

Kansas Department of Agriculture
Division of Water Resources
PERMIT OF NEW APPLICATION WORKSHEET

1. File Number: <p style="text-align: center; font-size: 1.2em;">50,448</p>	2. Status Change Date: <p style="text-align: center; font-size: 1.2em; color: purple;">9/13/2021</p>	3. Field Office: <p style="text-align: center; font-size: 1.2em;">02</p>	4. GMD: <p style="text-align: center; font-size: 1.2em;">03</p>
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5. Status: Approved Denied by DWR/GMD Dismiss by Request/Failure to Return

6. Enclosures: Check Valve N of C Form Water Tube Driller Copy Meter

7a. Applicant(s) Person ID **14594**
New to system Add Seq# _____

REX STANLEY FEEDYARD INC
10763 106 RD
DODGE CITY KS 67801

7b. Landowner(s) Person ID _____
New to system Add Seq# _____

7c. Landowner(s) Person ID _____
New to system Add Seq# _____

7d. Landowner Person ID _____
New to system Add Seq# _____

8. WUR Correspondent Person ID _____
New to system Add Seq# _____
Overlap File (s) WUC Notarized WUC Form
Agree Yes No
7A

9. Use of Water: Changing? Yes No

Groundwater Surface Water

IRR REC DEW MUN

STK SED DOM CON

HYD DRG WTR PWR ART RECHRG

IND SIC: _____ OTHER: _____

10. Completion Date: **12/31/2022** 11. Perfection Date: **12/31/2026** 12. Exp Date: _____

13. Conservation Plan Required? Yes No Date Required: _____ Date Approved: _____ Date to Comply: _____

14. Water Level Measuring Device? Yes No Date to Comply: _____ Date WLMD Installed: _____

Date Prepared: **5/18/21** By: **JNE**
Date Entered: **9/14/2021** By: **L Moody**

File No. **50,448** 15. Formation Code: Drainage Basin: **ARKANSAS RIVER** County: **FO** Special Use: Stream:

16. Points of Diversion

MOD	DEL	ENT	PDIV	Qualifier	S	T	R	ID	'N	'W
✓				86624 SW SW SW	6	26S	25W	3	398'	4799'

17. Rate and Quantity

Authorized		Additional		Overlap PD Files
Rate gpm	Quantity af	Rate gpm	Quantity af	
99	15	99	15	
	4.93 MGY		4.93 MGY	

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? Yes No To be installed by **12/31/2022** Date Acceptable Meter Installed _____

21. Place of Use

MOD	DEL	ENT	PUSE	S	T	R	ID
✓			68770	2	26S	25W	1

NE¼				NW¼				SW¼				SE¼				Total
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	
FEEDLOT (SW)																

Owner Chg? **NO** Overlap Files

~~7A & 7B~~

Comments: **PD/PU OVERLAP DISMISSED TERM PERMITS 20189007 & 20209016.**

KANSAS DEPARTMENT OF AGRICULTURE
Division of Water Resources

MEMORANDUM

TO: File

DATE: May 17, 2021

FROM: Jessica Engelbrecht

RE: Application, File No. 50,448

Rex Stanley Feedyard Inc has filed the referenced application to appropriate groundwater for stockwatering use, requesting one (1) well, a quantity of 15 acre-feet, and a diversion rate of 99 gallons per minute. The proposed well will be located in Lot 7 of the Southwest Quarter (Lot 7 SW¹/₄) of Section 6, more particularly described as being near a point 398 feet North and 4,799 feet West of the Southeast corner of said section, in Township 26 South, Range 25 West, Ford County, within the Buckner Creek drainage basin. The proposed wells are a PD and PU overlap of Term Permit 20209016. The applicant has signed the application form stating that they have legal access to the point of diversion. The application is a 15 acre-foot exemption.

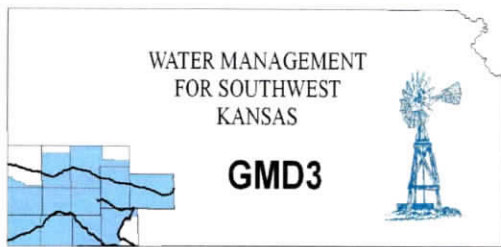
The applicant has attached a Stockwater Use Supplemental Sheet indicating that up to 1,500 head of cattle would be watered. 1,500 head of cattle at 9 gallons per head per day x 365 days = 4,927,500 gallons. This is less than the maximum 15 gallons per head per day for beef cattle. These estimated quantities per head per day are within the guidelines in K.A.R. 5-3-22.

A driller's test log shows topsoil clay from 0 to 20 feet, clay tan in color from 20 to 40 feet, fine clay to medium sand rock layer from 60 to 80 feet, fine sand clay in layers from 80 to 100 feet, fine to medium sand clay layers from 100 to 160 feet, clay layers fine sand from 160 to 180, fine to medium sand very loose from 180 to 200 feet, fine to medium sand coarse and small gravel from 200 to 218 feet and clay blue shale from 218 to 240 feet. Static water level was listed at 111 feet which provides a saturated thickness of 107 feet.

The applicant identified no domestic wells within one-half mile of the proposed well and three non-domestic wells (Two of which are owned by the applicant. File No. 16,867). Nearby well notification letters were sent out on March 12, 2021. No contact of any kind was received. According to the WRIS database, the nearest non-domestic point of diversion not owned by the applicant (Water Right, File No. 19,888) is located approximately 1,596 feet away. The proposed point of diversion meets minimum well spacing to all existing wells. Per the requirements in K.A.R. 5-23-3(a)(1) for wells located within Southwest Kansas Groundwater Management District No. 3, the minimum well spacing should be 660 feet to any domestic or non-domestic well requesting 15 acre-feet or less. The proposed point of diversion meets minimum well spacing to all existing wells. Therefore, well spacing is adequate to prevent direct impairment, and to protect the public interest.

The applicant has submitted a signed Minimum Desirable Streamflow form, which has been properly notarized. By completing this statement, the applicant affirms his/her knowledge that there could be times when the diversion of water may not be allowed under this permit. 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.

Jeff Lanterman, Water Commissioner, Stafford Field Office, recommended approval of the referenced application on . Based on the above discussion, well spacing and safe yield criteria are met, and approval of the application will not impair senior water rights nor prejudicially or unreasonably affect the public interest, it is recommended that the referenced application be approved.



Southwest Kansas
Groundwater Management District No. 3
2009 E. Spruce Street
Garden City, Kansas 67846
(620) 275-7147 phone (620) 275-1431 fax
www.gmd3.org

May 10, 2021

Jessica Engelbrecht
Division of Water Resources
300 S Main Street
Stafford, Kansas 67578-1521

RE: Application for New Appropriation
File No. 50448

Dear Jessica:

We have completed a review of the application for the above referenced new appropriation. The proposal is in accordance with current area rules, K.A.R. 5-23-3 and K.A.R. 5-23-4, as it pertains to minimum spacing to neighboring wells and exemptions to closed area.

Well evaluations were conducted to estimate possible effects of the proposal on the supply of other wells with water rights prior to the proposal per K.S.A. 82a-708b, and the draft revised management program. Under K.S.A. 82a-708b, an applicant requesting a change in point of diversion must demonstrate to the chief engineer that any proposed change is reasonable and will not impair. The enclosed report is an analysis performed by the GMD on behalf of our membership. Under this analysis, the proposed change is considered to be reasonable and unlikely to impair if either the net in-season well-to-well effect of the proposed change is less than a strict maximum allowable threshold (1.5 ft in cases where saturated thickness is between 50-75 ft), or if no well with a net well-to-well effect exceeding the threshold is identified as critical. Critical wells are identified as wells that are expected to either lose or greatly diminish water supply over the next 25 years. The attached review information is based on a Theis analysis using inputs from the GMD3 aquifer model, which is considered to be the best information on well and aquifer data readily and easily available to the public. If either the applicant or the neighbors believe they have better data that might change the result of the analysis, they should contact GMD3. Conclusions of the well analysis may change if better information on well and aquifer data can be made available.

Every neighboring well within 1 mile of the proposed move was evaluated. Evaluations showed that none of the neighboring wells exceeded the net effect above the maximum allowable threshold. Our office received no comments of concern from neighboring well owners. Therefore, GMD3 sees this move as reasonable and therefore recommend that the application be approved. If aquifer conditions change or there is a change to the water right in the future, we would be happy to evaluate the effects at that time.

Thank you for the opportunity to review the applications and to provide a recommendation. If you have any questions, please don't hesitate to contact us.

Sincerely,

Jason L. Norquest
Assistant Manager

GMD3 Change Review

File No(s): 50448. DWR office: Stafford.

App filed to change: New Appropriation.

Is Landowner(s) correct in WRIS: Rex Stanley Feedyard Inc.

If NO, is documentation included?

Is Water Use Correspondent correct in WRIS? .

If NO, is documentation included?

Regulation(s) Reviewed: KAR5-23-3, KAR 5-23-4

Point of diversion ID No(s) being changed.

	ft. North	ft. West			
Authorized PD					
Proposed PD					
Difference	0	0			
a2 + b2 = c2	0	0	0		

GPS for proposed PD: Lat: Long: .

Is proposed PD stacking on existing WRs? .

Is Proposed PU overlapping existing WRs? .

Neighboring certified well(s) notified: .

Name Larry K Owens (19888).

Address 10833 106 RD.

Zip Dodge City, KS 67801.

Email: wes.owens@edwardjones.com. Phone: 620-408-5218.

Name Bruce Giessel (28324).

Address 10254 Garnett RD.

Zip Dodge City, KS 67801.

Email: brucegiessel@aol.com. Phone: 620-338-3190.

Domestic well(s) notified: .

Name Kenneth & Sonya Goetz (NE NE of 7).

Address 10711 107 RD.

Zip Dodge City, KS 67801.

Name Monty Cole (NE of 7).

Address 10723 107 RD.

Zip Dodge City, KS 67801.

Name Gary Konrade (NE of 1).

Address 10617 106 RD.

Zip Dodge City, KS 67801.

GMD3 Change Review

Base Acres: __.

Perfected Acres: __.

Irr. Return-Flow __%

Requesting 15AF @ 99gpm for STK use.

There has been previous term permits on this well in the past (20189007).

Proposed PD is not within the IGUCA.

Is a waiver needed: Requesting 15AF. Minimum spacing appears met to neighboring wells. Thin saturated area, analysis shows possible effects within the guidelines and should not cause impairment.

Recommendation: After review of all available information, it appears current area rules are met. Staff recommends approval of the application.



Evaluation of New Well to be Authorized Under Water Right No. 50448

Proposed: Create a new well with an authorized quantity of 15 AF and rate of 99 gpm in the SW ¼ of section 6-26-25.



Wells within 1 mile: 16867 ID1, 16867 ID2, 19888 ID1, 19888 ID2, 26280 ID2, 26280 ID3, 26280 ID9, 26280 ID12, 43431, 28324 ID2, 28324 ID3, and five domestic wells, numbered on the above map.

The saturated thickness at the proposed well location is estimated to be 53 ft, based upon the GMD3 model. For saturated thickness between 50 ft and 75 ft, the drawdown allowance is 1.5 ft.

50 year Theis Analysis: The following values were used to run the analysis:

$$S = 0.1065, T = 828.7 \text{ ft}^2/\text{day}, t_{p_{\text{proposed}}} = 34 \text{ days}, Q_{p_{\text{proposed}}} = 99 \text{ gpm}$$

Theis drawdowns were calculated as follows:

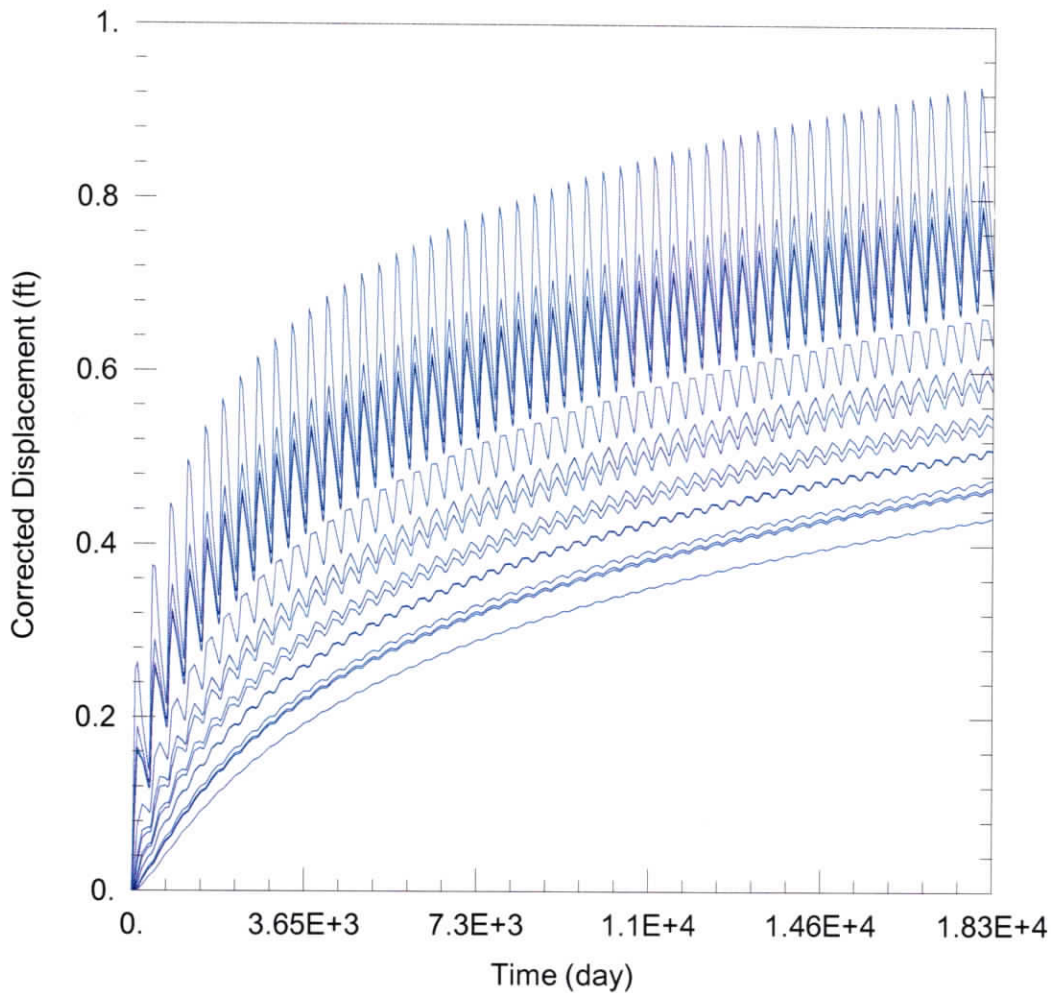
16867 ID1:	Net drawdown = 0.8 ft
16867 ID2:	Net drawdown = 0.8 ft
19888 ID1:	Net drawdown = 0.9 ft
19888 ID2:	Net drawdown = 0.4 ft
26280 ID2:	Net drawdown = 0.6 ft
26280 ID3:	Net drawdown = 0.5 ft
26280 ID9:	Net drawdown = 0.6 ft

26280 ID12:	Net drawdown = 0.5 ft
43431:	Net drawdown = 0.6 ft
28324 ID2:	Net drawdown = 0.5 ft
28324 ID3:	Net drawdown = 0.5 ft
Domestic 1:	Net drawdown = 0.6 ft
Domestic 2:	Net drawdown = 0.5 ft
Domestic 3:	Net drawdown = 0.5 ft
Domestic 4:	Net drawdown = 0.8 ft
Domestic 5:	Net drawdown = 0.7 ft

Net drawdown does not exceed the drawdown allowance of 1.5 ft for any well within 1 mile of the proposed location. Therefore, critical well analysis is not necessary.

Conclusion:

The proposed move is likely to create minimal effects on neighboring wells and is unlikely to cause impairment. GMD3 staff recommends approval of this proposal.



WELL TEST ANALYSIS

Data Set: C:\Users\trevora\Documents\2021_Moves\50448\50448 Proposed.aqt
 Date: 05/07/21 Time: 09:50:59

PROJECT INFORMATION

Company: GMD 3
 Project: 50448
 Location: Ford County

WELL DATA

Pumping Wells

Well Name	X (ft)	Y (ft)
50448	200681	341371

Observation Wells

Well Name	X (ft)	Y (ft)
□	200681	341371
□ 16867 ID1	202591	341035
□ 16867 ID2	202730	341776
□ 19888 ID1	200520	339775
□ 19888 ID2	200575	336184
□ 26280 ID2	199175	338050
□ 26280 ID3	199175	337929
□ 26280 ID9	200242	338276
□ 26280 ID12	198699	337777
□ 43431	198474	338958
□ 28324 ID2	198197	345322
□ 28324 ID3	198259	344671
□ Domestic 1	200008	344422
□ Domestic 2	205178	340676

Water Rights and Points of Diversion Within 1 mile of point defined as:

398 Feet N and 4799 Feet W of the Southeast Corner of Section 6 Twp 26S Rng 25W
 Located at: 100.104764 West Longitude and 37.810485 North Latitude
 Both SURFACE WATER and GROUNDWATER

1300 on all

File Number	Use	ST	SR	Dist (ft)	Q4	Q3	Q2	Q1	FeetN	FeetW	Sec	Twp	Rng	ID	Batt	Auth_Quan	Add_Quan
A__ 16867 00	IRR	NK	G	1928	--	SE	SE	SW	50	2900	6	26	25W	1	1300'	168.00	168.00
AF																	
Same				2078	--	NE	SE	SW	790	2780	6	26	25W	2		97.00	97.00
AF																	
A__ 19888 00	IRR	NK	G	1604	--	--	--	--	4100	5000	7	26	25W	1		169.00	20.00
AF																	
Same				5186	--	--	--	--	500	5000	7	26	25W	2		186.00	22.00
AF																	
A__ 26280 00	STK	NK	G	3126	--	NE	NE	SE	2544	213	12	26	26W	9		103.00	103.00
AF																	
Same				3650	--	NW	NE	SE	2330	1307	12	26	26W	2			
Same				3759	--	NW	NE	SE	2210	1282	12	26	26W	3			
Same				4108	--	NE	NW	SE	2060	1771	12	26	26W	12			
A__ 28324 00	IRR	NK	G	4101	--	NW	SW	NE	3700	2096	1	26	26W	3		79.00	79.00
AF																	
Same				4674	--	--	--	--	4352	2143	1	26	26W	2		86.00	86.00
AF																	
A__ 43431 00	STK	NK	G	3275	--	SW	SW	NE	3243	1994	12	26	26W	10		25.01	.00
AF																	
A__ 50448 00	STK	AY	G	10	--	SW	SW	SW	398	4799	6	26	25W	3		15.00	15.00
AF																	

Total Net Quantities Authorized:	Direct	Storage
Total Requested Amount (AF) =	15.00	.00
Total Permitted Amount (AF) =	.00	.00
Total Inspected Amount (AF) =	.00	.00
Total Pro_Cert Amount (AF) =	.00	.00
Total Certified Amount (AF) =	575.00	.00
Total Vested Amount (AF) =	.00	.00
TOTAL AMOUNT (AF) =	590.00	.00

*Source Appears
MPT*

An * after the source of supply indicates a pending application for change under the file number.
 An * after the ID indicates a 15 AF exemption was granted under the file number.
 A "G" in the Batt column indicates the GEO CTR of a battery. A "B" indicates a well in the battery.
 The number in the Batt column is the number of wells in the battery.

Water Rights and Points of Diversion Within 1 mile of point defined as:

398 Feet North and 4799 Feet West of the Southeast Corner of Section 6 Twp 26S Rng 25W
 Located at: 100.104764 West Longitude and 37.810485 North Latitude
 Both SURFACE WATER and GROUNDWATER
 WATER USE CORRESPONDENTS:

- > REX STANLEY FEED YARD INC
- >
- > 10763 106 RD
- > DODGE CITY KS 67801
- >-----
- > LARRY K OWENS
- >
- > 10833 106 RD
- > DODGE CITY KS 67801
- >-----
- > REX STANLEY FEEDYARD INC
- >
- > 10763 106 RD

16807 Applicant

19888

26280 Applicant

> DODGE CITY KS 67801

> BRUCE GIESSEL

>

> 10254 GARNETT RD

28324

> DODGE CITY KS 67801

> REX STANLEY FEEDYARD INC

>

> 10763 106 RD

43431 Applicant

> DODGE CITY KS 67801

> REX STANLEY FEEDYARD INC

>

> 10763 106 RD

— New Appropriation

> DODGE CITY KS 67801

20189007

3.07 AF Report

Water Rights and Points of Diversion Within 2 miles of point defined as:
 398 Feet N and 4799 Feet W of the Southeast Corner of Section 6 Twp 26S Rng 25W
 Located at: 100.104764 West Longitude and 37.810485 North Latitude
 Both SURFACE WATER and GROUNDWATER

No other exemptions noted

File Number	Use	ST	SR	Dist (ft)	Q4	Q3	Q2	Q1	FeetN	FeetW	Sec	Twp	Rng	ID	Batt	Auth_Quan	Add_Quan					
A__ AF	9417	00	IRR	NK	G				7393	--	NW	SE	NE	3680	1187	13	26	26W	6		358.00	358.00
A__ AF	11563	00	IRR	NK	G				6925	--	NW	SE	NE	-----	-----	11	26	26W	1		283.00	283.00
A__ AF	13688	00	IRR	NK	G				10225	--	SE	SW	NE	3284	1568	32	25	25W	1		150.00	150.00
A__ AF	13689	00	IRR	NK	G				9608	--	SE	NE	SE	1500	100	32	25	25W	2		170.00	170.00
A__ AF	13981	00	IRR	NK	G				8825	--	NE	SW	NW	3400	4340	13	26	26W	3		180.00	180.00
A__ AF	15577	00	IRR	NK	G				8420	--	SW	SW	NE	75	2250	36	25	26W	1		157.00	157.00
A__ AF	16867	00	IRR	NK	G				1928	--	SE	SE	SW	50	2900	6	26	25W	1		168.00	168.00
Same AF									2078	--	NE	SE	SW	790	2780	6	26	25W	2		97.00	97.00
A__ AF	19766	00	IRR	NK	G				9504	--	SW	NE	SE	1550	1275	13	26	26W	4		166.00	166.00
A__ AF	19888	00	IRR	NK	G				1604	--	--	--	--	4100	5000	7	26	25W	1		169.00	20.00
Same AF									5186	--	--	--	--	500	5000	7	26	25W	2		186.00	22.00
A__ AF	22532	00	IRR	NK	G				7639	--	NE	NW	NW	4750	4200	13	26	26W	5		196.00	196.00
A__ AF	26280	00	STK	NK	G				3126	--	NE	NE	SE	2544	213	12	26	26W	9		103.00	103.00
Same									3650	--	NW	NE	SE	2330	1307	12	26	26W	2			
Same									3759	--	NW	NE	SE	2210	1282	12	26	26W	3			
Same									4108	--	NE	NW	SE	2060	1771	12	26	26W	12			
Same									5411	NC	N2	S2	S2	1091	2685	12	26	26W	11			
A__ AF	27268	00	IRR	NK	G				8567	--	SW	SW	NE	2720	2600	2	26	26W	2		192.00	192.00
A__ AF	28324	00	IRR	NK	G				4101	--	NW	SW	NE	3700	2096	1	26	26W	3		79.00	79.00
Same AF									4674	--	--	--	--	4352	2143	1	26	26W	2		86.00	86.00
A__ AF	31189	00	IRR	NK	G				10355	--	NW	NW	SE	2370	2600	36	25	26W	3		47.00	47.00
A__ AF	34618	00	IRR	NK	G				6952	--	SE	SE	SW	165	2725	32	25	25W	5		114.00	114.00
A__ AF	43431	00	STK	NK	G				3275	--	SW	SW	NE	3243	1994	12	26	26W	10		25.01	.00
A__ AF	50448	00	STK	AY	G				10	--	SW	SW	SW	398	4799	6	26	25W	3		15.00	15.00
T__ AF	20207003	MF	IRR	AY	G				8825	--	NE	SW	NW	3400	4340	13	26	26W	3		846.38	.00

Total Net Quantities Authorized:	Direct	Storage
Total Requested Amount (AF) =	15.00	.00
Total Permitted Amount (AF) =	.00	.00
Total Inspected Amount (AF) =	.00	.00
Total Pro_Cert Amount (AF) =	.00	.00
Total Certified Amount (AF) =	2588.00	.00
Total Vested Amount (AF) =	.00	.00
TOTAL AMOUNT (AF) =	2603.00	.00

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Both SURFACE WATER and GROUNDWATER
WATER USE CORRESPONDENTS:

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=====
File Number      Use ST SR
> LARRY K OWENS
>
> 10833 106 RD
> DODGE CITY KS 67801
>-----
> CASTERLINE GRAIN & SEED CO INC
> FRED J CASTERLINE
> 108 N 14TH AVE STE C
> DODGE CITY KS 67801
>-----
> BRUCE GIESSEL
>
> 10254 GARNETT RD
> DODGE CITY KS 67801
>-----
> FISCHER CATTLE LLC
>
> PO BOX 131
> WRIGHT KS 67882
>-----
> LARRY K OWENS
>
> 10833 106 RD
> DODGE CITY KS 67801
>-----
> VERNON L AGUR
>
> 2401 HOWELL AVE
> DODGE CITY KS 67801
>-----
> REX STANLEY FEED YARD INC
>
> 10763 106 RD
> DODGE CITY KS 67801
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> LARRY K OWENS
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> 10833 106 RD
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> 10833 106 RD
> DODGE CITY KS 67801
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> REX STANLEY FEEDYARD INC
>
> 10763 106 RD
> DODGE CITY KS 67801
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>-----
> WILLARD C & BONNIE L STARKE
>
> 10634 104 RD
> DODGE CITY KS 67801
>-----
> BRUCE GIESSEL
>
> 10254 GARNETT RD
> DODGE CITY KS 67801
>-----
> VERNON L AGUR
>
> 2401 HOWELL AVE
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>
> 10833 106 RD
> DODGE CITY KS 67801
>-----
=====

THE STATE OF KANSAS



KANSAS DEPARTMENT OF AGRICULTURE
Mike Beam, Secretary of Agriculture

DIVISION OF WATER RESOURCES
Earl D. Lewis Jr., Chief Engineer

APPROVAL OF APPLICATION
and
PERMIT TO PROCEED

(This Is Not a Certificate of Appropriation)

This is to certify that I have examined Application, **File No. 50,448** of the applicant

REX STANLEY FEEDYARD INC
10763 106 RD
DODGE CITY KS 67801

for a permit to appropriate water for beneficial use, together with the maps, plans and other submitted data, and that the application is hereby approved and the applicant is hereby authorized, subject to vested rights and prior appropriations, to proceed with the construction of the proposed diversion works (except those dams and stream obstructions regulated by K.S.A. 82a-301 through 305a, as amended), and to proceed with all steps necessary for the application of the water to the approved and proposed beneficial use and otherwise perfect the proposed appropriation subject to the following terms, conditions and limitations:

1. That the priority date assigned to such application is **September 28, 2020**.
2. That the water sought to be appropriated shall be used for stockwatering use at a feedlot located in the Southwest Quarter (SW $\frac{1}{4}$) of Section 6, Township 26, and Range 25 West in Ford County, Kansas.
3. That the authorized source from which the appropriation shall be made is groundwater, to be withdrawn by means of one (1) wells located as follows:

One (1) well located in the Southwest Quarter of the Southwest Quarter of the Southwest Quarter (SW $\frac{1}{4}$ SW $\frac{1}{4}$ SW $\frac{1}{4}$) of Section 6, 398 feet North, and 4,799 feet West of the Southeast corner of said section,

Both in Township 26, Range 25 West, Ford County, Kansas, located substantially as shown on the topographic map accompanying the application

4. That the appropriation sought shall be limited to a maximum diversion rate not in excess of **99 gallons per minute (.22 c.f.s.)** and to a quantity not to exceed **4.93 MGY** (15 AF) of water for any calendar year.

5. That installation of works for diversion of water shall be completed on or before **December 31, 2022** or within any authorized extension thereof. The applicant shall notify the Chief Engineer and pay the statutorily required field inspection fee of \$400.00 when construction of the works has been completed. Failure to timely submit the notice and the fee will result in revocation of the permit. Any request for an extension of time shall be submitted prior to the expiration of the deadline and shall be accompanied by the required statutory fee of \$100.00.

6. That the proposed appropriation shall be perfected by the actual application of water to the proposed beneficial use on or before **December 31, 2027** or any authorized extension thereof. Any request for an extension of time shall be submitted prior to the expiration of the deadline and shall be accompanied by the required statutory fee of \$100.00.

7. That the applicant shall not be deemed to have acquired a water appropriation for a quantity in excess of the amount approved herein nor in excess of the amount found by the Chief Engineer to have been actually used for the approved purpose during one calendar year subsequent to approval of the application and within the time specified for perfection or any authorized extension thereof.

8. That the use of water herein authorized shall not be made so as to impair any use under existing water rights nor prejudicially and unreasonably affect the public interest.

9. That the right of the appropriator shall relate to a specific quantity of water and such right must allow for a reasonable raising or lowering of the static water level and for the reasonable increase or decrease of the streamflow at the appropriator's point of diversion.

10. That this permit does not constitute authority under K.S.A. 82a-301 through 305a to construct any dam or other obstruction; nor does it grant any right-of-way, or authorize entry upon or injury to, public or private property.

11. That all diversion works constructed under the authority of this permit 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.

12. That an acceptable water flow meter shall be installed and maintained on the diversion works authorized by this permit in accordance with Kansas Administrative Regulations 5-1-4 through 5-1-12 adopted by the Chief Engineer. This water flow meter shall be used to provide an accurate quantity of water diverted as required for the annual water use report (including the meter reading at the beginning and end of the report year).

13. That all wells with a diversion rate of 100 gallons per minute or more drilled under the authority of this permit shall have a tube or other device installed in a manner acceptable to, and in accordance with specifications adopted by, the Chief Engineer. This tube or device shall be suitable for making water level measurements and shall be maintained in a condition satisfactory to the Chief Engineer.

14. That the applicant shall maintain accurate and complete records from which the quantity of water diverted during each calendar year may be readily determined and the applicant shall file an annual water use report with the Chief Engineer by March 1 following the end of each calendar year. Failure to file the annual water use report by the due date shall cause the applicant to be subject to a civil penalty.

15. That no water user shall engage in nor allow the waste of any water diverted under the authority of this permit.

16. That failure without cause to comply with provisions of the permit and its terms, conditions and limitations will result in the forfeiture of the priority date, revocation of the permit and dismissal of the application.

17. That the right to appropriate water under authority of this permit is subject to any minimum desirable streamflow requirements identified and established pursuant to K.S.A. 82a-703c for the source of supply to which this water right applies.

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 13 day of September, 2021, in Riley, Shawnee County, Kansas.

Lane P. Letourneau

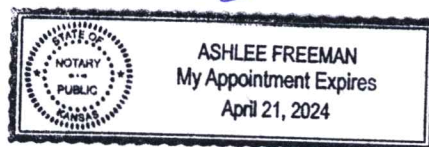
Lane P. Letourneau, L.G.
Program Manager
Water Appropriation Program
Division of Water Resources
Kansas Department of Agriculture

State of Kansas)
) SS
County of Riley)

The foregoing instrument was acknowledged before me this 13 day of September, 2021, by Lane P. Letourneau, L.G., Program Manager, Division of Water Resources, Kansas Department of Agriculture.

Ashlee Freeman

Notary Public





Stafford Field Office
300 S. Main Street
Stafford, KS 67578-1521

Mike Beam, Secretary

Phone: 620-234-5311
Fax: 620-234-6900
www.agriculture.ks.gov

Laura Kelly, Governor

September 15, 2021

REX STANLEY FEEDYARD INC
10763 106 RD
DODGE CITY KS 67801

RE: Application, File No. 50,448

Dear Mr. Stanley:

There is enclosed a permit to appropriate water 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 source and at the location specified in the permit, and to use it for the purpose and at the location described in the permit.

Your attention is directed to the enclosures and to the terms, conditions, and limitations specified in this permit. A water meter is required and you must install it prior to water being put to beneficial use in order for you to maintain accurate records of water use. The meter should be used to provide the information required on the annual water use report.

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 this permit. Enclosed is a form which may be used to notify the Chief Engineer that the proposed diversion works have been completed.

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 the permit 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 this permit. Failure to comply with this regulation will result in the dismissal of your permit or your water right. Any request for an extension of time shall be accompanied by the required statutory fee, which is currently \$100.00.

There is also enclosed an information sheet setting forth the procedure to obtain a Certificate of Appropriation which will establish the extent of your water right. If you have any questions, please contact our office. If you wish to discuss this file, please have the file number ready so that we may help you more efficiently.

Sincerely,

A handwritten signature in cursive script that reads "Kristen A. Baum".

Kristen A. Baum
New Application and Change Unit Supervisor
Water Appropriation Program

KAB:JE:li
Enclosures

pc: Stafford Field Office
Southwest Kansas GMD No. 3

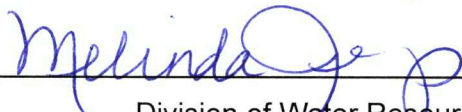
CERTIFICATE OF SERVICE

On this 15 day of September, 2021, I hereby certify that the foregoing Approval of Application and Permit to Proceed, File No. 50,448, dated 13 September 2021 was mailed postage prepaid, first class, US mail to the following:

REX STANLEY FEEDYARD INC
10763 106 RD
DODGE CITY KS 67801

With photocopies to:

Stafford Field Office



Division of Water Resources