

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

Document Signature _____

1. File Number: 31994	2. Status Change Date: 12/19/2017	3. Change Num: C3	4. Field Office: 02	5. GMD: 05
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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
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8a. Applicant(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# _____
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8b. Landowner(s) New to system <input type="checkbox"/> KINSLEY FEEDERS LLC 1278 P ROAD KINSLEY KS 67547	Person ID 63264 Add Seq# 1 8d. WUC New to system <input type="checkbox"/> NO CHANGE 8A Person ID 63264 Add Seq# 1
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9. Documents and Enclosure(s): DWR Meter(s) Date to Comply: **12/31/18** N & P Date to Comply: **12/31/18**

Anti-Reverse Meter
 Meter Seal
 Check Valve
 N & P Form
 Water Tube
 Driller Copy
 H & E Letter

Conservation Plan
 Date Required: _____
 Date Approved: _____
 Date to Comply: _____

10. Use Made of Water From: _____ To: _____

Date Prepared: **12/14/17** By: **RAK**
 Date Entered: **12/20/2017** By: **LLM**

File No. **31994** 11. County: ED Basin: ARKANSAS RIVER Stream: Formation Code: 180
 UNDIFFERENTIATED Special Use:
 KANSAN/NEBRASKAN

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 m.g.y./AF	Rate gpm	Quantity mfy/AF	
MOD	76918	<u>NE¹/₄SW¹/₄SE¹/₄</u>	13	25	19W	4	<u>1141</u>	<u>1377</u>		90 gpm	39.10mg (120AF)	90 gpm	39.10mg (120AF)	20179002
MOD	81923	NENWSE	13	25	19W	5	<u>2346</u>	<u>1781</u>		93 gpm	39.10mg (120AF)	93 g.p.m.	39.10mg (120AF)	NO
ENT	16115	<u>SE¹/₄NW¹/₄SW¹/₄</u>	13	25	19W	1	<u>1399</u>	<u>3978</u>	ADDITIONAL WELL	17 g.p.m.	8.80 mg (27AF)	17gpm	8.80 m.g.y. (27AF)	31993/20179001

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

14. Limitation: _____ af/yr at **ADDITIONAL WELL** gpm (_____ cfs) when combined with file number(s) _____
 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 _____

16. Place of Use		NE ¹ / ₄				NW ¹ / ₄				SW ¹ / ₄				SE ¹ / ₄				Total	Owner	Chg?	Overlap Files
MOD DEL ENT	PUSE	S	T	R	ID	NE %	NW %	SW %	SE %	NE %	NW %	SW %	SE %	NE %	NW %	SW %	SE %				
	NO CHANGES TO PU																				

Comments: **SPECIAL CONDITIONS Y ADDITIONAL WELL(review after 5-10 yrs)**

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
POINT OF DIVERSION
WATER RIGHT
FILE NO. 31,994**

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 location of the point of diversion 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 October 25, 1993, approving the application to change the place of use, and by the Orders of the Chief Engineer dated July 24, 2009 and May 31, 2013, approving applications to change the point of diversion, finds that the change is reasonable and will not impair existing rights, that the change relates to the same local source of supply and that the application should be and is hereby approved.

The application, therefore, 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.

The effective date of the change shall be the date this order is executed by the Chief Engineer, after which the authorized locations of the points of diversion shall be:

one(1) well located in the Southeast Quarter of the Northwest Quarter of the Southwest Quarter (SE $\frac{1}{4}$ NW $\frac{1}{4}$ SW $\frac{1}{4}$) of Section 13, more particularly described as being near a point 1,399 feet North and 3,978 feet West of the Southeast corner of said section, at a diversion rate not in excess of 17 gallons per minute (0.04 c.f.s.) and a quantity not to exceed 8.80 million gallons (27 acre-feet) of water per calendar year,

one(1) 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 2,346 feet North and 1,781 feet West of the Southeast corner of said section, at a diversion rate not in excess of 93 gallons per minute (0.21 c.f.s.) and a quantity not to exceed 39.10 million gallons (120 acre-feet) of water per calendar year, and

one(1) well located in the Northeast Quarter of the Southwest Quarter of the Southeast Quarter (NE $\frac{1}{4}$ SW $\frac{1}{4}$ SE $\frac{1}{4}$) of Section 13, more particularly described as being near a point 1,141 feet North and 1,377 feet West of the Southeast corner of said section, at a diversion rate not in excess of 90 gallons per minute (0.20 c.f.s.) and a quantity not to exceed 39.10 million gallons (120 acre-feet) of water per calendar year,

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

located substantially as shown on the map accompanying the application to change the point of diversion.

Installation of the works for diversion of water shall be completed on or before December 31, 2018, or within any authorized extension of time. The water right owner 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.

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.

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.

In all other respects, the Certificate of Appropriation issued pursuant to Approval of Application, File No. 31,994, for permit to appropriate water for beneficial use, is as stated and set forth in the Certificate of Appropriation dated January 22, 1991, as modified and amended by the aforementioned orders.

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: Kansas Department of Agriculture, Attn: Legal Section, 1320 Research Park Drive, Manhattan, KS 66502, FAX (785) 564-6777.

If you do not file a request for an evidentiary hearing before the Chief Engineer, you may petition for administrative review of the Order by the Secretary of Agriculture. A petition for review shall be in writing and state the basis for requesting administrative review. The request for hearing may be denied if the request fails to clearly establish factual or legal issues for review. See K.S.A. 77-527. The petition must be filed within 30 days after service of this Order as provided in K.S.A. 77-531 (**i.e., within a total of 33 days after this Order was mailed to you**), and be filed with: Secretary of Agriculture, Attn: Legal Division, Kansas Department of Agriculture, 1320 Research Park Drive, Manhattan, KS 66502, FAX (785) 564-6777.

If neither a request for an evidentiary hearing nor a petition for administrative review is filed as set forth above, then this Order shall be effective and become a final agency action as defined in K.S.A. 77-607(b). Failure to timely request either an evidentiary hearing or administrative review may preclude further judicial review under the Kansas Judicial Review Act.

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 19th day of December, 2017, in Topeka, Shawnee County, Kansas.

Lane P. Letourneau

Lane P. Letourneau, P.G.
Program Manager
Water Appropriation Program
Division of Water Resources
Kansas Department of Agriculture

State of Kansas)
County of Riley) SS

The foregoing instrument was acknowledged before me this 19th day of December, 2017, by Lane P. Letourneau, P.G., Program Manager, Water Appropriation Program, Division of Water Resources, Kansas Department of Agriculture.

Danielle Wilson

Notary Public



CERTIFICATE OF SERVICE

On this 21st day of December, 2017, I hereby certify that the foregoing Approval of Application for Change in Point of Diversion, File No. 31,994, dated December 19th was mailed postage prepaid, first class, US mail to the following:

KINSLEY FEEDERS LLC
1278 P ROAD
KINSLEY KS 67547

With photocopies to:

KLA ENVIRONMENTAL SERVICES INC
ATTN FRANK C MERCURIO PE
1303 YUCCA STREET
SCOTT CITY KS 67871

Stafford Field Office
Groundwater Management District No. 5

Danielle Wilson

Division of Water Resources

Submit To: CHIEF ENGINEER
Division of Water Resources
Kansas Department of Agriculture
1320 Research Park Drive
Manhattan, Kansas 66502
http://agriculture.ks.gov/dwr

**APPLICATION FOR APPROVAL TO
CHANGE THE PLACE OF USE, THE
POINT OF DIVERSION OR THE USE
MADE OF THE WATER UNDER AN
EXISTING WATER RIGHT**



State of Kansas

Filing Fee Must Accompany the Application
(Please refer to Fee Schedule on signature page of application form.)

Paragraph Nos. 1, 2, 3, 4 & 8 must be completed. Complete all other applicable portions. A topographic map or detailed plat showing the authorized and proposed points(s) of diversion and /or place of use must accompany this application.

**WATER RESOURCES
RECEIVED**

SEP 25 2017

12:23

KS DEPT OF AGRICULTURE

1. Application is hereby made for approval of the Chief Engineer to change the

- Place of Use
 Point of Diversion
 Use Made of Water

(Check one or more)

File No. 31,994

2. Name of applicant: Kinsley Feeders, LLC

Address: 1278 P Road

City, State and Zip: Kinsley, KS 67547

Phone Number: (620) 659-2111

E-mail address: dmartin@kinsleyfeeders.com

What is your relationship to the water right; owner tenant agent other? If other, please explain. _____

Name of water use correspondent: Kinsley Feeders, LLC

Address: 1278 P Road

City, State and Zip: Kinsley, KS 67547

Phone Number: (620) 659-2111

E-mail address: dmartin@kinsleyfeeders.com

3. The change(s) proposed herein are desired for the following reasons (please be specific): We propose to change the distribution of the authorized quantities among the stockwater wells that serve the facility so that they will match the actual performance of the wells. This will facilitate the management of the interconnected water supply system and reduce the risk of pumping the wells in excess of their authorized quantities.

The change(s) ~~(was)~~ (will be) completed by _____ upon approval.

(Date)

For Office Use Only:

F.O. 2 GMD 5 Meets K.A.R. 5-5-1 (YES / NO) Use SK Source G/S County ED By AM Date 9-25-17
Code CGF Fee \$ 200 TR # _____ Receipt Date 9-25-17 Check # 17716

APPLICATION COMPLETE

12/13/17
Reviewer RAIL

Assisted by: SCANNED

9/27/17 DW

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	
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 No. 31,993.

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: (no change is proposed)

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. _____

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 MORE SPACE IS NEEDED, ATTACH ADDITIONAL SHEETS AS NECESSARY **WATER RESOURCES RECEIVED**

SCANNED SEP 25 2017

- 6. The presently authorized point(s) of diversion (~~is~~) (are) two wells, pumps and appurtenances
(Provide description and number of points)
- 7. The proposed point(s) of diversion (~~is~~) (are) three wells, pumps 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 NW Quarter of the SE Quarter of the SE Quarter of Section 13, Township 25S South, Range 19W (E/W), in Edwards County, Kansas, 960 feet North 1212 feet West of Southeast corner of section.
 Authorized Rate 92 gpm Authorized Quantity 123 AF
 (DWR use only: Computer ID No. 4 GPS 1141 feet North 1377 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)** *Better Describe w GPS 3/18/10 Compliance Investigation*
 One in the NW NE Quarter of the SE SW Quarter of the SE Quarter of Section 13, Township 25S South, Range 19W (E/W), in Edwards County, Kansas, 960 1141 feet North 1212 1377 feet West of Southeast corner of section.
 Proposed Rate 90 gpm Proposed Quantity 120 AF
 This point is: Additional Well Geo Center List other water rights that will use this point None *Application 2/17/2002*

9. **Presently authorized point of diversion:**
 One in the NE Quarter of the NW Quarter of the SE Quarter of Section 13, Township 25S South, Range 19W (E/W), in Edwards County, Kansas, 2345 feet North 1778 feet West of Southeast corner of section.
 Authorized Rate 108 gpm Authorized Quantity 144 AF
 (DWR use only: Computer ID No. 5 GPS 2346 feet North 1781 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)** *Better Describe w/ GPS 9/29/16 Compliance investigation*
 One in the NE Quarter of the NW Quarter of the SE Quarter of Section 13, Township 25S South, Range 19W (E/W), in Edwards County, Kansas, 2345 2346 feet North 1778 1781 feet West of Southeast corner of section.
 Proposed Rate 93 gpm Proposed Quantity 120 AF
 This point is: Additional Well Geo Center List other water rights that will use this point None

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)** *Better Describe w/ GPS 7/18/10 Compliance investigation*
 One in the SE Quarter of the NE NW Quarter of the SW Quarter of Section 13, Township 25S South, Range 19W (E/W), in Edwards County, Kansas, 1298 1399 feet North 3046 3978 feet West of Southeast corner of section.
 Proposed Rate 17 gpm Proposed Quantity 27 AF
 This point is: Additional Well Geo Center List other water rights that will use this point File No. 31,993

- 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 RECEIVED

IF MORE SPACE IS NEEDED, ATTACH ADDITIONAL SHEETS AS NECESSARY

* Wells all updated w GPS Stafford Field Office Compliance investigations & WRLS * Rail/own 12/14/17

SCANNED

SEP 25 2017

KS DEPT OF AGRICULTURE

12. The presently authorized use of water is for stockwatering purposes.
It is proposed that the use be changed to stockwatering purposes.
13. If changing the place of use and/or use made of water, describe how the consumptive use will not be increased.
No change in place of use or use made of water is proposed. No change in the total quantity authorized by this
water right is proposed.
-
-

(Please show any calculations here.)

14. It is requested that the maximum annual quantity of water be reduced to -- not applicable-- (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 1/2 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 1/2 mile, please indicate so on the map.
 - If the source of supply is surface water, the names and mailing addresses of all landowner(s) 1/2 mile downstream and 1/2 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.

The only well subject to a water right within 1/2 mile of the wells included in this application is owned by the
applicant. All non-owned domestic wells are more than 660 feet from the wells included in this application.
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.
Please refer to the letter accompanying this application for additional information relating to this paragraph.
-

**WATER RESOURCES
RECEIVED**

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

SCANNED KS DEPT OF AGRICULTURE

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.

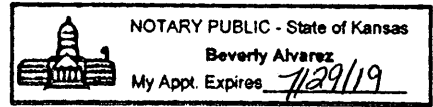
If the request is signed on behalf of any Owner by someone with legal authority to do so (for example, an agent, one who has power of attorney, or an executor, executrix, conservator), it will be necessary to attach proper documents showing such authority.

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 Kinsley, Kansas, this 18th day of September, 2017.

<u>[Signature]</u> (Owner)	_____ (Spouse)
<u>Derek A. Martin - Manager</u> (Please Print)	_____ (Please Print)
_____ (Owner)	_____ (Spouse)
_____ (Please Print)	_____ (Please Print)
_____ (Owner)	_____ (Spouse)
_____ (Please Print)	_____ (Please Print)

State of Kansas }
County of Edward S } SS



I hereby certify that the foregoing application was signed in my presence and sworn to before me this 18th day of September, 2017.

[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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INPUTS		
	Longitude	Latitude
Point 1	-99.354930	37.872440
Point 2	-99.356330	37.875750

31994 ID#4 (south well)
31994 ID#5 (north well)

GPS from 2010 comp check
GPS from 9/29/16 comp check

Degrees Longitude per Foot 3.46424270E-06
 Degrees Latitude per Foot 2.74615183E-06

Distance Between Points (ft) 1271

Compute Distance Between Points

Instructions
 1. Enter Longitudes and Latitudes of the two points (both must be in the same datum, NAD27 or NAD83).
 2. Click "Compute Distance Between Points" button.

WATER RESOURCES
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SEP 25 2017

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INPUTS		
	Longitude	Latitude
Point 1	-99.354930	37.872440
Point 2	-99.363940	37.873150

31994 ID#4 (south well)
31993 (west well)

GPS from 2010 comp check
GPS from 2010 comp check

Degrees Longitude per Foot 3.46418183E-06
 Degrees Latitude per Foot 2.74615244E-06

Distance Between Points (ft) 2614

Compute Distance Between Points

Instructions
 1. Enter Longitudes and Latitudes of the two points (both must be in the same datum, NAD27 or NAD83).
 2. Click "Compute Distance Between Points" button.

WATER RESOURCES
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SEP 25 2017

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INPUTS		
	Longitude	Latitude
Point 1	-99.356330	37.875750
Point 2	-99.363940	37.873150

31994 ID#5 (north well)
31993 (west well)

GPS from 9/29/16 comp check
GPS from 2010 comp check

Degrees Longitude per Foot 3.46425933E-06
Degrees Latitude per Foot 2.74615166E-06

Distance Between Points (ft) 2392

Compute Distance Between Points

Instructions
1. Enter Longitudes and Latitudes of the two points (both must be in the same datum, NAD27 or NAD83).
2. Click "Compute Distance Between Points" button.

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Frank Mercurio

From: Conant, Cameron <Cameron.Conant@ks.gov>
Sent: Wednesday, November 16, 2016 3:45 PM
To: Frank Mercurio
Subject: FW: Kinsley Feeders
Attachments: 31993 & 31994 GPS-distance between.pdf

Frank, I've attached the "distance between" GPS sheets for the 3 wells at Kinsley Feeders. This is the information we would use to determine if the wells are within 2640 of one another. Based on the GPS information obtained in 2010 during compliance checks and subsequent information obtained during the recent rate testing, it appears all these wells are within 1/2 mile of one another.

Please let me know if you have any additional questions. Thanks,

Cameron R. Conant, Assistant Water Commissioner
Kansas Department of Agriculture
Division of Water Resources
Stafford Field Office
Office (620) 234-5311

From: Conant, Cameron
Sent: Monday, October 03, 2016 3:07 PM
To: Lanterman, Jeff <Jeff.Lanterman@ks.gov>; Frank Mercurio <FMercurio@klaenviro.com>
Subject: RE: Kinsley Feeders

Frank and Jeff, I made a slight correction on the chart. 31994 ID4 South has an authorized quantity of 123AF.

Cameron

From: Lanterman, Jeff
Sent: Monday, October 03, 2016 2:35 PM
To: Frank Mercurio
Cc: Conant, Cameron
Subject: RE: Kinsley Feeders

Frank;

Cameron finished the flow rate tests and here are the numbers:

File No	Authorized Rate	Tested Rate	Auth. Q
31993 (west well)	900 GPM	365 GPM	167 AF
31994 (ID 4 south)	92 GPM	110 GPM	123 AF
31994 (ID 5 north)	108 GPM	215 GPM	144 AF

** Over Rate

As you can see file no. 31994 was pretty seriously exceeding the authorized flow rate so only the authorized flow rate could be split.

**WATER RESOURCES
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KLA ENVIRONMENTAL SERVICES, INC.

PROJECT: KINSLEY FEEDERS, LLC

LOCATION: SECTION 13 T25S R19W, EDWARDS COUNTY, KANSAS

BY: FCM
DATE: 9/9/2017

CHECKED BY: CSG
DATE: 9/15/2017

DETERMINATION OF RATE TO SUPPORT REQUESTED QUANTITY FOR ADDITIONAL WELL PROPOSED FOR FILE NO 31,994

An additional well is proposed for File No. 31,994. This proposal requests that quantity be moved from the two current wells associated with File No. 31,994 to an additional well. The proposed location of the additional well is the existing point of diversion associated with File No. 31,993. All of these wells are within 1/2 mile of each other and serve a common use and place of use, which is stockwater for the Kinsley Feeders, LLC beef cattle feeding facility.

POINT OF DIVERSION	PROPOSED QUANTITY TO MOVE TO ADDITIONAL WELL	PROPOSED RATE TO MOVE TO ADDITIONAL WELL	QUANTITY PRODUCED BY PROPOSED RATE*
31,994 (4)	3.0 AF	2.0 GPM	3.2 AF
31,994 (5)	24.0 AF	15.0 GPM	24.2 AF
TOTALS:	27.0 AF	17.0 GPM	27.4 AF

$$\text{*QUANTITY PRODUCED} = \frac{(\text{PROPOSED RATE, GPM}) \times (60 \text{ MIN./HR.}) \times (24 \text{ HR./DAY}) \times (365 \text{ DAYS/YR.})}{(325,851 \text{ GALLONS/ACRE-FOOT})}$$

WHERE: AF = ACRE-FEET AND GPM = GALLONS/MINUTE

→ THE PROPOSED RATE IS SUFFICIENT TO PRODUCE THE PROPOSED QUANTITY FOR THE ADDITIONAL WELL, WHICH IS 27.0 AF AT 17.0 GPM.

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WATER WELL RECORD

Form WWC-5

Division of Water Resources; App. No.

31994

1 LOCATION OF WATER WELL: County: <u>Edwards</u>	Fraction <u>NW 1/4 SE 1/4 SE 1/4</u>	Section Number <u>13</u>	Township Number <u>T 25 S</u>	Range Number <u>R 19 E/W</u>
--	---	-----------------------------	----------------------------------	---------------------------------

Distance and direction from nearest town or city street address of well if located within city?

From Kinsley- 2 3/4 South, 2 3/4 East

Global Positioning Systems (decimal degrees, min. of 4 digits)

Latitude: _____

Longitude: _____

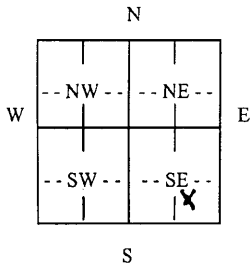
Elevation: _____

Datum: _____

Data Collection Method: _____

2 WATER WELL OWNER: KBJ Cattle Co
 RR#, St. Address, Box # : P.O. Box 307
 City, State, ZIP Code : St. John, Ks. 67576

3 LOCATE WELL'S LOCATION WITH AN "X" IN SECTION BOX:



4 DEPTH OF COMPLETED WELL 95 ft.

Depth(s) Groundwater Encountered (1)..... ft. (2)..... ft. (3)..... ft.

WELL'S STATIC WATER LEVEL..... 39 ft. below land surface measured on mo/day/yr. 7-27-09...

Pump test data: Well water was... 59ft. after..... 3 1/2 hours pumping..... 980 gpm

Est. Yield. 1265 gpm: Well water was... 62ft. after..... 4 hours pumping..... 1265 gpm

WELL WATER TO BE USED AS: 5 Public water supply 8 Air conditioning 11 Injection well

1 Domestic 3 Feedlot 6 Oil field water supply 9 Dewatering 12 Other (Specify below)

2 Irrigation 4 Industrial 7 Domestic (lawn & garden) 10 Monitoring well

Was a chemical/bacteriological sample submitted to Department? Yes No X...; If yes, mo/day/yr
 Sample was submitted..... Water well disinfected? Yes HTH. No

5 TYPE OF CASING USED:

5 Wrought Iron	8 Concrete tile	CASING JOINTS: Glued... <u>X</u> ... Clamped.....
1 Steel	3 RMP (SR)	Welded.....
2 PVC	4 ABS	Threaded.....
6 Asbestos-Cement	9 Other (specify below)	
7 Fiberglass		

Blank casing diameter 16 in. to 65 ft., Diameter in. to ft., Diameter in. to ft.

Casing height above land surface..... 24 in., Weight .. Sch. 40..... lbs./ft. Wall thickness or guage No.

TYPE OF SCREEN OR PERFORATION MATERIAL:

1 Steel	3 Stainless Steel	5 Fiberglass	7 <u>PVC</u>	9 ABS	11 Other (Specify)
2 Brass	4 Galvanized Steel	6 Concrete tile	8 RM (SR)	10 Asbestos-Cement	12 None used (open hole)

SCREEN OR PERFORATION OPENINGS ARE:

1 Continuous slot	3 Mill slot	5 Gauzed wrapped	7 Torch cut	9 Drilled holes	11 None (open hole)
2 Louvered shutter	4 Key punched	6 Wire wrapped	8 Saw cut	10 Other (specify)	

SCREEN-PERFORATED INTERVALS: From..... 95 ft. to 65 ft., From ft. to ft.

From..... ft. to ft., From ft. to ft.

GRAVEL PACK INTERVALS: From..... 95 ft. to 20 ft., From ft. to ft.

From..... ft. to ft., From ft. to ft.

6 GROUT MATERIAL: 1 Neat cement 2 Cement grout 3 Bentonite 4 Other hole plug.....

Grout Intervals: From ft. to ft., From ft. to ft., From 20 ft. to 0 ft.

What is the nearest source of possible contamination:

1 Septic tank	4 Lateral lines	7 Pit privy	10 <u>Livestock pens</u>	13 Insecticide storage	16 Other (specify below)
2 Sewer lines	5 Cess pool	8 Sewage lagoon	11 Fuel storage	14 Abandoned water well	
3 Watertight sewer lines	6 Seepage pit	9 Feedyard	12 Fertilizer storage	15 Oil well/gas well	

Direction from well? North How many feet? ... 15

FROM	TO	LITHOLOGIC LOG	FROM	TO	PLUGGING INTERVALS
0	2	Top soil			
2	8	Sandy clay			
8	16	Fine sand			
16	21	Hard brown sandy clay			
21	46	Fine to small gravel			
46	94	Sand & gravel- med to lg with few clay balls			
94	95	Lt gray <u>X</u> clay			

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7 CONTRACTOR'S OR LANDOWNER'S CERTIFICATION: This water well was (1) constructed, (2) reconstructed, or (3) plugged under my jurisdiction and was completed on (mo/day/year) ... 7-31-09 and this record is true to the best of my knowledge and belief.

Kansas Water Well Contractor's License No. ... 134 This Water Well Record was completed on (mo/day/year) ... 8-27-09 under the business name of Rosencrantz- Bemis by (signature) [Signature]

INSTRUCTIONS: Use typewriter or ball point pen. **PLEASE PRESS FIRMLY** and **PRINT** clearly. Please fill in blanks, underline or circle the correct answers. Send top three copies to Kansas Department of Health and Environment, Bureau of Water, Geology Section, 1000 SW Jackson St., Suite 420, Topeka, Kansas 66612-1367. Telephone 785-296-5522. Send one to WATER WELL OWNER and retain one for your records. Fee of \$5.00 for each constructed well. Visit us at <http://www.kdheks.gov/waterwell/index.html>.

WATER WELL RECORD

Form WWC-5

Division of Water Resources App. No.

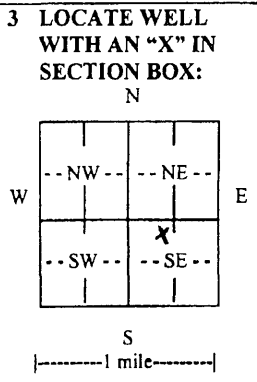
31994

1 LOCATION OF WATER WELL: County: Edwards Fraction 1/4 NE 1/4 NW 1/4 SE 1/4 Section Number 13 Township No. T 25 S Range Number R 19 [] E [X] W

Street/Rural Address of Well Location; if unknown, distance & direction from nearest town or intersection: If at owner's address, check here [] 2 1/2 South, 2 3/4 East of Kinsley

Global Positioning System (GPS) information: Latitude: Longitude: Elevation: Datum: [] WGS 84, [] NAD 83, [] NAD 27 Collection Method: [] GPS unit (Make/Model: [] Digital Map/Photo, [] Topographic Map, [] Land Survey Est. Accuracy: [] <3 m, [] 3-5 m, [] 5-15 m, [] >15 m

2 WATER WELL OWNER: Kinsley Feeders, LLC RR#, Street Address, Box #: 1278 P Road City, State, ZIP Code : Kinsley, KS 67547



4 DEPTH OF COMPLETED WELL 169 ft. Depth(s) Groundwater Encountered (1) ft. (2) ft. (3) ft. WELL'S STATIC WATER LEVEL 46 ft. below land surface measured on mo/day/yr. 6-5-13 Pump test data: Well water was 61 ft. after 3 hours pumping 1140 gpm EST. YIELD 1363 gpm. Well water was 64 ft. after 3 1/2 hours pumping 1363 gpm Bore Hole Diameter 40 in. to 169 ft., and in. to ft. WELL WATER TO BE USED AS: [] Public water supply [] Geothermal [] Injection well [] Domestic [] Feedlot [] Oil field water supply [] Dewatering [] Other (Specify below) [X] Irrigation [] Industrial [] Domestic-lawn & garden [] Monitoring well Was a chemical/bacteriological sample submitted to Department? [] Yes [X] No If yes, mo/day/yr sample was submitted Water well disinfected? [X] Yes [] No

5 TYPE OF CASING USED: [] Steel [X] PVC [] Other CASING JOINTS: [X] Glued [] Clamped [] Welded [] Threaded Casing diameter 16 in. to 169 ft., Diameter in. to ft., Diameter in. to ft. Casing height above land surface 18 in., Weight Sch 40 lbs./ft., Wall thickness or gauge No. TYPE OF SCREEN OR PERFORATION MATERIAL: [] Steel [X] Stainless Steel [X] PVC [] Other (Specify) [] Brass [] Galvanized Steel [] None used (open hole) SCREEN OR PERFORATION OPENINGS ARE: [] Continuous slot [] Mill slot [] Gauze wrapped [] Torch cut [] Drilled holes [] None (open hole) [] Louvered shutter [] Key punched [] Wire wrapped [X] Saw cut [] Other (specify) SCREEN-PERFORATED INTERVALS: From 169 ft. to 89 ft., From ft. to ft. From 89 ft. to 69 ft., From ft. to ft. GRAVEL PACK INTERVALS: From 169 ft. to 20 ft., From ft. to ft. From ft. to ft., From ft. to ft.

6 GROUT MATERIAL: [] Neat cement [] Cement grout [X] Bentonite [] Other Grout Intervals: From ft. to ft., From 20 ft. to 0 ft., From ft. to ft. What is the nearest source of possible contamination: [] Septic tank [] Lateral lines [] Pit privy [X] Livestock pens [] Insecticide storage [] Other (specify below) [] Sewer lines [] Cesspool [] Sewage lagoon [] Fuel storage [] Abandoned water well [] Watertight sewer lines [] Seepage pit [] Feedyard [] Fertilizer storage [] Oil well/gas well Direction from well East Distance from well 60

Table with columns: FROM, TO, LITHOLOGIC LOG, FROM, TO, LITHO. LOG (cont.) or PLUGGING INTERVALS. Rows include soil layers like 'Top soil', 'Sandy tan clay & fine sand', 'Fine sand', 'Small sand & gravel with clay lens @ 53ft', 'Silty gray clay & fine sand', 'Silty gray clay', 'Sand & gravel- small with short clay streaks', 'Tan clay'. Includes stamp: WATER RESOURCES RECEIVED SEP 25 2017 KS DEPT OF AGRICULTURE

7 CONTRACTOR'S OR LANDOWNER'S CERTIFICATION: This water well was [X] constructed, [] reconstructed, or [] plugged under my jurisdiction and was completed on (mo/day/year) 8-15-13 and this record is true to the best of my knowledge and belief. Kansas Water Well Contractor's License No. 134 This Water Well Record was completed on (mo/day/year) 9-4-13 under the business name of Rosencrantz- Bemis Ent Inc by (signature) Xona Alope

INSTRUCTIONS: Use typewriter or ball point pen. PLEASE PRESS FIRMLY and PRINT clearly. Please fill in blanks and check the correct answers. Send three copies (white, blue, pink) to Kansas Department of Health and Environment, Bureau of Water, Geology Section, 1000 SW Jackson St., Suite 420, Topeka, Kansas 66612-1367. Telephone 785-296-5524. Send one copy to WATER WELL OWNER and retain one for your records. Include fee of \$5.00 for each constructed well. Visit us at http://www.kdheks.gov/waterwell/index.html.



Servi-Tech Laboratories

1816 E. Wyatt Earp • PO Box 1397 • Dodge City, KS 67801
www.servitechlabs.com

Phone: 620.227.7123 • 800.557.7509 • Fax: 620.227.2047

Lab #: D-2017NL000603

LABORATORY REPORT

Report Date: 11/03/2016 05:00 pm



Send To: KLA ENVIRONMENTAL SERVICES INC
28930 1700 E IRON AVE
SALINA, KS 67401

Sean H. Jenkins
QA Manager

Project ID:
Project Title: KINSLEY FEEDERS
Sample ID: MW-4
Client Name: DAKOTA BOURNE
Subject: Wastewater Lab Analysis

Date/Time Received: 10/27/2016 04:36 pm
Name of Submitter: DAKOTA BOURNE
Date/Time Sampled: 10/27/2016
Name of Sampler: DAKOTA BOURNE

Arrival Temp.: 5.7

Location:

Invoice No: 367518
P.O. #:
Depth:
Flow Rate:

Analysis	Result	Unit	RL	Method	Analysis Date/Time	Tech
NELAP Accredited Tests						
Nitrate Nitrogen, NO3-N	14.3	mg/L AR	1.0	EPA 300.0	10/28/2016 3:00PM	JLH
Ammonia Nitrogen, NH3-N	ND	mg/L AR	0.20	EPA 350.1	11/3/2016 4:05PM	CO
Total Kjeldahl Nitrogen, TKN	ND	mg/L AR	8	SM-4500-NH3 C-1997	11/3/2016 11:18AM	WB
Chloride, Cl	37	mg/L AR	10.0	EPA 300.0	10/28/2016 3:00PM	JLH

NELAP Statement

Laboratory Accreditation: The analytical results included in this report meet all the requirements of the National Environmental Laboratory Accreditation Program (NELAP), unless otherwise noted. The reported results apply only to the sample that was analyzed. This report may not be reproduced, except in full, without permission of Servi-Tech.

Accreditation Agency

KDHE
TCEQ
OK DEQ

Accreditation Number

E-10150
T104704505-11-1
State Lab ID 9707

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Test Basis: AR=As Received

RL = Reporting Limit

ND = Not Detected at RL



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www.servitechlabs.com

Phone: 620.227.7123 • 800.557.7509 • Fax: 620.227.2047

Lab #: D-2017NL000604

LABORATORY REPORT

Report Date: 11/03/2016 05:01 pm



Send To: KLA ENVIRONMENTAL SERVICES INC
28930 1700 E IRON AVE
SALINA, KS 67401

Sean H. Jenkins
QA Manager

Project ID:
Project Title: KINSLEY FEEDERS
Sample ID: MW-5
Client Name: DAKOTA BOURNE
Subject: Wastewater Lab Analysis

Date/Time Received: 10/27/2016 04:36 pm
Name of Submitter: DAKOTA BOURNE
Date/Time Sampled: 10/27/2016
Name of Sampler: DAKOTA BOURNE

Arrival Temp.: 5.7

Location:

Invoice No: 367518
P.O. #:
Depth:
Flow Rate:

Analysis	Result	Unit	RL	Method	Analysis Date/Time	Tech
NELAP Accredited Tests						
Nitrate Nitrogen, NO3-N	26.0	mg/L AR	1.0	EPA 300.0	10/28/2016 3:51PM	JLH
Ammonia Nitrogen, NH3-N	ND	mg/L AR	0.20	EPA 350.1	11/3/2016 4:06PM	CO
Total Kjeldahl Nitrogen, TKN	ND	mg/L AR	5	SM 4500-NH3 C-1997	11/3/2016 11:18AM	WB
Chloride, Cl	138	mg/L AR	10.0	EPA 300.0	10/28/2016 3:51PM	JLH

NELAP Statement

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Accreditation Agency

KDHE
TCEQ
OK DEQ

Accreditation Number

E-10150
T104704505-11-1
State Lab ID 9707

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Test Basis: AR=As Received

RL Reporting Limit

ND = Not Detected at RL

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Kinsley Feeders

MW-6

MW-4

PTO

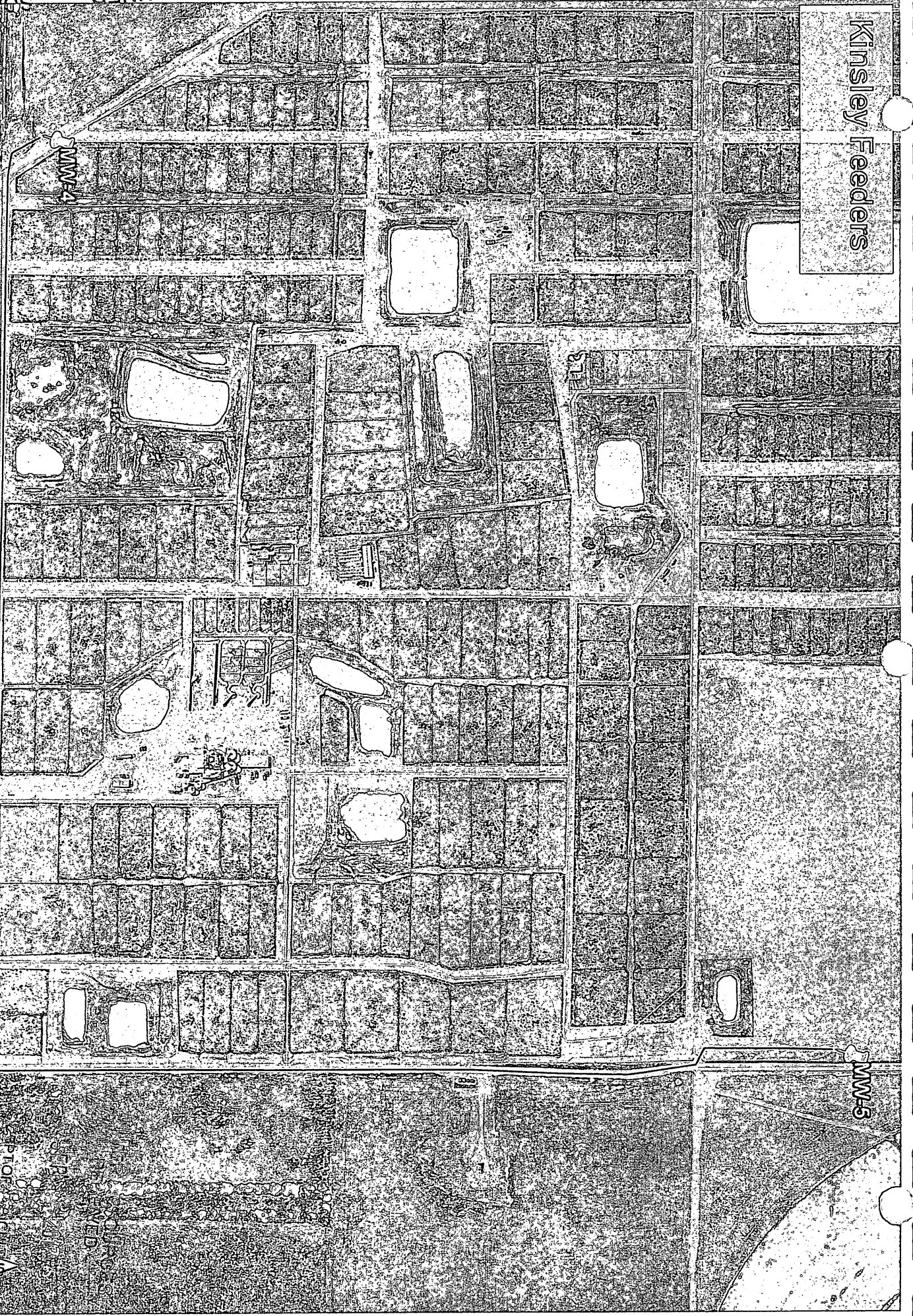
©2016 Google

Google Earth

1000 ft

N

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,

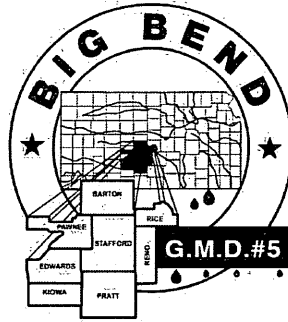
Attached is a draft memo for the three referenced changes, which include dual usage on File Nos. 26793 and 28146. GMD 5 recommended denial on the overlapping Term Permit Applications File Nos. 20179001 and 20179002. We sent Kinsley Feeders a letter on December 7th advising them of the recommendation 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. 31994
Change in the Point of Diversion

Dear Ms. Krueger,

Big Bend Groundwater Management District #5 has reviewed the above referenced application to change the point of diversion. It is the understanding of the District that this change is intended to redistribute the authorized quantities across the three wells at the facility. Based upon information received in the District office, the application appears to be consistent with 5-25-20(b) and is therefore 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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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

WATER RESOURCES
RECEIVED

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

FILE COPY Governor Sam Brownback

December 7, 2017

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

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,

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

November 7, 2017

FILE COPY

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,

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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.

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.

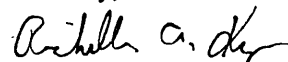
OVER →

SCANNED

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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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:

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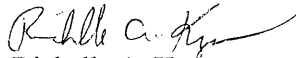
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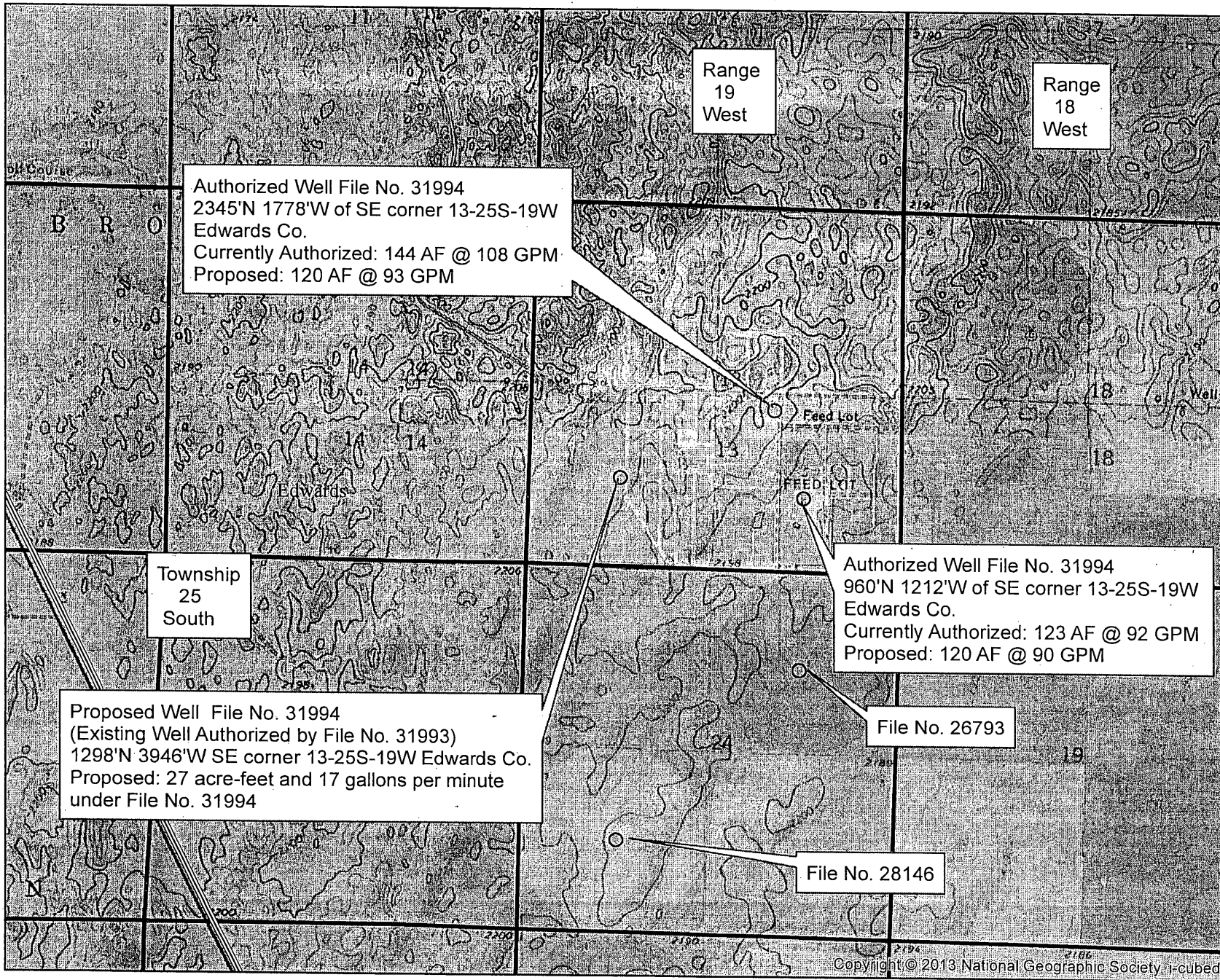
Richelle A. Krueger
Environmental Scientist
Water Appropriation Program

RAK

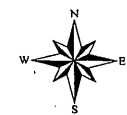
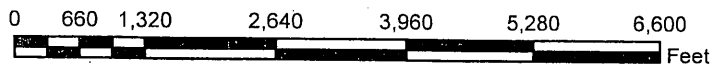
Enclosure

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 31994

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 PD
- 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...

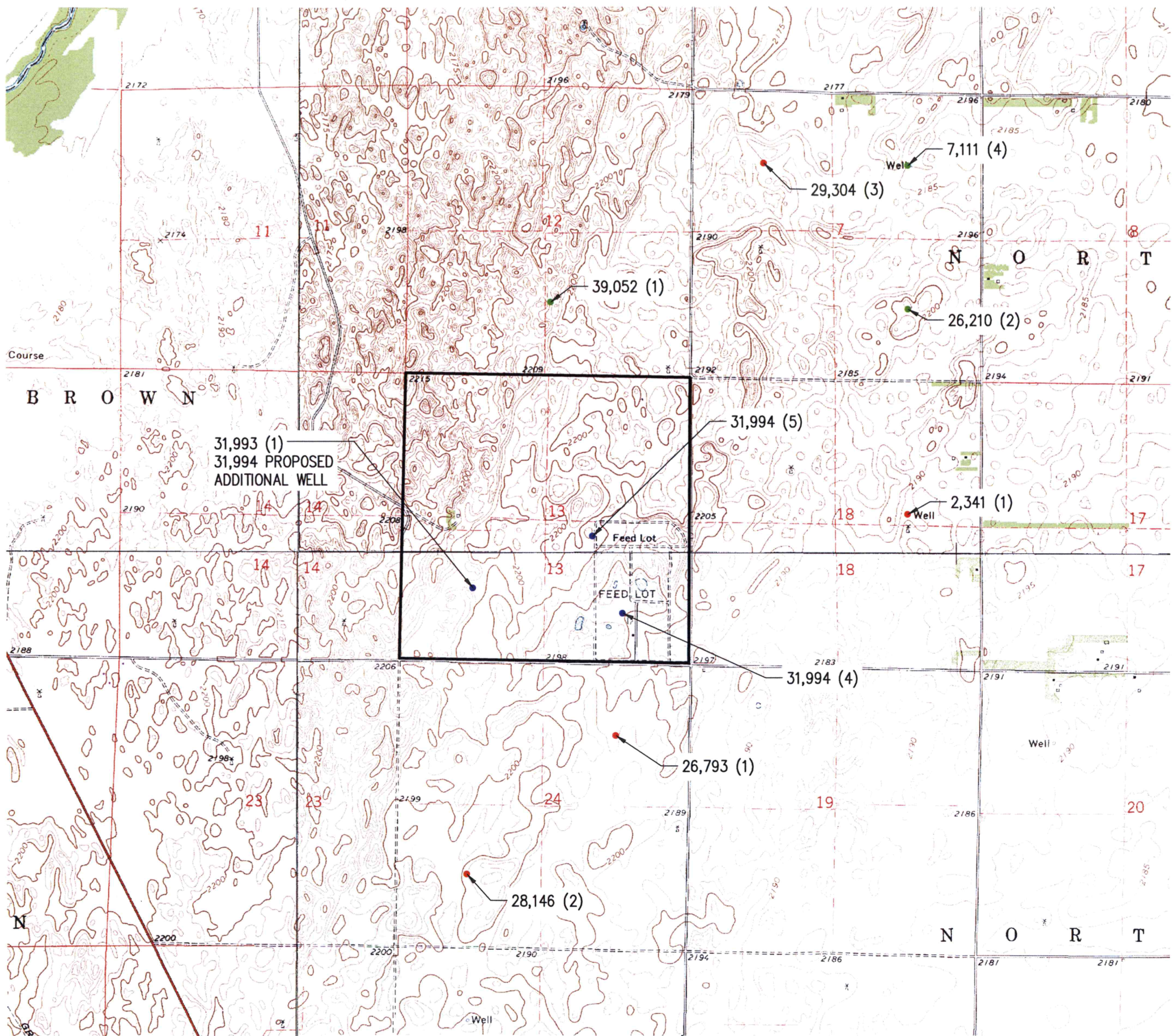
A class C misdemeanor is punishable by a fine not to exceed \$500 and/or a term of confinement not to exceed one month in the county jail. Each day that the violation occurs constitutes a separate offense.

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
- PLACE OF USE BOUNDARY

NOTE: AUTHORIZED PLACE OF USE COVERS FEEDYARD AND ADJOINING PASTURES IN ALL OF SECTION 13

WATER RESOURCES RECEIVED

SEP 25 2017

KS DEPT OF AGRICULTURE



SCALE IN FEET



SCANNED

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

KINSLEY FEEDERS, LLC
 WATER RIGHT CHANGE APPLICATION
 SECTION 13 T25S R19W
 EDWARDS COUNTY, KANSAS

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

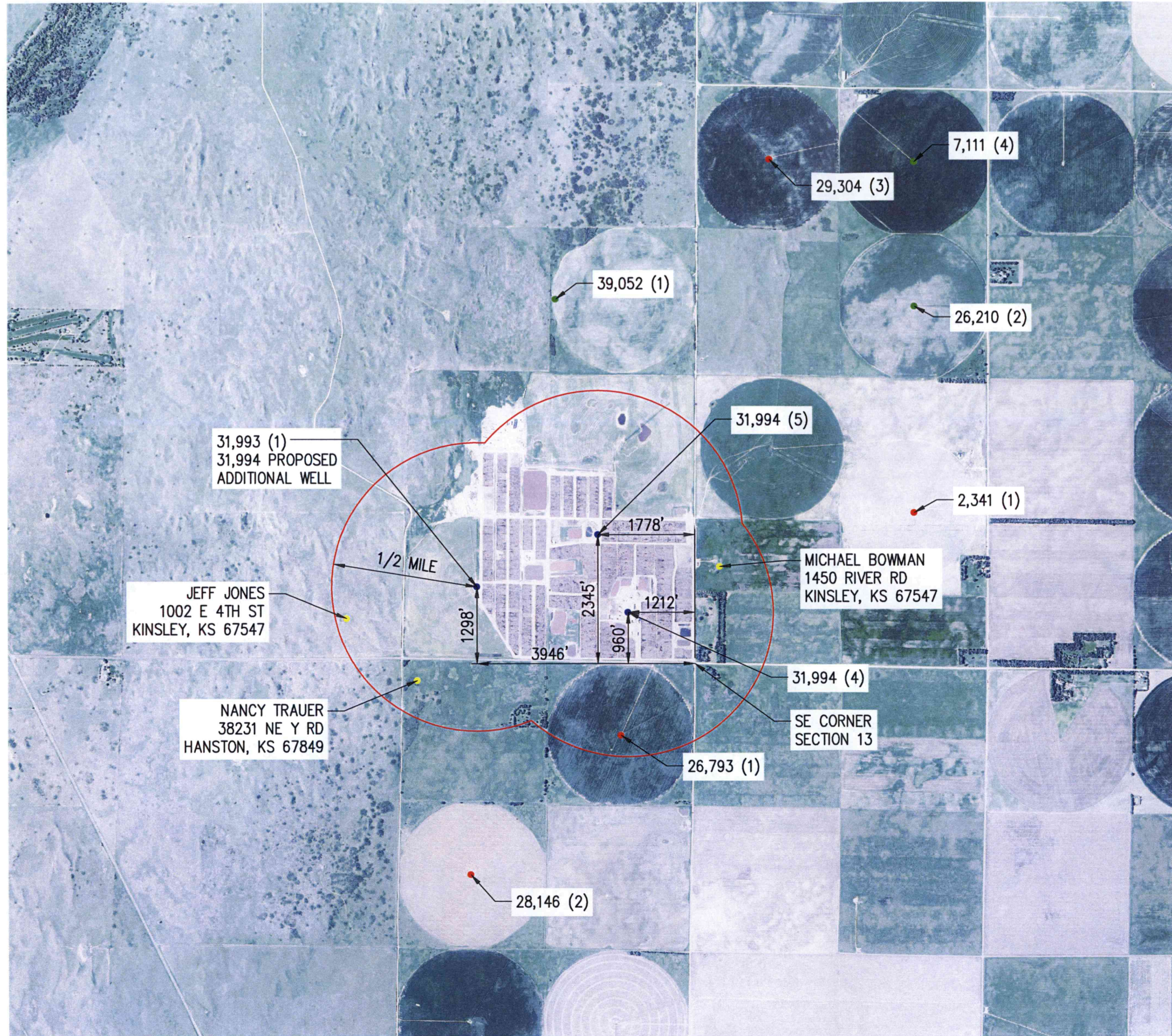


CAD FILE NAME:
 WATER RIGHTS MAP.DWG

PLACE OF USE MAP

R19W | R18W

T25S



R19W | R18W

LEGEND

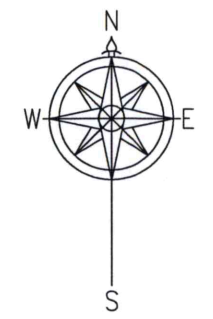
- OWNED POINT OF DIVERSION (IRR)
- OWNED POINT OF DIVERSION (STK)
- NEIGHBORING POINT OF DIVERSION BEYOND 1/2 MILE OF OWNED STK WELLS
- DOMESTIC WELL WITHIN 1/2 MILE OF OWNED STK WELL
- 1/2 MILE BOUNDARY AROUND STK WELLS

NOTE: WELL LOCATION COORDINATES TAKEN FROM DWR WRIS REPORTS

WATER RESOURCES RECEIVED

SEP 25 2017

KS DEPT OF AGRICULTURE



T25S

DRAWN	DLB	DATE	9/17
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KINSLEY FEEDERS, LLC
 WATER RIGHT CHANGE APPLICATION
 SECTION 13 T25S R19W
 EDWARDS COUNTY, KANSAS

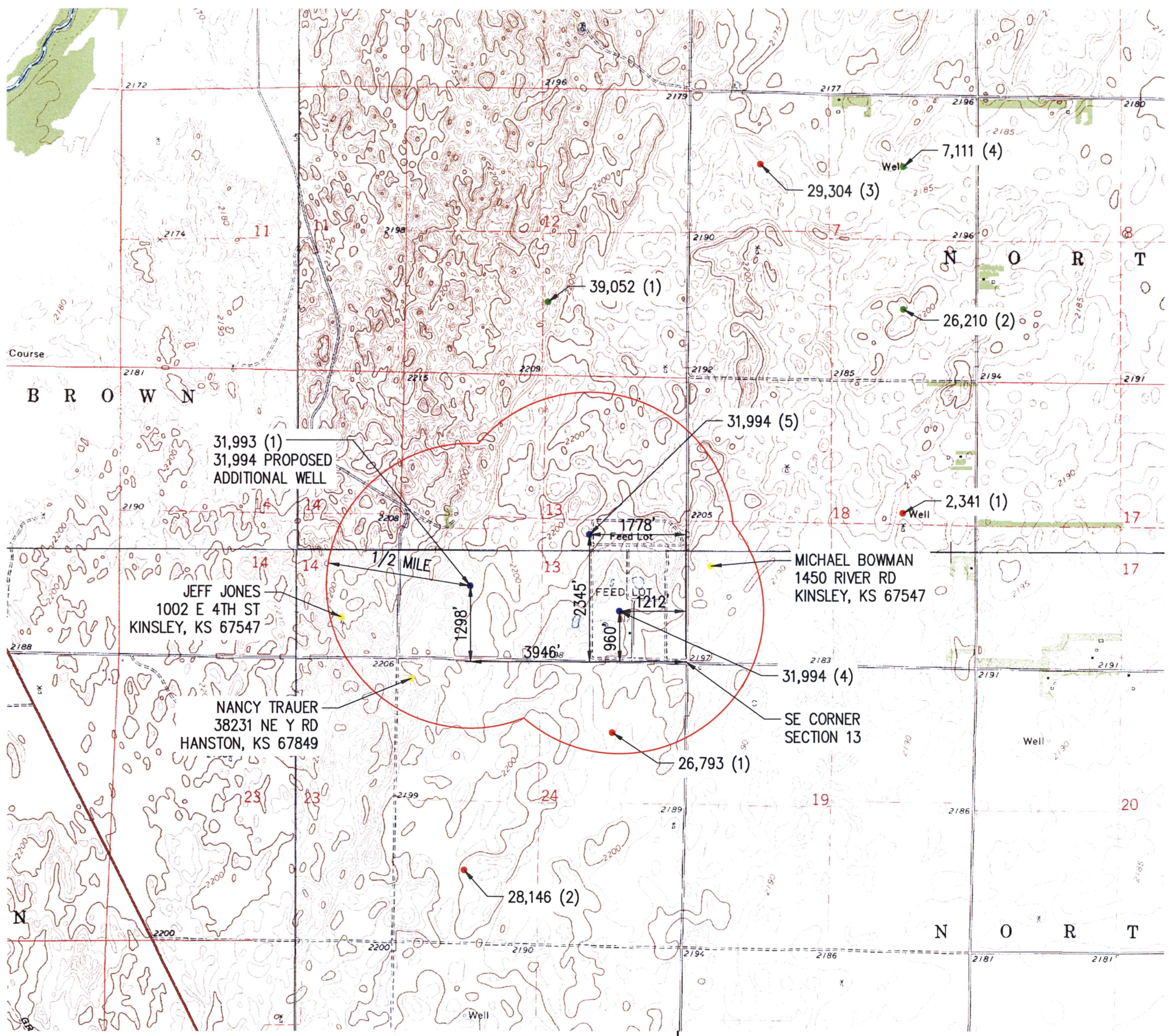
1700 E. IRON
 SALINA, KANSAS 67401
 (785) 823-0097

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



CAD FILE NAME:
 WATER RIGHTS MAP.DWG

SHEET NO. 1 OF 2



LEGEND

- OWNED POINT OF DIVERSION (IRR)
- OWNED POINT OF DIVERSION (STK)
- NEIGHBORING POINT OF DIVERSION BEYOND 1/2 MILE OF OWNED STK WELLS
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- 1/2 MILE BOUNDARY AROUND STK WELLS

NOTE: WELL LOCATION COORDINATES TAKEN FROM DWR WRIS REPORTS

WATER RESOURCES RECEIVED

SEP 25 2017

KS DEPT OF AGRICULTURE



SCALE IN FEET



SCANNED

DRAWN	DLB	DATE	9/17
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KINSLEY FEEDERS, LLC
 WATER RIGHT CHANGE APPLICATION
 SECTION 13 T25S R19W
 EDWARDS COUNTY, KANSAS

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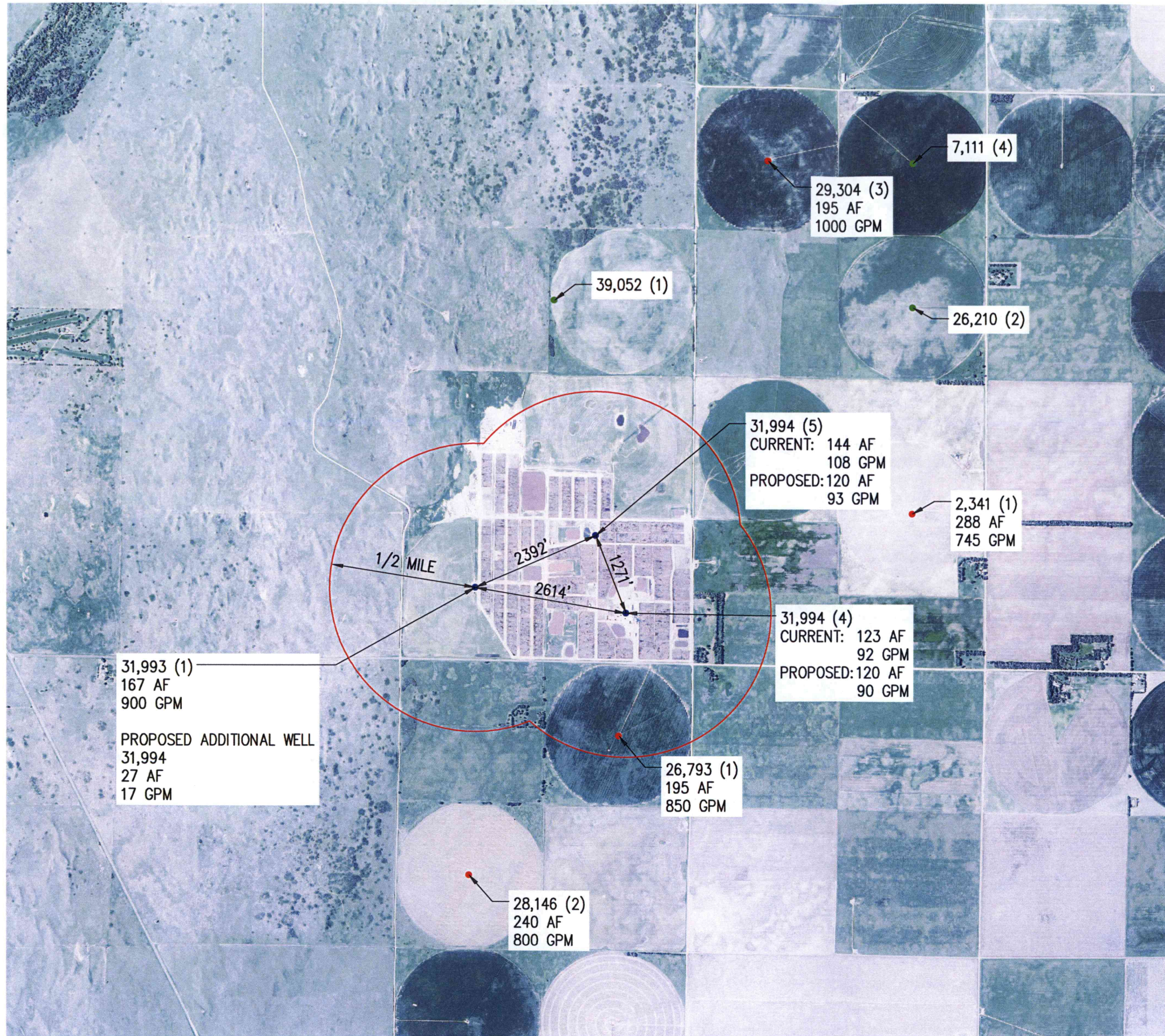


CAD FILE NAME:
 WATER RIGHTS MAP.DWG

WELL LOCATION MAP

R19W | R18W

T25S



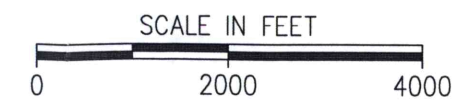
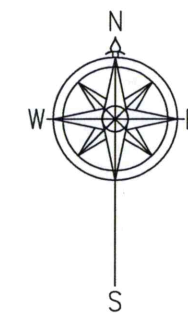
LEGEND

- OWNED POINT OF DIVERSION (IRR)
- OWNED POINT OF DIVERSION (STK)
- NEIGHBORING POINT OF DIVERSION BEYOND 1/2 MILE OF OWNED STK WELLS
- 1/2 MILE BOUNDARY AROUND STK WELLS

NOTE: DISTANCES BETWEEN WELLS PROVIDED BY STAFFORD FIELD OFFICE, DWR

T25S

WATER RESOURCES RECEIVED
 SEP 25 2017
 KS DEPT OF AGRICULTURE



SCANNED

R19W | R18W

RATE AND QUANTITY MAP

KINSLEY FEEDERS, LLC
 WATER RIGHT CHANGE APPLICATION
 SECTION 13 T25S R19W
 EDWARDS COUNTY, KANSAS

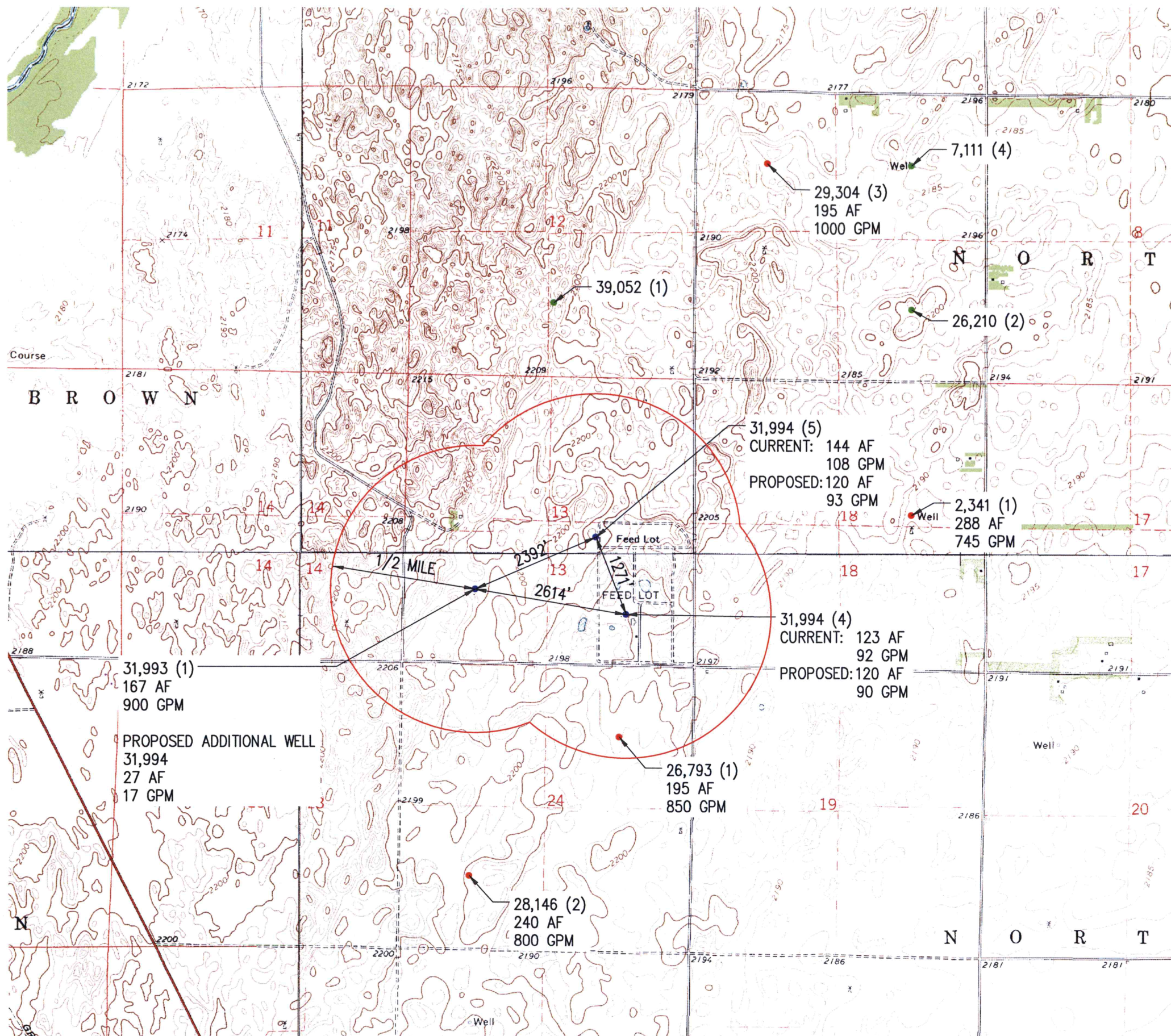
1700 E. IRON
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CAD FILE NAME: WATER RIGHTS MAP.DWG

SHEET NO. 1 OF 2

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



LEGEND

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SCANNED

RATE AND QUANTITY MAP

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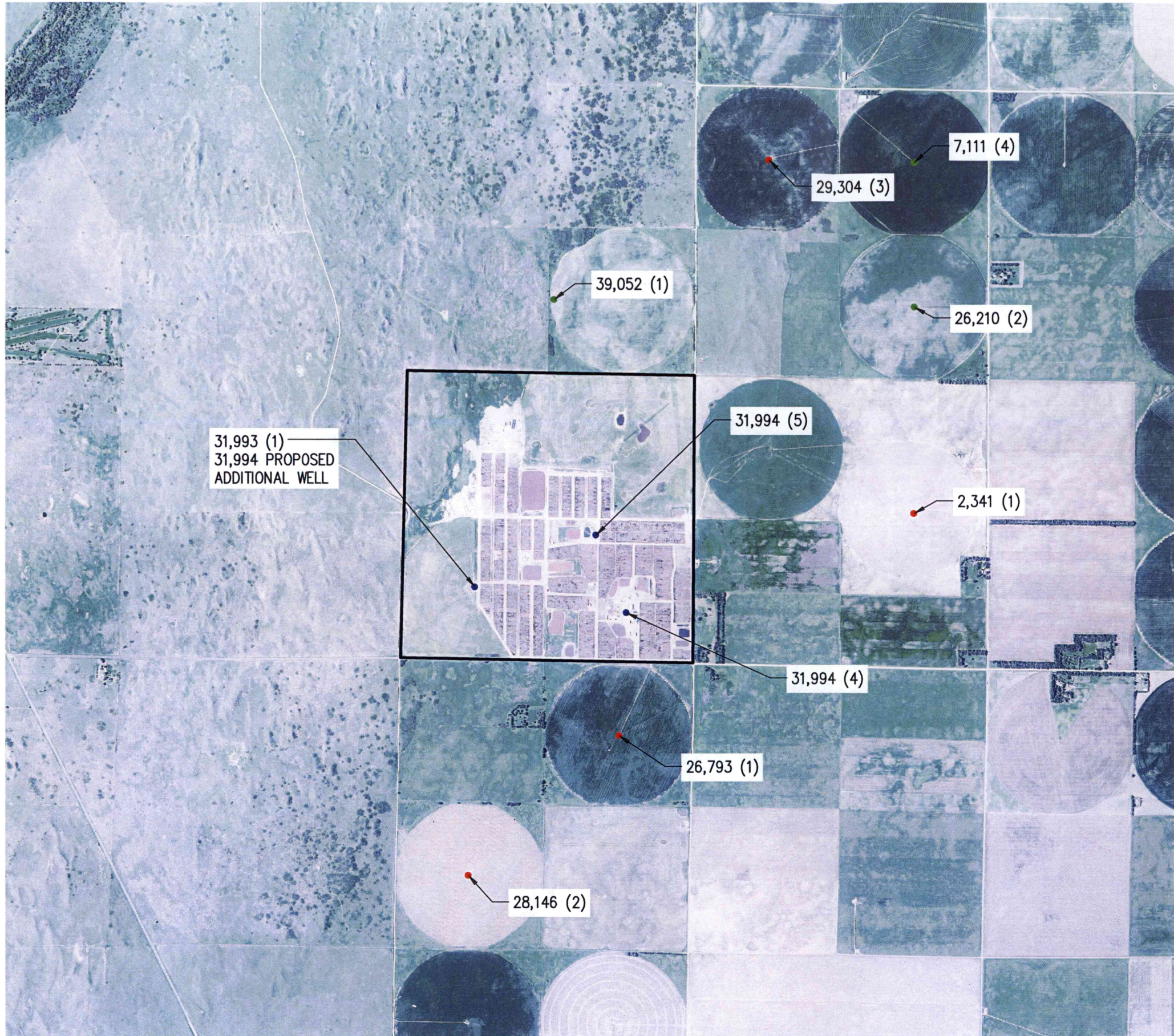
KINSLEY FEEDERS, LLC
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 EDWARDS COUNTY, KANSAS

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CAD FILE NAME: WATER RIGHTS MAP.DWG



31,993 (1)
31,994 PROPOSED
ADDITIONAL WELL

39,052 (1)

29,304 (3)

7,111 (4)

26,210 (2)

31,994 (5)

2,341 (1)

31,994 (4)

26,793 (1)

28,146 (2)

T25S

R19W | R18W

LEGEND

- OWNED POINT OF DIVERSION (IRR)
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NOTE: AUTHORIZED PLACE OF USE
COVERS FEEDYARD AND
ADJOINING PASTURES IN ALL
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**WATER RESOURCES
RECEIVED**
SEP 25 2017
KS DEPT OF AGRICULTURE



SCANNED

PLACE OF USE MAP

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EDWARDS COUNTY, KANSAS

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