

**Kansas Department of Agriculture**  
**Division of Water Resources**  
 APPROVAL OF NEW APPLICATION WORKSHEET

1. File No.: <b>51192</b>	2. Status Change Date: <b>8/29/2024</b>	4. Field Office: <b>04 - Garden City</b> GMD: Structures File No.: Filing/Priority Date: <b>3/1/2024</b> Application Complete Date:
3. Package File No(s):		
5a. <input checked="" type="checkbox"/> Applicant <input checked="" type="checkbox"/> Owner <input checked="" type="checkbox"/> WUC <input type="checkbox"/> Address Change Person ID <b>34184</b> Add Seq#  <b>RANGER FEEDERS II LLC</b> <b>144 S OGALLALAH RD</b> <b>DIGHTON, KS 67839</b>	5b. <input type="checkbox"/> Owner <input type="checkbox"/> WUC <input type="checkbox"/> Address Change Person ID Add Seq#	
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.: <input type="checkbox"/> PD <input type="checkbox"/> PU <input type="checkbox"/> UMW Base Acres:      Year:      Min Reasonable Q: Previous UMW: MDS Gauge:      Active Admin? <input type="checkbox"/> Completion: <b>12/31/2025</b> Perfection Date: <b>12/31/2029</b>		7. Use of Water <input checked="" type="checkbox"/> Groundwater <input type="checkbox"/> Surface Water UMW: <b>STK-Stockwatering</b> UMW: UMW:
8. Action Trail		
9. Special Conditions		
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	Processed <b>8/27/2024 AM</b>	Entered <b>8/30/2024</b> <b>KAnderson</b>
	Reviewed <b>KAK</b> <b>8/28/2024</b>	

File No. <b>51192</b>	13. County: <b>LE</b> Basin: <b>WALNUT CREEK</b> Stream:		
Structures File No:	Aquifer Code: <b>112 / 321</b>	Special Use Area:	

14. Points of Diversion, Rates & Quantities										Qty <b>mgd</b>		Rate <b>gpm</b>		Storage Qty		Storage Rate	
PDIV	Qualifier	S	T	R	ID	'N	'W	Comment (AKA Line)		Auth	Add	Auth	Add	Auth	Add	Auth/Add	Overlaps
<b>MOD</b>	<b>72081</b>	<b>NW SE SE</b>	<b>22</b>	<b>18S</b>	<b>28W</b>	<b>13</b>	<b>1208</b>	<b>1048</b>		<b>9.378</b>	<b>9.378</b>	<b>30</b>	<b>30</b>				<b>*</b>

15. Limitations	Type:	Quantity:	Rate:	combined with file no(s):
	Type:	Quantity:	Rate:	combined with file no(s):

16. Metering     Metering Required     Anti-Reverse Required     Seal Required    Compliance Date: **12/31/2025**

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					
																					<input type="checkbox"/>
																					<input type="checkbox"/>
																					<input type="checkbox"/>
																					<input type="checkbox"/>
<b>CHK</b>	<b>10230</b>	<b>22</b>	<b>18S</b>	<b>28W</b>	<b>1</b>	<b>E2</b>													<b>5a</b>	<input type="checkbox"/>	<b>**</b>
<b>ENT</b>	<b>29854</b>	<b>23</b>	<b>18S</b>	<b>28W</b>	<b>1</b>	<b>S2 &amp; S2 NW</b>													<b>5a</b>	<input type="checkbox"/>	<b>**</b>

18. Point of Diversion and Place of Use Overlaps * <b>39697</b> + # ^	** <b>39695; 39696; 39697; 39698; 45888; 45933 &amp; 49918</b> ++ ## ^^
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**KANSAS DEPARTMENT OF AGRICULTURE**  
**Division of Water Resources**  
**M E M O R A N D U M**

**TO:** Files

**DATE:** August 27, 2024

**FROM:** Austin McColloch

**RE:** New Application, File No. 51,192

Shelby Jones, on behalf of Ranger Feeders II, has filed the above referenced application proposing to appropriate water at a maximum rate of 30 gallons per minute, and at 9.378 million gallons (28.78 acre-feet) per calendar year for stockwatering use at a feedyard facility. The application was received in the Office of the Chief Engineer on March 1, 2024. The proposed application is in the drainage basin of the Walnut Creek with the source of supply previously determined to be the Smoky hill chalk member of the Niobrara formation, part of the Cretaceous system (321). The application overlaps in point of diversion with Water Right, File No. 39,697 and overlaps in place of use with Water Right, File Nos. 39,695; 39,696; 39,697; 39,698; 45,888 and 45,933 and Appropriation of Water, File No. 49,918. The current total authority at the facility comes out to 78.5 million gallons (240.9 acre-feet) of water per calendar year with all files combined.

The point of diversion is located in the Northwest Quarter of the Southeast Quarter of the Southeast Quarter (NW $\frac{1}{4}$  SE $\frac{1}{4}$  SE $\frac{1}{4}$ ) of Section 22 more particularly described as being near a point 1,208 feet North and 1,048 feet West of the Southeast Quarter of said section, in Township 18 South, Range 28 West, Lane County, Kansas. Currently authorized under Water Right, File No. 39,697. This area is located outside the boundaries of Groundwater Management District No. 1 and is open to new appropriations.

The proposed place of use is a feedyard located in the East Half of Section 22, in the South Half of Section 23, and in the South Half of the Northwest Quarter of Section 23, all in Township 18 South, Range 28 West, Lane County, Kansas. Currently authorized under Water Right, File Nos. 39,695; 39,696; 39,697; 39,698; 45,888 and 45,933 and Appropriation of Water, File No. 49,918.

According to K.A.R. 5-3-11, water is available for the requested appropriation. The calculation indicated that the proposed appropriation, when combined with existing water rights with the same source of supply within a two (2) mile radius around the proposed point of diversion, would not exceed the calculated safe yield as follows (NOTE Water Right, File Nos. 39,695; 39,696 and 49,918 source the confined Dakota aquifer and were removed from the prior appropriations section):

The area of analysis is 8,042 acres.

The potential annual recharge of the area is estimated at be 0.66 inches.

The percent of calculated recharge available for appropriation is 75 %.

The safe yield is calculated to be 331.75 acre-feet.

The total prior appropriations in the area of consideration is 66.94 acre-feet.

The total quantity of water available for appropriation is 264.81.

Based on the above calculation, 264.81 acre-feet of water is available for the application requesting 28.78 acre-feet annually.

K.A.R. 5-3-22 outlines the maximum reasonable quantity of water for livestock. Under KDHE Permit Number A-UALE-C002 the feedyard is permitted for 18,000 head of beef cattle. These needs are calculated as follows:

Drinking – 18,000 head x 13.375 gallons/head x 365 days = 87,878,000 gallons per year

Total – 87,878,000 gallons (269.68 acre-feet)

Drinking water, at 13.375 gallons per head per day appears to be within the guidelines provided by K.A.R. 5-3-22, which allows 15 gallons per head per day, thus the total quantity appears to be reasonable.

There is one (1) well, a battery of three (3) wells and one (1) domestic well located within one-half mile of the proposed point of diversion diverting from the same source of supply. The four appropriation wells are owned by the applicant and is authorized by an overlapping right, the one domestic well is not owned by the applicant. A nearby notification letter was sent to the domestic well on August 7, 2024. One phone call has been received with questions on the project, however no written comments have been submitted. The proposed point of diversion meets the minimum well spacing of 1,320 feet to all wells of common source and 660 feet for domestic wells required by K.A.R. 5-4-4.

The application has been reviewed by Mike Meyer, Water Commissioner at the Garden City Field Office. In an email dated August 28, 2024, Mr. Meyer recommended the approval of the application.

In accordance with K.S.A. 82a-706(c), the Chief Engineer retains full authority to require any water user to install meters, gauges, or other measuring devices he or she or his or her agents may read at any time. Water flowmeter requirements are further described in K.A.R. 5-1-4 thru K.A.R. 5-1-12. If any chemical or foreign substance is injected into the water pumped under this permit, a check valve will also need to be installed.

Based on the above discussion, well spacing regulations are met, along with safe yield criteria, and approval of the application will not impair senior water rights nor prejudicially or unreasonably affect the public interest, it is recommended that the referenced application be approved.



Austin McColloch  
Assistant Water Commissioner  
Garden City Field Office

Water Rights and Points of Diversion Within 2 miles of point defined as:
1208 Feet N and 1048 Feet W of the Southeast Corner of Section 22 Twp 18S Rng 28W
Located at: 100.397417 West Longitude and 38.470146 North Latitude
GROUNDWATER ONLY

Table with columns: File Number, Use, ST, SR, Dist (ft), Q4, Q3, Q2, Q1, FeetN, FeetW, Sec, Twp, Rng, ID, Batt, Auth\_Quan, Add\_Quan. Includes entries for file numbers 39695, 39696, 39697, 39698, 45888, 45933, 49918, 51192 with various well and battery details.

Summary table: Total Net Quantities Authorized: Direct Storage. Total Requested Amount (AF) = 28.78 .00. Total Permitted Amount (AF) = 104.71 .00. Total Inspected Amount (AF) = .00 .00. Total Pro\_Cert Amount (AF) = .00 .00. Total Certified Amount (AF) = 136.20 .00. Total Vested Amount (AF) = .00 .00. TOTAL AMOUNT (AF) = 269.69 .00.

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 2 miles of point defined as:
1208 Feet North and 1048 Feet West of the Southeast Corner of Section 22 Twp 18S Rng 28W
Located at: 100.397417 West Longitude and 38.470146 North Latitude
GROUNDWATER ONLY
WATER USE CORRESPONDENTS:

- File Number Use ST SR
> RANGER FEEDERS II LLC
>
> 144 S OGALLALAH RD
> DIGHTON KS 67839
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> RANGER FEEDERS II LLC
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> 144 S OGALLALAH RD
> DIGHTON KS 67839
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> RANGER FEEDERS II LLC
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> DIGHTON KS 67839  
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**From:** Meyer, Mike [KDA]  
**Sent:** Wed 8/28/2024 9:06 AM  
**To:** McColloch, Austin [KDA]  
**Subject:** RE: Recommendation New App 51192

I recommend approval  
I appreciate the review up front

mike

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**From:** McColloch, Austin [KDA] <Austin.McColloch@ks.gov>  
**Sent:** Tuesday, August 27, 2024 4:00 PM  
**To:** Meyer, Mike [KDA] <Mike.Meyer@ks.gov>  
**Subject:** Recommendation New App 51192

Mike,

Attached is my draft memo for the above referenced new application. Let me know if you have any questions.

Thanks,

Austin McColloch  
Garden City Field Office  
Ph: (620) 276-2901

**From:** Meyer, Mike [KDA]  
**Sent:** Tue 8/27/2024 11:55 AM  
**To:** McColloch, Austin [KDA]  
**Subject:** FW: permitted capacity

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**From:** Wade Kleven [KDHE] <Wade.Kleven@ks.gov>  
**Sent:** Tuesday, August 27, 2024 11:06 AM  
**To:** Meyer, Mike [KDA] <Mike.Meyer@ks.gov>  
**Subject:** RE: permitted capacity

Mike,

They are permitted for 18,000 head of beef cattle weighing more than 700 pounds. Permit number A-UALE-C002.

Hope that helps,

Wade Kleven  
District Environmental Administrator  
Kansas Department of Health and Environment  
Southwest District Office  
302 W. McArtor Rd  
Dodge City KS 67801  
(620) 682-7947  
Email: [wade.kleven@ks.gov](mailto:wade.kleven@ks.gov)

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**From:** Meyer, Mike [KDA] <[Mike.Meyer@ks.gov](mailto:Mike.Meyer@ks.gov)>  
**Sent:** Tuesday, August 27, 2024 8:55 AM  
**To:** Wade Kleven [KDHE] <[Wade.Kleven@ks.gov](mailto:Wade.Kleven@ks.gov)>  
**Subject:** permitted capacity

Good morning Wade,  
Can you tell me the max permitted capacity for Ranger Feeders in Lane county, east of Dighton?

Thank you

Michael A. Meyer, PG  
Water Commissioner  
Kansas Department of Agriculture  
Division of Water Resources  
4532 W. Jones Ave, Ste B  
Garden City KS 67846  
O: (620)276-2901 or (620)765-7110  
Email: [mike.meyer@ks.gov](mailto:mike.meyer@ks.gov)



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  
and  
PERMIT TO PROCEED**

(This Is Not a Certificate of Appropriation)

This is to certify that I have examined Application, **File No. 51,192** of the applicant

**RANGER FEEDERS II LLC  
144 S OGALLALAH RD  
DIGHTON, KS 67839**

for a permit to appropriate water for beneficial use, together with the maps, plans and other submitted data, and that the application is hereby approved and the applicant is hereby authorized, subject to vested rights and prior appropriations, to proceed with the construction of the proposed diversion works (except those dams and stream obstructions regulated by K.S.A. 82a-301 through 305a, as amended), and to proceed with all steps necessary for the application of the water to the approved and proposed beneficial use and otherwise perfect the proposed appropriation subject to the following terms, conditions and limitations:

1. That the priority date assigned to such application is **March 1, 2024**.
2. That the water sought to be appropriated shall be used for stockwatering use in the East Half (E½) of Section 22, and the South Half (S½) and the South Half of the Northwest Quarter (S½ NW¼) of Section 23, all in Township 18 South, Range 28 West, Lane County, Kansas.
3. That the authorized source from which the appropriation shall be made is groundwater to be withdrawn by means of one (1) well located in the Northwest Quarter of the Southeast Quarter of the Southeast Quarter (NW¼ SE¼ SE¼) of Section 22, more particularly described as being near a point 1,208 feet North and 1,048 feet West of the Southeast corner of said section, in Township 18 South, Range 28 West, Lane County, Kansas, located substantially as shown on the topographic map accompanying the application.
4. That the appropriation sought shall be limited to a maximum diversion rate not in excess of **30 gallons per minute (0.07 c.f.s.)** and to a quantity not to exceed **9.378 million gallons (28.78 acre-feet)** of water for any calendar year.
5. That installation of works for diversion of water shall be completed on or before **December 31, 2025**, or within any authorized extension thereof. The applicant shall notify the Chief Engineer and pay the statutorily required field inspection fee of \$400.00 when construction of the works has been completed. Failure to timely submit the notice and the fee will result in revocation of the permit. Any request for an extension of time shall be submitted prior to the expiration of the deadline and shall be accompanied by the required statutory fee of \$100.00.

6. That the proposed appropriation shall be perfected by the actual application of water to the proposed beneficial use on or before **December 31, 2029**, or any authorized extension thereof. Any request for an extension of time shall be submitted prior to the expiration of the deadline and shall be accompanied by the required statutory fee of \$100.00.
7. That the applicant shall not be deemed to have acquired a water appropriation for a quantity in excess of the amount approved herein nor in excess of the amount found by the Chief Engineer to have been actually used for the approved purpose during one calendar year subsequent to approval of the application and within the time specified for perfection or any authorized extension thereof.
8. That the use of water herein authorized shall not be made so as to impair any use under existing water rights nor prejudicially and unreasonably affect the public interest.
9. That the right of the appropriator shall relate to a specific quantity of water and such right must allow for a reasonable raising or lowering of the static water level and for the reasonable increase or decrease of the streamflow at the appropriator's point of diversion.
10. That this permit does not constitute authority under K.S.A. 82a-301 through 305a to construct any dam or other obstruction; nor does it grant any right-of-way, or authorize entry upon or injury to, public or private property.
11. That all diversion works constructed under the authority of this permit 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.
12. That an acceptable water flow meter shall be installed and maintained on the diversion works authorized by this permit in accordance with the Kansas Administrative Regulations 5-1-4 through 5-1-12 adopted by the Chief Engineer. This water flow meter shall be used to provide an accurate quantity of water diverted as required for the annual water use report (including the meter reading at the beginning and end of the report year).
13. That the applicant shall maintain accurate and complete records from which the quantity of water diverted during each calendar year may be readily determined and the applicant shall file an annual water use report with the Chief Engineer by March 1 following the end of each calendar year. Failure to file the annual water use report by the due date shall cause the applicant to be subject to a civil penalty.
14. That no water user shall engage in nor allow the waste of any water diverted under the authority of this permit.
15. That the right to appropriate water under authority of this permit is subject to any minimum desirable streamflow requirements identified and established pursuant to K.S.A. 82a-703c for the source of supply to which this water right applies.

16. That failure without cause to comply with the provisions of this permit and its terms, conditions and limitations will result in the forfeiture of the priority date, revocation of the permit and dismissal of the application.

Ordered this *29* day of *August*, 2024, in Manhattan, Riley County, Kansas.

*Lane P. Letourneau*

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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 *29* 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

September 6, 2024

RANGER FEEDERS II LLC  
144 S OGALLALAH RD  
DIGHTON KS 67839

RE: Appropriation of Water  
File No. 51,192

Dear Sir or Madam:

Enclosed is a permit authorizing you to proceed with construction of the proposed diversion works and to appropriate water for beneficial use as set forth in the permit. Your attention is directed to the enclosures and to the terms, conditions, limitations, and requirements specified in this permit.

Notice must be filed on the enclosed form once the diversion works have been completed. Failure to complete the diversion works within the time allowed, or within any authorized extension of time thereof, will result in dismissal of this permit. If you need an extension of time, you must request it before the deadline for completion set forth in the permit. Any request for an extension of time must be accompanied by the statutorily required fee, which is currently \$100.00.

An acceptable water flowmeter must be installed on the diversion works authorized by this permit prior to using water. An annual water use report must be filed with the Chief Engineer by March 1, following the end of each calendar year. If a complete annual water use report is not received by the deadline, then a fine may be assessed and all water use under such permit or right may be suspended. Reports submitted in paper form will be assessed a \$20 per file number paper filing fee. In order to avoid this filing fee, you may submit your report online at [www.kswaterusereport.org](http://www.kswaterusereport.org).

The approval of your application constitutes a permit to appropriate water. It does not give authority to construct any dam or other stream obstruction regulated by K.S.A. 82a-301 through 305a. It does not give authority to access any right-of-way or authorize trespassing upon or injury to public or private property. It may also be necessary for you to comply with other local, state or federal requirements.

Also included is an informational sheet that sets forth the procedure to obtain a Certificate of Appropriation which will establish the extent of your perfected water right. Additional information and applicable forms may be found on our website at [agriculture.ks.gov/dwr](http://agriculture.ks.gov/dwr). If you have any questions or need assistance with any of these requirements, please contact our office at 785-564-6640, or your local Garden City Field Office at 620-276-2901. If you call, please reference the file number so we can help you more efficiently.

Sincerely,

Kristen A. Baum  
New Application Unit Supervisor  
Division of Water Resources

KAB:kak:am  
Enclosure(s)  
pc: Garden City Field Office

## 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 Division, 1320 Research Park Drive, Manhattan, Kansas 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 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: 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 6<sup>th</sup> day of September, 2024, I hereby certify that the foregoing Approval of Application and Permit to Proceed, File No. 51,192, dated August 29, 2024, was mailed postage prepaid, first class, US mail to the following:

RANGER FEEDERS II LLC  
144 S OGALLALAH RD  
DIGHTON KS 67839

With photocopies to:

KDA-DWR Garden City Field Office



Division of Water Resources