

File No. 50,079	15. Formation Code:	Drainage Basin:	County:	Special Use:	Stream:						
16. Points of Diversion T MOD DEL PDIV ENT			17. Rate and Quantity Authorized Additional Rate gpm/cfs Quantity af/mgy Rate gpm/cfs Quantity af/mgy Overlap PD Files								
Qualifier	S	T	R	ID	'N 'W						
√ 86861 SE SW SE	23	19S	8W	12	46 1374						
					50,094						
18. Storage: Rate _____ NF Quantity _____ ac/ft Additional Rate _____ NF Additional Quantity _____ ac/ft											
19. Limitation: _____ af/yr at _____ gpm (_____ cfs) when combined with file number(s) _____ Limitation: _____ af/yr at _____ gpm (_____ cfs) when combined with file number(s) _____											
20. Meter Required? <input type="checkbox"/> Yes <input type="checkbox"/> No To be installed by _____ Date Acceptable Meter Installed _____											
21. Place of Use T MOD DEL ENT		NE¼ NW¼ SW¼ SE¼				Total	Owner	Chg? NO	Overlap Files		
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	NE ¼ NW ¼ SW ¼ SE ¼		
√ 31039	23	19S	8W	1	FEEDLOT				7a	No	*SEE BELOW
Comments: KNIGHT FEEDLOT FILES: 34,290; 38,175; 38,177; 47,276; 47,277; 50,093; and 50,094 all overlap in Place of Use. CITY OF LYONS FILES: RC-2; 3,543 and 9,997 overlap in Place of Use.											

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

TO: Files

DATE: November 19, 2018

FROM: Doug Schemm

RE: Application, File Nos. 50,093 and 50,094
50,078; 50,079; 50,080; 50,081; and 50,082

Knight Feedlot Inc has filed the above referenced applications File Nos. 50,093 and 50,094 proposing to appropriate groundwater for stockwatering use. File No. 50,093 is requesting to appropriate 100 million gallons (306.89 acre-feet), and File No. 50,094 is requesting to appropriate 47.3 million gallons (145.17 acre-feet). The proposed wells are located in Sections 23 and 24, Township 19 South, Range 8 West, Rice County, Kansas, within the Cow Creek drainage basin. The applicant has signed the application forms stating that they have legal access to the points of diversion. The applicant was assisted by Topeka Field Office staff. Note that the applicant had filed five previous applications that were essentially replaced with these new applications, and they have submitted voluntary closure requests for File Nos. 50,078; 50,079; 50,080; 50,081; and 50,082. Findings and Orders will be prepared to dismiss these applications as requested upon approval of the new applications.

The applicant has five senior water rights, File Nos. 34,290; 38,175; 38,177; 47,276; and 47,277, which overlap in place of use. File No. 34,290 is authorized 3 million gallons, File No. 38,175 is authorized 15.4 million gallons, File No. 38,177 is authorized 16.16 million gallons, File No. 47,276 is authorized 31.536 (limited to 109.5 million gallons with 24.24 million gallons additional), and File No. 47,277 is authorized 21.024 million gallons (limited to 109.5 million gallons with 0 additional). Note that in addition to being limited with these senior STK files, these files are also limited in quantity with File Nos. RC-2; 3,543 and 9,997, which are owned by the City of Lyons. File No. RC-2 can provide 23 million gallons; File No. 3,543 can provide 7.1 million gallons; and File No. 9,997 can provide 24.6 million gallons for a total of 54.7 million gallons from the City of Lyons. The applicant's files are limited to total of 54.8 million gallons when combined with the City's files (109.5 mgy – 54.7 mgy). Note that Place of Use changes will be required on all of these senior files to create a complete overlap in Place of Use with the new applications.

The applicant provided an estimate for total water needs, as follows: 30,000 head of cattle x 10.5 gallons per head per day x 365 days = 114.975 million gallons. This is less than the typical maximum value requested of 15 gallons per head per day, which would equate to 164.25 million gallons. In addition, for similar operations water for cooling, sanitation, and other uses, can be estimated at 10 million gallons, for a total of 174.25 million gallons. As noted above, the authorized quantity for the feedlot supply is 109.5 million gallons. Therefore, it is proposed that File No. 50,093 will be limited to 174.25 million gallons with all senior files, providing an additional 64.75 million gallons (174.25 mgy – 109.5 mgy). File No. 50,094 will be limited to 174.25 million gallons with all senior files, providing 0 additional water. These additional wells will also provide flexibility and backup supply for the feedlot if any other wells were to fail.

File No. 50,093 is requesting to appropriate groundwater from a battery of four (4) wells at a rate of diversion of 800 gallons per minute. Note that File No. 50,094 is requesting to appropriate groundwater from three (3) individual wells at a combined rate of diversion of 90 gallons per minute (30 gpm per well). Per K.A.R. 5-3-4, a single application can include "Not more than four wells within a circle with a quarter-mile radius in the same local source of supply that do not exceed a maximum diversion rate of 20 gallons per minute per well." However, the applicant has requested a higher pumping rate to ensure an adequate water supply to the feedlot, especially if one of the wells were to become inoperable at a critical time. It was estimated that none of the wells are likely to exceed 30 gallons per minute. This operational flexibility in pumping rates will provide for more efficient management of both the feedlot operations and the source of supply. The requested pumping rate will require a waiver of K.A.R. 5-3-4 (d).

The applicant provided multiple test hole logs with the previous applications. In addition, during the processing of File Nos. 47,276 and 47,277 the applicant was required to provide additional hydrogeological data due to failure to meet well spacing for the confined Dakota system aquifer. Ground Water Associates, Inc. conducted pumping tests and reviewed available geologic reports and well logs, and prepared a letter dated July 23, 2009.

Knight Feedlot Inc.

File Nos. 50,093; 50,094; 50,078; 50,079; 50,080; 50,081; and 50,082

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This letter indicates that there are two aquifers, a shallow unconsolidated Quaternary Age aquifer composed of silt and sand, and a deeper sandstone aquifer (Dakota system). The letter also notes that both aquifers are considered to be semi-confined. Pump test results showed minimal drawdown of less than one foot in a well just 50 feet away from the pumping well, and no drawdown at wells 400 feet and 800 feet away. Based on this data, DWR approved File Nos. 47,276 and 47,277 noting that the required minimum well spacing criteria is not necessary to prevent direct impairment in this instance.

In general, the well logs show clay and "Dakota drift" extending to depths of 40 feet to 60 feet below ground, underlain by interbedded sandstone and shale. The sandstone units range from 6 feet to 27 feet in thickness, with several of them labeled as "coarse", and they should produce adequate water for these applications. Note that the sandstone thickness in the test holes in the Northwest Quarter of Section 24 are significantly greater than Section 23 test holes, which supports the higher rate of diversion for the battery of wells. No static water levels were provided on the test hole logs, however data from the pump test discussed above shows static water levels around 18 feet below ground surface. This static water level would be above the top of the sandstone aquifer, however, pump test results show that the shallower aquifer is also providing water to these wells and is likely influencing the static water level. In addition, note that nearby domestic wells, show that static water levels are the same or below the depths that groundwater was encountered, which would indicate this is an unconfined aquifer system.

Typically, when the Dakota aquifer system is overlain by a shallower aquifer, the entire system is considered to be unconfined and safe yield is evaluated using unconfined aquifer criteria in K.A.R. 5-3-11. Based on local area wells, the bedrock aquifer appears to extend throughout this 2-mile area; therefore it would appear reasonable to use the extent of the bedrock aquifer as the area of consideration. The potential annual recharge established for this area for unconfined aquifers (2 inches) would provide a maximum quantity of recharge possible. For both files, based on an area of consideration of 8,042 acres, a potential recharge of 2 inches, with 75% available for appropriation, safe yield was determined to be 1,005.3 acre-feet. Existing water rights have appropriated 289.7 acre-feet, leaving 715.6 acre-feet available for File No. 50,093. With the approval of File No. 50,093, there would be 408.71 acre-feet available for File No. 50,094, and both applications meet safe yield.

Although it is possible that these semi-confined aquifer systems would receive somewhat less recharge than a near-surface, unconfined aquifer, this safe yield value for unconfined aquifers per K.A.R. 5-3-11 provides a maximum quantity of water available in the area of consideration. If there is a significant quantity of water still remaining, then even with significant reduced recharge to the semi-confined aquifer (in this case it would require only 60% of the maximum or 1.2 inches of recharge) there would still be sufficient water available.

The applicant did not identify any domestic well owners within one-half ($\frac{1}{2}$) mile of the proposed points of diversion. However, after further review it appears that a domestic well is located to the south of the applicant's property within the Northeast Quarter of Section 26. A notification letter was sent out on August 8, 2018, and the well owner (Jack Prather) contacted our office on August 14, 2018. He expressed general concerns that his well could be impacted, and we discussed his senior water right and that he can contact the Stafford Field Office if he notices any issues in the future. His well is 70 feet in total depth, with depth to water of 35 feet. NOTE: Mr. Prather stated he is currently having problems with his well and he's going to contact a plumber to investigate it. He has not done any recent work on the well or pump. Per K.A.R. 5-4-4, for the unconfined Dakota aquifer system, well spacing is 1,320 feet to domestic wells and 2,640 feet to non-domestic wells, and with relocation of one of the wells under File No. 50,094, both applications comply with well spacing criteria to all other wells and to each other.

Knight Feedlot Inc.

File Nos. 50,093; 50,094; 50,078; 50,079; 50,080; 50,081; and 50,082

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

In an August 9, 2018 e-mail, Jeff Lanterman, Water Commissioner, Stafford Field Office, recommended approval of the referenced applications, File Nos. 50,093 and 50,094. Based on the above discussion, well spacing and safe yield criteria are met, approval of the applications will not impair senior water rights nor prejudicially or unreasonably affect the public interest, and these will provide greater flexibility in sources of water and provide backup in case of other well failure, it is recommended that the referenced new applications be approved, in conjunction with the change applications on the senior files, and dismissals of other applications.

Douglas W. Schemm
Environmental Scientist
Topeka Field Office

1320 Research Park Drive
Manhattan, KS 66502
785-564-6700
www.agriculture.ks.gov



900 SW Jackson, Room 456
Topeka, KS 66612
785-296-3556

Mike Beam, Acting Secretary

Laura Kelly, Governor

March 15, 2019

KNIGHT FEEDLOT INC
% LUKE KNIGHT
1768 AVENUE J
LYONS KS 67554-8805

RE: Appropriation of Water, File Nos. 50,093 and 50,094; and
Application, File Nos. 50,078; 50,079; 50,080; 50,081; and 50,082

Dear Mr. Knight:

There are enclosed permits to appropriate water (File Nos. 50,093 and 50,094) authorizing you to proceed with construction of the proposed diversion works (except those dams and stream obstructions regulated by K.S.A. 82a-301 through 305a), to divert such unappropriated water as may be available from the sources and at the locations specified in these permits, and to use it for the purpose and at the location described in these permits.

Your attention is directed to the enclosures and to the terms, conditions, and limitations specified in these permits, with **specific reference to File No. 50,094, Paragraph No. 17 describing the requirements for locating all wells within a ¼ mile radius circle.** Water meters are required on the diversion works and you must install them prior to water being put to beneficial use in order for you to maintain accurate records of water use. The meters should be used to provide the information required on the annual water use reports.

Failure to notify the Chief Engineer of the Division of Water Resources of the completion of the diversion works within the time allowed, or within any authorized extension of time thereof, will result in the dismissal of these permits. Enclosed are forms which may be used to notify the Chief Engineer that the proposed diversion works have been completed for each file. All requests for extensions of time to complete diversion works, or to perfect appropriations, must be submitted to the Chief Engineer before the expiration of time originally set forth in these permits to complete diversion works or to perfect an appropriation. If for any reason, you require an extension of time, you must request it before the expiration of time set forth in these permits. Failure to comply with this regulation will result in the dismissal of your permits or your water rights. Any request for an extension of time shall be accompanied by the required statutory fee, which is currently \$100.00 per file number. There is also enclosed an information sheet setting forth the procedure to obtain Certificates of Appropriation which will establish the extent of your water rights.

In addition, enclosed are the Findings and Orders by the Chief Engineer, Division of Water Resources, Kansas Department of Agriculture, dismissing Application, File Nos. 50,078; 50,079; 50,080; 50,081; and 50,082 as you requested in your voluntary dismissal forms. Appropriation of Water, File Nos. 50,093 and 50,094 essentially replace these five applications.

If you are aggrieved by these Orders, 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.

Knight Feedlot Inc.

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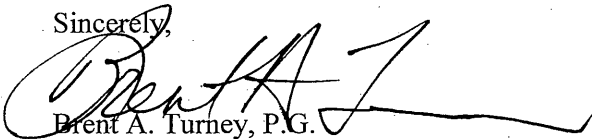
To obtain an evidentiary hearing before the Chief Engineer, a written request for hearing must be filed within 15 days after service of these Orders as provided in K.S.A. 77-531 (**i.e., within a total of 18 days after these Orders were mailed to you**), with: Kansas Department of Agriculture, Attn: Legal Section, 1320 Research Park Drive, Manhattan, Kansas 66502, FAX (785) 564-6777.

If you do not file a request for an evidentiary hearing before the Chief Engineer, you may petition for administrative review of these Orders 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 these Orders as provided in K.S.A. 77-531 (**i.e., within a total of 33 days after these Orders were mailed to you**), and be filed with: Secretary of Agriculture, Attn: Legal Division, Kansas Department of Agriculture, 1320 Research Park Drive, Manhattan, Kansas 66502, FAX (785) 564-6777.

If neither a request for an evidentiary hearing nor a petition for administrative review is filed as set forth above, then these Orders 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.

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

Sincerely,



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

BAT:dws

Enclosures

pc: Stafford Field Office
KLA Environmental Services, Inc.

THE STATE OF KANSAS



KANSAS DEPARTMENT OF AGRICULTURE
Mike Beam, Acting Secretary of Agriculture

DIVISION OF WATER RESOURCES
David W. Barfield, Chief Engineer

**FINDINGS AND ORDER
IN THE MATTER OF THE
DISMISSAL OF APPLICATION
FILE NO. 50,079**

After due consideration, the Chief Engineer, Division of Water Resources, Kansas Department of Agriculture (hereinafter referred to as the "Chief Engineer"), makes the following findings and order:

FINDINGS

1. That on July 2, 2018, the Chief Engineer received an application from Knight Feedlot Inc. for permit to appropriate groundwater for beneficial use, assigned File No. 50,079, proposing the appropriation of 50 acre-feet of water, at a maximum requested diversion rate of 30 gallons per minute, for stockwatering use. The proposed point of diversion was to be located in the Southeast Quarter of the Southwest Quarter of the Southeast Quarter (SE $\frac{1}{4}$ SW $\frac{1}{4}$ SE $\frac{1}{4}$) of Section 23, more particularly described as being near a point 46 feet North and 1,374 feet West of the Southeast corner of said section, in Township 19 South, Range 8 West, Rice County, Kansas.
2. That on July 27, 2018, the applicant submitted Application, File No. 50,094, which essentially replaces Application, File No. 50,079.
3. That a signed "Voluntary Dismissal of an Application for Permit to Appropriate Water" form for Application, File No. 50,079 was received in the office of the Chief Engineer on July 27, 2018.
4. That the application should be dismissed and its priority forfeited as requested by the applicant.

ORDER

NOW, THEREFORE, it is the decision and order of the Chief Engineer, Division of Water Resources, Kansas Department of Agriculture, that effective the date of this order, in accordance with the law, Application, File No. 50,079, is herewith dismissed and the priority assigned to it is considered to be forfeited.

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.

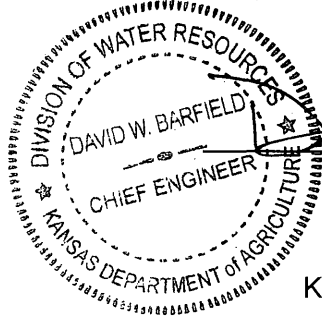
Failure to request an evidentiary hearing before the Chief Engineer does not preclude your right to administrative review by the Secretary.

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, Kansas 66502, FAX (785) 564-6777.

If you do not file a request for an evidentiary hearing before the Chief Engineer, you may petition for administrative review of the Order by the Secretary of Agriculture. A petition for review shall be in writing and state the basis for requesting administrative review. The request for 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, Kansas 66502, FAX (785) 564-6777.

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

Ordered this 6th day of March, 2019, in Manhattan, Riley County, Kansas.



David W. Barfield
David W. Barfield, P.E.
Chief Engineer
Division of Water Resources
Kansas Department of Agriculture

State of Kansas)
) SS
County of Riley)

The foregoing instrument was acknowledged before me this 6th day of March, 2019 by David W. Barfield, P.E., Chief Engineer, Division of Water Resources, Kansas Department of Agriculture.



Karen Hunter
Notary Public

CERTIFICATE OF SERVICE

On this ^{15th} day of ^{March}, 2019, I hereby certify that the foregoing Dismissal of Application, File No. 50,079, dated ^{March 16th}, 2019 was mailed postage prepaid, first class, US mail to the following:

KNIGHT FEEDLOT INC
1768 AVENUE J
LYONS KS 67554-8805

With photocopies to:

KLA ENVIRONMENTAL SERVICES INC
1700 E IRON AVE
SALINA KS 67401

Stafford Field Office



Division of Water Resources

*CONTINGENT UPON APPROVAL NEW APPLICATION

Voluntary Dismissal of an Application for Permit to Appropriate Water

(Date)

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

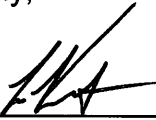
RE: Application File No. 50079

Chief Engineer:

We are submitting this statement in regard to Application for Permit to Appropriate Water, File No. 50079.

We are the applicant who filed this application. We now wish to voluntarily withdraw said application. We realize such withdrawal means the application will be dismissed and whatever priority it may have had will be forfeited. Please withdraw Application File No. 50079. By signing below, We also acknowledge the waiver of any right to a hearing or appeal that We may have had in regards to this Application.

Sincerely,



(Signature of Applicant)

KNIGHT FEEDLOT INC

(Please print name here)

1768 AVENUE J

(Mailing Address)

LYONS KS 67554-8805

(City, State, Zip)

(Signature of Applicant)

(Please print name here)

(Mailing Address)

(City, State, Zip)

WATER RESOURCES
RECEIVED

JUL 27 2018



KANSAS DEPARTMENT OF AGRICULTURE
Jackie McClaskey, Secretary of Agriculture

DIVISION OF WATER RESOURCES
David W. Barfield, Chief Engineer

File Number 50079
This item to be completed by the Division of Water Resources.

Water Resources
Received

**APPLICATION FOR PERMIT TO
APPROPRIATE WATER FOR BENEFICIAL USE**

Filing Fee Must Accompany the Application
(Please refer to Fee Schedule attached to this application form.)

JUL 02 2018
1:01
KS Dept Of Agriculture

To the Chief Engineer of the Division of Water Resources, Kansas Department of Agriculture,
1320 Research Park Drive, Manhattan, Kansas 66502:

1. Name of Applicant (Please Print): Knight Feedlot, Inc.
Address: 1768 Avenue J
City: Lyons State KS Zip Code 67554
Telephone Number: (620) 257-5106

2. The source of water is: surface water in _____ (stream)
OR groundwater in Cow Creek (drainage basin)

Certain streams in Kansas have minimum target flows established by law or may be subject to administration when water is released from storage for use by water assurance district members. If your application is subject to these regulations on the date we receive your application, you will be sent the appropriate form to complete and return to the Division of Water Resources.

3. The maximum quantity of water desired is 50 acre-feet OR _____ gallons per calendar year, to be diverted at a maximum rate of 30 gallons per minute OR _____ cubic feet per second.

Once your application has been assigned a priority, the requested maximum rate of diversion and maximum requested quantity of water under that priority number can **NOT** be increased. Please be certain your requested maximum rate of diversion and maximum quantity of water are appropriate and reasonable for your proposed project and are in agreement with the Division of Water Resources' requirements.

4. The water is intended to be appropriated for (Check use intended):
(a) Artificial Recharge (b) Irrigation (c) Recreational (d) Water Power
(e) Industrial (f) Municipal (g) Stockwatering (h) Sediment Control
(i) Domestic (j) Dewatering (k) Hydraulic Dredging (l) Fire Protection
(m) Thermal Exchange (n) Contamination Remediation

YOU **MUST** COMPLETE AND ATTACH ADDITIONAL DIVISION OF WATER RESOURCES FORM(S) PROVIDING INFORMATION TO SUBSTANTIATE YOUR REQUEST FOR THE AMOUNT OF WATER FOR THE INTENDED USE REFERENCED ABOVE.

For Office Use Only:
F.O. 2 GMD 0 Meets K.A.R. 5-3-1 (YES / NO) Use SR Source G/S County EC By AJW Date 7/2/18
Code REG Fee \$ 200 TR # _____ Receipt Date 7/2/18 Check # 5913

7/6/18 SCANNED
DAW

5. The location of the proposed wells, pump sites or other works for diversion of water is:

Note: For the application to be accepted, the point of diversion location must be described to at least a 10 acre tract, unless you specifically request a 60 day period of time in which to locate the site within a specifically described, minimal legal quarter section of land.

(A) One in the SE quarter of the SW quarter of the SE quarter of Section 23, more particularly described as being near a point 46 feet North and 1374 feet West of the Southeast corner of said section, in Township 19 South, Range 8 East/West (circle one), _____ County, Kansas.

(B) One in the _____ quarter of the _____ quarter of the _____ quarter of Section _____, more particularly described as being near a point _____ feet North and _____ feet West of the Southeast corner of said section, in Township _____ South, Range _____ East/West (circle one), _____ County, Kansas.

(C) One in the _____ quarter of the _____ quarter of the _____ quarter of Section _____, more particularly described as being near a point _____ feet North and _____ feet West of the Southeast corner of said section, in Township _____ South, Range _____ East/West (circle one), _____ County, Kansas.

(D) One in the _____ quarter of the _____ quarter of the _____ quarter of Section _____, more particularly described as being near a point _____ feet North and _____ feet West of the Southeast corner of said section, in Township _____ South, Range _____ East/West (circle one), _____ County, Kansas.

If the source of supply is groundwater, a separate application shall be filed for each proposed well or battery of wells, except that a single application may include up to four wells within a circle with a quarter (1/4) mile radius in the same local source of supply which do not exceed a maximum diversion rate of 20 gallons per minute per well.

A battery of wells is defined as two or more wells connected to a common pump by a manifold; or not more than four wells in the same local source of supply within a 300 foot radius circle which are being operated by pumps not to exceed a total maximum diversion rate of 800 gallons per minute and which supply water to a common distribution system.

6. The owner of the point of diversion, if other than the applicant is (please print):

(name, address and telephone number)

(name, address and telephone number)

You must provide evidence of legal access to, or control of, the point of diversion from the landowner or the landowner's authorized representative. Provide a copy of a recorded deed, lease, easement or other document with this application. In lieu thereof, you may sign the following sworn statement:

I have legal access to, or control of, the point of diversion described in this application from the landowner or the landowner's authorized representative. I declare under penalty of perjury that the foregoing is true and correct.

Executed on _____, 20____. _____
Applicant's Signature

The applicant must provide the required information or signature irrespective of whether they are the landowner. Failure to complete this portion of the application will cause it to be unacceptable for filing and the application will be returned to the applicant.

7. The proposed project for diversion of water will consist of one well
(number of wells, pumps or dams, etc.)
and (was)(will be) completed (by) 10/1/2018
(Month/Day/Year - each was or will be completed)

8. The first actual application of water for the proposed beneficial use was or is estimated to be 11/1/2018
(Mo/Day/Year)

50079



KANSAS DEPARTMENT OF AGRICULTURE
Jackie McClaskey, Secretary of Agriculture

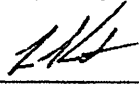
DIVISION OF WATER RESOURCES
David W. Barfield, Chief Engineer

SWORN STATEMENT
PURSUANT TO K.S.A. 82a-709

You must provide evidence of legal access to, or control of, the point of diversion from the landowner or the landowner's authorized representative. Provide a copy of a recorded deed, lease, easement or other document with this application. In lieu thereof, you may sign the following sworn statement:

I have legal access to, or control of, the point of diversion described in this application from the landowner or the landowner's authorized representative. I declare under penalty of perjury that the foregoing is true and correct.

Executed on July 2, 20 18.



Applicant's Signature

The applicant must provide the required information or signature irrespective of whether they are the landowner. Failure to complete this portion of the application will cause it to be unacceptable for filing and the application will be returned to the applicant.

9. Will pesticide, fertilizer, or other foreign substance be injected into the water pumped from the diversion works?
 Yes No If "yes", a check valve shall be required.

All chemigation safety requirements must be met including a chemigation permit and reporting requirements.

10. If you are planning to impound water, please contact the Division of Water Resources for assistance, prior to submitting the application. Please attach a reservoir area capacity table and inform us of the total acres of surface drainage area above the reservoir.

Have you also made an application for a permit for construction of this dam and reservoir with the Division of Water Resources? Yes No

- If yes, show the Water Structures permit number here _____
- If no, explain here why a Water Structures permit is not required _____

11. The application must be supplemented by a U.S.G.S. topographic map, aerial photograph or a detailed plat showing the following information. On the topographic map, aerial photograph, or plat, identify the center of the section, the section lines or the section corners and show the appropriate section, township and range numbers. Also, please show the following information:

- (a) The location of the proposed point(s) of diversion (wells, stream-bank installations, dams, or other diversion works) should be plotted as described in Paragraph No. 5 of the application, showing the North-South distance and the East-West distance from a section line or southeast corner of section.
- (b) If the application is for groundwater, please show the location of any existing water wells of any kind within 1/2 mile of the proposed well or wells. Identify each existing well as to its use and furnish the name and mailing address of the property owner or owners. If there are no wells within 1/2 mile, please advise us.
- (c) If the application is for surface water, the names and addresses of the landowner(s) 1/2 mile downstream and 1/2 mile upstream from your property lines must be shown.
- (d) The location of the proposed place of use should be shown by crosshatching on the topographic map, aerial photograph or plat.
- (e) Show the location of the pipelines, canals, reservoirs or other facilities for conveying water from the point of diversion to the place of use.

A 7.5 minute U.S.G.S. topographic map may be obtained by providing the section, township and range numbers to: Kansas Geological Survey, 1930 Constant, Campus West, University of Kansas, Lawrence, Kansas 66047.

12. List any application, appropriation of water, water right, or vested right file number that covers the same diversion points or any of the same place of use described in this application. Also list any other recent modifications made to existing permits or water rights in conjunction with the filing of this application.

Water Right File Nos. A 47276, A 47277, A 34290, A 38175 and A 38177

Water Resources
Received

JUL 02 2018

13. Furnish the following well information if the proposed appropriation is for the use of groundwater. If the well has not been completed, give information obtained from test holes, if available.

Information below is from: Test holes Well as completed Drillers log attached

Well location as shown in paragraph No.	(A)	(B)	(C)	(D)
Date Drilled	6/1/2018	_____	_____	_____
Total depth of well	135 feet	_____	_____	_____
Depth to water bearing formation	50 feet	_____	_____	_____
Depth to static water level	21.5 feet	_____	_____	_____
Depth to bottom of pump intake pipe	Not Installed	_____	_____	_____

14. The relationship of the applicant to the proposed place where the water will be used is that of
Owner

(owner, tenant, agent or otherwise)

15. The owner(s) of the property where the water is used, if other than the applicant, is (please print):

(name, address and telephone number)

(name, address and telephone number)

16. The undersigned states that the information set forth above is true to the best of his/her knowledge and that this application is submitted in good faith.

Dated at Lyons, KS, Kansas, this 26 day of June, 2018.
(month) (year)



(Applicant Signature)

By _____
(Agent or Officer Signature)

(Agent or Officer - Please Print)

Assisted by _____ Date: _____
(office/title)

RECEIVED
JUN 11 2018
KANSAS DEPARTMENT OF REVENUE
DIVISION OF WATER RESOURCES

FEE SCHEDULE

1. The fee for an application for a permit to appropriate water for beneficial use, except for domestic use, shall be (see paragraph No. 2 below if requesting storage):

ACRE-FEET	FEE
0-100	\$200.00
101-320	\$300.00
More than 320	\$300.00 plus \$20.00 for each additional 100 acre-feet or any part thereof.

2. The fee for an application in which storage is requested, except for domestic use, shall be:

ACRE-FEET	FEE
0-250	\$200.00
More than 250	\$200.00 plus \$20.00 for each additional 250 acre-feet of storage or any part thereof.

Note: If an application requests both direct use *and* storage, the fee charged shall be as determined under No. 1 or No. 2 above, whichever is greater, but not both fees.

3. The fee for an application for a permit to appropriate water for water power or dewatering purposes shall be \$100.00 plus \$200.00 for each 100 cubic feet per second, or part thereof, of the diversion rate requested.

Note: The applicant shall notify the Chief Engineer and pay the statutorily required field inspection fee of \$400.00 when construction of the works for diversion has been completed, except that for applications filed on or after July 1, 2009, for works constructed for sediment control use and for evaporation from a groundwater pit for industrial use shall be accompanied by a field inspection fee of \$200.00.

MAKE CHECKS PAYABLE TO THE KANSAS DEPARTMENT OF AGRICULTURE

ATTENTION

A Water Conservation Plan may be required per K.S.A. 82a-733. A statement that your application for permit to appropriate water may be subject to the minimum desirable streamflow requirements per K.S.A. 82a-703a, b, and c may also be required from you. After the Division of Water Resources has had the opportunity to review your application, you will be notified whether or not you will need to submit a Water Conservation Plan. You also may be required to install a water flow meter or water stage measuring device on your diversion works prior to diverting water. There may be other special conditions or Groundwater Management District regulations that you will need to comply with if this application is approved.

CONVERSION FACTORS

1 acre-foot equals 325,851 gallons

1 million gallons equal 3.07 acre-feet

Water Resources
Received

JUL 02 2018

KS Dept of Agriculture
SCANNED

**STOCKWATER USE
SUPPLEMENTAL SHEET**

File No. _____

Name of Applicant (Please Print): Knight Feedlot, Inc.

1. Please indicate type of livestock (cattle, hogs, etc.): Cattle (greater than 700 pounds)

2. Please complete the following table showing past and present water requirements:

PAST NUMBER OF HEAD AND WATER DIVERTED, IF APPLICABLE

LAST 5 YEARS	NUMBER OF HEAD	WATER DIVERTED (GALLONS)	GALLONS PER HEAD PER DAY
5 years ago	8,575	42,340,150	12.92
Last year	11,875	50,847,140	11.75
Present Year	13,442	22,041,410	10.90

3. Please complete the following table showing estimated future water requirements:

ESTIMATED FUTURE NUMBER OF HEAD AND WATER DIVERTED

NEXT 5 YEARS	NUMBER OF HEAD	WATER TO BE DIVERTED (GALLONS)	GALLONS PER HEAD PER DAY
Year 1	30,000	114,975,000	10.5
Year 2	30,000	114,975,000	10.5
Year 3	30,000	114,975,000	10.5
Year 4	30,000	114,975,000	10.5
Year 5	30,000	114,975,000	10.5

Please attach any additional information, tables, or curves showing past, present and estimated future water requirements to substantiate the amount of water requested.

4. Please designate the legal description of the location where the water is to be used. Show in the space provided below the Section (S), Township (T), and Range (R), and the number of acres in each forty acre tract or fractional portion thereof.

S	T	R	NE¼				NW¼				SW¼				SE¼				TOTAL
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
23	19	8W	40	40	40	40	40	40	40	40	40	40	40	40	40	40	40	40	640

50079

5. Show quantities of water used and all associated water uses at the feedlot such as water used in feed mills, cooling of animals, washing, flushing of wastes, etc.:

DRINKING

30,000 head of Cattle x 10.5 gallons/head (avg.) x 365 days = 114,975,000 gallons
_____ head of _____ x _____ gallons/head (avg.) x _____ days = _____ gallons
_____ head of _____ x _____ gallons/head (avg.) x _____ days = _____ gallons

COOLING

_____ gallons/hour x _____ hour/day x _____ days = _____ gallons

SANITATION

_____ g.p.m. x 60 min/hr x _____ hr/wk x _____ wks/yr = _____ gallons

OTHER USE (Explain) _____ = _____ gallons

TOTAL ----- 114,975,000 gallons

6. Show location of present and future location of confinement pens on your attached maps or photographs.

7. Total feed bunk space for cattle or livestock is 30,000 linear feet.

8. Total size of stock pens for confinement area of cattle, hogs, etc. is 7,500,000 square feet.

You may attach any additional information you believe will assist in informing the Division of Water Resources of the need for your request.

KLA ENVIRONMENTAL SERVICES, INC.

PROJECT: KNIGHT FEEDLOT, INC.

LOCATION: SECTION 23 T19S R8W, RICE COUNTY, KS

BY: KLS
DATE: 6/14/2018

CHECKED BY: _____
DATE: _____

WATER RIGHT SUMMARY

WATER RIGHT FILE NO.	TEST HOLE ID	BENEFICIAL USE	AUTHORIZED QUANTITY (AC-FT)	NET QUANTITY (AC-FT)	AUTHORIZED OR REQUESTED RATE (GPM)	Longitude	Latitude	P/D DIST. FROM SE SECTION CORNER			QUALIFIERS		
								SEC-TWP-RGE	NORTH	WEST			
A 34290 00		STK	9.207	9.207	40	-98.17095	38.39067	23-19S-8W	5067 FT	1867 FT	NE	NW	NE
A 34290 00		STK				-98.17092589	38.39066854	23-19S-8W					
A 34290 00		STK				-98.17085	38.39083	23-19S-8W					
A 38175 00		STK	47.261	47.261	20	-98.17741	38.39106	23-19S-8W	5202 FT	3721 FT	NW	NE	NW
A 38177 00		STK	49.593	49.593	40	-98.17092589	38.39066854	23-19S-8W	5067 FT	1867 FT	NE	NW	NE
A 38177 00		STK				-98.17095	38.39067	23-19S-8W					
A 38177 00		STK				-98.17085	38.39083	23-19S-8W					
A 47276 00		STK	96.780	0	60	-98.16912821	38.39475584	14-19S-8W	1260 FT	1360 FT	NE	SW	SE
A 47277 00		STK	64.520	0	40	-98.16875837	38.39182047	14-19S-8W	191 FT	1254 FT	SW	SE	SE
	23-TH-2-18	STK		50	30	-98.1723	38.3770	23-19S-8W	82 FT	2147 FT	SW	SW	SE
	23-TH-5-18	STK		50	30	-98.1656	38.3770	23-19S-8W	82 FT	229 FT	SE	SE	SE
	23-TH-6-18	STK		50	30	-98.1696	38.3769	23-19S-8W	46 FT	1374 FT	SE	SW	SE
	24-TH-1-18	STK		50	30	-98.1646	38.3843	24-19S-8W	2765 FT	5241 FT	SW	SW	NW
	24-TH-2-18	STK		50	30	-98.1625	38.3843	24-19S-8W	2765 FT	4640 FT	SW	SW	NW

356.06 Acre-Feet
116,010,000 Gallons

Livestock water needs calculator

Input		Calculated			
Head of Beef Cattle	Gal/Head/Day	Gallons/Day	GPM	Ac-Feet/Yr	Gallons/Yr
30,000	10:50	315,000	219	353	114,975,000

SCANNED

KS Dept Of Agriculture

JUL 02 2018

Water Resources
Received

50079

KLA ENVIRONMENTAL SERVICES, INC.

PROJECT: KNIGHT FEEDLOT, INC.

LOCATION: SECTION 23 T19S R8W, RICE COUNTY, KS

BY: JLW
DATE: 6/14/2018

CHECKED BY: KLS
DATE: 6/15/2018

WATER USE DATA FROM PCP RECORDS

KNIGHT FEEDLOT WATER USAGE 2015 TO 2017

2014	Days	Water Use By Month	Water Purchased	Average # of Cattle	Gal/Head/Day	2015	Days	Water Use By Month	Water Purchased	Average # of Cattle	Gal/Head/Day	2016	Days	Water Use By Month	Water Purchased	Average # of Cattle	Gal/Head/Day
January	31	0	539,000	7,262	2.39	January	31	4,112,030		13,862	9.57	January	31		3,400,000	12,156	9.02
February	28	0	1,496,000	6,664	8.02	February	28	3,163,530	691,000	11,700	11.77	February	28	1,599,460	1,606,000	12,819	8.93
March	31	0	875,000	7,392	3.82	March	31	4,379,740	998,890	10,414	16.66	March	31	768,840	3,101,000	14,372	8.69
April	30	0	1,115,000	6,868	5.41	April	30	1,737,880	1,249,110	11,439	8.70	April	30	850,500	2,560,000	14,730	7.72
May	31	0	95,000	6,969	0.44	May	31	1,487,060		10,696	4.48	May	31	696,610	3,220,000	12,696	9.95
June	30	0	25,000	9,251	0.09	June	30	310,720	3,417,000	10,730	11.58	June	30	826,770	2,430,000	11,985	9.06
July	31	14,155,710	61,000	8,453	54.25	July	31	559,730	3,358,000	9,826	12.86	July	31	772,640	1,890,000	7,893	10.88
August	31	1,363,260	44,000	9,120	4.98	August	31	175,000	4,414,000	11,052	13.39	August	31	999,470	1,860,000	10,196	9.05
September	30	1,174,070	27,000	12,322	3.25	September	30	331,070	3,485,000	11,156	11.40	September	30	845,985	1,010,600	11,470	5.40
October	31	2,023,170	33,000	13,520	4.91	October	31	5,000	4,744,000	12,518	12.24	October	31	1,709,365	501,800	12,775	5.58
November	30	1,711,130	113,000	14,601	4.16	November	30	545,800	2,773,000	13,237	8.36	November	30	3,181,800	200,000	13,396	8.41
December	31	2,655,500	332,000	14,510	6.64	December	31	645,850	328,000	13,015	2.41	December	31	6,184,630	104,600	13,568	14.95
TOTAL	365	23,082,840	4,755,000	9,744	7.83	TOTAL	365	17,453,410	25,458,000	11,637	10.10	TOTAL	365	18,436,070	21,884,000	12,338	8.95

2017	Days	Water Use By Month	Water Purchased	Average # of Cattle	Gal/Head/Day	2018	Water Use By Month	Water Purchased	Average # of Cattle	Gal/Head/Day
January	31	2,326,420	1,371,000	12,697	9.39	January	3,903,540	462,000	12,746	11.05
February	28	3,350,850	1,202,000	10,842	15.00	February	3,639,660	843,000	13,124	12.20
March	31	4,378,190	1,483,000	14,191	13.32	March	4,430,410	686,000	13,984	11.80
April	30	4,036,150	521,000	14,087	10.78	April	2,652,980	204,000	14,068	6.77
May	31	2,740,090	367,000	13,765	7.28	May	4,674,820	545,000	13,287	12.67
June	30	4,390,570	1,859,000	12,496	16.67					
July	31	3,555,450	807,000	10,598	13.28					
August	31	2,860,010	306,000	9,011	11.33					
September	30	3,419,240	238,000	8,687	14.03					
October	31	3,057,790	100,000	9,985	10.20					
November	30	4,043,710	123,000	12,955	10.72					
December	31	4,099,670	212,000	12,971	10.72					
TOTAL	365	42,258,140	8,589,000	11,857	11.75	TOTAL	19,301,410	2,740,000	13,442	10.90

KLA ENVIRONMENTAL SERVICES, INC.

PROJECT: KNIGHT FEEDLOT, INC.

LOCATION: SECTION 23 T19S R8W, RICE COUNTY, KS

BY: JLW
DATE: 6/14/2018

CHECKED BY: KLS
DATE: 6/15/2018

Average Gal/Head/Day 2014 to 2017	
January	7.59
February	10.93
March	10.62
April	8.15
May	5.54
June	9.35
July	22.82
August	9.69
September	8.52
October	8.23
November	7.91
December	8.68
TOTAL	9.66

Annual Water Use Report

Water Right	2013*	2014	2015	2016	2017	Average
34290	2,430,270	2,773,330	1,709,370	4,735,250	6,450,090	3,619,662
34290	4,723,270	2,898,320	855,290	580,870	2,736,110	2,358,772
38175	1,998,610	9,161,790	0	707,350	843,640	2,542,278
47276	25,191,700	3,863,500	9,751,300	6,564,500	30,510,200	15,176,240
47277	6,070,300	4,385,900	5,191,600	5,848,100	1,718,100	4,642,800
Total	40,414,150	23,082,840	17,507,560	18,436,070	42,258,140	28,339,752
Water Purcha	365 1,926,000	4,755,000	25,458,000	21,884,000	8,589,000	12,522,400
Average Head	8.575	9.744	11.637	12.338	11.857	10.830
Gal/Head/Day	12.92	7.83	10.12	8.95	11.75	10.31

*Monthly well readings not available in 2013

Water Resources
 Received
 JUL 02 2018
 KS Dept Of Agriculture
 SCANNED

50079

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

July 5, 2018

KNIGHT FEEDLOT, INC
1768 AVENUE J
LYONS KS 67554

RE: Application
File No. 50079

Dear Sir or Madam:

Your application for permit to appropriate water in 23-19S-8W in Rice County, was received and has been assigned the file number noted above.

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. Once review of your application has begun, we will contact you, if additional information is required.

In accordance with the provisions of the Kansas Water Appropriation Act, a portion of which is included below, the use of water as proposed prior to approval of the application is unlawful. 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) 564-6637. If you wish to discuss a specific file, please have the file number ready so that we may help you more efficiently.

Sincerely,

Kristen A. Baum
New Applications Unit Supervisor
Water Appropriation Program

BAT: dlw
pc: STAFFORD Field Office
GMD

SCANNED

SCANNED



KS Dept Of Agriculture
 Water Resources
 Received
 JUL 02 2018

LEGEND

- POINT OF DIVERSION (STK)
- POINT OF DIVERSION (STK NEW)
- ▨ FEEDYARD EXPANSION AREA



T19S

R8W

RATE & QUANTITY MAP

DRAWN	DLB	DATE	6/18
CHECKED	KLS	DATE	6/18
APPROVED	KLS	DATE	6/18

KNIGHT FEEDLOT, INC.
 WATER RIGHTS
 SECTION 23 T19S R8W
 RICE COUNTY, KANSAS

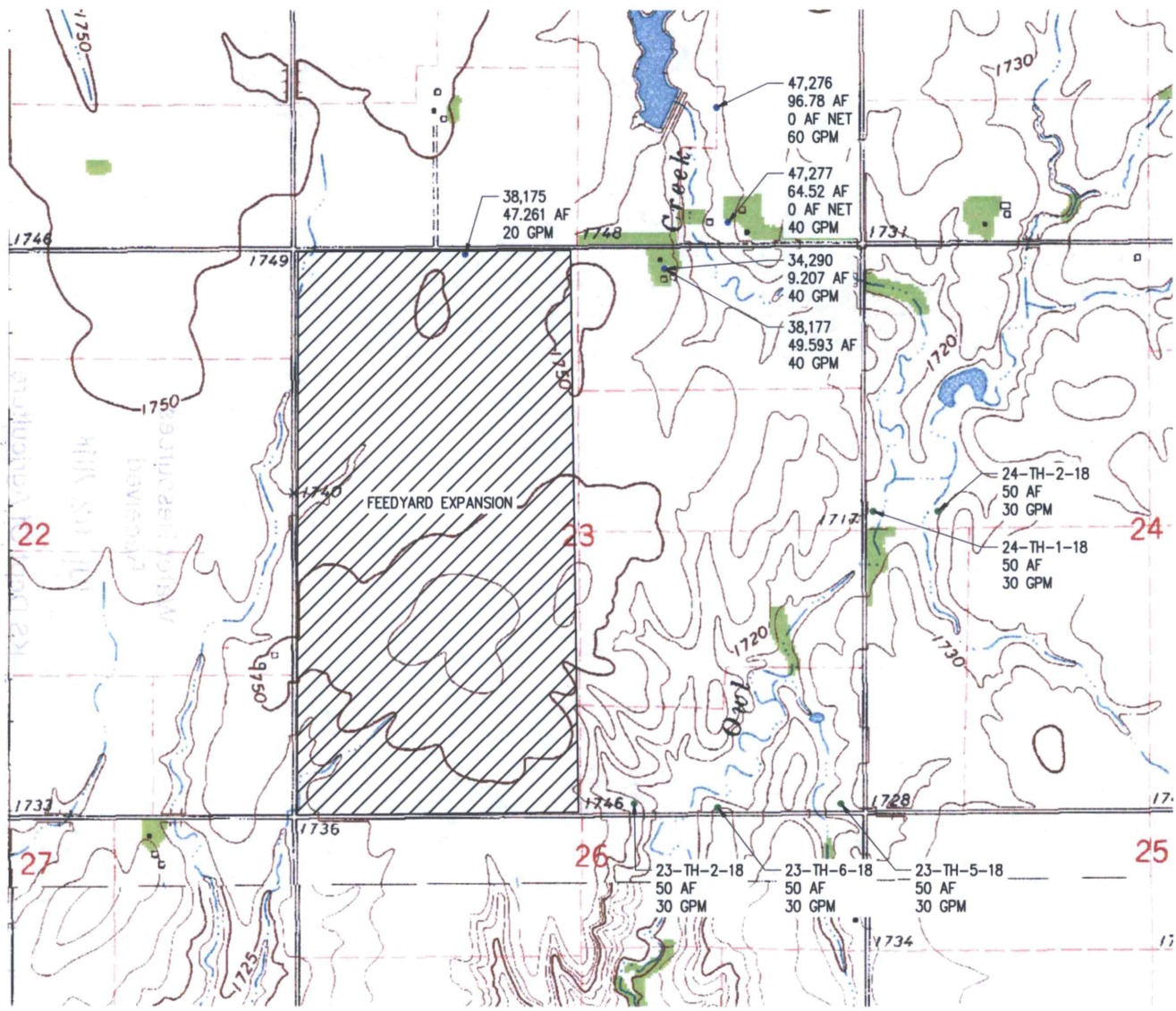
1700 E 80th
 SALINA, KANSAS 67401
 (785) 823-0087

KLA
 ENVIRONMENTAL
 SERVICES, INC.

1303 YUCCA STREET
 SCOTT CITY, KANSAS 67871
 (600) 872-2000

CAD FILE NAME:
 WATER RIGHTS.dwg
 SHEET NO. 1 OF 2

50079



- LEGEND**
- POINT OF DIVERSION (STK)
 - POINT OF DIVERSION (STK NEW)
 - ▨ FEEDYARD EXPANSION AREA



DRAWN	DLB	DATE	6/18
CHECKED	KLS	DATE	6/18
APPROVED	KLS	DATE	6/18

KNIGHT FEEDLOT, INC.
 WATER RIGHTS
 SECTION 23 T19S R8W
 RICE COUNTY, KANSAS

1700 E. IRON
 SALINA, KANSAS 67401
 (785) 825-0877
 1303 YUCCA STREET
 SCOTT CITY, KANSAS 67071
 (800) 872-2300

KLA
 ENVIRONMENTAL SERVICES, INC.

CAD FILE NAME:
 WATER RIGHTS.dwg
 SHEET NO. 2 OF 2

RATE & QUANTITY MAP

SCANNED



KS Dept Of Agriculture

Water Resources
Received
JUL 02 2018



R8W

LEGEND

- POINT OF DIVERSION (STK)
- POINT OF DIVERSION (STK NEW)
-  FEEDYARD EXPANSION AREA
-  PROPOSED PLACE OF USE



T19S

PLACE OF USE MAP

DRAWN	DLB	DATE	6/18
CHECKED	KLS	DATE	6/18
APPROVED	KLS	DATE	6/18

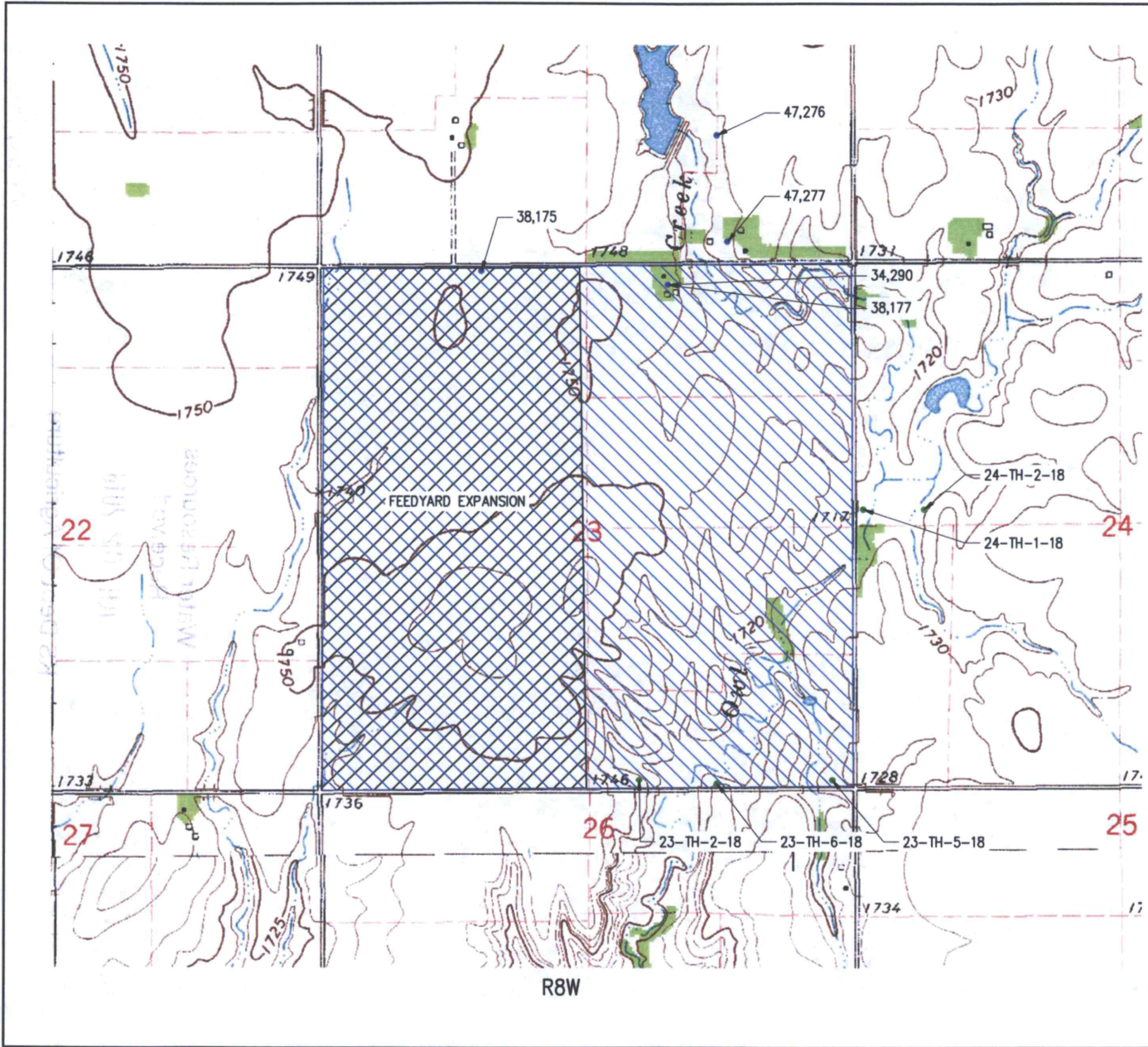
KNIGHT FEEDLOT, INC.
 WATER RIGHTS
 SECTION 23 T19S R8W
 RICE COUNTY, KANSAS

1700 E. IRON
 SALINA, KANSAS 67401
 (785) 825-0087
 1303 WCCA STREET
 SCOTT CITY, KANSAS 67871
 (600) 872-2000



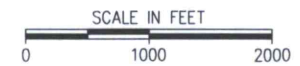
CAD FILE NAME:
 WATER RIGHTS.dwg
 SHEET NO. 1 OF 2

50079



LEGEND

- POINT OF DIVERSION (STK)
- POINT OF DIVERSION (STK NEW)
- FEEDYARD EXPANSION AREA
- PROPOSED PLACE OF USE



PLACE OF USE MAP

DRAWN	DLB	DATE	6/18
CHECKED	KLS	DATE	6/18
APPROVED	KLS	DATE	6/18

KNIGHT FEEDLOT, INC.
 WATER RIGHTS
 SECTION 23 T19S R8W
 RICE COUNTY, KANSAS

1700 E IRON
 SALINA, KANSAS 67401
 (785) 823-0877
 1303 YUCCA STREET
 SCOTT CITY, KANSAS 67071
 (800) 872-2300



CAD FILE NAME:
 WATER RIGHTS.dwg

SHEET NO. 2 OF 2