

NOTICE

This scan only represents the application as filed. The information contained herein meets the requirements of K.A.R. 5-3-1 or K.A.R. 5-5-1, and has been found acceptable for filing in the office of the Chief Engineer. The application should not be considered to be a complete application as per K.A.R. 5-3-1b or K.A.R. 5-5-2a.

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
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11:32

KS DEPT OF AGRICULTURE

File No. 34731

2. Name of applicant: ILS Land LLC

Address: 551A SW 30 Rd

City, State and Zip: Great Bend KS 67530

Phone Number: (620)792-6166 E-mail address: _____

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

Name of water use correspondent: Ward Feed Yard Inc

Address: PO Box H

City, State and Zip: Larned KS 67550

Phone Number: (620) 285-2183 E-mail address: _____

3. The change(s) proposed herein are desired for the following reasons (please be specific): Modify the place of use to include some feed yard pens in Section 9 that are not currently a part of the authorized place of use.

The change(s) were completed by _____

(Date)

For Office Use Only:

F.O. 2 GMD 5 Meets K.A.R. 5-5-1 (YES/NO) Use STK Source G / S County PN By KJN Date 7/10/2020
Code CPU Fee \$ 200 TR # _____ Receipt Date 7/9/2020 Check # 2153

7/13/2020
LMoody

4. The presently authorized place of use is:

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Owner of Land — NAME: Ward Feed Yard Inc

ADDRESS: PO Box H, Larned KS 67550

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	
10	22	16W	a feedlot in the West Half																

List any other water rights that cover this place of use. 16977, 24211, 34633, 34728, 34729, 34730, 34732 & 34733

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: Ward Feed Yard Inc

ADDRESS: PO Box H, Larned KS 67550

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	
10	22	16W	a feedlot in the West Half																
9	22	16W	a feedlot in the Northeast Quarter																

List any other water rights that cover this place of use. 16977, 20713, 24211, 34633, 34728, 34729, 34730, 34732 & 34733

Owner of Land — NAME: _____

ADDRESS: _____

Sec.	Twp.	Range	NE¼				NW¼				SW¼				SE¼				TOTAL ACRES
			NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	

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

IF MORE SPACE IS NEEDED, ATTACH ADDITIONAL SHEETS AS NECESSARY

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

List all presently authorized point(s) of diversion:

8. **Presently authorized point of diversion:**
 One in the NE Quarter of the SE Quarter of the NW Quarter of Section 10, Township 22 South, Range 16 W, in Pawnee County, Kansas, 3,800 feet North 2,645 feet West of Southeast corner of section.
 Authorized Rate 20 gpm Authorized Quantity 5.83 mgv (17.88 AF)
 (DWR use only: Computer ID No. 07 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 _____ 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 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

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File No. 34731

12. The presently authorized use of water is for stockwater purposes.
It is proposed that the use be changed to KS DEPT OF AGRICULTURE purposes.

13. If changing the place of use and/or use made of water, describe how the consumptive use will not be increased.
File No. 20713 is being converted to a dual use stockwatering permit. There will be 122,860,000 gallons available for stockwater use if all proposed change applications are approved. The feedyard is permitted for 26,000 head, so that would be 12.95 gallons per head per day.

(Please show any calculations here.)

14. It is requested that the maximum annual quantity of water be reduced to --- (acre-feet or million gallons).

15. It is requested that the maximum rate of diversion of water be reduced to --- 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.

- a. If a change in the location of the point(s) of diversion is proposed, show:
 - 1) 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.
 - 2) If the source of supply is groundwater, please show the location of existing water wells of any kind, including domestic wells, within 1/2 mile of the proposed well or wells. Identify each well as to its use and furnish name and mailing address of the property owner or owners. If there are no wells within 1/2 mile, please indicate so on the map.
 - 3) If the source of supply is surface water, the names and mailing addresses of all landowner(s) 1/2 mile downstream and 1/2 mile upstream from your property lines must be shown.
- b. 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.

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.

No waivers are anticipated.

IF MORE SPACE IS NEEDED, ATTACH ADDITIONAL SHEETS AS NECESSARY

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File No. 34731

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 7th day of July, 20 20

<u>[Signature]</u> (Owner)	_____ (Spouse)
<u>Branson Smith</u> (Please Print)	_____ (Please Print)
_____ (Owner)	_____ (Spouse)
_____ (Please Print)	_____ (Please Print)
_____ (Owner)	_____ (Spouse)
_____ (Please Print)	_____ (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 7th day of July, 2020



[Signature]
Notary Public

My Commission Expires 2-3-2023

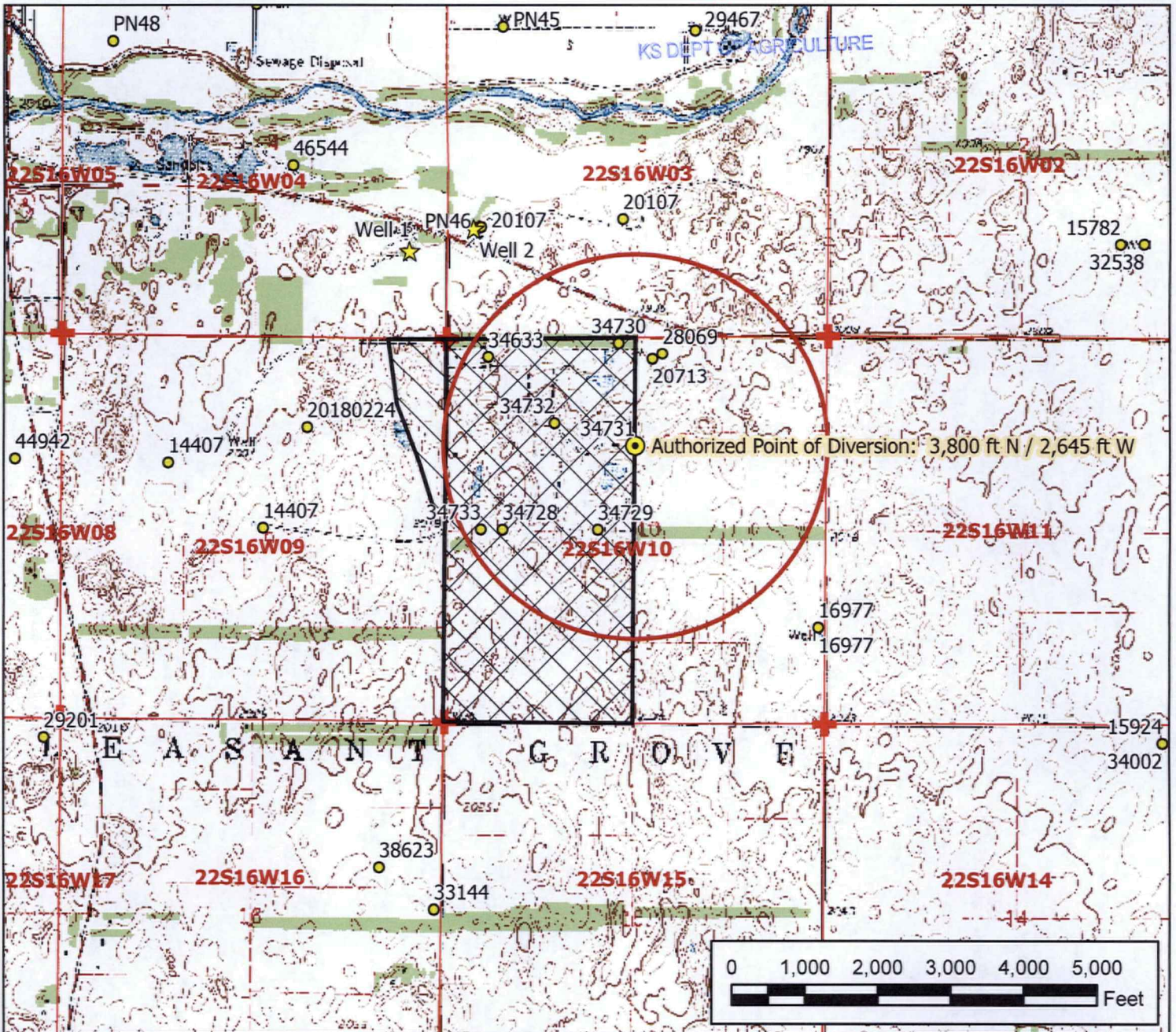
FEE SCHEDULE

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

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

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

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Legend

- Water Appropriation
- ⊗ Proposed Point of Diversion
- ⊙ Authorized Point of Diversion
- ★ Domestic Well
- ⊕ Section Corner
- Section Line
- Half Mile Circle

Place of Use

- ▭ Authorized
- ▭ Proposed

Water Right, File No. 34731

Change in Place of Use Map 9 & 10-22-16W // Pawnee County



To the best of my knowledge, all wells within one-half mile of the authorized point of diversion have been shown and all of the wells are owned by the applicant or an associated corporation.

Brian Huff 7-7-20

Signature / Date

12/30/19 EKF/SFFO 1:24,000 scale

Bronson Smith

From: Fitch, Elizabeth [KDA] <Elizabeth.Fitch@ks.gov>
Sent: Tuesday, March 10, 2020 2:00 PM
To: Bronson Smith
Cc: Heidi Jo Burton; Debbie DeVorss
Subject: Change Applications for Ward Feed Yard North--Cover Letter Email

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KS DEPT OF AGRICULTURE

Bronson,

Following this initial 'cover letter' email, you will receive three separate emails with attachments for the change applications we have been discussing for the water rights associated with Ward Feed Yard North. Below is a list of the file numbers and what the proposed change applications seek to accomplish.

- File No. 14407: The application for this file is a reduction request to remove the stock pens in the Northeast Quarter from the authorized place of use. There will not be an impact to the authorized rate or quantity for this file. The intent is to remove any partial overlap with the stockwater permits that are proposed to cover the stock pens. There is no fee for this application.
- 77 • File No. 20713: This change application proposes to convert this water right into a dual use permit, allowing water use for irrigation or stockwater use at the feed yard. This involves a change in place of use and use made of water with a fee of \$500.
- File Nos. 16977, 34633, 34728, 34729, 34730, 34731, 34732 & 34733: The change applications for these files propose to modify the authorized place of use to include the stock pens located in the Northeast Quarter of Section 9-22-16W. Currently, only the feed yard in Section 10 is authorized by these permits. The fee is \$200 per application for a total of \$1,600.
- File No. 24211: This change application proposes to convert most of the stockwater quantity authorized under this water right back to irrigation use. A small amount of water is being left as stockwater use at the feed yard. The change also proposes to modify the irrigation place of use to add a center pivot system in the Northeast Quarter of Section 11-22-16W. This application involves a change in place of use and use made of water with a fee of \$500.
- File Nos. 23867, 24210, 24212 & 26686: The change applications for these files propose to modify the irrigation place of use to add a center pivot system in the Northeast Quarter of Section 11-22-16W in conjunction with the changes proposed under File No. 24211. The fee is \$200 per application for a total of \$800.

Each of these application should be carefully reviewed and any necessary corrections made. A notarized signature from an authorized representative of the landowner(s) is needed on each application. In addition, the maps will need reviewed to ensure that all known wells within one-half mile of the authorized point(s) of diversion have been shown. If any wells need added to a map, the landowner and mailing address should also be provided. The map showing the nearby well locations will need to be signed.

The total fee for the noted applications is \$3,400. Please include a check made payable to the Kansas Department of Agriculture with the signed applications when they are submitted to Manhattan for processing. If I can be of any further assistance, or if you have any questions regarding the applications, please let me know.

Elizabeth K Fitch, Environmental Scientist
Kansas Department of Agriculture

Division of Water Resources
Stafford Field Office
(620) 234-5311
elizabeth.fitch@ks.gov
agriculture.ks.gov

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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, Secretary

Laura Kelly, Governor

July 14, 2020

ILS LAND LLC
551A SW 30 RD
GREAT BEND KS 67530

RE: File No(s). **34731**

Dear Sir or Madam:

The Division of Water Resources (Division) has received your application(s) to change the place of use, point of diversion or use made of water for the file number(s) referenced above. Please be aware that the Division may have a large number of pending applications on hand at times and makes every attempt to process them in the order in which they are received. You will be contacted if additional information is required.

Please note, this letter only acknowledges receipt of your application(s) and does not guarantee approval. In accordance with the provisions of the Kansas Water Appropriation(s) Act, the use of water as proposed prior to approval of the application(s) is unlawful.

Additional information about the process may be found on our website at agriculture.ks.gov/divisions-programs/dwr. If you have any other questions, please contact our office at 785-564-6640 or your local Stafford Field Office at 620-234-5311. If you call, please reference the file number so we can help you more efficiently.

Sincerely,

A handwritten signature in blue ink that reads "Richelle A. Krueger". The signature is written in a cursive style.

Richelle Krueger
Change Unit Lead
Water Appropriation Program