

KANSAS DEPARTMENT OF AGRICULTURE
Division of Water Resources

MEMORANDUM

TO: Files

DATE: June 6, 2024 & 7/29/2024 Q-32663

FROM: Leslie Ireland

RE: Water Right, File Nos. 31,416; 32,663 & 38,707

Scott Shill as owner and Jon Heiman as applicant for Irsik and Doll, identified as the Turon Feed Yard, have file an application requesting approval to change the use made of water to authorize irrigation and stockwater uses, adding and existing feedlot as a new place of use and adding an additional well for the stockwater use. The application proposing to drill a new well for the stockwater use was received on November 14, 2023. The owner also proposes to overlap the two stockwater facilities by the applications to change the place of use received on February 20, 2024. These files are located in the in the North Fork of the Ninnescah River Basin, Reno County and Big Bend Groundwater Management District No. 5.

The files appear to be in good standing per K.S.A. 82a-732. The notice to nearby well owners per K.S.A 82a-1906, was completed on January 3, 2024. No comments were received.

File No. 32,663 is authorized irrigation use for 155 acre-feet (AF) to be diverted at a maximum rate of 705 gallons per minute (GPM) for the irrigation of 160 acres. It has been determined the file developed 130 base acres as defined by K.A.R. 5-5-11, *Applications for change in place of use for irrigation purposes*, with the year of record being 1984.

The application will be processed for the additional well per K.A.R. 5-5-16, *Additional wells* and the use made of water by K.A.R. 5-5-10, *Partial changes in the use made of water from irrigation to any other type of beneficial use of water*.

K.A.R. 5-5-16

The currently authorized irrigation well is located in the Northwest Quarter of the Southeast Quarter of the Northwest Quarter (NW¹/₄ SE¹/₄ NW¹/₄) of Section 21, determined by the November 2023 Compliance Investigation to be located 3951 feet North and 3824 feet West of the Southeast corner of said section, was rate tested. The test completed by M. Meier, Division of Water Resources on December 7, 2023, determined 735 gallons per minute and the full 705 gallons per minute would be available to be split and assigned. On December 22, 2023, the owner acknowledged the required reduction and requested 555 gpm be retained on the irrigation well. This affords 150 gpm to be assigned to the Stockwater use well that is proposed to be located in the Southeast Quarter of the Northwest Quarter of the Southwest Quarter (SE¹/₄ NW¹/₄ SW¹/₄) of Section 21, approximately 3,947 feet North and 1,340 feet West of the Southeast corner of said section. Both wells are located in Section 21, Township 25 South, Range 10 West, Reno County, Kansas, (21-25-10W). The additional well for stockwater use will have the priority date of November 14, 2023, for any regional impairment and will be subject to review.

The well log of the recently completed currently authorized well was summarized by Rosencrantz-Bemis, Great Bend. It indicates a depth of approximately 95 feet deep with a static water level of 28 feet in April, 2023. The source of supply of this well has been determined to be undifferentiated Kansan / Nebraskan (Code 180). The proposed additional well is located approximately 2,484 feet to the East. The submitted well log completed by Darling Drilling, Hutchinson, indicates the well will be completed to a depth of 100 feet and had a static water level of 30 feet in February 2023. The log details the lithology to 160 feet and indicated gravel pack below the 140 foot interval. While these wells were drilled by different companies it would appear the additional well is not significantly larger due gravel placement. The lithology appears to be a similar source of supply for both wells, the undifferentiated Kansan / Nebraskan (Code 180).

A consumptive use determination for the additional well did not indicated a reduction of the 155 AF authorized would be required.

130 maximum acres irrigated x 1.15' NIR at 80% Reno Co. = 149.5 ÷ 0.85 = 175.88 AF

K.A.R. 5-5-10

The partial change in use made of water under File No. 32,663 is requested by the owner to change a total of 64 AF for stockwater use:

79.7 % Consumptive Use Reno Co x 155 AF = 123.54 AF if all changed
 64 AF ÷ 123.54 = 0.5180508
 1 - 0.5180508 = 0.4819492
 155 AF x 0.4849492 = 74.7 AF or 75 AF retained for irrigation use.

The proposed partial change in use made of water for the consumptive use determination will reduce the 155 AF currently authorized to a total of the proposed 64 AF or (20.78 mgy) for stockwatering and the 75 AF for irrigation use, a combined total of 139 AF. The partial change in use made of water would generally require the irrigated acres to be reduced per K.A.R. 5- 5-11(b)(2)ii:

$$(155 \text{ AF} \times 0.85) / 1.15 \text{ AF } 80\% \text{ chance Reno County} = 114.57 \text{ acres}$$

The owner has requested to retain the currently authorized irrigated acres due to the effluent from the livestock lagoons under File Nos. 31,416 & 38,707. The irrigation factor of 0.95 AF at the 50% chance for Reno County would afford a total of would afford 138.68 acres to be retained and the stockwater quantities could provide an additional 15% of their quantities or approximately 61 AF. The proposed place of use complies with K.A.R. 5-5-10(b) due to the quantity of effluent and with K.A.R. 5-3-24, *Reasonable quantity for irrigation use*.

The change in place of use for File Nos. 31,416 & 38,707 is to overlap the existing livestock facilities with File No. 32,663 change in place of use under the stockwater portion to add File Nos. 31,416 & 38,707. The existing feedlots will have the footprint expanded to each authorize their full quarter then overlapped, with the place of use described as being:

a feed yard located in the Southwest Quarter (SW¼) of Section 15 and in the Northwest Quarter (NW¼) of Section 22, both in Township 25 South, Range 10 West, Reno County, Kansas

The currently authorized and proposed stockwater quantity totals 152.7 mgy(468.6 AF). Per K.A.R. 5-3-22, *Maximum reasonable quantity of water for livestock and poultry*, allows 15 gallons per day (gpd) for drinking it would afford the watering of 27,890 head of cattle. The Stockwater Use Supplemental Sheet indicates uses at a feed mill, cooling and sanitation of 38 mgy and the five year projected watering of 153,000,000 head at 12 gallons per head per day. An additional limitation of the quantity requested for stockwater use does not appear to be needed.

Due to spacing in filing of the proposed changes Orrin Feril, Manager of Big Bend Groundwater Management District No. 5, in letters dated March 2 and 6, 2024, indicated that the District recommended approval of the applications per K.A.R. 5- 25-20(b), *Recommendations by the Board*. The District requirement of the installation of flow meters and check valves as required by K.A.R. 5-25-5, *Water flowmeter requirements*.

Jeff Lanterman, Water Commissioner of the Stafford Field Office was sent a copy of this summary memo on March 8, 2024. In an email of June 6,2024 he indicated he would recommend approval of the applications.

Water flowmeters will be required and check valve if any chemical modification is made to the diverted water. A well log of the proposed well was provided and will not be a requirement of the approval. A notice of completion for the new stockwater well will be December 31, 2024.

Based on the above discussion, that the changes are reasonable, impairment to nearby water rights is unlikely, and will not adversely affect the public interest, it is recommended that the applications for change be approved.



Leslie Ireland
 Environmental Scientist
 Water Appropriation Program

Ireland, Leslie [KDA]

From: Conant, Cameron [KDA]
Sent: Thursday, June 6, 2024 11:47 AM
To: Ireland, Leslie [KDA]; Lanterman, Jeff [KDA]
Subject: FW: Review and Recommendation Changes 31416 32663 & 38707 Isrik & Doll

Here you go Leslie!

Cameron

From: Lanterman, Jeff [KDA] <Jeff.Lanterman@ks.gov>
Sent: Thursday, June 6, 2024 11:44 AM
To: Conant, Cameron [KDA] <Cameron.Conant@ks.gov>
Subject: RE: Review and Recommendation Changes 31416 32663 & 38707 Isrik & Doll

Ooooh shoot. Sorry about the long wait on this package. Man I worked with Jon a lot on this one. I offered to assist with the changes but he evidently didn't like that.

Anyway I am totally good with these changes being approved.

Thanks Leslie and sorry again.

From: Conant, Cameron [KDA] <Cameron.Conant@ks.gov>
Sent: Wednesday, June 5, 2024 1:23 PM
To: Lanterman, Jeff [KDA] <Jeff.Lanterman@ks.gov>
Subject: FW: Review and Recommendation Changes 31416 32663 & 38707 Isrik & Doll

Here is the another one from Leslie that is hanging around.

Cameron

From: Ireland, Leslie [KDA] <Leslie.Ireland@ks.gov>
Sent: Friday, April 12, 2024 11:04 AM
To: Lanterman, Jeff [KDA] <Jeff.Lanterman@ks.gov>
Cc: Conant, Cameron [KDA] <Cameron.Conant@ks.gov>
Subject: FW: Review and Recommendation Changes 31416 32663 & 38707 Isrik & Doll

Status?

From: Ireland, Leslie [KDA]
Sent: Tuesday, March 19, 2024 9:01 AM
To: Lanterman, Jeff [KDA] <Jeff.Lanterman@ks.gov>; Conant, Cameron [KDA] <Cameron.Conant@ks.gov>
Subject: FW: Review and Recommendation Changes 31416 32663 & 38707 Isrik & Doll

Jeff,

Working up the documents I noticed the memo should state the Q reduced under 32663, so made that revision and am sending you the updated version for your recommendation.

Thanks,
Leslie Ireland

From: Ireland, Leslie [KDA]
Sent: Friday, March 8, 2024 11:22 AM
To: Lanterman, Jeff [KDA] <Jeff.Lanterman@ks.gov>; Conant, Cameron [KDA] <Cameron.Conant@ks.gov>
Subject: Review and Recommendation Changes 31416 32663 & 38707 Isrik & Doll

Jeff,

Please let me know if you'd recommend these changes.
File No. 32663 proposes a stockwater well as a new additional well. So probably in a little bit of a rush...
Also the delay to have the proposed existing stockwater facilities overlapped... growing !!

Extra thanks to Matt for the well testing on this project.

As always comments and concerns are welcome.

Leslie Ireland
Environmental Scientist
Change Application Unit
Division of Water Resources



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
FOR
CHANGE IN PLACE OF USE
WATER RIGHT
FILE NO. 31,416**

The Chief Engineer, Division of Water Resources, Kansas Department of Agriculture, after due consideration of the written application of Scott Shill, on behalf of Irsik and Doll Feed Services Incorporated, Post Office Box 16510, Turon, Kansas 67583, received in this office on February 20, 2024, for approval of a change in the authorized place of use under the certificate of appropriation issued pursuant to the application for permit to appropriate water for beneficial use, finds that the change is reasonable and will not impair existing rights, and that the change relates to the same local source of supply and that the application should be and is hereby approved.

The effective date of the change shall be the date this order is executed by the Chief Engineer, after which the authorized place of use for stockwatering shall be:

a feedlot located in the Southwest Quarter (SW $\frac{1}{4}$) of Section 15, and in the Northwest Quarter (NW $\frac{1}{4}$) of Section 22, all in Township 25 South, Range 10 West, Reno County, Kansas,

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

All diversion works into which any type of chemical or other foreign substance will be injected into the water pumped from the diversion works shall be equipped with an in-line, automatic, quick-closing check valve capable of preventing pollution of the source of the water supply. The type of valve installed shall meet specifications adopted by the Chief Engineer and shall be maintained in an operating condition satisfactory to the Chief Engineer.

The water right owner shall properly install acceptable waters meter on the diversion works authorized under this water right, prior to the use of water, in strict accordance with the Kansas Administrative Regulations 5-1-4 through 5-1-12 adopted by the Chief Engineer. The water right owner shall notify the Chief Engineer when installation of the water meters has been completed. The water right owner shall maintain the water meters in an operating condition satisfactory to the Chief Engineer, at all times during diversion of water and shall maintain records from which the total quantity of water diverted may be determined. The water right owner shall also report the reading of said water meters and the total quantity of water diverted annually to the Chief Engineer. Such records shall be furnished to the Chief Engineer by March 1 following the end of each calendar year.

In all other respects, the Certificate of Appropriation issued pursuant to Approval of Application, File No. 31,416, for permit to appropriate water for beneficial use, is as stated and set forth in the Certificate of Appropriation dated January 24, 1994.

Ordered this *8th* day of *August*, 2024, in Manhattan, Riley County, Kansas.

Lane P. Letourneau

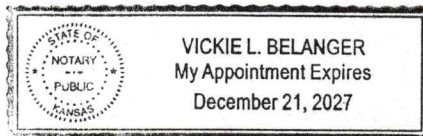
Lane P. Letourneau, P.G.
Water Appropriation Program Manager
Division of Water Resources
Kansas Department of Agriculture

State of Kansas)
) SS
County of Riley)

The foregoing instrument was acknowledged before me this *8th* day of *August*, 2024, by Lane P. Letourneau, P.G., Water Appropriation Program Manager, Division of Water Resources, Kansas Department of Agriculture.

Vickie L. Belanger

Notary Public



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

August 21, 2024

JON HEIMAN
IRSIK & DOLL FEED SERVICES, INC
104 W AVE A
CIMARRON KS 67835

RE: Water Right
File Nos. 31,416, 32,663 and 38,707

Dear Mr. Heiman:

Enclosed are the orders executed by the Chief Engineer, Division of Water Resources, Kansas Department of Agriculture, approving the applications for change under the referenced files authorized at the Turon Feed Yard.

Your attention is directed to the enclosures and to the terms, conditions, and limitations specified in the approvals for change. A condition of the approvals is that acceptable water flowmeter must be installed on the diversion works authorized. Please note a water level measurement tube meeting the regulatory specifications is required for the approval of the additional well authorized under File No. 32,663. Please return the required form Notification of the Completion of the Diversion Works and Report of Flowmeter Installation, for this new well as soon as these actions are completed. Records in this office indicate the other wells are metered, however if the meters have been replaced, please inform us as required.

The change approval under File No. 32,663, adding an additional point of diversion is subject to the condition that for the sole purpose of administering wells concerning direct impairment, the quantity and rate approved as the portion of the additional well shall be considered to have the priority of the date the application was filed (November 14, 2023) to add the additional well. In addition, the Chief Engineer specifically retains jurisdiction in this matter with authority to review the approval of the additional well at intervals of no fewer than five years, and no more than ten years to determine if the total annual quantity of water actually being withdrawn by all wells authorized by the approval of application for change is exceeding the total annual quantity of water that could have been physically withdrawn if the additional well had not been approved, and based on the review, the Chief Engineer retains authority to make a reasonable reduction in the authorized quantity of water as may be deemed to be in the public interest.

Since the orders modify the original documents referred to above, they should be recorded with the Register of Deeds as other instruments affecting real estate.

IRSIK & DOLL FEED SERVICES, INC

RE: Water Right, File Nos. 31,416, 32,663 and 38,707

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If you have any questions, please contact us at 785-564-6640, or the Stafford Field Office at 620-234-5311. If you wish to discuss a specific file, please have the file number ready so that we may help you more efficiently.

Sincerely,

A handwritten signature in blue ink that reads "Kristen A. Baum". The signature is written in a cursive style with a large initial 'K' and a long horizontal flourish at the end.

Kristen A. Baum
New Application and Change Unit Supervisor
Division of Water Resources

KAB:kak:li

Enclosures

pc: Stafford Field Office
Big Bend GMD No. 5



Department of Agriculture

1320 Research Park Drive
Manhattan, KS 66502-5000

Laura Kelly, Governor

1606 - 006

KANSAS CITY 640

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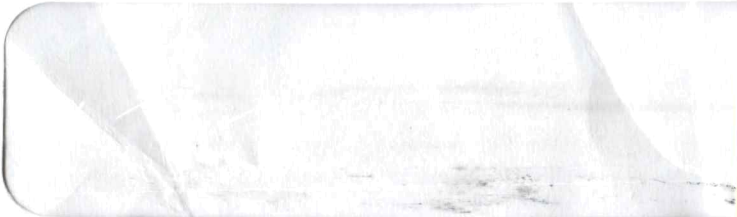
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