

Kansas Department of Agriculture
Division of Water Resources
 APPROVAL OF CHANGE APPLICATION WORKSHEET

| | | | | | |
|--|---|---|---|---|--|
| 1. File No.: 18349 | 2. Status Change Date: 8/20/2024 | 4. Field Office: 04 - Garden City GMD: 03 - Southwest Structures File No.: Filing/Priority Date: 9/08/2023 & 4/24/2024 Application Complete Date: | | | |
| 3. Package File No(s): TWO APPLICATIONS SAME FILE | | | | | |
| 5a. <input checked="" type="checkbox"/> Applicant <input checked="" type="checkbox"/> Owner <input checked="" type="checkbox"/> WUC <input type="checkbox"/> Name Change Person ID 64345 Add Seq# 1 CENTERFIRE FEEDYARD FEEDYARDS INC ATTN: DAVE VENHAUS P O BOX 489 ULYSSES, KS 67880 | 5b. <input checked="" type="checkbox"/> Owner <input type="checkbox"/> WUC <input type="checkbox"/> Address Change Person ID 65197 Add Seq# FEEDYARDS INC ULYSSES FEEDYARD P O BOX 489 ULYSSES KS 67880 | | | | |
| 5c. <input type="checkbox"/> Owner <input type="checkbox"/> WUC <input type="checkbox"/> Address Change Person ID Add Seq# | 5d. <input type="checkbox"/> Owner <input type="checkbox"/> WUC <input type="checkbox"/> Address Change Person ID Add Seq# | | | | |
| 6. Change No.: C4 <input type="checkbox"/> PD <input checked="" type="checkbox"/> PU <input checked="" type="checkbox"/> UMW Base Acres: Year: Min Reasonable Q: Previous UMW: IRR-Irrigation MDS Gauge: Active Admin? <input type="checkbox"/> Completion/Start Date: Perfection/Expiration Date: | 7. Use of Water <input checked="" type="checkbox"/> Groundwater <input type="checkbox"/> Surface Water UMW: STK-Stockwatering IRR- Irrigation UMW: UMW: | | | | |
| 8. Action Trail (BS) KAR 5-5-10 Dual Use Limitation | | | | | |
| 9. Special Conditions DUAL USE IRR/STK | | | | | |
| 10. 5YR Allocation Type: Start Year: 5YR Quantity: Base Acres: Comment: | | | | | |
| 11. Sand & Gravel Proj ID: <input type="checkbox"/> Active <input type="checkbox"/> Dredge <input type="checkbox"/> IND Evap <input type="checkbox"/> Jr Evap <input type="checkbox"/> Other Diversion <input type="checkbox"/> Rpt on Sr | | | | | |
| 12. Waiver Rule ID: <input type="checkbox"/> New Date Requested: Applies: Rule No.: Justification: Rule Type: Rule SubType: | | | | | |
| Comments | <table border="1" style="width: 100%; border-collapse: collapse;"> <tr> <td style="width: 50%; padding: 5px;">Processed LI 6/3/2024</td> <td style="width: 50%; padding: 5px;">Entered 8/20/2024 KAnderson</td> </tr> <tr> <td style="padding: 5px;">Reviewed kak 6/5/2024</td> <td></td> </tr> </table> | Processed LI 6/3/2024 | Entered 8/20/2024 KAnderson | Reviewed kak 6/5/2024 | |
| Processed LI 6/3/2024 | Entered 8/20/2024 KAnderson | | | | |
| Reviewed kak 6/5/2024 | | | | | |

File No. **18349** 13. County: **GT** Basin: **CIMARRON RIVER** Stream:
 Structures File No: Aquifer Code: **NO CHANGE** Special Use Area: **NA**

| 14. Points of Diversion, Rates & Quantities | | | | | | | | | | Qty | | Rate | | Storage Qty | | Storage Rate | |
|---|-----------------|-----------|-----------|------------|----------|-------------|-------------|-------------------------|--|------------|------------|-------------|-------------|-------------|-----|--------------|----------|
| PDIV | Qualifier | S | T | R | ID | 'N | 'W | Comment (AKA Line) | | Auth | Add | Auth | Add | Auth | Add | Auth/Add | Overlaps |
| 99194 89194 | SE NW NW | 21 | 30 | 36W | 1 | 4482 | 4437 | IRR/STK DUAL USE | | 420 | 420 | 1305 | 1305 | | | | + |

15. Limitations Type: **USE** Quantity: **364.98 AF** Rate: **gpm** combined with file no(s): **IRR/STK DUAL USE**
 Type: **Other** Quantity: Rate: combined with file no(s):

16. Metering Metering Required Anti-Reverse Required Seal Required Compliance Date: **12/31/2024**

| 17. Place of Use | | | | | NE¼ | | | | NW¼ | | | | SW¼ | | | | SE¼ | | | | Total | Owner(s) | Chg? | Overlaps |
|------------------|-----------|-----------|------------|----------|--|----------|-------------|----|----------|----------|-------------|-------------|-------------|-------------|-------------|----------|-----|-------------|-------------|-------------|------------|-----------|--------------------------|-----------|
| PDIV | S | T | R | ID | NE | NW | SW | SE | NE | NW | SW | SE | NE | NW | SW | SE | NE | NW | SW | SE | | | | |
| CHK 4269 | 16 | 30 | 36W | 2 | | | | | | | | | | | 30.0 | | | | | | 30 | 5a | <input type="checkbox"/> | * |
| CHK 10456 | 17 | 30 | 36W | 2 | | | | | | | | | | | | | | | 11.0 | 39.0 | 50 | 5a | <input type="checkbox"/> | * |
| CHK 12336 | 20 | 30 | 36W | 2 | 4 | | | | | | | | | | | | | | | | 4 | 5a | <input type="checkbox"/> | * |
| CHK 32934 | 21 | 30 | 36W | 1 | | 1 | 22.0 | | 7 | 1 | 19.0 | 40.0 | 40.0 | 15.0 | | 2 | | 19.0 | | | 166 | 5a | <input type="checkbox"/> | * |
| ENT 14916 | 14 | 30 | 37W | 1 | FEEDLOT | | | | | | | | | | | | | | | | | 5b | <input type="checkbox"/> | ^ |
| ENT 18830 | 13 | 30 | 37W | 1 | FEEDLOT (N½ SW¼) & (NW¼) | | | | | | | | | | | | | | | | | 5b | <input type="checkbox"/> | ^ |
| ENT 20677 | 16 | 30 | 36W | 3 | FEEDLOT (SE¼) & (E½ SW) & (SW¼ SW¼) | | | | | | | | | | | | | | | | | 5a | <input type="checkbox"/> | ^^ |
| ENT 28592 | 22 | 30 | 36W | 1 | FEEDLOT (NW¼) & (NW¼ SW¼) | | | | | | | | | | | | | | | | | 5a | <input type="checkbox"/> | ^^ |
| ENT 38290 | 21 | 30 | 36W | 2 | FEEDLOT (N½ NE¼) & (SE¼ NE¼) | | | | | | | | | | | | | | | | | 5a | <input type="checkbox"/> | ^^ |
| | | | | | | | | | | | | | | | | | | | | | | | <input type="checkbox"/> | ^^ |

18. Point of Diversion and Place of Use Overlaps

| | |
|---|--|
| + | * NONE |
| ++ | ** |
| # | *** |
| ^ 7919; 13,646-D2; 14,441; 14,578; 18,018; 26,191; 31,974 & 31,975 | ^^ 2656-S3; 30,648 & 38,778 |

KANSAS DEPARTMENT OF AGRICULTURE
Division of Water Resources

M E M O R A N D U M

TO: Files

DATE: June 4, 2024

FROM: Leslie Ireland

RE: Water Right, File No. 18,349

Adam D. Gerrond on behalf of Feedyards Inc., that appears to be doing business as Centerfire Feedyard and Ulysses Feedyard filed an application for approval to change the place of use received on September 8, 2023, and use made of water on April 24, 2024, for operation as dual use from irrigation and stockwatering uses afford more irrigation water to be authorized for stockwater use, but both changes were archived and recorded in WRIS under the September 8, 2023 filing. The referenced file is located in the Cimarron River Basin, Grant County.

The water right appears to be in compliance with K.S.A. 82a-732, *Annual water use report required, penalty for violations*. The places of use are not contiguous, and the well is located between the separate feedyards. Easements for the pipeline were submitted. The well is located where there are no wells within one-half. It appears no notices will be needed as there are no wells within one-half mile of the well. The application complies with K.S.A. 82a-1906, *Notice*.

The owner is requesting a change in use made of water per K.A.R. 5-5-9, *Criteria for the approval of an application for a change in the use made of water from irrigation to any other type of beneficial use of water*, to authorize a limited "dual use" of irrigation and stockwater uses.

File No. 18,349, currently authorizes irrigation use from one(1) well to divert 420 acre-feet (AF) at 1,305 gallons per minute to a 250 acre half-pivot that swings over 3 sections, Sections in Township 30, Range 36 West, Grant County. It has no overlap in place of use or point of diversion and is not located in a special use area but is located in Groundwater Management District No. 3. The well is described as being in the (SE¹/₄ NW¹/₄) of Section 21, Township 30 South, Range 36 West, Grant County, and was determined by a May 14, 2024, Compliance Investigation to have the actual feet distances of 4,533 feet North and 4,457 feet West.

The standard consumptive use factor of 86.9 percent for Grant County allows 486.87 AF to be changed to another use K.A.R. 5-5-9, *Criteria for the approval of an application for a change in the use made of water from irrigation to any other type of beneficial use of water*.

$$420 \text{ AF} \times 86.9\% = 364.98 \text{ AF} \sim 118.93 \text{ million gallons per year (mgy)}$$

While operated for dual use the irrigation quantity will be temporarily reduced to 365 AF (118.93 mgy), assuring compliance with K.A.R. 5-5-3, *Change in consumptive use*.

The submitted map indicates the proposed 118.93 mgy (365 AF) is mainly for stockwater use with a path back to the full irrigation use at the pivot. The irrigated place of use will not change. The livestock facilities are separate with the East facility under File Nos. 2656-S3; 30,648 & 38,778 and the West facility under File Nos. 7919; 13,646-D2; 14,441; 14,578; 18,018; 26,191; 31,974 & 31,975. The pipelines were identified, and easements provided.

Feedyards Inc., Attn: Ulysses Feedyard under File Nos. 7919; 13646-D2; 14,441; 14,578; 18,018; 26,191; 31,974 & 31,975, with the authorized place of use of:

a feedyard in the Northwest Quarter (NW $\frac{1}{4}$) and the North Half of the Southwest Quarter (N $\frac{1}{2}$ SW $\frac{1}{4}$) of Section 13, and Section 14, all in Township 30 South, Range 37 West, Grant County

Feedyards Inc., Attn: Centerfire Feedyard, under File Nos. 2656-S3; 30,648 & 38,778, with the place of use of :

a feedyard in the Southeast Quarter (SE $\frac{1}{4}$), the East Half of the Southwest Quarter (E $\frac{1}{2}$ SW $\frac{1}{4}$) and the Southwest Quarter of the Southwest Quarter (SW $\frac{1}{4}$ SW $\frac{1}{4}$) of Section 16, the North Half of the Northeast Quarter (N $\frac{1}{2}$ NE $\frac{1}{4}$) and the Southeast Quarter of the Northeast Quarter (SE $\frac{1}{4}$ NE $\frac{1}{4}$), of Section 21, the Northwest Quarter (NW $\frac{1}{4}$) and the Northwest Quarter of the Southwest Quarter (NW $\frac{1}{4}$ SW $\frac{1}{4}$) of Section 22, all in Township 30 South, Range 36 West, Grant County.

It appears per ORKA records the facilities are under common ownership but identified as Ulysses Feedyard and Centerfire Feedyard. The proposed stockwater places of use do not overlap but appear to comply with Part 6 of K.A.R. 5-3-5n, *Authorized place of use*, as the primary ownership is the same the two feedyards operate under different secondary businesses. Additionally, this split in secondary ownership would indicated it is not practical or desirable to have a complete overlap and the incomplete overlap should not be unreasonable as the quantity diverted by use will be metered.

The existing quantities available for stockwater use were reviewed. The information in the WRIS database indicates the Ulysses stockwatering use is currently authorized a total of 1,128 AF (367.50 mgy) without the dual use files and Centerfire a limited 619 AF (201.70 mgy). The requested quantity could be added to either facility.

The Stockwater Use Supplemental Report submitted with the change lists a future projection of 146,000 head of beef feeder cattle with a 12 gallons per head per day listed equating to an annual use of 639.480 million gallons. As detailed in KAR 5-3-22, *Maximum reasonable quantity of water for livestock and poultry*, the 146,000 head would be afforded 799.35 million gallons (2,453 AF) per year for drinking at 15 gallons per head per day. As the proposed increase is dual use and the projected head will be increasing it appears no additional limitation on the quantity will be added to the referenced file by the change approval.

The irrigated place of use will remain as authorized to irrigate 250 acres at the currently authorized place of use. Without any diversion for stockwater use the irrigation portion will now authorizing 365 AF resulting in an irrigation ratio of 1.46 AF/acre which is greater than the 80% chance of 1.39 AF per K.A.R. 5-5-12, *Net irrigation requirements* for Grant County.

In a letter dated May 20, 2024, 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 4, 2024.

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

Leslie Ireland

Environmental Scientist

Water Appropriation Program

Ireland, Leslie [KDA]

From: Meyer, Mike [KDA]
Sent: Tuesday, June 4, 2024 8:06 AM
To: Ireland, Leslie [KDA]
Subject: RE: Change in Place of Use and Use Made of Water File No. 18349 Feedyard Inc

I recommend approval.

thanks

From: Ireland, Leslie [KDA] <Leslie.Ireland@ks.gov>
Sent: Monday, June 3, 2024 11:20 AM
To: Meyer, Mike [KDA] <Mike.Meyer@ks.gov>
Subject: Change in Place of Use and Use Made of Water File No. 18349 Feedyard Inc

Mike,

This proposed dual use and place of use has the easements for the pipeline in Dware.

Please let me know if you'd recommend the change.

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,
PLACE OF USE
AND
ORDER IN THE MATTER OF THE AUTHORIZED QUANTITY OF WATER
WATER RIGHT, FILE NO. 18,349**

The Chief Engineer, Division of Water Resources, Kansas Department of Agriculture, after due consideration of the written applications of Adam D. Gerrond, on behalf of Centerfire Feedyard, Post Office Box 489, Ulysses, Kansas 67880, received in the office of the Chief Engineer on September 8, 2023, for approval of a change in the location of the place of use, and on April 24, 2024, for approval of a change in the use made of water, under the certificate of appropriation issued pursuant to the permit to appropriate water for beneficial use, as modified and amended by the Orders of the Chief Engineer dated August 21, 2012, December 5, 2012, and November 30, 2021, approving the applications to change the point of diversion, finds that the change is reasonable and will not impair existing rights, and that the application should be and is hereby approved.

The authorized quantity of water under this right will remain 420 acre-feet (136.86 million gallons). This order effectively limits the authorized quantity of water to 364.98 acre-feet (118.93 million gallons) per calendar year for both stockwatering and irrigation uses combined. This 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 portion retained for irrigation use shall be authorized a maximum quantity not to exceed 364.98 acre-feet (118.93 million gallons) of groundwater per calendar year, for irrigation use on the following described property:

| Sec. Twp. Range | NE¼ | | | | NW¼ | | | | SW¼ | | | | SE¼ | | | | TOTAL |
|-----------------|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-------|
| | NE¼ | NW¼ | SW¼ | SE¼ | NE¼ | NW¼ | SW¼ | SE¼ | NE¼ | NW¼ | SW¼ | SE¼ | NE¼ | NW¼ | SW¼ | SE¼ | |
| 16 - 30S - 36W | | | | | | | | | | | 30 | | | | | | 30 |
| 17 - 30S - 36W | | | | | | | | | | | | | | | 11 | 39 | 50 |
| 20 - 30S - 36W | 4 | | | | | | | | | | | | | | | | 4 |
| 21 - 30S - 36W | | 1 | 22 | | 7 | 1 | 19 | 40 | 40 | 15 | | 2 | | 19 | | | 166 |

a total of 250 acres in Township 30 South, Range 36 West, Grant County, Kansas,

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

The portion changed to stockwatering use shall be authorized a quantity not to exceed 364.98 acre-feet (118.93 million gallons) of groundwater per calendar year for use at the following described location:

a feedlot in the Southeast Quarter (SE $\frac{1}{4}$), the East Half of the Southwest Quarter (E $\frac{1}{2}$ SW $\frac{1}{4}$), and the Southwest Quarter of the Southwest Quarter (SW $\frac{1}{4}$ SW $\frac{1}{4}$) of Section 16, the North Half of the Northeast Quarter (N $\frac{1}{2}$ NE $\frac{1}{4}$) and the Southeast Quarter of the Northeast Quarter (SE $\frac{1}{4}$ NE $\frac{1}{4}$) of Section 21, the Northwest Quarter (NW $\frac{1}{4}$), and the Northwest Quarter of the Southwest Quarter (NW $\frac{1}{4}$ SW $\frac{1}{4}$) of Section 22, all in Township 30 South, Range 36 West, Grant County, Kansas and

a feedlot in the Northwest Quarter (NW $\frac{1}{4}$) and the North Half of the Southwest Quarter (N $\frac{1}{2}$ SW $\frac{1}{4}$) of Section 13, and all of Section 14, in Township 30 South, Range 37 West, Grant County, Kansas,

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

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.

The water right owner shall properly install an acceptable water meter for each use made of water on 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 meters has been completed. The water right owner shall maintain the water meters 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 each use may be determined. The water right owner shall also report the reading of said water meters 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.

In all other respects, the Certificate of Appropriation issued pursuant to Approval of Application, File No. 18,349, for permit to appropriate water for beneficial use, is as stated and set forth in the Certificate of Appropriation, dated July 16, 1997, as modified and amended by the aforementioned orders.

Ordered this 20th day of August, 2024, 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 20th day of August, 2024, by Lane P. Letourneau, P.G., Water Appropriation Program Manager, Division of Water Resources, Kansas Department of Agriculture.

Vickie L. Belanger
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

August 21, 2024

TREY LIVINGSTON
CENTERFIRE FEEDYARD
PO BOX 489
ULYSSES KS 67880

RE: Water Right
File No. 18,349

Dear Mr. Livingston:

Enclosed is the order executed by the Chief Engineer, Division of Water Resources, Kansas Department of Agriculture, approving the applications 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 that an acceptable water flowmeter must be installed on the diversion works authorized. The approval requires an acceptable water flowmeter must be installed so that both irrigation and stockwatering uses can be metered independent of each other from the authorized well. Please return the required notification of installation of the meters as soon as this action is completed.

Since this orders modify the Certificate of Appropriation for the above referenced water right, is 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. Questions regarding the required water flowmeters should be directed to our staff at the Garden City Field Office, at 620-276-2901. If you wish to discuss a specific file, please have the file number ready so that we may help you more efficiently.

Sincerely,

Kristen A. Baum
New Applications and Changes Supervisor
Division of Water Resources

KAB:kak:li

Enclosures

pc: Garden City Field Office
Southwest Kansas GMD 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 the Kansas Department of Agriculture, Attn: Legal Section, 1320 Research Park Drive, Manhattan, Kansas 66502, or by 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 review 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 the Secretary of Agriculture, Attn: Legal Division, Kansas Department of Agriculture, 1320 Research Park Drive, Manhattan, Kansas 66502, or by 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

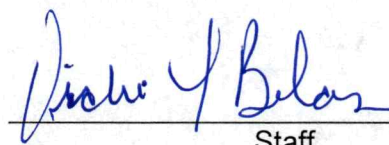
On this *21st* day of *August*, 2024, I hereby certify that the attached original Approval of Application for Change under Water Right, File No. 18,349, dated *August 20*, 2024, was mailed postage prepaid, first class, US mail to the following:

TREY LIVINGSTON
FEEDYARDS INC CENTERFIRE FEEDYARD
PO BOX 489
ULYSSES KS 67880

With photocopies to:

KDA-DWR Garden City Field Office

Southwest Kansas GMD No. 3


Staff