Agency Actions (KJRA K.S.A. 77-601 et seq.) within 30 days of service of this order. Your appeal must be made with the appropriate district court for the district of Kansas. The Chief Legal Counsel for the Kansas Department of Agriculture, 1320 Research Park Drive, Manhattan, Kansas 66502, is the agency officer who will receive service of a petition for judicial review on behalf of the Kansas Department of Agriculture, Division of Water Resources. If you have questions or would like clarification concerning this order, you may contact the Chief Engineer.

**CERTIFICATE OF SERVICE**

On this 7 day of February, I hereby certify that the attached original Findings and Order, 37,205; 37,206 & 39,560, dated February 6, 2023, were mailed postage prepaid, first class, US mail to the following:

SANTA FE FEEDERS LLC  
Attn: CLINT MORRISON  
16804 Q ROAD  
CIMARRON, KS 67835-9530

With photocopies to:

Garden City Field Office  
Groundwater Management District No. 3



Division of Water Resources