

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

Document Signature _____

1. File Number: 28146	2. Status Change Date: 12/19/2017	3. Change Num: C1	4. Field Office: 02	5. GMD: 05
6. Status: <input type="checkbox"/> Approved <input type="checkbox"/> Denied by DWR/GMD <input type="checkbox"/> Dismiss by Request/Failure to Return				7. Filing Date of Change: 25-SEP-2017
8a. Applicant(s) New to system <input type="checkbox"/> KINSLEY FEEDERS LLC 1278 P ROAD KINSLEY KS 67547		Person ID 63264 Add Seq# 1		
8b. Landowner(s) New to system <input type="checkbox"/> KINSLEY FEEDERS LLC 1278 P ROAD KINSLEY KS 67547		Person ID 63264 Add Seq# 1		
8c. Landowner(s) New to system <input type="checkbox"/>		Person ID _____ Add Seq# _____		
8d. Landowner(s) New to system <input type="checkbox"/>		Person ID _____ Add Seq# _____		
8e. WUC New to system <input type="checkbox"/> KINSLEY FEEDERS LLC 1278 P ROAD KINSLEY KS 67547		Person ID 63264 Add Seq# 1		
9. Documents and Enclosure(s): <input checked="" type="checkbox"/> DWR Meter(s) Date to Comply: 12/31/18 <input type="checkbox"/> N & P Date to Comply: _____				
<input type="checkbox"/> Anti-Reverse Meter <input type="checkbox"/> Meter Seal <input checked="" type="checkbox"/> Check Valve <input type="checkbox"/> N & P Form <input type="checkbox"/> Water Tube <input 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: IRR To: IRR AND STK				
Date Prepared: 12/14/17 By: RAK Date Entered: 12/20/2017 By: UM				

File No. **28146** 11. County: **ED** Basin: **ARKANSAS RIVER** Stream: Formation Code: **180** Special Use:

12. Points of Diversion										Rate and Quantity					
MOD	DEL	PDIV	Qualifier	S	T	R	ID	'N	'W	Comment	Authorized		Additional		
ENT											Rate gpm	Quantity af/mgy	Rate gpm	Quantity af/mgy	Overlap PD Files
MOD	27788		NC SW¼	24	25	19W	2	1330	3930	IRR/STK	800 g.p.m.	240 AF	800 g.p.m.	240 AF	NO

13. Storage: Rate _____ NF Quantity _____ ac/ft Additional Rate _____ NF Additional Quantity _____ ac/ft

14. Limitation: **200.20 acre-feet (65.23 million gallons)** _____ af/yr at gpm (_____ cfs) when combined with file number(s) **SEE IMAGE FOR DETAILS**
 Limitation: _____ cfs) when combined with file number(s) _____

15. 5YR Allocation: Allocation Type _____ Start Year _____ 5 YR Amount _____ Amount Unit _____ Base Acres _____ Comment _____

16. Place of Use MOD DEL ENT	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					
STK ENT 37902 13 25 19W 2	FEEDLOT (ENTIRE SECTION)																8B	No	26793; 28146; 31993; 31994		
IRR ✓ 19686 24 25 19W 2									40	40	40	40					160	8B	NO	NO	

Comments: **Quantity limited to 200.20 AF (65.23 mgy) as long as additional stockwater is desired, Need pop up box for temporary quantity reduction**

KANSAS DEPARTMENT OF AGRICULTURE
Division of Water Resources
MEMORANDUM

TO: Files
DATE: December 18, 2017
FROM: Richelle A. Krueger
RE: Water Right
File Nos. 26,793; 28,146 and 31,994

Derek A. Martin, on behalf of Kinsley Feeders Inc., owner of the above referenced water rights, filed applications for approval to change the place of use and use made of water for Water Right, File Nos. 26,793 and 28,146 and an application for approval to change the point of diversion for Water Right, File No. 31,994, all located in the Arkansas River Basin. Frank C. Mercurio, P.E., KLA Environmental Services, Inc., assisted the applicant in filing the referenced application.

The referenced file numbers do not appear abandoned pursuant to K.S.A. 82a-718.

File No. 26,793 has no overlaps in the authorized point of diversion or place of use and is authorized 195 acre-feet of groundwater from one well for irrigation of 160 acres all located in the Northeast Quarter of Section 24, Township 25 South, Range 19 West, Edwards County. The application requests a dual use of water that will allow for the use of up to 162.60 acre-feet for both stockwatering use and irrigation use in any calendar year. The application further requests that the quantity of water be only limited to 162.60 acre-feet rather than be reduced. The temporary reduced quantity is based on K.A.R. 5-5-9/5-5-10 calculations. Irrigation acres will remain at 160 acres and the applicant has submitted justification for retaining the acreage. The stockwatering place of use will be the entire Section 13 of the aforementioned township and range, creating a complete overlap in place of use with Water Right, File Nos. 28,146; 31,993 and 31,994 (20179001 and 20179002).

File No. 28,146 has no overlaps in the authorized point of diversion or place of use and is authorized 240 acre-feet of groundwater from one well for irrigation of 160 acres all located in the Southwest Quarter of Section 24, Township 25 South, Range 19 West, Edwards County. The application requests a dual use of water that will allow for the use of up to 162.60 acre-feet for both stockwatering use and irrigation use in any calendar year. The application further requests that the quantity of water be only limited to 200.2 acre-feet rather than be reduced. The temporary reduced quantity is based on K.A.R. 5-5-9/5-5-10 calculations. Irrigation acres will remain at 160 acres and the applicant has submitted justification for retaining the acreage. The stockwatering place of use will be the entire Section 13 of the aforementioned township and range, creating a complete overlap in place of use with Water Right, File Nos. 26,793; 31,993 and 31,994 (20179001 and 20179002).

File No. 31,994 is authorized two wells with assigned rates and quantities for stockwatering use all located in Section 13 of the aforementioned township and range. One of the wells (960'N, 1,212'W) overlaps the point of diversion of Application, File No. 20179002, and the other well (2345'N,1778'W) has no overlaps. The place of use overlaps File Nos. 26,793; 31,993 and 31,994 (20179001 and 20179002). The water right owner also proposes to move a combined total of 27 acre-feet and 17 gallons per minute from the two authorized wells, transferring it to an existing well authorized by Water Right, File No. 31,993(20179001) pursuant to K.A.R. 5-5-16 *Additional wells*. The proposed moves involve distances of less than 2,640 feet and September 26, 2016 flow rate tests conducted by Stafford Field Office staff indicate that no reduction in the overall diversion rate of File No. 31,994 is required.

The applicant submitted justification that the requested quantity (362.8 acre-feet) in addition to the existing stockwatering water rights is reasonable to water 36,000 head of cattle.

The only non-domestic wells within one half mile of the authorized points of diversion are owned by the applicant. All domestic well owners identified on the map by the applicant were notified of the proposed changes by letters dated November 7, 2017; no responses have been received as of today's date.

The local source of supply will not change, determined to be undifferentiated Kansan/Nebraskan (180).

Approval of the application for File No. 31,994 will be subject to the condition that for the sole purpose of administering wells concerning direct impairment, the additional well shall be considered to have the priority of the date the application was filed (September 25, 2017) to add the additional well.

In letters dated December 13, 2017, Orrin Feril, Manager of Big Bend Groundwater Management District No. 5, indicated that applications comply with the current management program and he further recommends approval of the applications.

In an e-mail dated December 18, 2017, Jeff Lanterman, Water Commissioner, Stafford Field Office, indicated that he is not opposed to approval of the application.

Water flow meters are required. Check valves are required if any chemical or foreign substance is injected into the water through the diversion works


Richelle A. Krueger
Environmental Scientist

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

December 21, 2017

KINSLEY FEEDERS LLC
JOE R BAIRD GST EXEMPT TRUST
ATTN DEREK A MARTIN
1278 P ROAD
KINSLEY KS 67547

FILE COPY

RE: Water Right, File Nos. 26,793; 28,146 and 31,994

Dear Mr. Martin:

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 file numbers.

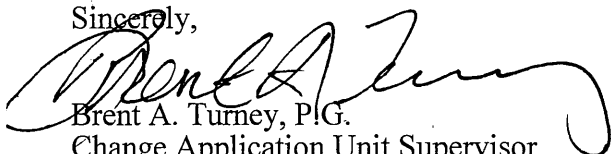
Your attention is directed to the enclosures and to the terms, conditions, and limitations specified in these approvals for change. A condition of these approvals is that acceptable water flow meters must be installed on the diversion works authorized under the referenced file numbers. Please return the required notification of completion of the diversion works and/or installation of the required meters as soon as these actions are completed.

Please note that the application to change the point of diversion for File No. 31,994 is approved subject to the condition that for the sole purpose of administering wells concerning direct impairment, the additional well shall be considered to have the priority of the date the application was filed (September 25, 2017) to add the additional well. In addition, the Chief Engineer specifically retains jurisdiction in this matter with authority to review the approval of the additional well at intervals of no fewer than five years, and no more than ten years to determine if the total annual quantity of water actually being withdrawn by all wells authorized by the approval of application for change is exceeding the total annual quantity of water that could have been physically withdrawn if the additional well had not been approved, and based on the review, the Chief Engineer retains authority to make a reasonable reduction in the authorized quantity of water as may be deemed to be in the public interest.

Since the orders for the referenced file numbers 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 this office. If you call, please reference the file number so we can help you more efficiently.

Sincerely,



Brent A. Turney, P.G.
Change Application Unit Supervisor
Water Appropriation Program

Enclosures

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

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
 USE MADE OF WATER AND ORDER
 IN THE MATTER OF THE
 AUTHORIZED QUANTITY OF WATER
 WATER RIGHT
 FILE NO. 28,146**

The Chief Engineer, Division of Water Resources, Kansas Department of Agriculture, after due consideration of the written application of Derek A. Martin, on behalf of Kinsley Feeders, Incorporated, 1278 P Road, Kinsley, Kansas 67547, received in this office on September 25, 2017, for approval of a change in the place of use and use made of water under the certificate of appropriation issued pursuant to the application for permit to appropriate water for beneficial use, finds that the changes are reasonable and will not impair existing rights and that the applications should be and are hereby approved.

The authorized quantity under this water right will remain 240 acre-feet (78.20 million gallons). This order effectively limits the authorized quantity of water to 200.20 acre-feet (65.23 million gallons) per calendar year for both stockwatering and irrigation uses combined. That the 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 that portion retained for irrigation use shall be authorized a quantity not to exceed:

200.20 acre-feet (65.23 million gallons) of groundwater per calendar year,

for irrigation use on the following described property:

Sec.	Twp.	Range	NE ¹ / ₄				NW ¹ / ₄				SW ¹ / ₄				SE ¹ / ₄				TOTAL
			NE ¹ / ₄	NW ¹ / ₄	SW ¹ / ₄	SE ¹ / ₄	NE ¹ / ₄	NW ¹ / ₄	SW ¹ / ₄	SE ¹ / ₄	NE ¹ / ₄	NW ¹ / ₄	SW ¹ / ₄	SE ¹ / ₄	NE ¹ / ₄	NW ¹ / ₄	SW ¹ / ₄	SE ¹ / ₄	
24	25S	19W									40.00	40.00	40.00	40.00					160.00

a total of 160 acres in Township 25 South, Range 19 West, Edwards County, Kansas, and

That portion changed to stockwatering use shall be authorized a quantity not to exceed:

65.23 million gallons (200.20 acre-feet) of groundwater per calendar year,

the location of the place of use shall be:

a feedlot located in Section 13, Township 25 South, Range 19 West, Edwards County, Kansas,

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

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 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. 28,146, for permit to appropriate water for beneficial use, is as stated and set forth in the Certificate of Appropriation dated February 25, 1992.

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:

- 1) request an evidentiary hearing before the Chief Engineer, or
- 2) 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.

4. The presently authorized place of use is:

Owner of Land — NAME: Kinsley Feeders, LLC

ADDRESS: 1278 P Road, Kinsley, KS 67547

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	
24	25S	19W									40.0	40.0	40.0	40.0					160.0

List any other water rights that cover this place of use. _____

Owner of Land — NAME: _____

ADDRESS: _____

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	

List any other water rights that cover this place of use. _____

(If there are more than two landowners, attach additional sheets as necessary.)

5. It is proposed that the place of use be changed to:

Owner of Land — NAME: Kinsley Feeders, LLC

ADDRESS: 1278 P Road, Kinsley, KS 67547

IRR
STK

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	
24	25S	19W									40.0	40.0	40.0	40.0					160.0
13	25S	19W	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	Feedlot

List any other water rights that cover this place of use. File Nos. 31,993 & 31,994 (STK use only in Section 13 T25S R19W)

Owner of Land — NAME: _____

ADDRESS: _____

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	

List any other water rights that cover this place of use. _____

WATER RESOURCES RECEIVED

IF MORE SPACE IS NEEDED, ATTACH ADDITIONAL SHEETS AS NECESSARY

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6. The presently authorized point(s) of diversion (is) (are) one well, pump and appurtenances
(Provide description and number of points)
7. The proposed point(s) of diversion (is) (are) one well, pump and appurtenances
(Provide description and number of points)

List all presently authorized point(s) of diversion:

8. **Presently authorized point of diversion:**
 One in the _____ Quarter of the _____ NC _____ Quarter of the _____ SW _____ Quarter
 of Section 24, Township 25S _____ South, Range 19W _____ (E/W),
 in Edwards County, Kansas, 1330 feet North 3930 feet West of Southeast corner of section.
 Authorized Rate 800 gpm Authorized Quantity 240 ac-ft
 (DWR use only: Computer ID No. _____ 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 _____ NC _____ Quarter of the _____ SW _____ Quarter
 of Section 24, Township 25S _____ South, Range 19W _____ (E/W),
 in Edwards County, Kansas, 1330 feet North 3930 feet West of Southeast corner of section.
 Proposed Rate 800 gpm Proposed Quantity 200.2 ac-ft
 This point is: Additional Well Geo Center List other water rights that will use this point None

9. **Presently authorized point of diversion:**
 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.
 Authorized Rate _____ Authorized Quantity _____
 (DWR use only: Computer ID No. _____ 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 _____
 This point is: Additional Well Geo Center List other water rights that will use this point _____

10. **Presently authorized point of diversion:**
 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.
 Authorized Rate _____ Authorized Quantity _____
 (DWR use only: Computer ID No. _____ 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 _____
 This point is: Additional Well Geo Center List other water rights that will use this point _____

11. Describe the current condition of and future plans for any point(s) of diversion which will no longer be used.
 Not applicable.

WATER RESOURCES
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IF MORE SPACE IS NEEDED, ATTACH ADDITIONAL SHEETS AS NECESSARY. SEP 25 2017

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12. The presently authorized use of water is for irrigation purposes.
It is proposed that the use be changed to irrigation and stockwatering purposes.
13. If changing the place of use and/or use made of water, describe how the consumptive use will not be increased.
Consumptive use will not be increased because it is proposed that the authorized quantity be reduced to the
consumptive use quantity associated with this water right. Refer to the attached calculations for determination of the
consumptive use quantity, justification for dual use, and justification for retaining the current acreage associated with
the current approved place of use.
- (Please show any calculations here.)
14. It is requested that the maximum annual quantity of water be reduced to 200.2 acre-feet (acre-feet or million gallons).
15. It is requested that the maximum rate of diversion of water be reduced to -Not Applicable- gallons per minute (c.f.s.).
16. The application must include either a topographic map or detailed plat. A U.S. Geological Survey Topographic Map, scale 1:24,000, is available through the Kansas Geological Survey, 1930 Constant Avenue, University of Kansas, Lawrence, Kansas 66047-3726 (www.usgs.gov). The map should show the location of the presently authorized point(s) of diversion. Distances North and West of the Southeast corner of the section must be shown. The presently authorized place of use should also be shown. Identify the center of the section, the section lines and the section corners and show the appropriate section, township, and range numbers on the map. In addition the following information must also be shown on the map.
- If a change in the location of the point(s) of diversion is proposed, show:
 - The location of the proposed point(s) of diversion. Distances North and West of the Southeast corner of the section must be shown. Please be certain that the information shown on the map agrees with the information shown in Paragraph Nos. 9, 10 and 11 of the application.
 - If the source of supply is groundwater, please show the location of existing water wells of any kind, including domestic wells, within ½ mile of the proposed well or wells. Identify each well as to its use and furnish name and mailing address of the property owner or owners. If there are no wells within ½ mile, please indicate so on the map.
 - If the source of supply is surface water, the names and mailing addresses of all landowner(s) ½ mile downstream and ½ mile upstream from your property lines must be shown.
 - If a change in the place of use is desired, show the proposed place of use by crosshatching on the map. Please be certain that the information shown on the map agrees with the information shown in Paragraph No. 5 of the application.
17. Attach documentation to show the change(s) proposed herein will not impair existing water rights and relates to the same local source of supply as to which the water right relates. This information may include statements, plats, geology reports, well logs, test hole logs, and other information as necessary information to show the above. Additional comments may be made below.
There are no wells subject to a water right within 1/2 mile of the well relating to this application. All non-owned
domestic wells are more than 660 feet from the well relating to this application. Consumptive use will not be
increased. Please refer to the attached maps and related documentation for additional information.
18. If the proposed change(s) does not meet all applicable rules and regulations of the Kansas Water Appropriation Act, please identify the rules and regulations for which you request a waiver. State the reason why a waiver is needed and why the request should be granted. Attach documentation showing that granting the request will not impair existing water rights and will not prejudicially and unreasonably affect the public interest.
Determination of the consumptive use quantity related to this water right is based on the "Irrigation Return-Flow
Percentages in Kansas, by County" map issued by DWR. This appears to satisfy the requirements of K.A.R. 5-5-9(b).
Waivers of K.A.R. 5-5-9 and 5-5-10 are requested if necessary for approval of the consumptive use determination.

IF MORE SPACE IS NEEDED, ATTACH ADDITIONAL SHEETS AS NECESSARY

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Any use of water that is not as authorized by the water right or permit to authorize water **before** the chief engineer approves this application is a violation of the Kansas Water Appropriation Act for which criminal or civil penalties may be assessed. Such violation is a class C misdemeanor, punishable by a fine not to exceed \$500 and/or a term of confinement not to exceed one month in the county jail. K.S.A. 82a-728(b). Civil penalties shall be not less than \$100 nor more than \$1,000 per violation. In the case of a continuing violation, each day such violation continues may be deemed a separate violation. In addition to these penalties the water right may be modified or suspended. K.S.A. 82a-737, as amended.

The application must be signed by all owners of the place of use authorized under the water right and his or her spouse, if married. Please indicate if there is no spouse. If land is being purchased under contract, the seller must sign as landowner until such time as the contract is completed.

In the event that all applicants cannot appear before one notary public, they may as necessary sign separate copies of the application before any notary public conveniently available to them. All copies signed in this manner shall be considered to be valid parts of the application.

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

I declare that I am an owner of the currently authorized place of use as identified herein, or that I represent all such owners and am authorized to make this application on their behalf, and declare further that the statements contained herein are true, correct, and complete. By filing this application I authorize the chief engineer to permanently reduce the quantity of water and/or rate of diversion as specified in sections 14 and 15 of this application.

Dated at Kingley, Kansas, this 18th day of September, 20 17.

[Signature]
(Owner) _____ (Spouse) _____

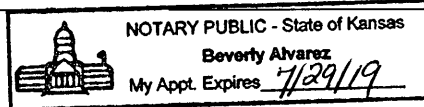
Derek A. Martin - Manager
(Please Print) _____ (Please Print) _____

(Owner) _____ (Spouse) _____

(Please Print) _____ (Please Print) _____

(Owner) _____ (Spouse) _____

(Please Print) _____ (Please Print) _____



State of Kansas }
County of Edwards } SS

I hereby certify that the foregoing application was signed in my presence and sworn to before me this 18th day of September, 20 17.

[Signature]
Notary Public

My Commission Expires 7/29/19

FEE SCHEDULE

Each application to change the place of use, the point of diversion or the use made of the water under this section shall be accompanied by the application fee set forth in the schedule below:

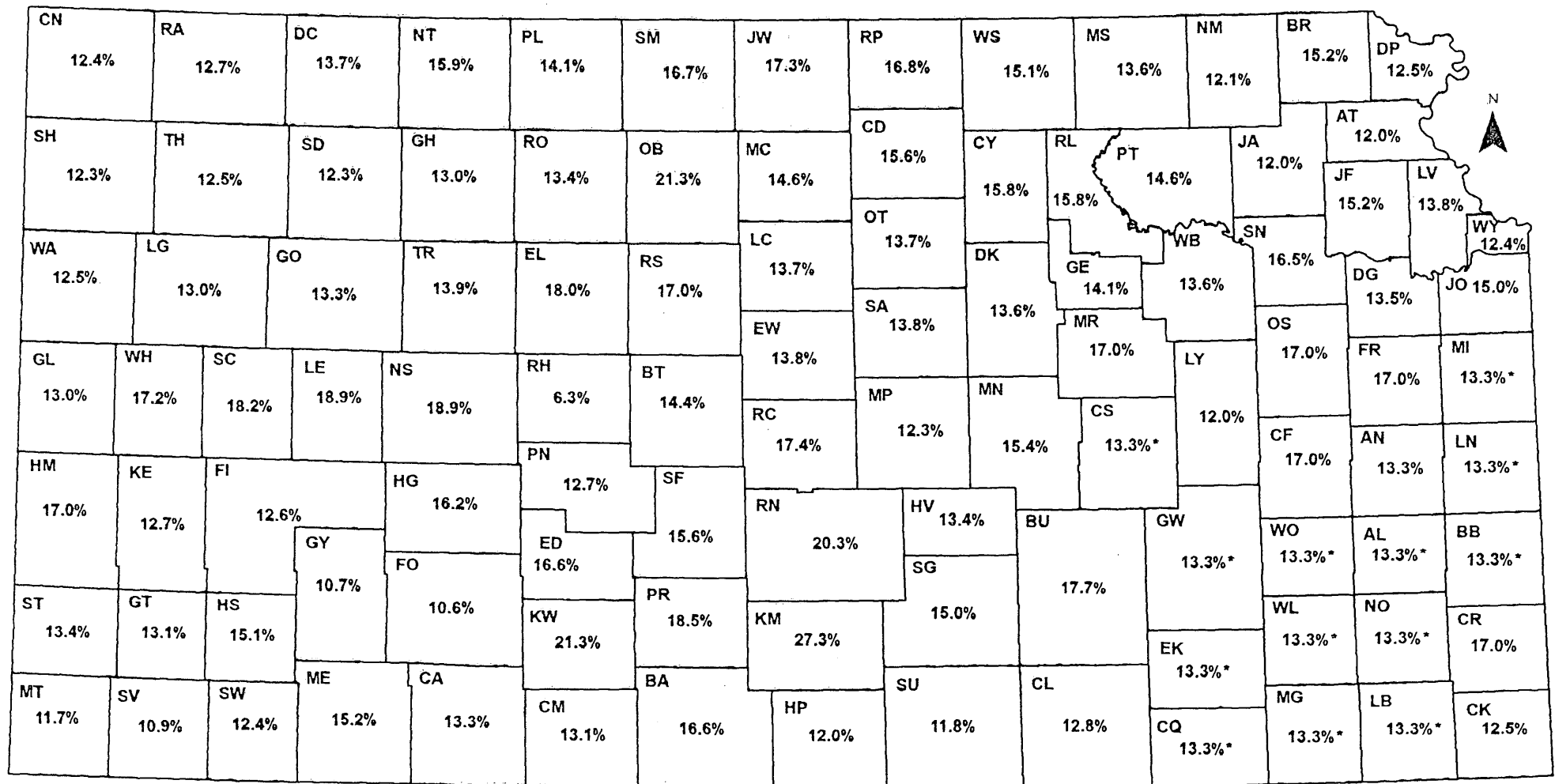
- (1) Application to change a point of diversion 300 feet or less \$100
- (2) Application to change a point of diversion more than 300 feet \$200
- (3) Application to change the place of use \$200
- (4) Application to change the use made of the water \$300

Make check payable to **Kansas Department of Agriculture.**

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Irrigation Return-Flow Percentages in Kansas, by County

based on area-weighted average irrigation return flow



Example: A 150 acre-foot irrigation water right is purchased in Gove (GO) County for use in a dairy operation. Applying the default factor from the map (13.3%), the amount of water that the dairy could annually divert with this water right is:

$$150 - (150 \times 13.3\%) = 150 \times (1 - 0.133) = 130 \text{ acre-feet}$$

**WATER RESOURCES
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SEP 25 2017

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Kansas Department of Agriculture
Division of Water Resources
February 16, 2016

SCANNED

KLA ENVIRONMENTAL SERVICES, INC.

PROJECT: KINSLEY FEEDERS, LLC

LOCATION: SECTIONS 13 & 24 T25S R19W, EDWARDS COUNTY, KANSAS

BY: FCM
DATE: 9/12/2017

CHECKED BY: CSG
DATE: 9/15/2017

DETERMINATION OF REASONABLE QUANTITY FOR STOCKWATER USE

Kinsley Feeders, LLC is a beef cattle feeding facility. The current owners acquired the facility in 2013. Since that time, a number of modifications were made so that the facility could be stocked to the permitted capacity, which is 36,000 head. An additional source of water is required to support a capacity of 36,000 head of beef cattle. Two dual use permits are proposed which would limit File Nos. 26,793 and 28,146 to the consumptive use quantities associated with these irrigation water rights. A portion of the consumptive use quantities would be diverted to the facility for stockwatering use. The remainder will continue to be used for irrigation. It is anticipated that the actual quantities used for stockwatering will vary from year to year depending upon cattle numbers and environmental conditions.

Determine reasonable use for stockwatering quantity (K.A.R. 5-3-22):

$$\begin{aligned} \rightarrow \text{Maximum Reasonable Use} &= (36,000 \text{ head}) \times (15 \text{ gallons/head/day}) \times (365 \text{ days/year}) = 197.10 \text{ MGY} \\ &= 604.9 \text{ AF} \end{aligned}$$

where MGY = million gallons per year, AF = acre-feet per year and 1.0 AF = 325,851 gallons

Existing Stockwater Quantity Summary:	File No. 31,993 =	167.0 AF
	File No. 31,994 =	267.0 AF
	Total =	434.0 AF

$$\begin{aligned} \rightarrow \text{Maximum additional quantity of stockwater needed} &= (\text{Maximum Reasonable Quantity}) - (\text{Existing Quantity}) \\ &= 604.9 \text{ AF} - 434.0 \text{ AF} = 170.9 \text{ AF} \end{aligned}$$

Maximum potential stockwatering quantities supplied through the dual use permits:

File No. 26,793 =	162.6 AF
File No. 28,146 =	200.2 AF
Total =	362.8 AF

→ Therefore, the dual use permits provide sufficient quantity to support stockwatering use.

WATER RESOURCES
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SEP 25 2017

KS DEPT OF AGRICULTURE
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Kansas Department of Health & Environment

Division of Environment
Bureau of Water



Topeka, Kansas 66612-1367
Telephone: (785) 296-6432

Kansas Permit No.: **A-UAED-C001**
Federal Permit No.: **KS0053562**

**KANSAS WATER POLLUTION CONTROL PERMIT FOR AGRICULTURAL AND RELATED WASTES
AND AUTHORIZATION TO DISCHARGE UNDER THE
NATIONAL POLLUTANT DISCHARGE ELIMINATION SYSTEM**

Pursuant to provisions of Kansas Statutes Annotated 65-164 and 65-165 et seq., and the Federal Water Pollution Control Act as amended, (33 U.S.C. 1251 et seq.; the "Act"),

Permittee: **Kinsley Feeders, LLC**
Permittee's Address: **1278 P Road
Kinsley, KS 67547**
Facility Name: **Kinsley Feeders, LLC**
Facility Location: **All of Section 13, Township 25 S, Range 19 W
Edwards County, Kansas**
River Basin: **Upper Arkansas River Basin**

is authorized to operate, as a pollutant discharge elimination system, water pollution control facilities to collect, retain, and dispose of precipitation induced runoff and/or dry weather wastewater accumulations containing livestock and related agricultural wastes in accordance with requirements as set forth herein.

This permit is effective January 17, 2017, supersedes the previously issued water pollution control permit A-UAED-C001, and expires April 13, 2020.

Facility Summary

The facility encompasses approximately 264.4 acres; including open lot pens, feed roads and alleys, working areas, commodity areas, waste management structures, and other associated areas. The waste management system includes drainage channels, 10 sediment basins, and 14 earthen retention control structures (RCS). The facility is proposing to construct approximately 5.0 acres of open lot pens, and modify an existing drainage channel and sediment basin channel. The proposed maximum capacity of the facility is 36,000 head (36,000 animal units) of cattle weighing greater than 700 pounds. Seepage tests shall be conducted on RCS 8. See Section E. Schedule of Compliance for additional requirements.

Secretary, Kansas Department of Health and Environment

January 17, 2017
Date

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KS DEPT OF AGRICULTURE
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KLA ENVIRONMENTAL SERVICES, INC.

PROJECT: KINSLEY FEEDERS, LLC

LOCATION: SECTIONS 13 & 24 T25S R19W, EDWARDS COUNTY, KANSAS

BY: FCM
DATE: 9/12/2017

CHECKED BY: CSG
DATE: 9/15/2017

JUSTIFICATION FOR IRRIGATED ACRES AND MAINTAINING CURRENT PLACE OF USE

Kinsley Feeders, LLC must comply with KDHE regulations pertaining to confined animal feeding operations (CAFOs). The regulations include implementation of an approved Nutrient Management Plan (NMP). The NMP prescribes the requirements for agronomic application of facility wastewater through irrigation systems owned by the facility. The NMP currently includes the center pivot sprinklers that irrigate the place of use pertaining to File No. 2,341. Additional irrigated area is required to satisfy NMP requirements. Due to a need for an additional source of stockwater, Kinsley Feeders, LLC has decided to construct two parallel pipelines from the wells associated with File Nos. 26,793 and 28,146. These wells and the associated places of use are located south of the facility. One pipeline will convey groundwater from the wells to the feedyard to supplement the existing stockwater supply. A change application for dual use has been submitted to obtain authorization for this use. The other pipeline will convey effluent from the facility wastewater retention structures to the center pivot sprinklers that serve the places of use associated with File Nos. 26,793 and 28,146. It is therefore necessary to retain all of the acres associated with these places of use for NMP compliance, which relies on both groundwater and wastewater irrigation to manage nutrient levels in the fields where wastewater is applied. The total quantities of groundwater and wastewater available for irrigation are summarized as follows:

Wastewater quantity based on recent application records from KDHE annual reports:

YEAR	WASTEWATER APPLICATION	
	(GALLONS)	(AF)
2013	16,380,000	50.3
2014	4,320,000	13.3
2015	7,893,300	24.2
2016	44,454,000	136.4
AVERAGE	18,261,825	56.0

AF = Acre-Feet

1.0 AF = 325,851 gallons

Water quantities available for irrigation:

File No. 2,341 = 288.0 AF
 Proposed Quantity for File No. 26,793 = 162.6 AF
 Proposed Quantity for File No. 28,146 = 200.2 AF
 Total Annual Quantity = 650.8 AF

Current acres associated with places of use:

File No. 2,341 = 245 ACRES
 File No. 26,793 = 160 ACRES
 File No. 28,146 = 160 ACRES
 Total Acres = 565 ACRES

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Estimate of average stockwater use based on data from DWR water use reports:

YEAR	UNIT STOCKWATER USE (GALLONS/HEAD/DAY)
2013	11.82
2014	10.55
2015	10.62
2016	12.36
AVERAGE	11.34

$$\begin{aligned} \rightarrow \text{Estimated average stockwater use} &= (11.34 \text{ gallons/head/day}) \times (36,000 \text{ head}) \times (365 \text{ days}) \\ &= 149,007,600 \text{ gallons} = 457.3 \text{ AF} \end{aligned}$$

Determine average quantity diverted through dual use permits:

$$\begin{aligned} \text{Estimated Average Stockwater Use} &= 457.3 \text{ AF} \\ \text{Less Quantity from File No. 31,993} &= 167.0 \text{ AF} \\ \text{Less Quantity from File No. 31,994} &= 267.0 \text{ AF} \\ \text{Average Stockwater Quantity from Dual Use Permits} &= 23.3 \text{ AF} \end{aligned}$$

$$\begin{aligned} \rightarrow \text{Total Quantity Available for Irrigation} &= (\text{Total Annual Quantity}) + (\text{Average Wastewater Quantity}) \\ &\quad - (\text{Average Stockwater Quantity from Dual Use Permits}) \\ &= 650.8 \text{ AF} + 56.0 \text{ AF} - 23.3 \text{ AF} = 683.5 \text{ AF} \end{aligned}$$

$$\begin{aligned} \rightarrow \text{Proposed Unit Irrigation Rate} &= \frac{\text{Total Quantity Available for Irrigation}}{\text{Total Acres}} \\ &= \frac{683.5 \text{ AF}}{565 \text{ ACRES}} = 1.21 \text{ FT.} \end{aligned}$$

→ The Proposed Unit Irrigation Rate exceeds the 50% Chance NIR and is 96% of 1.26 feet, which is the 80% Chance NIR for Edwards County as indicated in K.A.R. 5-5-12. The request to retain the acres currently authorized for irrigation under File Nos. 2,341, 26,793 and 28,146 is reasonable. Consumptive use will not increase if the currently authorized acres are retained since File Nos. 26,793 and 28,146 will be limited to the consumptive use quantities associated with these water rights. The contribution from wastewater will likely increase as the facility reaches full capacity.

WATER RESOURCES
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SEP 25 2017

KS DEPT OF AGRICULTURE

SCANNED

Krueger, Richelle [KDA]

From: Lanterman, Jeff [KDA]
Sent: Monday, December 18, 2017 8:31 AM
To: Krueger, Richelle [KDA]
Cc: Conant, Cameron [KDA]; Turney, Brent [KDA]; Baum, Kristen [KDA]
Subject: RE: Kinsley Feeders Request for Recommendation change in pu umw File Nos. 26793,28146 and change in pd File No. 31994

Richelle;

Go ahead and approve these change applications. I talked to Lane a bit about the term permit and if you could hold that for now until we can figure out what to do on it. I think Frank will be calling for Brent or Lane on it probably today.

If you have any questions give me a call.

Thanks

Jeff

From: Krueger, Richelle [KDA]
Sent: Wednesday, December 13, 2017 4:36 PM
To: Lanterman, Jeff [KDA] <Jeff.Lanterman@ks.gov>
Cc: Conant, Cameron [KDA] <Cameron.Conant@ks.gov>; Turney, Brent [KDA] <Brent.Turney@ks.gov>; Baum, Kristen [KDA] <Kristen.Baum@ks.gov>
Subject: Kinsley Feeders Request for Recommendation change in pu umw File Nos. 26793,28146 and change in pd File No. 31994

Hi Jeff,

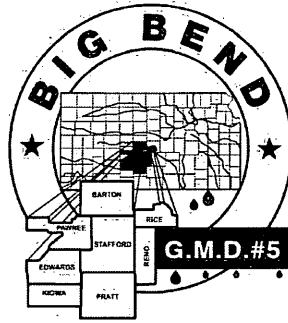
Attached is a draft memo for the three referenced changes, which include dual usage on File Nos. 26793 and 28146. GMD 5 recommended denial on the overlapping Term Permit Applications File Nos. 20179001 and 20179002. We sent Kinsley Feeders a letter on December 7th advising them of the recommendation and giving them until Dec 22nd to consult GMD 5. I believe we plan to proceed with processing of the change applications without the term applications.

Do you recommend approval of the referenced change applications?

Thanks,

Richelle

Darrell Wood - Edwards (Pres.)
Fred Grunder - Pratt (V Pres.)
John Janssen - Kiowa (Treas.)
Jerry Cullop - 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

December 13, 2017

Richelle Krueger
Division of Water Resources
Kansas Department of Agriculture
1320 Research Park Drive
Manhattan, Kansas 66502

RE: Water Right File No. 28146
Change in the Place of Use &
Change in the Use Made of Water

Dear Ms. Krueger,

The Big Bend Groundwater Management District #5 reviewed the above referenced application to change the place of use and use made of water. It is the understanding of the District that this change is intended to add stockwater to the authorized use made of the water to supplement the existing stockwater right at the facility. Additionally, the applicant has accounted for the change in consumptive use from irrigation to stockwater per K.A.R. 5-5-9. Therefore, the application appears to be consistent with 5-25-20(b) and is recommended for approval.

The application to change is subject to the District's well equipment regulation K.A.R. 5-25-5 for a required flow meter.

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

Sincerely,

Orrin Feril
Manager

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DEC 13 2017
KS DEPT OF AGRICULTURE

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Krueger, Richelle [KDA]

From: Orrin Feril <oferil@gmd5.org>
Sent: Wednesday, December 13, 2017 2:54 PM
To: Krueger, Richelle [KDA]
Subject: Applications for Change, Water Right, File Nos. 26793, 28146, & 31994
Attachments: 26793 2017-12-13 Rec.pdf; 28146 2017-12-13 Rec.pdf; 31994 2017-12-13 Rec.pdf

Richelle,

I'm attaching the recommendations requested by your office in a letter dated November 22, 2017. 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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DEC 13 2017

KS DEPT OF AGRICULTURE

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

December 7, 2017

BIG BEND GROUNDWATER
MANAGEMENT DISTRICT NO 5
ATTN ORRIN FERIL
125 S MAIN ST
STAFFORD KANSAS 67578

FILE COPY

Re: Water Right, File Nos. 26,793; 28,146 and 31,994

Dear Mr. Feril:

In accordance with your request received in this office on December 6, 2017, the Chief Engineer has extended until December 22, 2017, the time in which to submit your recommendations concerning the applications to change the place of use and use made of water for File Nos. 26,793 and 28,146; and the application to change the point of diversion for File No. 31,994.

If you have any questions, please contact me at (785) 564-6635. If you wish to discuss a specific file, please have the file number ready so that we may help you more efficiently.

Sincerely,

A handwritten signature in cursive script that reads "Richelle A. Krueger".

Richelle A. Krueger
Environmental Scientist
Water Appropriation Program

Enclosures

pc: Stafford Field Office

SCANNED

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 22, 2017

BIG BEND GROUNDWATER
MANAGEMENT DISTRICT NO 5
ATTN ORRIN FERIL
125 S MAIN
STAFFORD KANSAS 67578

FILE COPY

Re: Water Right, File Nos. 26,793; 28,146 and 31,994
Term Permit Application, File Nos. 20179001 and 20179002

Dear Orrin:

We are enclosing copies of the applications to change the place of use and use made of water for File Nos. 26,793 and 28,146; the application to change the point of diversion for File No. 31,994 and Term Permit Application, File Nos. 20179001 and 20179002.

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

Please submit your recommendations within the allowed time, or any authorized extension of time thereof. If you have any questions, please contact me at (785) 564-6635. If you call, please reference the file number so we can help you more efficiently.

Sincerely,

A handwritten signature in cursive script that reads "Richelle A. Krueger".

Richelle A. Krueger
Environmental Scientist
Water Appropriation Program

Enclosures

pc: Stafford Field Office

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

FILE COPY

November 7, 2017

JEFF JONES
1002 E 4TH ST
KINSLEY KS 67547

RE: Water Right
File Nos. 26,793; 28,146 and 31,994

Dear Sir or Madam:

This is to advise you that Derek A. Martin, Manager, on behalf of Kinsley Feeders, L.L.C., has filed applications for approval of the Chief Engineer, Division of Water Resources, Kansas Department of Agriculture, to change the place of use and use made of water under Water Right, File Nos. 26,793 and 28,146, and an application for approval to change the point of diversion under Water Right, File No. 31,994. The application for File No. 31,994 proposes the following change in the point of diversion.

from: one (1) existing well 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 13, more particularly described as being near a point 960 feet North and 1,212 feet West of the Southeast corner of said section, at a diversion rate not in excess of 92 gallons per minute and in a quantity not to exceed 123 acre-feet of water per calendar year, and

one (1) existing well located in the Northeast Quarter of the Northwest Quarter of the Southeast Quarter (NE $\frac{1}{4}$ NW $\frac{1}{4}$ SE $\frac{1}{4}$) of Section 13, more particularly described as being near a point 2,345 feet North and 1,778 feet West of the Southeast corner of said section, at a diversion rate not in excess of 108 gallons per minute and in a quantity not to exceed 144 acre-feet of water per calendar year,

both in Township 25 South, Range 19 West, Edwards County, Kansas,

to: one (1) existing well 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 13, more particularly described as being near a point 960 feet North and 1,212 feet West of the Southeast corner of said section, at a diversion rate not in excess of 90 gallons per minute and in a quantity not to exceed 120 acre-feet of water per calendar year,

one (1) existing well located in the Northeast Quarter of the Northwest Quarter of the Southeast Quarter (NE $\frac{1}{4}$ NW $\frac{1}{4}$ SE $\frac{1}{4}$) of Section 13, more particularly described as being near a point 2,345 feet North and 1,778 feet West of the Southeast corner of said section, at a diversion rate not in excess of 93 gallons per minute and in a quantity not to exceed 120 acre-feet of water per calendar year, and

one (1) existing well located near the center of the Southwest Quarter (SW $\frac{1}{4}$) of Section 13, more particularly described as being near a point 1,298 feet North and 3,946 feet West of the Southeast corner of said section, at a diversion rate not in excess of 17 gallons per minute and in a quantity not to exceed 27 acre-feet of water per calendar year,

all in Township 25 South, Range 19 West, Edwards County, Kansas.

A map is enclosed for your information. You are being notified of this proposed change in the point of diversion so that you may furnish this office such comments or other information you may desire to submit. Such comments or other information must be received in this office within 15 days from the date of this letter.

OVER →

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Effective July 1, 2016, Senate Bill No. 337 enacted by the Legislature of the State of Kansas requires the Division of Water Resources to notify all water right owners with a point of diversion within half a mile of a water right pending a request to change the water right. In order to comply with the statute, you are being notified of the above referenced applications for change.

If you have any questions, please contact me at (785) 564-6635 or Brent Turney, Change Application Unit Supervisor at (785) 564-6645. If you wish to discuss a specific file, please have the file number ready so that we may help you more efficiently.

Sincerely,



Richelle A. Krueger
Environmental Scientist
Water Appropriation Program

RAK

Enclosure

pc: Stafford Field Office
Groundwater Management District No. 5
Kinsley Feeders, L.L.C.
KLA Environmental Services, Inc., Attn Frank Mercurio

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 7, 2017

NANCY TRAUER
38231 NE Y RD
HANSTON KS 67849

RE: Water Right
File Nos. 26,793; 28,146 and 31,994

Dear Sir or Madam:

This is to advise you that Derek A. Martin, Manager, on behalf of Kinsley Feeders, L.L.C., has filed applications for approval of the Chief Engineer, Division of Water Resources, Kansas Department of Agriculture, to change the place of use and use made of water under Water Right, File Nos. 26,793 and 28,146, and an application for approval to change the point of diversion under Water Right, File No. 31,994. The application for File No. 31,994 proposes the following change in the point of diversion.

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all in Township 25 South, Range 19 West, Edwards County, Kansas.

A map is enclosed for your information. You are being notified of this proposed change in the point of diversion so that you may furnish this office such comments or other information you may desire to submit. Such comments or other information must be received in this office within 15 days from the date of this letter.

SCANNED

OVER →

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If you have any questions, please contact me at (785) 564-6635 or Brent Turney, Change Application Unit Supervisor at (785) 564-6645. If you wish to discuss a specific file, please have the file number ready so that we may help you more efficiently.

Sincerely,



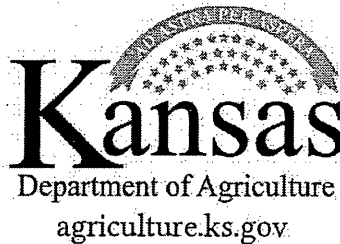
Richelle A. Krueger
Environmental Scientist
Water Appropriation Program

RAK

Enclosure

pc: Stafford Field Office
Groundwater Management District No. 5
Kinsley Feeders, L.L.C.
KLA Environmental Services, Inc., Attn Frank Mercurio

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 7, 2017

MICHAEL BOWMAN
1450 RIVER RD
KINSLEY KS 67547

RE: Water Right
File Nos. 26,793; 28,146 and 31,994

Dear Sir or Madam:

This is to advise you that Derek A. Martin, Manager, on behalf of Kinsley Feeders, L.L.C., has filed applications for approval of the Chief Engineer, Division of Water Resources, Kansas Department of Agriculture, to change the place of use and use made of water under Water Right, File Nos. 26,793 and 28,146, and an application for approval to change the point of diversion under Water Right, File No. 31,994. The application for File No. 31,994 proposes the following change in the point of diversion.

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one (1) existing well located near the center of the Southwest Quarter (SW $\frac{1}{4}$) of Section 13, more particularly described as being near a point 1,298 feet North and 3,946 feet West of the Southeast corner of said section, at a diversion rate not in excess of 17 gallons per minute and in a quantity not to exceed 27 acre-feet of water per calendar year,

all in Township 25 South, Range 19 West, Edwards County, Kansas.

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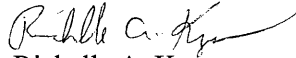
SCANNED

OVER →

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Richelle A. Krueger
Environmental Scientist
Water Appropriation Program

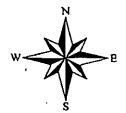
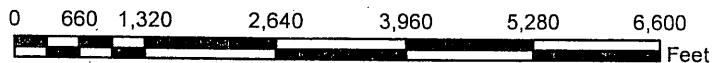
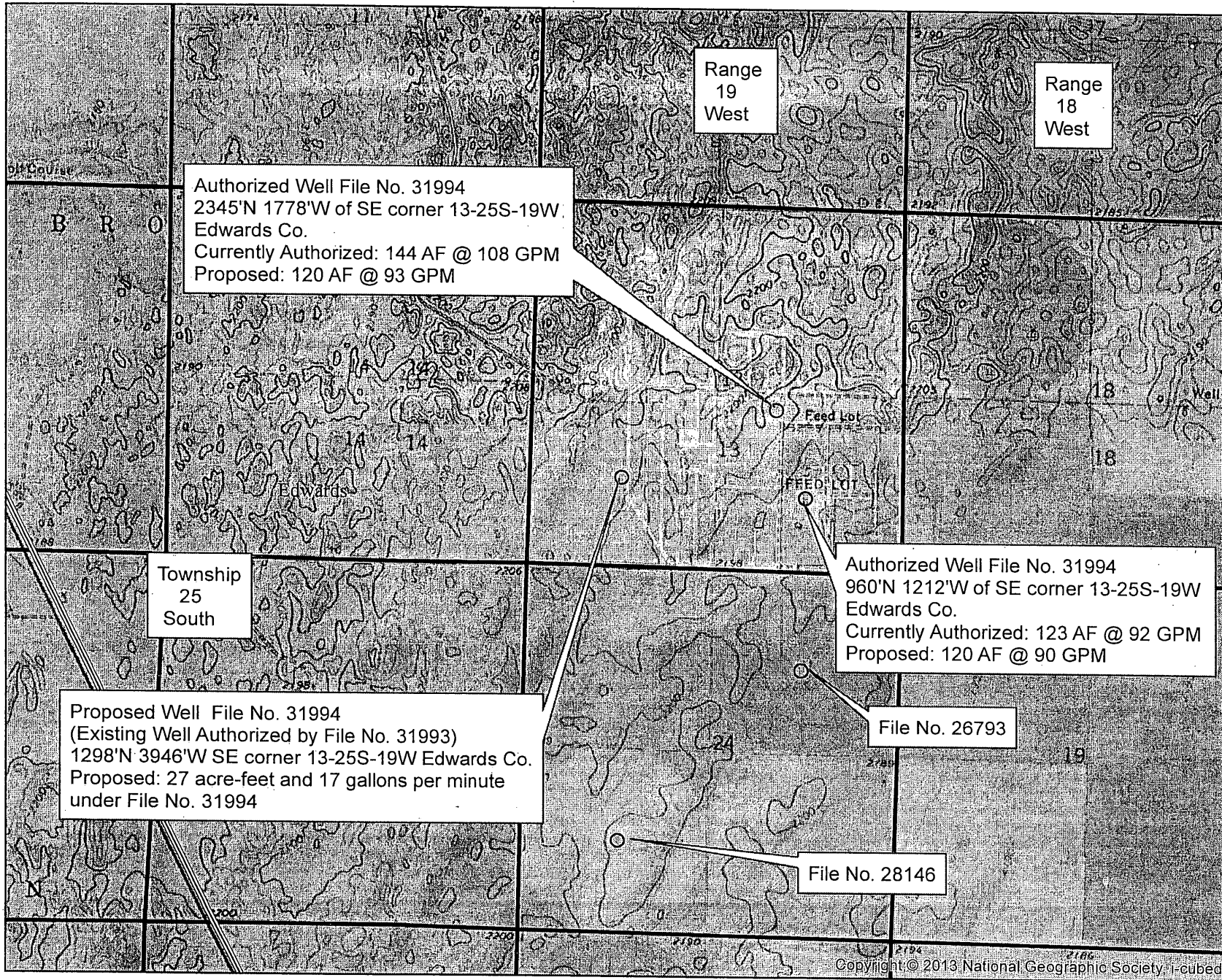
RAK

Enclosure

pc: Stafford Field Office
Groundwater Management District No. 5
Kinsley Feeders, L.L.C.
KLA Environmental Services, Inc., Attn Frank Mercurio

Change in Point of Diversion File No. 31,994

SCANNED



1:24,000

This map was created by WIMAS on 11/6/2017 12:15:45 PM



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

KINSLEY FEEDERS LLC
1278 P RD
KINSLEY, KS 67547

9/27/2017

RE: File No 28146

FILE COPY

Dear Sir or Madam:

An application for approval of the Chief Engineer to change the following condition or conditions of the file number referred to above has been received:

- place of use PU/UMW
 point of diversion
 use made of water

As a matter of record, the Division of Water Resources has on hand a large number of applications awaiting processing. Therefore, to be fair to all concerned, and so that we can process those applications on hand in the order they were received, we intend to concentrate on the backlog of applications until the issue is resolved. You will be contacted regarding this application as soon as it has been examined.

In accordance with the provisions of the Kansas Water Appropriation Act, a portion of which is included below, the use of water prior to approval of the application is unlawful. You should not proceed and divert water as indicated by your plans in your application for a change for this file until you receive approval for this change from the Chief Engineer. Once approved, compliance with the terms, conditions and limitations of the permit is necessary. Conservation of the water resources of Kansas is required.

Section 82a-728 of the Kansas Water Appropriation Act, provides (a) except for the appropriation of water for the purpose of domestic use, . . . it shall be unlawful for any person to appropriate or threaten to appropriate water from any source without first applying for and obtaining a permit to appropriate water in accordance with the provisions of the Water Appropriation Act or for any person to violate any condition of a vested right, appropriation right or an approved application for a permit to appropriate water for beneficial use.

(b) (1) The violation of any provision of this section by any person is a class C misdemeanor...

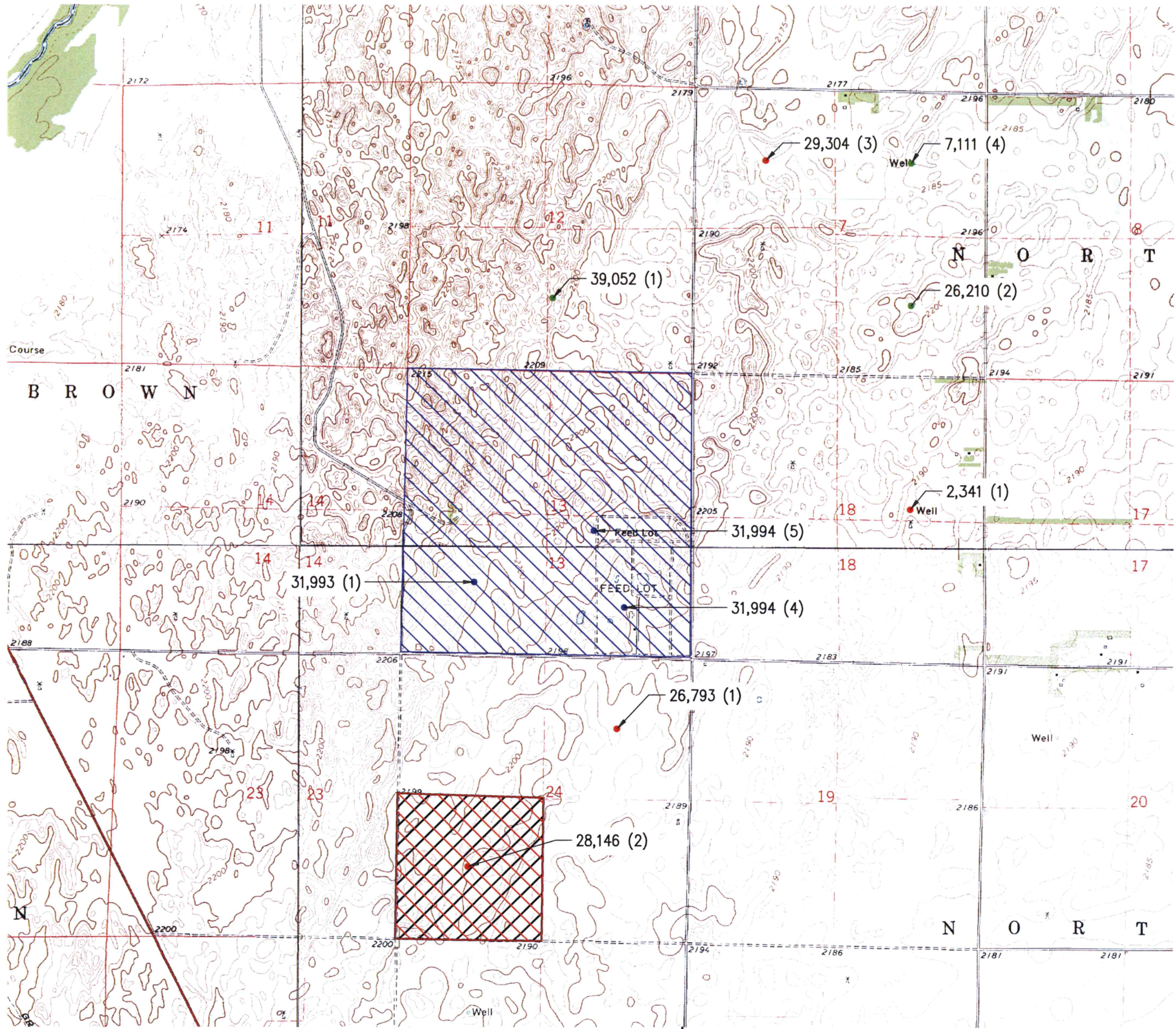
A class C misdemeanor is punishable by a fine not to exceed \$500 and/or a term of confinement not to exceed one month in the county jail. Each day that the violation occurs constitutes a separate offense.

If you have any questions, please contact me at (785) 564-6645. If you wish to discuss a specific file, please have the file number ready so that we may help you more efficiently.

Sincerely,

Brent Tourney, L.G.
Change Applications Unit Supervisor
Water Appropriation Program

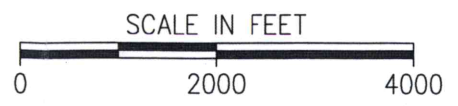
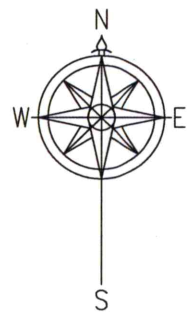
BAT: DLW
pc: STAFFORD Field Office GMD5



LEGEND

- OWNED POINT OF DIVERSION (IRR)
- OWNED POINT OF DIVERSION (STK)
- NEIGHBORING POINT OF DIVERSION BEYOND 1/2 MILE OF OWNED STK WELLS
- CURRENT PLACE OF USE (IRR)
- PROPOSED PLACE OF USE (IRR)
- PROPOSED PLACE OF USE (STK)

WATER RESOURCES RECEIVED
 SEP 25 2017
 KS DEPT OF AGRICULTURE



SCANNED

DRAWN	DLB	DATE	9/17
CHECKED	FCM	DATE	9/17
APPROVED	FCM	DATE	9/17

KINSLEY FEEDERS, LLC
 WATER RIGHT CHANGE APPLICATION
 SECTION 24 T25S R19W
 EDWARDS COUNTY, KANSAS

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

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

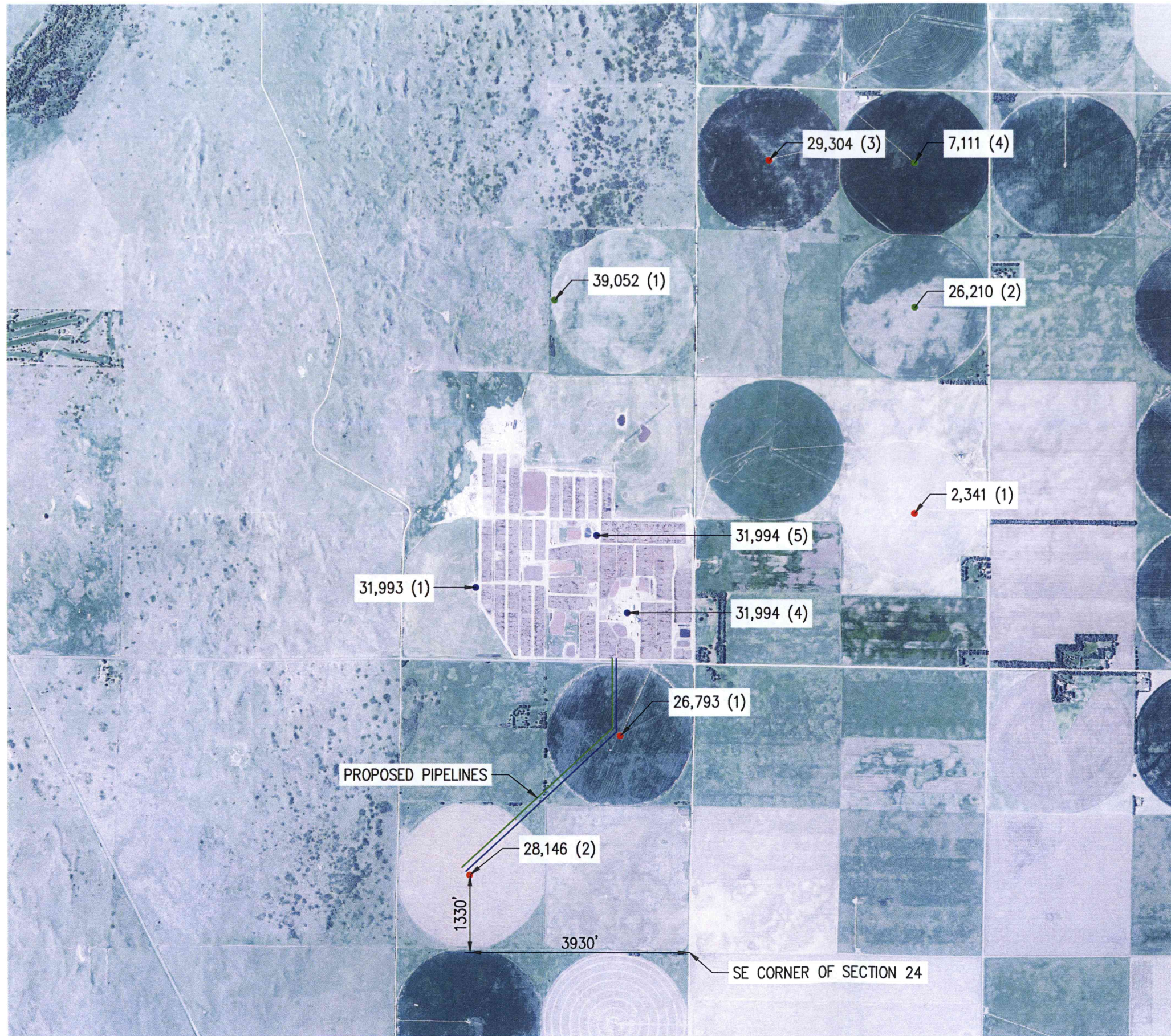


CAD FILE NAME:
 WATER RIGHTS MAP.DWG

PLACE OF USE MAP

R19W | R18W

T25S



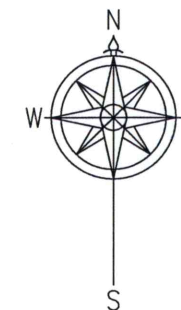
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NOTE: WELL LOCATION COORDINATES TAKEN FROM DWR WRIS REPORTS

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WELL LOCATION MAP

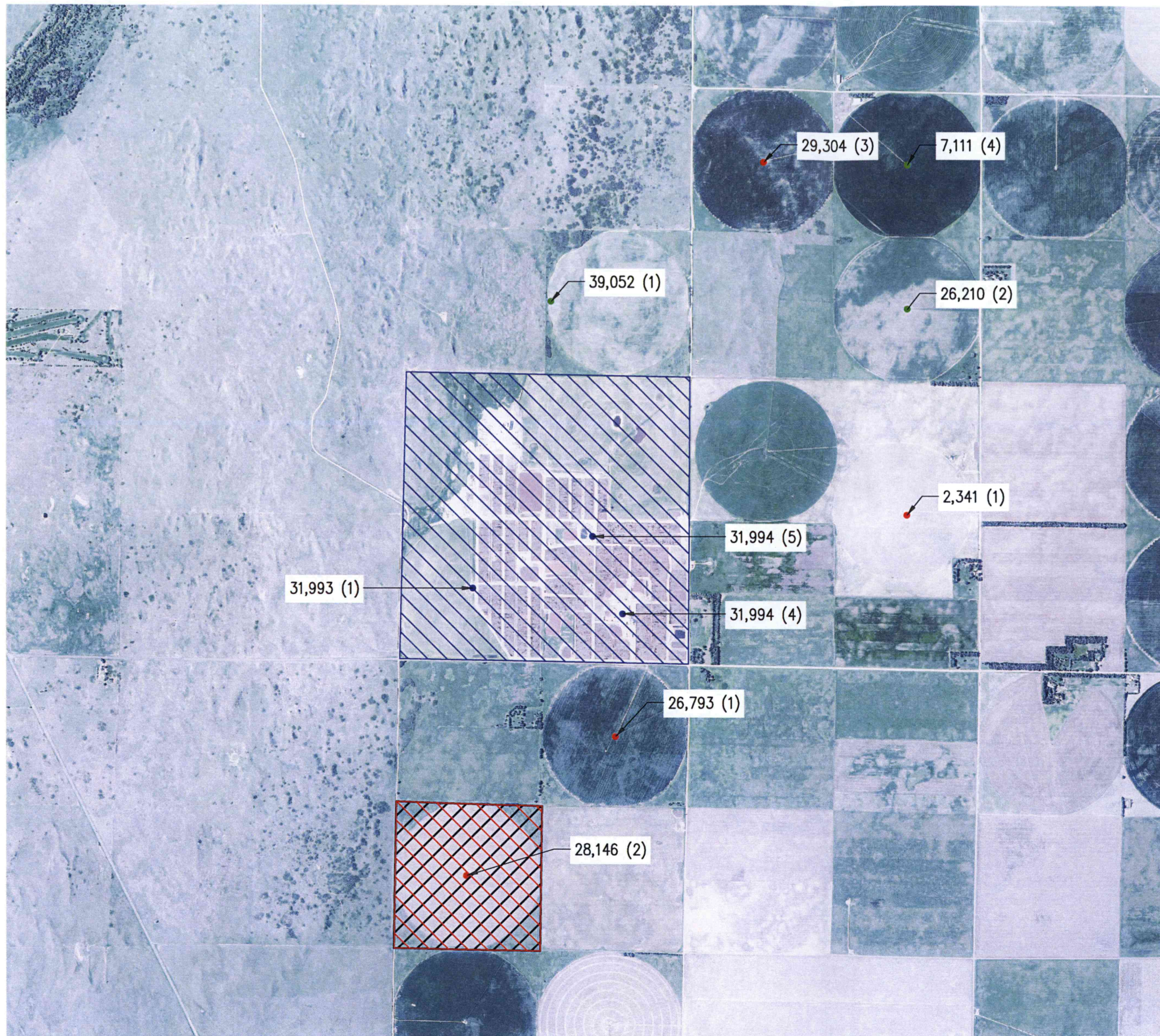
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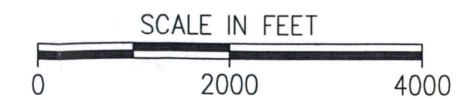
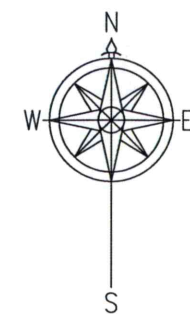
R19W | R18W

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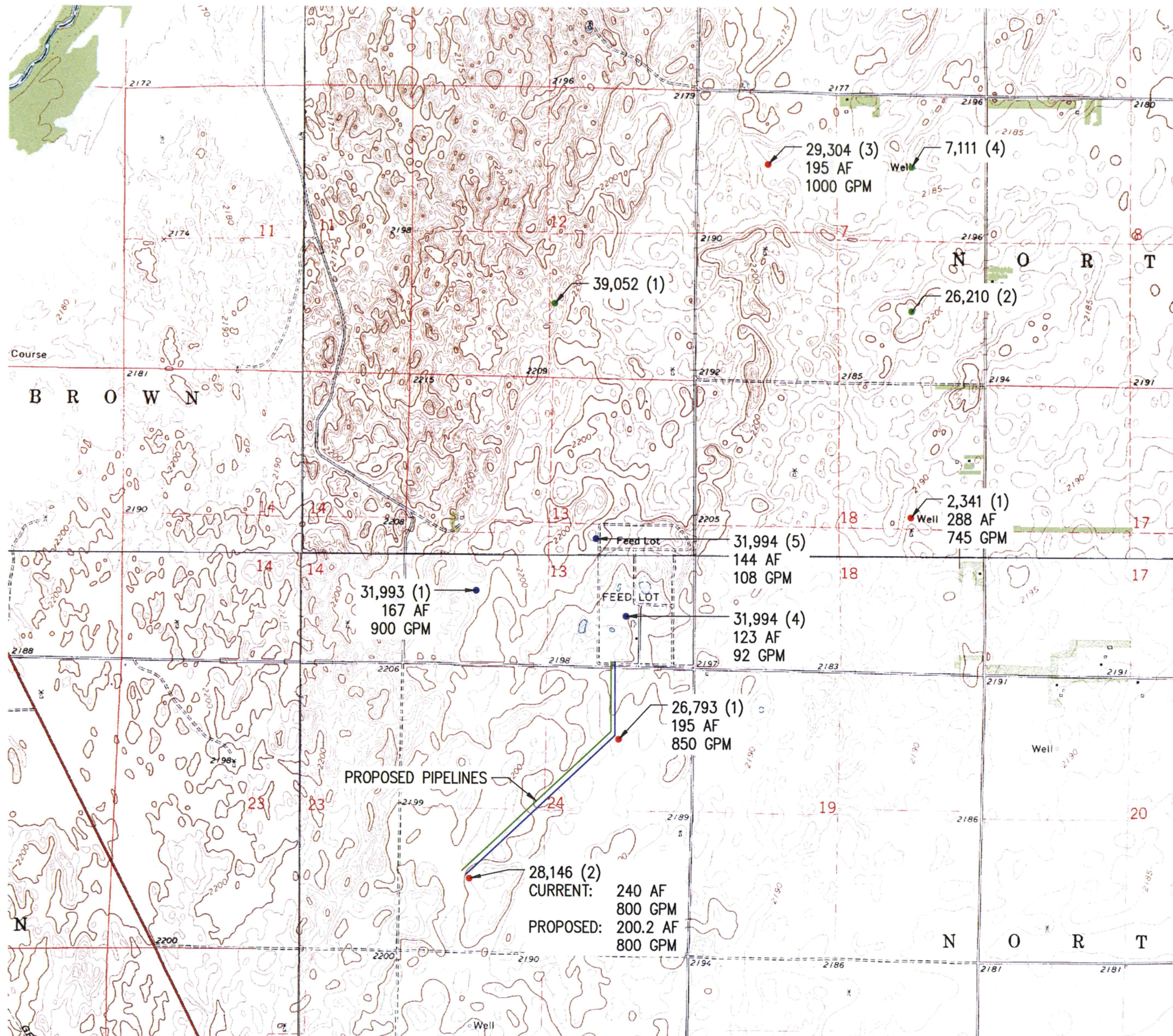
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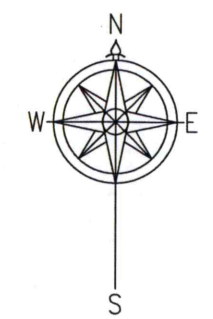
PLACE OF USE MAP



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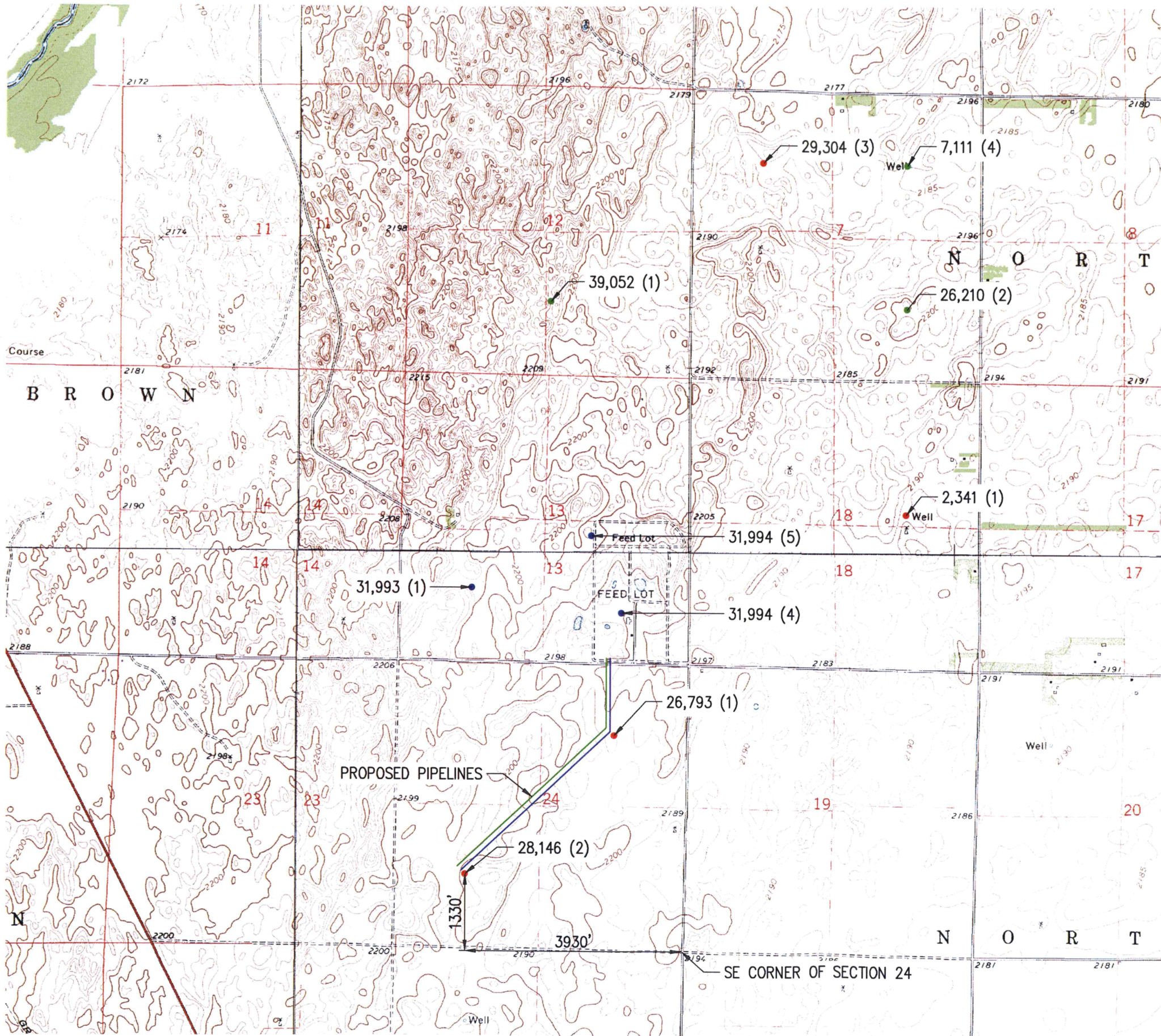


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T25S

R19W | R18W

RATE AND QUANTITY MAP

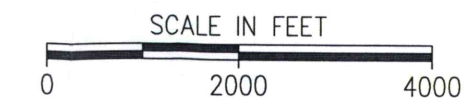
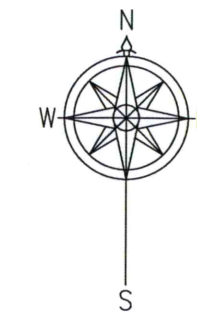


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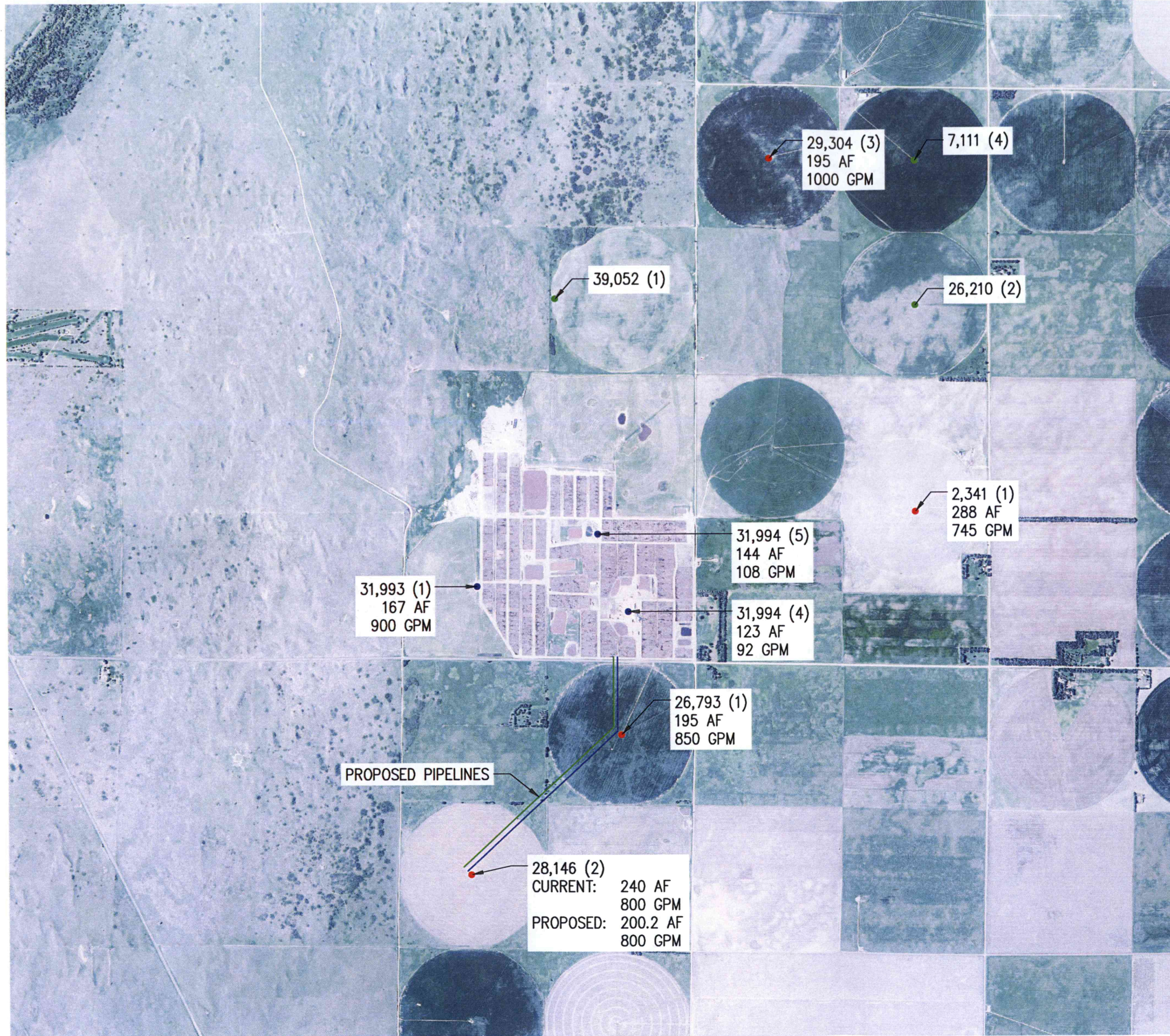
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SHEET NO. 2 OF 2

WELL LOCATION MAP



29,304 (3)
195 AF
1000 GPM

7,111 (4)

39,052 (1)

26,210 (2)

2,341 (1)
288 AF
745 GPM

31,994 (5)
144 AF
108 GPM

31,994 (4)
123 AF
92 GPM

31,993 (1)
167 AF
900 GPM

26,793 (1)
195 AF
850 GPM

28,146 (2)
CURRENT: 240 AF
800 GPM
PROPOSED: 200.2 AF
800 GPM

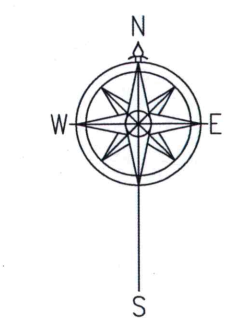
PROPOSED PIPELINES

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SHEET NO. 1 OF 2