

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

1. File Number: 18924	2. Status Change Date: 8/3/2018	3. Change Num: C1	4. Field Office: 02	5. GMD: 05
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6. Status: <input checked="" type="checkbox"/> Approved <input type="checkbox"/> Denied by DWR/GMD <input type="checkbox"/> Dismiss by Request/Failure to Return	7. Filing Date of Change: 5/31/2018
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8a. Applicant(s) New to system <input type="checkbox"/> ILS LAND LLC JERRY KUCKELMAN PO BOX 1506 GREAT BEND KS 67530-1506	8c. Landowner(s) New to system <input type="checkbox"/> Person ID <u>59931</u> Add Seq# _____
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8b. Landowner(s) New to system <input type="checkbox"/> 8a NO CHANGE	8d. WUC New to system <input type="checkbox"/> Person ID <u>59931</u> Add Seq# <u>1</u> 8a NO CHANGE
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9. Documents and Enclosure(s): DWR Meter(s) Date to Comply: **12/31/18** N & P Date to Comply: _____

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: **IRR** To: **IRR & STK**

Date Prepared: **8/3/18** By: **LI**
 Date Entered: **8/6/2018** By: **LI M**

1/1/84

File No. **18924** 11. County: **SF** Basin: **RATTLESNAKE CREEK** Stream: **NA** Formation Code: **180** Special Use: **NA**

12. Points of Diversion											Rate and Quantity					
CHK	MOD	DEL	PDIV	Qualifier	S	T	R	ID	'N	'W	Comment (AKA Line)	Authorized		Additional		Overlap PD Files
ENT												Rate gpm	Quantity af	Rate gpm	Quantity af	
MOD	38661		SW NE SW		9	24	14W	2	1440	3920	IRR & STK USE	865	189	865	189	NONE

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

14. Limitation: _____ af/yr at _____ gpm (_____ cfs) when combined with file number(s) **159.52 AF AS DUAL USE IRR & STK**
 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										NE¼				NW¼				SW¼				SE¼				Total	Owner	Chg?	Overlap Files
CHK	MOD	DEL	ENT	PUSE	S	T	R	ID		NE ¼	NW ¼	SW ¼	SE ¼	NE ¼	NW ¼	SW ¼	SE ¼	NE ¼	NW ¼	SW ¼	SE ¼	NE ¼	NW ¼	SW ¼	SE ¼				
MOD	15243		ENT		9	24	14W	2								5.0	5.0	38.0	36.5	23.5	25.0					133	8a	no	
	ENT	281			9	24	14W	3		FEEDLOT LOCATED IN NW																	8a	no	18356.01

Base AcresYear: Minimum Reasonable Quantity:

Comments: **Quantity Limited to 159.516 AF (51.98 mgy) as long as right is operated as stockwatering right.**
Need pop-up box for temporary quantity reduction. Main action trail entry: Dual use irr & stk quantity max 159.516 AF
With comment for dual use on both irrigation and stockwatering use.

KANSAS DEPARTMENT OF AGRICULTURE
Division of Water Resources
M E M O R A N D U M

TO: Files

DATE: August 3, 2018

FROM: Richelle A. Krueger

RE: Water Right
File No. 18,924

Jerry Kuckelman, President and CEO, on behalf of ILS Land Inc., owner of the above referenced water right, filed an application for approval to change the place of use and use made of water for Water Right, File No. 18,924, located in the Rattlesnake Creek Drainage Basin.

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

File No. 18,924 has no overlaps in the authorized point of diversion or place of use and is authorized 189 acre-feet of groundwater from one well for irrigation of 144 acres all located in the Southwest Quarter (SW $\frac{1}{4}$) of Section 9, Township 24 South, Range 14 West, Stafford County. Paragraph No. 17 of the application requests a dual use of water that will allow them to retain the original 189 acre-feet for irrigation but will limit the total annual use to 159.516 acre-feet in any year when water is used for stockwatering during the duration of the dual use stockwater/irrigation dual use permit. Should the stockwatering use ever cease, the applicant will request to revert back to irrigation for the full original quantity of 189 acre-feet. The temporary reduced quantity is based on K.A.R. 5-5-9/5-5-10 calculations. In addition, the irrigation place of use will be changed from 144 acres to the 133 acres actually covered by the center pivot. The applicant indicated in Paragraph No. 13 their nutrient management plan utilizes the return water of the feedlot back to irrigation. The stockwatering place of use will be the Northwest Quarter (NW $\frac{1}{4}$) of Section 9 of the aforementioned township and range, creating a complete overlap in place of use with Water Right, File No. 18,356.01.

All non-domestic and domestic well owners identified on the map by the applicant or in WRIS were notified of the proposed changes by letters dated July 3, 2018 to comply with K.S.A. 82a 1906; no responses have been received as of today's date.

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

In a letter dated July 31, 2018, Orrin Feril, Manager of Big Bend Groundwater Management District No. 5 recommended approval of the application.

In an e-mail dated August 2, 2018, Jeff Lanterman, Water Commissioner of the Stafford Field Office, indicated that he is not opposed to approval of the application.

A water flow meter is required. A check valve is required if any chemical or foreign substance is injected into the water through the diversion works


Richelle Krueger
Environmental Scientist

STATE OF KANSAS

DEPARTMENT OF AGRICULTURE
1320 RESEARCH PARK DRIVE
MANHATTAN, KS 66502
PHONE: (785) 564-6700
FAX: (785) 564-6777



900 SW JACKSON, ROOM 456
TOPEKA, KS 66612
PHONE: (785) 296-3556
www.agriculture.ks.gov

GOVERNOR JEFF COLYER, M.D.
JACKIE McCLASKEY, SECRETARY OF AGRICULTURE

ILS LAND LLC
JERRY KUCKELMAN
PO BOX 1506
GREAT BEND KS 67530-1506

August 6, 2018

FILE COPY

RE: Water Right, File No. 18,924

Dear Mr. Kuckelman

Enclosed is the order executed by the Chief Engineer, Division of Water Resources, Kansas Department of Agriculture, approving the application for change under the referenced file.

Your attention is directed to the enclosures and to the terms, conditions, and limitations specified in the approvals for change. A condition of each approval is the requirement that acceptable water flowmeters be installed so both irrigation and stockwatering uses can be metered independent of each other, from the diversion works prior to the diversion of water.

Since this order modifies the original document referred to above, it should be recorded with the Register of Deeds as other instruments affecting real estate.

If you have any questions regarding the enclosed documents, please contact Leslie Ireland, Environmental Scientist, at (785) 564-6633. Inquiries about the metering please contact our staff at the Stafford Field Office, (620) 234-5311. Information is also available on our web site at <http://agriculture.ks.gov>.

If you wish to discuss a specific file, please have the file number ready so that we may help you more efficiently.

Sincerely,

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

LPL:LI:li
Enclosures

pc: Stafford Field Office
Groundwater Management District No. 5

THE STATE OF KANSAS



KANSAS DEPARTMENT OF AGRICULTURE
Jackie McClaskey, Secretary of Agriculture

DIVISION OF WATER RESOURCES
David W. Barfield, Chief Engineer

**APPROVAL OF APPLICATION
FOR
CHANGE IN USE MADE OF WATER
PLACE OF USE
AND
ORDER IN THE MATTER OF THE AUTHORIZED QUANTITY OF WATER
WATER RIGHT, FILE NO. 18,924**

The Chief Engineer, Division of Water Resources, Kansas Department of Agriculture, after due consideration of the written application of Jerry Kuckelman, President and CEO, ILS Land LLC, PO Box 1506, Great Bend, Kansas 67530-1506, as owner of the referenced water right, received in this office on May 31, 2018, for approval of a change in the location of the place of use and the 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 change is reasonable and will not impair existing rights, and that the application should be and are hereby approved.

The authorized quantity of water under this right will remain 189 acre-feet (61.59 million gallons). This order effectively limits the authorized quantity of water to 159.516 acre-feet (51.98 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 the portion retained for irrigation use shall be authorized a maximum quantity not to exceed 159.516 acre-feet (51.98 million gallons) of groundwater per calendar year, for irrigation use on the following described property:

Sec. Twp. Range	NE¼				NW¼				SW¼				SE¼				TOTAL
	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	
9 24S 14W							5.00	5.00	38.00	36.50	23.50	25.00					133.0

a total of 133 acres in Section 9, Township 24 South, Range 14 West, Stafford County, Kansas.

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

51.98 million gallons (159.516 acre-feet) of groundwater per calendar year.

for use at the location described as being:

a feedlot located in the Northwest Quarter (NW¼) of Section 9, in Township 24 South, Range 14 West, Stafford County, Kansas,

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

The water right owner shall properly install a separate acceptable water meter for each use made of water for 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 for irrigation and stockwatering use 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.

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.

In all other respects, the Certificate of Appropriation issued pursuant to Approval of Application, File No. 18,924, for permit to appropriate water for beneficial use, is as stated and set forth in the Certificate of Appropriation dated January 11, 1984.

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.

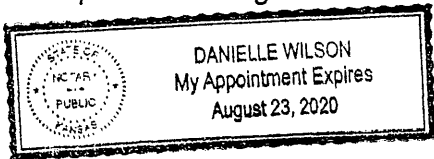
Any request for hearing or petition for administrative review shall be in writing and shall be submitted to the attention of: Chief Legal Counsel, Kansas Department of Agriculture, 1320 Research Park Drive, Manhattan, Kansas 66502, Fax: (785) 564 – 6777.

Ordered this 3rd day of August, 2018, at Topeka, Shawnee County, Kansas.

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

State of Kansas)
) SS
County of Riley)

The foregoing instrument was acknowledged before me this 3rd day of August, 2018, by Lane P. Letourneau, P.G., Water Appropriation Program Manager, Division of Water Resources, Kansas Department of Agriculture.



Danielle Wilson
Notary Public

CERTIFICATE OF SERVICE

On this 6th day of August, 2018, I hereby certify that the attached Approval of Application for Change in Use Made of Water, Place of Use and Order in the Matter of the Authorized Quantity of Water under Water Right, File No. 18,924; dated was mailed postage prepaid, first class, US mail to the following:

ILS LAND LLC
JERRY KUCKELMAN
PO BOX 1506
GREAT BEND KS 67530-1506

With a Photocopy to:

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.

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)

Water Resources
Received
MAY 31 2018
12:37
KS Dept Of Agriculture

File No. 18924

2. Name of applicant: ILS Land LLC

Address: PO Box 1506

City, State and Zip: Great Bend KS 67530-1506

Phone Number: (620)792-6166

E-mail address: BRANSON.SMITH@ILSFFER.COM

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

Name of water use correspondent: ILS Land LLC

Address: PO Box 1506

City, State and Zip: Great Bend KS 67530-1506

Phone Number: (620) 792-6166

E-mail address: _____

3. The change(s) proposed herein are desired for the following reasons (please be specific):

To accomodate a feedlot operation. This change will convert an irrigation right to a dual use irrigation/stockwater permit.
In addition, this application will change the authorized place of use to cover the center pivot as installed.

The change(s) 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 IRR Source G S County SF By MW Date 6/4/18
Code C-2 Fee \$ 500 TR # _____ Receipt Date 6/4/18 Check # 19609

4. The presently authorized place of use is:

Owner of Land — NAME: ILS Land LLC

ADDRESS: PO Box 1506, Great Bend KS 67530-1506

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		
9	24	14W										40	40	34	30					144

List any other water rights that cover this place of use. none

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: ILS Land LLC

ADDRESS: PO Box 1506, Great Bend KS 67530-1506

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		
9	24	14W							5	5	38	36.5	23.5	25						133

List any other water rights that cover this place of use. none

Owner of Land — NAME: Ward Feed Yard Inc

** ILS Land LLC*

ADDRESS: PO Box H, Larned KS 67550

PO Box 1506 Great Bend KS 67530

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		
9	24	14W	Feedlot in the Northwest Quarter																	

List any other water rights that cover this place of use. 18356-01

IF MORE SPACE IS NEEDED, ATTACH ADDITIONAL SHEETS AS NECESSARY

** per Stafford County Orka + 7/3/18
 conversation w EKF Stafford FO * Rsk/awn 7/3/18*

Water Resources
 Received

MAY 31 2018

KS Dept Of Agriculture
SCANNED

- 6. The presently authorized point(s) of diversion is one well
(Provide description and number of points)
- 7. The proposed point(s) of diversion (is) (are) no change
(Provide description and number of points)

List all presently authorized point(s) of diversion:

8. **Presently authorized point of diversion:**
 One in the SW Quarter of the NE Quarter of the SW Quarter of Section 9, Township 24 South, Range 14 W, in Stafford County, Kansas, 1,440 feet North 3,920 feet West of Southeast corner of section.
 Authorized Rate 865 gpm Authorized Quantity 189 AF
 (DWR use only: Computer ID No. 2 GPS N/A feet North N/A 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 SW Quarter of the NE Quarter of the SW Quarter of Section 9, Township 24 South, Range 14 W, in Stafford County, Kansas, 1,440 feet North 3,920 feet West of Southeast corner of section.
 Proposed Rate no change Proposed Quantity STK: 159.516 AF IRR: 189 Limited (see item 13 & 17 for discussion)
 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. N/A

IF MORE SPACE IS NEEDED, ATTACH ADDITIONAL SHEETS AS NECESSARY
 Water Resources
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MAY 31 2018
SCANNED
 KS Dept Of Agriculture

12. The presently authorized use of water is for Irrigation purposes.
It is proposed that the use be changed to Irrigation & Stockwater purposes.
13. If changing the place of use and/or use made of water, describe how the consumptive use will not be increased.
This request proposes to convert the water right to both stockwater and irrigation use for a dual use permit. The proposed stockwater authorized quantity is based on a consumptive use conversion of 84.4% in Stafford County. This change will assist with the nutrient management plan that utilizes the return water of the feedlot back to irrigation and will retain the current project and acres. The change will modify the described acres to fit the installed center pivot system. The base acres for File NO. 18924 were determined to be 126. The proposed irrigated acres are 133, an increase of 7 acres.
(Please show any calculations here.)
14. It is requested that the maximum annual quantity of water be reduced to see Item 17 (acre-feet or million-gallons).
15. It is requested that the maximum rate of diversion of water be reduced to NA 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.
The applicant requests that they retain the original 189 AF for irrigation, but will limit the total annual use to 159.516 AF in any year when water is used for stockwater during the duration of the dual use stockwater/irrigation dual use permit. Should the stockwater use ever cease, the applicant will request to revert back to irrigation for the full original quantity of 189 AF.
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.

IF MORE SPACE IS NEEDED, ATTACH ADDITIONAL SHEETS AS NECESSARY

Water Resources
Received

MAY 31 2018

KS Dept Of Agriculture
SCANNED

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 Great Bend, Kansas, this 29th day of May, 2018.

Jerry Kuckelman President & CEO
(Owner)
JERRY KUCKELMAN
(Please Print)

(Spouse)

(Please Print)

(Owner)

(Please Print)

(Spouse)

(Please Print)

(Owner)

(Please Print)

(Spouse)

(Please Print)

State of Kansas }
County of Barton } SS

I hereby certify that the foregoing application was signed in my presence and sworn to before me this 29th day of May, 2018.

 LISA FERGUSON
Notary Public - State of Kansas
My Appt. Expires 1/25/19

Lisa Ferguson
Notary Public

My Commission Expires _____

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.**

Water Resources
Received
MAY 31 2018
KS Dept Of Agriculture
SCANNED

Krueger, Richelle [KDA]

From: Lanterman, Jeff [KDA]
Sent: Thursday, August 2, 2018 8:50 AM
To: Krueger, Richelle [KDA]
Cc: Conant, Cameron [KDA]; Fitch, Elizabeth [KDA]
Subject: RE: Request for Recommendation, Change in PU UMW Dual Use File No. 18924 ILS Land Inc

Richelle;

I don't have any objection to the approval of this change application. I am aware of this one and we filled it out. The remaining temporarily reduced quantity still appears to meet minimum reasonable for 133 acres. And they have the advantage of effluent reuse from the feedlot here so I am good with 133 acres remaining.

This change was done to mitigate some overpumping issues at the feedlot. We just sent up a penalty matrix for the overpumping there.

So I would make sure that each use is separately metered and reported. Beyond that I don't have any other suggestions.

Thanks
Jeff

From: Krueger, Richelle [KDA]
Sent: Wednesday, August 1, 2018 4:51 PM
To: Lanterman, Jeff [KDA] <Jeff.Lanterman@ks.gov>
Cc: Conant, Cameron [KDA] <Cameron.Conant@ks.gov>; Fitch, Elizabeth [KDA] <Elizabeth.Fitch@ks.gov>
Subject: Request for Recommendation, Change in PU UMW Dual Use File No. 18924 ILS Land Inc

Hi Jeff,
Attached is a draft memo for the referenced change, do you recommend approval?

Thanks,
Richelle

Krueger, Richelle [KDA]

From: Orrin Feril <oferil@gmd5.org>
Sent: Tuesday, July 31, 2018 11:59 AM
To: Krueger, Richelle [KDA]
Subject: Application for Change, Water Right, File No. 18924
Attachments: 18924 2018-07-31 Rec.pdf

Richelle,
I'm attaching the recommendation requested by your office in a letter dated July 3, 2018. Please let me know if you have any questions.

Thank you for your consideration in this matter,

Orrin

--

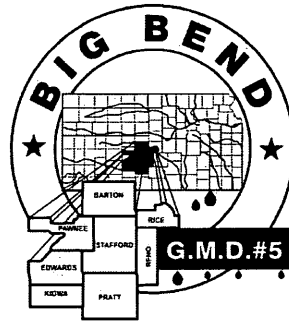
Orrin Feril

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
JUL 31 2018
KS DEPT OF AGRICULTURE

SCANNED

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
Kerry Froetschner - 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

July 31, 2018

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

RE: Water Right File No. 18924
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

WATER RESOURCES
RECEIVED

JUL 31 2018

KS DEPT OF AGRICULTURE

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STATE OF KANSAS

DEPARTMENT OF AGRICULTURE
1320 RESEARCH PARK DRIVE
MANHATTAN, KS 66502
PHONE: (785) 564-6700
FAX: (785) 564-6777



900 SW JACKSON, ROOM 456
TOPEKA, KS 66612
PHONE: (785) 296-3556
www.agriculture.ks.gov

GOVERNOR JEFF COLYER, M.D.
JACKIE McCLASKEY, SECRETARY OF AGRICULTURE

ALFRADA F BOCK TRUST
HAMILTON BOCK
1051 206TH AVE
BELPRE KS 67519

July 3, 2018

FILE COPY

RE: Water Right, File No. 18,924

Dear Sir or Madam:

This is to advise you that ILS Land, L.L.C., has filed an application for approval of the Chief Engineer, Division of Water Resources, Kansas Department of Agriculture, to change the authorized place of use and use made of water for the above referenced file number. Based upon K.S.A. 82a-1906, you are being notified of the above referenced application for change. You can find the application posted by water right file number as referenced above at www.agriculture.ks.gov/divisions-programs/dwr/water-appropriation/notices

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,

Richelle A. Krueger
Environmental Scientist
Water Appropriation Program

RAK

pc: Stafford Field Office
Groundwater Management District No. 5
ILS Land, L.L.C.

SCANNED

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GOVERNOR JEFF COLYER, M.D.
JACKIE McCLASKEY, SECRETARY OF AGRICULTURE

A WAYNE MILLER
1104 300TH AVE
MACKSVILLE KS 67557-5901

July 3, 2018

RE: Water Right, File No. 18,924

Dear Sir or Madam:

This is to advise you that ILS Land, L.L.C., has filed an application for approval of the Chief Engineer, Division of Water Resources, Kansas Department of Agriculture, to change the authorized place of use and use made of water for the above referenced file number. Based upon K.S.A. 82a-1906, you are being notified of the above referenced application for change. You can find the application posted by water right file number as referenced above at www.agriculture.ks.gov/divisions-programs/dwr/water-appropriation/notices

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, appearing to read "Richelle A. Krueger".

Richelle A. Krueger
Environmental Scientist
Water Appropriation Program

RAK

pc: Stafford Field Office
Groundwater Management District No. 5
ILS Land, L.L.C.

SCANNED

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GOVERNOR JEFF COLYER, M.D.
JACKIE McCLASKEY, SECRETARY OF AGRICULTURE

ALFRADA F BOCK TRUST
PO BOX 800
SALINA KS 67402-0800

July 3, 2018

RE: Water Right, File No. 18,924

Dear Sir or Madam:

This is to advise you that ILS Land, L.L.C., has filed an application for approval of the Chief Engineer, Division of Water Resources, Kansas Department of Agriculture, to change the authorized place of use and use made of water for the above referenced file number. Based upon K.S.A. 82a-1906, you are being notified of the above referenced application for change. You can find the application posted by water right file number as referenced above at www.agriculture.ks.gov/divisions-programs/dwr/water-appropriation/notices

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, appearing to read "Richelle A. Krueger".

Richelle A. Krueger
Environmental Scientist
Water Appropriation Program

RAK

pc: Stafford Field Office
Groundwater Management District No. 5
ILS Land, L.L.C.

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GOVERNOR JEFF COLYER, M.D.
JACKIE McCLASKEY, SECRETARY OF AGRICULTURE

FILE COPY

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

July 3, 2018

Re: Water Right, File No. 18,924

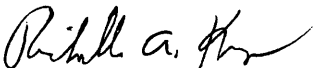
Dear Mr. Feril:

We are enclosing a copy of the application to change the place of use and use made of water for the above referenced file number.

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 this application.

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,


Richelle A. Krueger
Environmental Scientist
Water Appropriation Program

Enclosures

pc: Stafford Field Office

SCANNED

STATE OF KANSAS

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GOVERNOR JEFF COLYER, M.D.
JACKIE McCLASKEY, SECRETARY OF AGRICULTURE

ILS LAND, LLC
PO BOX 1506
GREAT BEND, KS 67530

June 6, 2018

RE: File No 18924-

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.

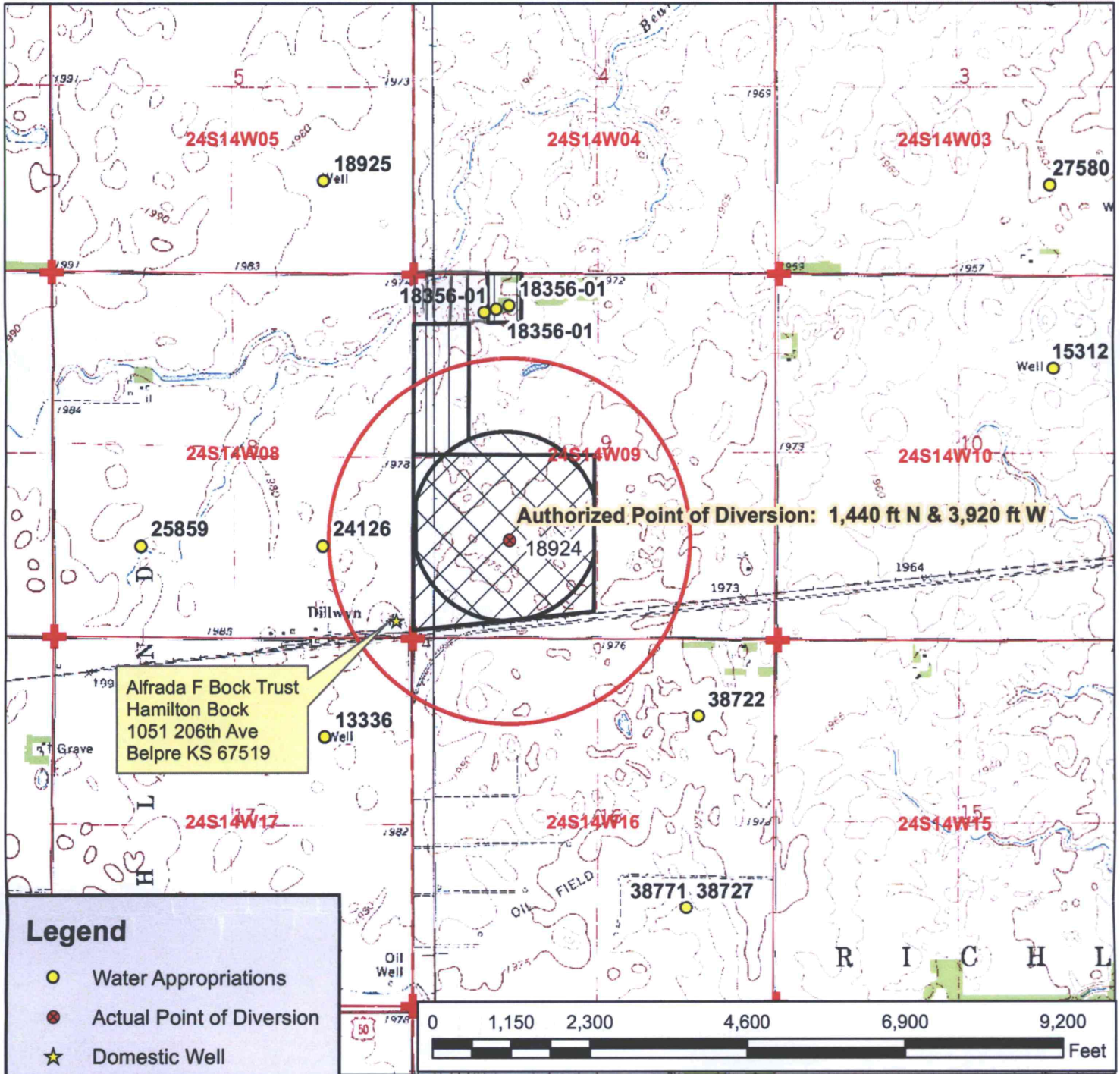
If you have any questions, please contact me at (785) 564-6645. If you wish to discuss a specific file, please have the file number ready so that we may help you more efficiently.

Sincerely,

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

BAT: DLW
pc: STAFFORD Field:Office GMD5

SCANNED



Legend

- Water Appropriations
- Actual Point of Diversion
- ★ Domestic Well
- + Section Corner
- Half Mile Circle
- Section Line

Place of Use

- Authorized
- Proposed IRR
- Proposed STK

Water Right, File No. 18924

Change in Place of Use & Use Made of Water Application Map
9-24-14W // Stafford County

To the best of my knowledge, all wells within 1/2 mile of the proposed point of diversion have been shown

Water Resources Received
MAY 31 2018

Jerry Kuckel
Signature

KS Dept of Agriculture

* Modified STK PU to match File No 1835601 aerial Map in own records
+ per Conversation w EKF Stafford Co * RSK/own 7/3/18

SCANNED