

Kansas Department of Agriculture
 Division of Water Resources
CHANGE: P/D P/U WORKSHEET

Document Signature LPL

1. File Number: 18686.05	2. Status Change Date: <i>11/28/2016</i>	3. Change Num: C1	4. Field Office: 02	5. GMD: 05
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: 10/17/2016
8a. Applicant(s) New to system <input type="checkbox"/> BARTON COUNTY FEEDERS INC ALAN POHLMAN 1164 SE 40 RD ELLINWOOD KS 67526-9276		Person ID 36064 Add Seq# _____		
8b. Landowner(s) New to system <input type="checkbox"/> BARTON COUNTY FEEDERS INC 1164 SE 40 RD ELLINWOOD KS 67526-9276		Person ID 36064 Add Seq# _____		
8c. Landowner(s) New to system <input type="checkbox"/>		Person ID _____ Add Seq# _____		
8d. WUC New to system <input type="checkbox"/> BARTON COUNTY FEEDERS INC ALAN POHLMAN 1164 SE 40 RD ELLINWOOD KS 67526-9276 MANAGER UPDATE CAP PROFFITT IS DECEASED		Person ID 36064 Add Seq# _____		
9. Documents and Enclosure(s): <input checked="" type="checkbox"/> DWR Meter(s) Date to Comply: <u>12/31/17</u> <input checked="" type="checkbox"/> N & P Date to Comply: <u>12/31/17</u>				
<input type="checkbox"/> Anti-Reverse Meter <input checked="" type="checkbox"/> Meter Seal <input checked="" type="checkbox"/> Check Valve <input checked="" type="checkbox"/> N & P Form <input checked="" type="checkbox"/> Water Tube <input checked="" type="checkbox"/> Driller Copy <input type="checkbox"/> H & E Letter				
<input type="checkbox"/> Conservation Plan Date Required: _____ Date Approved: _____ Date to Comply: _____				
10. Use Made of Water From: _____ To: _____				
Date Prepared: 11/9/2016 By: LI Date Entered: <i>11/29/2016</i> By: <i>UM</i>				

File No. **18686.05** 11. County: **BT** Basin: **ARKANSAS RIVER** Stream: **NA** Formation Code: **180** Special Use: **NA**

12. Points of Diversion										Rate and Quantity						
MOD	DEL	ENT	PDIV	Qualifier	S	T	R	ID	'N	'W	Comment	Authorized		Additional		Overlap PD Files
												Rate gpm	Quantity mgy	Rate gpm	Quantity mgy	
DEL	13342		SW SW NE		20	20	11W	2	2690	2620		75	12.80	75	12.80	16878.03, 36377.01 18686.06, 14298.02
ENT	85740		SE SE SW		20	20	11W		476	2682		75	12.80	75	12.80	16878.03, 36377.01 18686.06, 14298.02
CK	45493		NC E/2 W/2 NE		20	20	11W	1	3945	1680	WELL #6 - STANDBY WELL					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) **NONE**
 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 _____

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										
MOD	8350			20	20	11W		FEEDLOT EAST HALF (E1/2)																	8B	NO	9658.01	14298.02	16878.03	16878.02	36377.01	18686.06	20160173

Comments:

KANSAS DEPARTMENT OF AGRICULTURE
Division of Water Resources

M E M O R A N D U M

TO: Files

DATE: November 16, 2016

FROM: Leslie Ireland

RE: Water Right, File Nos. 9,658.01; 14,298.02;
16,878.03; 16,878.02; 18,686.05; 18,686.06 & 36,377.01

Alan Pohlman, Manager, Barton County Feeders Inc., owner of the referenced files authorized for stockwatering use, filed applications to change the place of use on all of the referenced files and point of diversion under all of the referenced files except File No. 16878.02. The applications were received on October 17, 2016. Frank Mercurio, P.E., KLA Environmental Services, assisted with the applications.

The subject rights appear to be in compliance with K.S.A. 82a-732 and the applications comply with K.A.R. 5-5-2a.

The referenced files authorize a total combined 263.4 acre-feet from six wells, one of which is a standby well under File No. 18,686.05, all located in the Northeast Quarter (NE $\frac{1}{4}$) Section 20, Township 20 South, Range 11 West, Barton County, with the currently authorized place of use in the Northeast Quarter (NE $\frac{1}{4}$). The place of use is also served by a 15 acre-foot right industrial use under File No. 41,588. The rights are located within the boundaries of Big Bend Groundwater Management District No. 5.

A change in place of use has been requested for all of the referenced files. Their request is to expand the feedlot to the South with the new place of use to be the East Half ($\frac{1}{2}$) of Section 20. Records indicated this area is not authorized for any other use and is owned by Barton County Feeders, Inc. and will make a complete overlap of all of the referenced files. The small use right, File No. 41,588 will remain authorized for the North Half of the section. A review of the water use under the referenced files indicates water is available for the proposed expansion from 20,000 head to 33,000 head and the applications comply with K.A.R. 5-5-3, *Change in consumptive use*.

File No. 9,658.01

The proposed point of diversion is a new well that will be completed approximately 519 feet from the point of diversion authorized as being located in the Northeast Quarter of the Southwest Quarter of the Northeast Quarter (NE $\frac{1}{4}$ SW $\frac{1}{4}$ NE $\frac{1}{4}$) of Section 20, approximately 3,465 feet North and 1,670 feet West of the Southeast corner of the section, in Township 20 South, Range 11 West Barton County. The new well will be drilled in the Southeast Quarter of the Southwest Quarter of the Northeast Quarter (SE $\frac{1}{4}$ SW $\frac{1}{4}$ NE $\frac{1}{4}$) of Section 20, approximately 2,980 feet North and 1,485 feet West of the Southeast corner the section. The currently authorized point of diversion has been determined to be the Undifferentiated Kansas/Nebraskan with a WRIS Code of 180. It would appear the designation of the source of supply for this well is due to the location of the well within the Big Bend Groundwater District No. 5. The August 2016 well log completed by Rosencrantz-Bemis of Great Bend, Kansas, indicates a well of approximately 80 feet deep, with a static water level of 12.5 feet. The source of supply will remain Undifferentiated Kansas/Nebraskan with a WRIS Code of 180 due to the short distance the well is being relocated and the depth.

File Nos. 14,298.02, 18,686.05, 18,686.06 & 36,377.01

The proposed change in point of diversion under File Nos. 14,298.02, 18,686.05, 18,686.06 & 36,377.01, is to drill a new well. It is proposed to be located near the center of the South Side more precisely 476 feet North and 2,682 feet West and corrected by Frank Mercurio to be in the Southeast Quarter of the Southeast Quarter of the Southwest Quarter (SE $\frac{1}{4}$ SE $\frac{1}{4}$ SW $\frac{1}{4}$). This well will be approximately 2,215 feet from the well currently authorized by these same rights. The well located near the center of the section approximately 2,690 feet North and 2,620 feet West of the Southeast corner will remain an operational well, but authorized by a different right, File No. 16,878.03. The well drillers log completed by Rosencrantz-Bemis, Great Bend, Kansas, indicated a depth of approximately 145 feet to blue shale. It would appear this might be the log for the temporary permit, File No. 20160173. In my conversation with Frank Mercurio he indicated this well will be plugged as its location will be under a road. The log submitted for the temporary well appears to be located within 300 feet of the proposed new well. The currently authorized point of diversion has been determined to be the Main Stem Alluvium, Code 113. While the point of diversion is in the general area of the Arkansas River the WIMAS mapping data indicates this well is outside the alluvium boundaries, but as it may have originally only been 47 feet deep, would indicate the alluvium designation. The proposed point of diversion will move away from the Arkansas River, and would comply with K.A.R. 5-5-13, *Relocation of alluvial wells*. It would appear that this well would be more accurately classified as Kansas Stage, Code 140 as the KGS Bulletin No. 88, records for a well completed to approximately 47 feet deep and located in Section 20 was classified with a geological source of the Meade formation. This currently authorized well which was originally permitted as a domestic stockwatering well was completed to approximately 50 feet deep. The submitted log and information in the KGS Bulletin No. 88 indicate the requested change will remain in the same source of supply, but should be updated to Kansas Stage, Code 140. The proposed well complies with K.A.R. 5-25-2a, *Change in point of diversion*, as the distance moved is less than 2,640 feet and the closest non-domestic well is the previously authorized point of diversion at 2,215 feet away.

File No. 16,878.03

The well near the center of the section that had been authorized by File Nos. 14,298.02, 18,686.05, 18,686.06 & 36,377.01, will remain active and is the proposed well under File No. 16,878.03. This right will move approximately 1,998 feet from its authorized well described as being in the Southeast Quarter of the Northwest Quarter of the Northeast Quarter (SE $\frac{1}{4}$ NW $\frac{1}{4}$ NE $\frac{1}{4}$) located 4,455 feet North and 1,680 feet West of the Southeast corner. The old well that had been authorized by this right has been requested to remain as a standby well, resulting in File No. 16,878.03 to have a primary and standby well. The source of supply of the currently authorized point of diversion was designated as the Undifferentiated Kansas/Nebraskan with a WRIS Code of 180. The proposed point of diversion will be updated from the Main Stem alluvium, Code 113, to the Undifferentiated Kansas/Nebraskan with a WRIS Code of 180. The update appears to be needed as the well log indicated a depth of only 47 feet, but water use reports indicated the proposed existing well is 90 feet deep. This update will also be needed for the proposed standby well to comply with K.A.R. 5-25-2a, *Change in point of diversion*. The proposed well location is indicated by WRIS to be less than the 1,320 feet of well to well spacing, but complies with part (1) as all are junior in priority or equal, and referenced as File Nos. 18,686.05, 41,588 and 16,878.02. As the proposed standby well was originally authorized by the file it will be considered to be in the same local source of supply. The permit will contain the standby wording and complies with K.A.R. 5-1-2, *Standby well*.

There are only the wells owned by Barton County Feeders within one-half (½) mile of the proposed wells with the exception of the proposed point of diversion under File Nos. 14,298.02, 18,686.05, 18,686.06 & 36,377.01. A comment letter was sent to this nearby domestic well owner. No comment of any kind was received.

Orrin Feril, Manager, Big Bend Groundwater Management District No. 5, in a letter dated November 1, 2016, recommended the requested changes in place of use and the modification of the points of diversion for approval. The applications are consistent with their regulation K.A.R. 5-25-20(b) as the applications comply with the adopted regulations of the Kansas Water Appropriation Act and the Groundwater Management District Act. The changes in point of diversion will subject to K.A.R. 5-25-5, requiring the installation of a water flowmeter per point of diversion.

Jeff Lanterman, Water Commissioner was sent a copy of this memorandum for comments and a recommendation on the proposed changes. These were discussed with him while at the 2016 Water Conference. When in our office on November 16, 2016, he indicated that he would give a verbal recommendation to proceed with the approval of the changes.

Water flowmeters are required according to KSA 82a-706c on the primary and standby wells. A water level measurement tube will be required on the new well requested to be drilled under File Nos. 14,298.02; 18,686.05, 18,686.06 & 36,377.01. The new well under File No. 9658.01 has a rate less than 100 gallons per minute so a tube will not be a condition of the approval, but will have the standard tube wording in the approval. WWC-5 logs will not be a condition of the approvals as they were submitted with the applications. A check valve is required on all wells that will chemigate, so the approvals will have our standard wording.

Based on the above discussion the changes appear to be reasonable, that impairment to existing water rights is unlikely, that there are no pending applications within the vicinity of the proposed changes and filed prior that may be affected by the approvals and that no change in the local source of supply will occur, it is recommended that the applications for be approved.



Leslie Ireland
Environmental Scientist
Water Appropriation Program

1320 Research Park Drive
Manhattan, Kansas 66502
(785) 564-6700



900 SW Jackson, Room 456
Topeka, Kansas 66612
(785) 296-3556

Jackie McClaskey, Secretary

Governor Sam Brownback

November 29, 2016

BARTON COUNTY FEEDERS INC
ALAN POHLMAN MANAGER
1164 SE 40 RD
ELLINWOOD KS 67526-9276

FILE COPY

RE: Water Right, File Nos. 9,658.01; 14,298.02; 16,878.03;
16,878.02; 18,686.05; 18,686.06 & 36,377.01

Dear Mr. Pohlman:

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

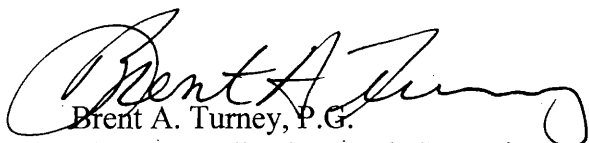
Your attention is directed to the enclosures and to the terms, conditions, and limitations specified in the approvals for change. A condition of these approvals is that an acceptable water flow meter must be installed on the authorized diversion works. Please return the required and enclosed form *Notification of Completion of the Diversion Works and/or Installation of the Required Meters* as soon as these actions are completed.

Any wells abandoned by these approvals must be plugged in accordance with the requirements of Article 30 of the Rules and Regulations as adopted by the Kansas Department of Health and Environment.

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

If you have any questions, please contact Leslie Ireland, Environmental Scientist, at (785) 566-6633. If you wish to discuss a specific file, please have the file number ready so that we may help you more efficiently.

Sincerely,



Brent A. Turney, P.G.
Change Applications Unit Supervisor

BAT:LI:li
Enclosures

pc: Stafford Field Office
Groundwater Management District No. 5
Frank Mercurio, P.E., KLA Environmental Services, Inc.

THE STATE



OF KANSAS

FILE COPY

KANSAS DEPARTMENT OF AGRICULTURE
Jackie McClaskey, Secretary of Agriculture

DIVISION OF WATER RESOURCES
David W. Barfield, Chief Engineer

**APPROVAL OF APPLICATION
FOR
CHANGE IN PLACE OF USE
AND
POINT OF DIVERSION
WATER RIGHT, FILE NO. 18,686.05**

The Chief Engineer, Division of Water Resources, Kansas Department of Agriculture, after due consideration of the written application of Alan Pohlman, Manager, Barton County Feeders, Incorporated, 1164 SE 40 Road, Ellinwood, Kansas 67526, received in this office on October 17, 2016, for approval of a change in the place of use and point of diversion both 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 April 4, 1995, approving the application to change the point of diversion and use made of water, finds that the change is reasonable and will not impair existing rights, and that the change relates to the same local source of supply and that the application should be and is hereby approved.

Effective date of the change shall be the date this order is executed by the Chief Engineer, after which the authorized location of the place of use shall be:

a feedlot located in the East Half ($E\frac{1}{2}$), of Section 20, in Township 20 South, Range 11 West, Barton County, Kansas,

and the location of the authorized point of diversion shall be:

one(1) **primary well** located the Southeast Quarter of the Southeast Quarter of the Southwest Quarter ($SE\frac{1}{4} SE\frac{1}{4} SW\frac{1}{4}$) of Section 20, more particularly described as being near a point 476 feet North and 2,682 feet West of the Southeast corner of said section, and

one(1) **standby well** located near the center of the East Half of the West Half of the Northeast Quarter ($E\frac{1}{2} W\frac{1}{2} NE\frac{1}{4}$) of Section 20, more particularly described as being near a point 3,945 feet North and 1,680 feet West of the Southeast corner of said section,

both in Township 20 South, Range 11 West, Barton County, Kansas,

located substantially as shown on the topographic map accompanying the application to change the place of use and point of diversion.

The well described herein as a standby well shall be used exclusively at such time well described herein as the primary well is inoperable due to mechanical, maintenance or power failure. That the primary and standby well shall not be operated at the same time for stockwatering use, unless the well is being operated for maintenance, testing, fire protection, or a similar reason. Use of the standby well under these limiting conditions does not allow the authorized quantity of water or rate of diversion under this file to be exceeded.

Installation of the works for diversion of water shall be completed on or before December 31, 2017, or within any authorized extension of time. The applicant shall notify the Chief Engineer of the Division of Water Resources, Kansas Department of Agriculture, when construction of the works for diversion has been completed.

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.

All wells with a diversion rate of 100 gallons per minute or more drilled under the authority of this order shall have a tube or other device installed in a manner acceptable to, and in accordance with specifications adopted by, the Chief Engineer. This tube or device shall be suitable for making water level measurements and shall be maintained in a condition satisfactory to the Chief Engineer.

The water right owner shall properly install an acceptable water meter 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 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 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.

In all other respects, the Certificate of Appropriation issued pursuant to Approval of Application, File No. 18,686.05, for permit to appropriate water for beneficial use, is as stated and set forth in the Certificate of Appropriation dated June 14, 1994, as modified and amended by the aforementioned order.

This Order shall become a final agency action, as defined by K.S.A. 77-607(b), without further notice to the parties, if a request for hearing or a petition for administrative review is not filed as set forth below.

Request for Hearing. According to K.A.R. 5-14-3(c), any party who desires a hearing must submit a request within 15 days after the date shown on the Certificate of Service attached to this Order. Filing a request for a hearing will give you the opportunity to submit additional facts for consideration, contest any findings made by the Chief Engineer or present any other information you believe should be considered in this matter. A timely-filed request for hearing will stay the deadline for requesting administrative review of this Order pending the outcome of the hearing.

Petition for Review. Any person aggrieved by this Summary Order may petition for administrative review, pursuant to K.S.A. 82a-708b(a) and K.S.A. 82a-1901(a). The petition must be filed within 30 days after the date shown on the Certificate of Service attached to this Order and must set forth the basis for the review, unless stayed by the timely filing of a request for hearing.

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

Ordered this 28th day of November, 2016, at Topeka, Shawnee County, Kansas.

Lane P. Letourneau
Lane P. Letourneau, P.G.
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 28th day of November, 2016, by Lane P. Letourneau, P.G., Program Manager, Division of Water Resources, Kansas Department of Agriculture.



Danielle Wilson
Notary Public

CERTIFICATE OF SERVICE

On this 29th day of November, 2016, I hereby certify that the attached Approval of Application for Change in the Authorized Place of Use and Point of Diversion under Water Right, File No. 18,686.05, dated November 28, 2016 was mailed postage prepaid, first class, US mail to the following:

Barton County Feeders, Inc.
Alan Pohlman, Manager
1164 SE 40 RD
Ellinwood, KS 67526-9276

With photocopies to:

Frank Mercurio, P.E.
KLA Environmental Services, Inc.
1303 Yucca St.
Scott City, KS 67871

Stafford Field Office
Groundwater Management District No. 5

Danielle Wilson
Division of Water Resources

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.

WATER RESOURCES
 RECEIVED
 OCT 17 2016
 RECEIVED
 10:02 am
 OCT 14 2016

File No. 18,686.05

1. Application is hereby made for approval of the Chief Engineer to change the (check one or both):
 Place of Use Point of Diversion
 KS DEPT OF AGRICULTURE
 Stafford 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: Barton County Feeders, Inc.
1164 SE 40 Road, Ellinwood, KS 67526

Phone Number: (620) 564-2200 Email address: _____

Name and address of Water Use Correspondent: Barton County Feeders, Inc.
1164 SE 40 Road, Ellinwood, KS 67526

Phone Number: (620) 564-2200 Email address: _____

3. The presently authorized place of use is:
 Owner of Land ---- NAME: Barton County Feeders, Inc.
 ADDRESS: 1164 SE 40 Road, Ellinwood, KS 67526
 (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	
20	20S	11W	40	40	40	40	* NORTHEAST QUARTER (NE¼) *												Feedlot - NE 1/4

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: Barton County Feeders, Inc.
 ADDRESS: 1164 SE 40 Road, Ellinwood, KS 67526
 (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	
20	20S	11W	40	40	40	40	* EAST HALF (E½) *				40	40	40	40					Feedlot - E 1/2

For Office Use Only: Code C2 Fee \$ 400.00 TR # 1700107 Receipt Date 10/17/16 Check # 6245

18686.05

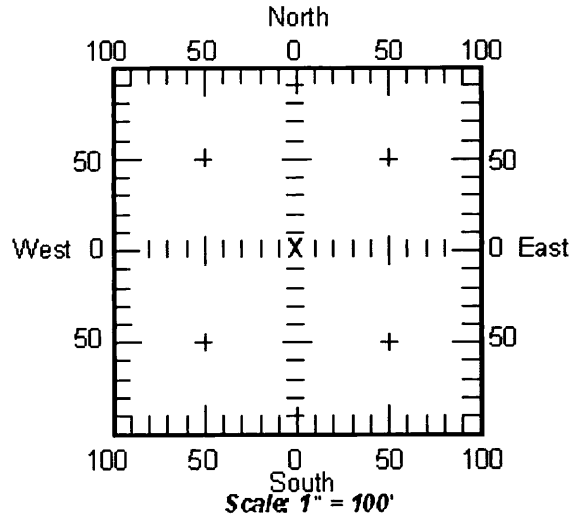
5. **Presently authorized point of diversion:**
 One in the SW Quarter of the SW Quarter of the NE Quarter of Section 20, Township 20 South, Range 11W (E/W), in Barton County, Kansas, 2690 feet North 2620 feet West of Southeast corner of section. Authorized Rate 75 gpm Authorized Quantity 39.2 AF Depth of well N/A (feet)
 (DWR use only: Computer ID No. 2 GPS feet North feet West)
 This point will not be changed This point will be changed as follows:
Proposed point of diversion: (Complete only if change is requested) 10/31/16 F. MELWID UPDATED QUALITY -
 One in the SW SE Quarter of the SW SE Quarter of the SE SW Quarter of Section 20, Township 20 South, Range 11W (E/W), in Barton County, Kansas, 476 feet North 2682 feet West of Southeast corner of section. Proposed Rate To be determined Proposed Quantity Proposed well depth (feet) 145
 This point is: Additional Well Geo Center List other water rights that will use this point See attachment and maps.

14298.02 18686.05 18686.06 36377.01 LI/DWR

6. **Presently authorized point of diversion:** Standby Well
 One in the E2 Quarter of the W2 Quarter of the NE Quarter of Section 20, Township 20 South, Range 11W (E/W), in Barton County, Kansas, 3945 feet North 1680 feet West of Southeast corner of section. Authorized Rate Authorized Quantity Depth of well (feet)
 (DWR use only: Computer ID No. 1 GPS feet North feet West)
 This point will not be changed This point will be changed as follows:
Proposed point of diversion: (Complete only if change is requested)
 One in the Quarter of the Quarter of the Quarter of Section , Township South, Range (E/W), in County, Kansas, feet North feet West of Southeast corner of section. Proposed Rate Proposed Quantity Proposed well depth (feet)
 This point is: Additional Well Geo Center List other water rights that will use this point

7. Why do you need a new point of diversion? To supply water for cattle consumption within the expanding portion of the feedlot in the SE 1/4 of Section 20 T20S R11W.

13a. If the proposed point of diversion will be relocated within 100 feet of the existing point of diversion, indicate its location on the diagram below in relation to the existing point of diversion. (PLEASE NOTE: The "X" in center of diagram below represents presently authorized point of diversion.)



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

9. When do you propose to complete the new point of diversion?
December 1, 2016.

10. If the point of diversion is a well:
 (a) What are you going to do with the old well?
Another existing well will be moved to this location.
 (b) When will this be done? Upon approval by DWR.

11. Groundwater Management District recommendation attached? Yes No

12. WATER RESOURCES
 RECEIVED

13b. If the proposed point of diversion will be relocated more than 100 feet but within 1320 feet from 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.

OCT 17 2016

KS DEPT OF AGRICULTURE

RECEIVED

OCT 14 2016

SCANNED

18686.05

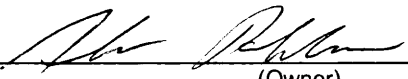
14. If the proposed groundwater point of diversion is 300 or fewer feet from existing point of diversion, complete the following:

- (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 regard 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 Ellinwood, Kansas, this 13th day of October, 2016.

	_____
(Owner)	(Spouse)
Alan Pohlman, Manager	_____
(Please Print)	(Please Print)
_____	_____
(Owner)	(Spouse)
_____	_____
(Please Print)	(Please Print)
_____	_____
(Owner)	(Spouse)
_____	_____
(Please Print)	(Please Print)

State of Kansas }
County of Barton } SS

State of Kansas - Notary Public
 **CHERYL RAPP**
My Commission Expires 10-15-18

I hereby certify that the foregoing application was signed in my presence and sworn to before me this 13th day of October, 2016.



Notary Public

My Commission Expires 10-15-18

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

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18686.05

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

5. Presently authorized point of diversion:

List other water rights that will use this point: 14,298.02, 18,686.05, 18,686.06 & 36,377.01

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Division of Water Resources

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DRILLER'S TEST LOG

18,686.05

Customer Name: Barton County Feeders Date: 8/24/2016
 Address _____ Test No: #1-16
 County: Barton Quarter: SE Section: 20 Township: 20 Range: 11

Drilled Footage

From	To	Description of Strata	Indicate Test Location by an X
0	3	Sandy top soil	
3	17	Soft sandy tan clay	
17	19	Gray clay	
19	36	Gray clay, tan sandy clay, caliche, & soft cemented sand	
36	37	Cemented sand	
37	53	Sand & gravel- small med coarse	
53	66	Tan clay streaks w/ gravel- small med	
66	78	Brown & dark clay	
78	80	Sand & gravel w/ clay streaks	
80	103	Sand & gravel- med	X
103	115	Sand & gravel- fine to small	
115	118	Gravel- med	Static Water Level: <u>23</u> Ft
118	120	Gravel- fine to small	Remarks: <u>Set 100ft casing for supply well.</u>
120	145	Gravel- med	
145		Blue shale	
			Garmin GPS- Nad 83
			Latitude: 38.291462 N
			Longitude: 98.562830 W
			Elevation:
			WATER RESOURCES RECEIVED
		RECEIVED	OCT 17 2016
		OCT 14 2016	KS DEPT OF AGRICULTURE
		Stafford Field Office	Driller: <u>Luis Luna</u>
		Division of Water Resources	Spot Location: <u>SW/ SW/ SE</u>

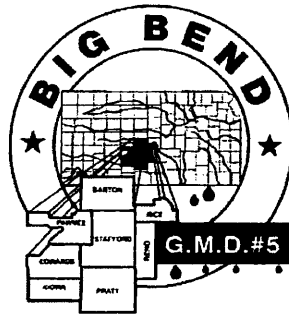
ROSENCRANTZ-BEMIS EQUIPMENT CO., INC

Telephone (620) 792-2488 or (620) 793-5512

P.O. Box 713, Great Bend, KS 67530

SCANNED

Darrell Wood - Edwards (Pres.)
Fred Grunder - Pratt (V Pres.)
John Janssen - Kiowa (Treas.)
Curtis Tobias - Rice (Sec.)
Justin Gatz - Reno
Kent Lamb - Stafford
Phil Martin - Barton
Bob Standish - Pawnee
Tom Taylor - At-Large



Orrin Feril, Manager
125 South Main Street
Stafford, Kansas 67578
ph: (620) 234-5352
fx: (620) 234-5718
gmd5@gmd5.org
www.gmd5.org

November 1, 2016

Leslie Ireland
Division of Water Resources
Kansas Department of Agriculture
1320 Research Park Drive
Manhattan, KS 66502

RE: Water Right File Nos. 9658.01, 14298.02, 16878.03,
18686.05, 18686.06, 36377.01
Change in the Place of Use &
Change in the Point of Diversion
Water Right File No. 16878.02
Change in the Place of Use

Dear Ms. Ireland,

The Big Bend Groundwater Management District #5 reviewed the above referenced applications to change the points of diversion and places of use. Based upon information received in the District office, the applications propose to overlap the places of use for all of these water right files and relocate wells in order to facilitate more efficient use of water at the facility. Therefore, the applications appear to be consistent with 5-25-20(b) and are recommended for approval.

The applications to change are subject to the District's well equipment regulation K.A.R. 5-25-5 for required flow meters.

Please feel free to give me a call if you have any questions.

Sincerely,

Orrin Feril
Manager

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Ireland, Leslie

From: Orrin Feril <oferil@gmd5.org>
Sent: Tuesday, November 01, 2016 4:57 PM
To: Ireland, Leslie
Subject: Applications for Change, Water Right, File Nos. 9658.01 14298.02 16878.02 16878.03 18686.05 18686.06 36377.01
Attachments: 9658.01 14298.02 16878.02 16878.03 18686.05 18686.06 36377.01 2016-11-01 Rec.pdf

Leslie,
I'm attaching the recommendations requested by your office in a letter dated October 21, 2016. Please let me know if you have any questions.

Thank you for your consideration in this matter,

Orrin

--
Orrin Feril
Manager
Big Bend GMD#5
Email: oferil@gmd5.org
Phone: (620) 234-5352
Mobile: (620) 388-0172
Fax: (620) 234-5718
www.gmd5.org

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1320 Research Park Drive
Manhattan, Kansas 66502
(785) 564-6700



900 SW Jackson, Room 456
Topeka, Kansas 66612
(785) 296-3556

Jackie McClaskey, Secretary

Governor Sam Brownback

October 21, 2016

JUNE A MILLER
M & K SESSLER INC
567 SE 120 AVE
ELLINWOOD KS 67526

RE: Water Right, File Nos. 9,658.01; 14,298.02; 16,878.03; 16,878.02; 18,686.05; 18,686.06 & 36,377.01

Dear Ms. Miller;

This is to notify you that Alan Pohlman on behalf of Barton County Feeders, Inc., has filed applications for approval of the Chief Engineer, Division of Water Resources, Kansas Department of Agriculture, to change the place of use and point of diversion under the above referenced file numbers authorized for stockwatering use.

The applications for Water Right, File Nos. 14,298.02; 18,686.06 & 36,377.01, propose a change in the location of the point of diversion:

from: one (1) well located in the Southwest Quarter of the Southwest Quarter of the Northeast Quarter (SW $\frac{1}{4}$ SW $\frac{1}{4}$ NE $\frac{1}{4}$) of Section 20, more particularly described as being near a point 2,690 feet North and 2,682 feet West of the Southeast corner of said section,

to: one (1) well located near the center of the South side (CS) of Section 20, more particularly described as being near a point 476 feet North and 2,682 feet West of the Southeast corner of said section,

both in Township 20 South, Range 11 West, Barton County, Kansas.

The application for Water Right, File No. 18,686.05 proposes to change the location of the points of diversion:

from: one (1) well located in the Southwest Quarter of the Southwest Quarter of the Northeast Quarter (SW $\frac{1}{4}$ SW $\frac{1}{4}$ NE $\frac{1}{4}$) of Section 20, more particularly described as being near a point 2,690 feet North and 2,620 feet West of the Southeast corner of said section, and

one (1) well located in the Near the Center of the East Half of the West Half of the Northeast Quarter (E $\frac{1}{2}$ W $\frac{1}{2}$ NE $\frac{1}{4}$) of Section 20, more particularly described as being near a point 3,945 feet North and 1,680 feet West of the Southeast corner of said section,

to: one (1) well located near the center of the South side (CS) of Section 20, more particularly described as being near a point 476 feet North and 2,682 feet West of the Southeast corner of said section, and

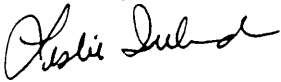
one (1) well located in the Near the Center of the East Half of the West Half of the Northeast Quarter (E $\frac{1}{2}$ W $\frac{1}{2}$ NE $\frac{1}{4}$) of Section 20, more particularly described as being near a point 3,945 feet North and 1,680 feet West of the Southeast corner of said section,

all in Township 20 South, Range 11 West, Barton County, Kansas.

You are being notified of the proposed changes so that you may furnish this office written comments or other information you may desire to submit. Such written comments or other information must be received in this office within 15 days from the date of this letter.

If you have any questions, please contact our office, my desk phone is (785) 264-6633. If you wish to discuss a specific file, please have the file numbers ready so that we may help you more efficiently.

Sincerely,



Leslie Ireland
Environmental Scientist
Water Appropriation Program

Enclosures

pc: Stafford City Field Office
Groundwater Management District No. 5
Alan Pohlman, Barton County Feeders, Inc.



1320 Research Park Drive
Manhattan, Kansas 66502
(785) 564-6700

900 SW Jackson, Room 456
Topeka, Kansas 66612
(785) 296-3556

Jackie McClaskey, Secretary

Governor Sam Brownback

October 21, 2016

BIG BEND GROUNDWATER
MANAGEMENT DISTRICT #5
ORRIN FERIL MANAGER
125 S MAIN ST
STAFFORD KS 67578

Re: Applications for Change, Water Right, File Nos. 9,658.01; 14,298.02; 16,878.03; 16,878.02; 18,686.05; 18,686.06 & 36,377.01

Dear Mr. Feril:

We are submitting a copy of the applications referred to above which appears to be in proper form.

We are delaying any further action for a period of 15 days from the date of this letter to allow you time to submit your recommendations concerning the applications.

Please submit your recommendation within the allotted time, or any authorized extension of time thereof. If you wish to refer to a specific file, please reference it when you contact us.

Sincerely,

Leslie Ireland
Environmental Scientist
Water Appropriation Program

LI:li

Enclosures

pc: Stafford Field Office
Alan Pohlman, Barton County Feeders, Inc.

1700 E. IRON AVE. ▪ SALINA, KS 67401
T 785.823.0097 F 913.273.1493



1303 YUCCA ST. ▪ SCOTT CITY, KS 67871
WWW.KLAENVIRO.COM

October 11, 2016

Jeff Lanterman, Water Commissioner
Kansas Department of Agriculture
Division of Water Resources - Stafford Field Office
300 S. Main Street
Stafford, KS 67578-1521

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Subject: Barton County Feeders Water Right Change Applications

Dear Mr. Lanterman:

Barton County Feeders, Inc. is in the process of expanding their beef cattle feeding facility from a capacity of 20,000 head to 33,000 head. The facility, which currently occupies the NE $\frac{1}{4}$ of Section 20 T20S R11W, will expand south and ultimately include the E $\frac{1}{2}$ of Section 20. The expansion project will include an extension of the water supply system serving the cattle and will also require a reconfiguration of the wells to produce the pressure and flow rates needed for satisfactory water supply. These modifications require changes in the existing stockwatering rights associated with this facility. Several change applications are enclosed with this letter to initiate this process. This information is submitted on behalf of Barton County Feeders, Inc.

A summary of each proposed change is provided herein. Several maps were developed and included with the change applications to show distances between existing and proposed point of diversion (well) locations. The best available information was used to accurately locate the existing wells. The distances between existing and proposed points of diversion were measured using scaled maps and electronic technology. It was noted that some of the well coordinates obtained from WRIS reports did not place the wells in their known locations. As a result, there is some variation between the measured distances that are shown on the maps and distances that are calculated from the coordinates listed in the WRIS reports. These variations were typically less than 100 feet. It appears that none of these variations will result in a complication related to well spacing criteria. Please note that all wells shown on the maps are owned by Barton County Feeders, Inc.

SCANNED

File Nos. 14,298.02, 18,686.05, 18,686.06 and 36,377.01

Each of these water rights is associated with a point of diversion located approximately 2,690 feet north and 2,620 feet west of the southeast corner of Section 20. The change application for each of these water rights requests that this well be moved to a new location approximately 2,214 feet south of the existing well. The purpose of this move is to provide a source of supply for the water system that will be constructed as part of the feed yard expansion in the SE ¼ of Section 20. A well is needed at this location to provide sufficient pressure to the water system and to help balance the pumping demand on this interconnected well and pipeline system. The change application also requests a change in place of use that will include the entire facility after the expansion is completed.

There is a standby well associated with File No. 18,686.05. The change application for this water right proposes no changes to the purpose or location of this well.

File No. 9,658.01

The existing well associated with File No. 9,658.01 appears to be failing. It is an integral part of the water supply system and must be maintained. The change application for this water right proposes the construction of a replacement well approximately 494 feet southeast of the existing location. The change application also requests a change in place of use that will include the entire facility after the expansion is completed.

File No. 16,878.03

The well associated with File Nos. 14,298.02, 18,686.05, 18,686.06 and 36,377.01 is also an integral part of the water supply system and must be maintained to provide sufficient pressure and capacity for the system. The change application associated with File No. 16,878.03 requests that the authorized rate and quantity be moved from the existing well to the well currently associated with File Nos. 14,298.02, 18,686.05, 18,686.06 and 36,377.01. It is also requested that the well currently associated with File No. 16,878.03 be retained for standby use. A change in place of use is requested which will include the entire facility after the expansion is completed.

File No. 16,878.02

This change application requests a change in place of use that will include the entire facility after the expansion is completed.

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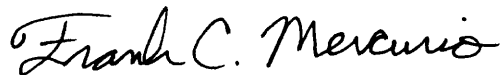
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We used the WIMAS database to search for wells adjoining the facility. All non-owned adjoining wells identified on the WIMAS mapping page were located at distances in excess of one-half mile from the wells associated with these change applications. We recognize that several of the stockwater wells within the facility do not meet current spacing criteria. The proposed changes, however, improve well spacing within the facility. These changes also move the wells further away from the Arkansas River.

We also considered the status of the point of diversion associated with File No. 41,588. This well is permitted for industrial use and serves the feed mill for the facility. Since the feed mill operation will be expanded to accommodate the facility expansion, we determined that the best option for this well is to change the use made of water to stockwater and change the place of use to cover the entire facility. A separate change application will be submitted to the Manhattan office to initiate this change.

Please contact me if you have any questions concerning this information. Thank you for your consideration of these applications.

Sincerely,



Frank C. Mercurio, P.E.

Enclosures

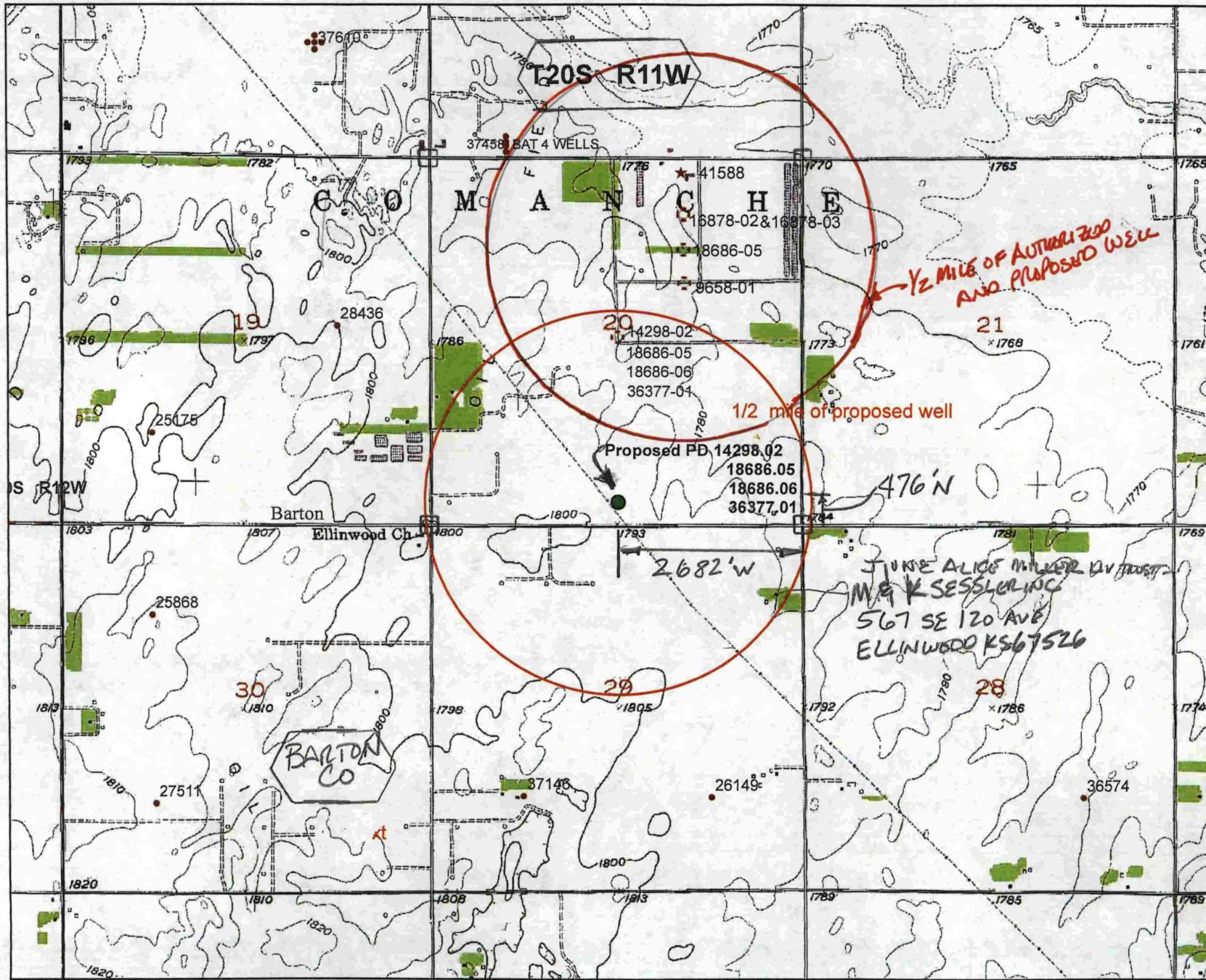
cc/enc: Alan Pohlman, Manager, Barton County Feeders, Inc.

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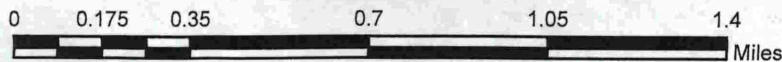
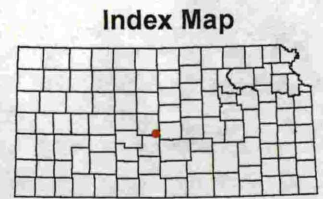
OCT 17 2016

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Water Right, File Nos. 14298.02, 18686.05, 18686.06 & 36377.01



- Legend**
- WIMAS_PD**
- S_UMW**
- ★ G_IND
 - G_IRR
 - ⊙ G_STK



This map was created by I.Ireland in WIMAS on 10/19/2016



#18,686.05

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Stafford Field Office
 Division of Water Resources

DATE	9/16
DATE	9/16
DATE	9/16
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CHECKED	FCM
APPROVED	FCM

LEGEND

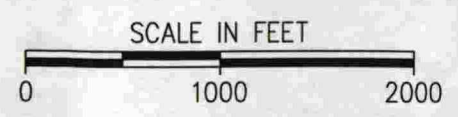
- POINT OF DIVERSION (IRR)
- POINT OF DIVERSION (STK)
- POINT OF DIVERSION (IND)
- POINT OF DIVERSION (NEW)

T20S

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BARTON COUNTY FEEDERS, INC
 WATER RIGHT MAP
 NE 1/4 SECTION 20 T20S R11W
 BARTON COUNTY, KANSAS

1700 E. IRON
 SALINA, KANSAS 67401
 (785) 823-0097

1303 YUCCA STREET
 SCOTT CITY, KANSAS 67871
 (620) 872-2300



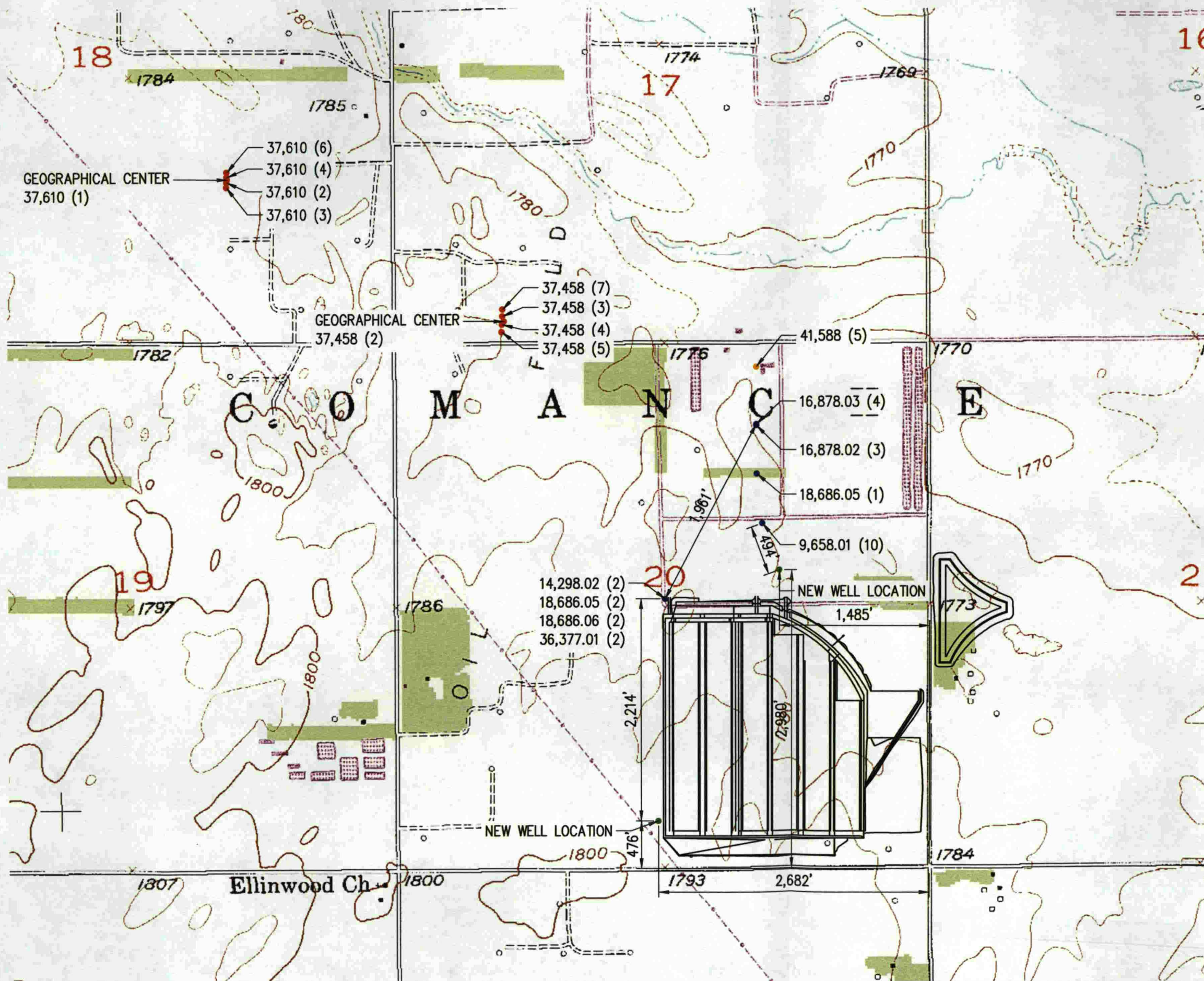
CAD FILE NAME:
 WATER RIGHTS MAP.DWG

SHEET NO. 1 OF 2

R11W

WATER RIGHTS MAP AC-FT

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#1826.05 RECEIVED
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Division of Water Resources

LEGEND

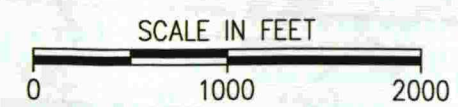
- POINT OF DIVERSION (IRR)
- POINT OF DIVERSION (STK)
- POINT OF DIVERSION (IND)
- POINT OF DIVERSION (NEW)

T20S

WATER RESOURCES RECEIVED

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SCANNED

DRAWN	DLB	DATE	9/16
CHECKED	FCM	DATE	9/16
APPROVED	FCM	DATE	9/16

BARTON COUNTY FEEDERS, INC
WATER RIGHT MAP
NE 1/4 SECTION 20 T20S R11W
BARTON COUNTY, KANSAS

1700 E. IRON
SALINA, KANSAS 67401
(785) 823-0097
1303 YUCCA STREET
SCOTT CITY, KANSAS 67871
(620) 872-2300



CAD FILE NAME:
WATER RIGHTS MAP.DWG

SHEET NO. 2 OF 2

R11W

CHANGE IN POINT OF DIVERSION



#18,6586.05

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Stafford Field Office
Division of Water Resources

DRAWN	DLB	DATE	9/16
CHECKED	FCM	DATE	9/16
APPROVED	FCM	DATE	9/16

LEGEND

- POINT OF DIVERSION (IRR)
- POINT OF DIVERSION (STK)
- POINT OF DIVERSION (IND)
- POINT OF DIVERSION (NEW)

T20S

WATER RESOURCES
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BARTON COUNTY FEEDERS, INC
WATER RIGHT MAP
NE 1/4 SECTION 20 T20S R11W
BARTON COUNTY, KANSAS



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1700 E. IRON
SALINA, KANSAS 67401
(785) 823-0097
1303 YUCCA STREET
SCOTT CITY, KANSAS 67871
(620) 872-2300



CAD FILE NAME:
WATER RIGHTS MAP.DWG

SHEET NO. 1 OF 2

R11W

CHANGE IN POINT OF DIVERSION





R. 16872-05 RECEIVED

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Stafford Field Office
Division of Water Resources

LEGEND

-  PROPOSED PLACE OF USE
-  EXISTING PLACE OF USE

T20S

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OCT 17 2016

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DRAWN	DLB	DATE	9/16
CHECKED	FCM	DATE	9/16
APPROVED	FCM	DATE	9/16

BARTON COUNTY FEEDERS, INC

WATER RIGHT MAP
NE 1/4 SECTION 20 T20S R11W
BARTON COUNTY, KANSAS

1700 E. IRON
SALINA, KANSAS 67401
(785) 823-0097

1303 YUCCA STREET
SCOTT CITY, KANSAS 67871
(620) 872-2300



CAD FILE NAME:
WATER RIGHTS MAP.DWG

SHEET NO. 1 OF 2

R11W

CHANGE IN PLACE OF USE

