

Kansas Department of Agriculture
Division of Water Resources
CHANGE: P/D WORKSHEET

Document Signature _____

1. File Number: 7266	2. Status Change Date: <i>10/11/2017</i>	3. Change Num: C1	4. Field Office: 03	5. GMD:	
6. Status: <input type="checkbox"/> Approved <input type="checkbox"/> Denied by DWR/GMD <input type="checkbox"/> Dismiss by Request/Failure to Return				7. Filing Date of Change: 11-SEP-2017	
8a. Applicant(s) New to system <input type="checkbox"/> BELOIT FEEDERS LLC PO BOX 89 BELOIT KS 67420-0089		Person ID 65560 Add Seq# 1	8c. Landowner(s) New to system <input type="checkbox"/> Person ID _____ Add Seq# _____		
8b. Landowner(s) New to system <input type="checkbox"/> BELOIT FEEDERS LLC PO BOX 89 BELOIT KS 67420-0089		Person ID 65560 Add Seq# 1	8d. WUC New to system <input type="checkbox"/> NO CHANGE 8A Person ID 65560 Add Seq# 1		
9. Documents and Enclosure(s): <input checked="" type="checkbox"/> DWR Meter(s) Date to Comply: 12/31/18 <input checked="" type="checkbox"/> N & P Date to Comply: 12/31/18					
<input type="checkbox"/> Anti-Reverse Meter <input type="checkbox"/> Meter Seal <input checked="" type="checkbox"/> Check Valve <input checked="" type="checkbox"/> N & P Form <input checked="" type="checkbox"/> Water Tube <input checked="" type="checkbox"/> Driller Copy <input checked="" type="checkbox"/> H & E Letter <input type="checkbox"/> Conservation Plan Date Required: _____ Date Approved: _____ Date to Comply: _____					
10. Use Made of Water From: _____ To: _____					
Date Prepared: 10/09/17 By: RAK Date Entered: <i>10/16/2017</i> By: <i>UM</i>					

File No. 7266	11. County: MC	Basin: SOLOMON RIVER	Stream:	Formation Code: 115 Terrace	Special Use:
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12. Points of Diversion										Rate and Quantity				
MOD DEL ENT	PDIV	Qualifier	S	T	R	ID	'N	'W	Comment	Authorized		Additional		Overlap PD Files
										Rate gpm	Quantity AF	Rate gpm	Quantity AF	
DEL	7539	NWNENW	20	7	6W	1	5200	3800						NO
ENT	86377	NWNENW	20	7	6W		5175	3709		300 gpm	140.66 AF (45.834 m.g.y.)	300 g.p.m.	140.66 AF (45.834 m.g.y.)	NO

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

14. Limitation: _____ af/yr at _____ gpm (_____ cfs) when combined with file number(s) _____
 Limitation: _____ af/yr at _____ gpm (_____ cfs) when combined with file number(s) _____

15. 5YR Allocation: Allocation Type _____ Start Year _____ 5 YR Amount _____ Amount Unit _____ Base Acres _____ Comment _____

16. Place of Use		NE¼				NW¼				SW¼				SE¼				Total	Owner	Chg?	Overlap Files
MOD	DEL	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				
ENT	PUSE	S	T	R	ID																
	NO CHANGES TO PU																				

Comments: **(MITCHELL COUNTY COURT DECREE AREA)**

KANSAS DEPARTMENT OF AGRICULTURE
Division of Water Resources

M E M O R A N D U M

TO: Files

DATE: October 10, 2017

FROM: Richelle A. Krueger

RE: Water Right
File No. 7,266

Joe W. Ludwig, P.O.A., on behalf of Beloit Feeders L.L.C., filed an application for approval to change the point of diversion for the referenced file number, authorized for stockwatering use in the Solomon River in the Mitchell Court Decree Area.

The referenced water right does not appear to be abandoned, as per K.S.A. 82a -718.

File No. 7,266 is authorized 140.66 acre-feet and 300 gallons per minute for stockwatering use in a feedlot in the South Half of Section 17 and the North Half of Section 20, both in Township 7 South, Range 6 West, Mitchell County. There are no present overlaps in the point of diversion but the place of use overlaps Water Right, File Nos. 18,586 and 20,639. The water right owner proposes to replace the presently authorized well, drilling a new well at a site located 5,175 feet North and 3,709 feet West of the Southeast corner of the same Section 20, less than 100 feet of the presently authorized well in accordance with K.A.R. 5-3-11(d)(7). The proposed move appears to meet well spacing requirements in that the move is less than 300 feet to nearby wells.

There is an irrigation well authorized by Water Right, File No. 6,081, and two stockwatering wells authorized by Water Right, File Nos. 18,586 and 20,639. No domestic wells were indicated on the diagram. Since the move is less than 100 feet no nearby well owners were notified of the proposed well.

The same local source of supply will not change, which appears to be terrace (115).

In an e-mail dated October 9, 2017, Kelly Stewart, Water Commissioner of the Stockton Field Office, indicated that he has no objections to approval of the application.

A water flow meter will be required. A check valve is required if any chemical or foreign substance is injected into the water through the diversion works according to K.A.R. 5 -3-5(c) and a water level measurement tube will be required.


Richelle A. Krueger
Environmental Scientist

1320 Research Park Drive
Manhattan, Kansas 66502
(785) 564-6700



900 SW Jackson, Room 456
Topeka, Kansas 66612
(785) 296-3556

Jackie McClaskey, Secretary

Governor Sam Brownback

October 17, 2017

BELOIT FEEDERS LLC
ATTN JOE W LUDWIG
PO BOX 89
BELOIT KS 67420-0089

FILE COPY

RE: Water Right, File No. 7,266

Dear Mr. Ludwig:

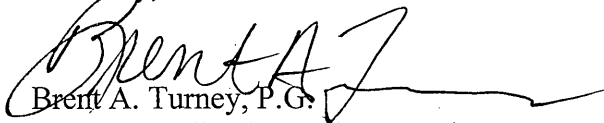
Enclosed is the order executed by the Chief Engineer, Division of Water Resources, Kansas Department of Agriculture, approving the application for change under the above referenced file number.

Your attention is directed to the enclosures and to the terms, conditions, and limitations specified in this approval for change. A condition of this approval is that an acceptable water flow meter must be installed on the diversion works authorized under the referenced file number. Please return the required notification of completion of the diversion works and installation of the required meter as soon as these actions are completed.

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

If you have any questions, please contact this office. If you call, please reference the file number so we can help you more efficiently.

Sincerely,


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

Enclosures

pc: Stockton Field Office



KANSAS DEPARTMENT OF AGRICULTURE
Jackie McClaskey, Secretary of Agriculture

DIVISION OF WATER RESOURCES
David W. Barfield, Chief Engineer

**APPROVAL OF APPLICATION
FOR
CHANGE IN
POINT OF DIVERSION
WATER RIGHT
FILE NO. 7,266**

The Chief Engineer, Division of Water Resources, Kansas Department of Agriculture, after due consideration of the written application of Joe W. Ludwig, on behalf of Beloit Feeders, L.L.C., P.O. Box 89, Beloit, Kansas, 67420-0089, received in this office on September 11, 2017, for approval of a change in the location of the point of diversion under the certificate of appropriation issued pursuant to the application for permit to appropriate water for beneficial use, as modified and amended by the Order of the Chief Engineer dated February 4, 1975, approving the application to change the authorized place of use and use made of water, the Findings and Order of the Chief Engineer dated March 3, 1986, reducing the authorized diversion rate and quantity, and by the Order of the Chief Engineer dated December 22, 1988, approving the application to change the authorized place of use, finds that the change is reasonable and will not impair existing rights, 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 location of the point of diversion shall be:

one (1) well located in the Northwest Quarter of the Northeast Quarter of the Northwest Quarter (NW $\frac{1}{4}$ NE $\frac{1}{4}$ NW $\frac{1}{4}$) of Section 20, more particularly described as being near a point 5,175 feet North and 3,709 feet West of the Southeast corner of said section, in Township 7 South, Range 6 West, Mitchell County, Kansas,

located substantially as shown on the diagram in Paragraph No. 13a of the application to change the point of diversion.

The change in point of diversion shall not impair existing rights and shall be limited to the same source or sources of water as previously authorized. The point of diversion authorized by this approval shall be located within a 50 foot radius of the authorized point of diversion.

Installation of the works for diversion of water shall be completed on or before December 31, 2018, or within any authorized extension of time. The water right owner shall notify the Chief Engineer of the Division of Water Resources, Kansas Department of Agriculture, when construction of the works for diversion has been completed.

All wells with a diversion rate of 100 gallons per minute or more drilled under the authority of this order 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.

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 submit to the Chief Engineer a copy of the well log required by the Kansas Department of Health and Environment under the authority of K.S.A. 82a-1212, currently form WWC-5, within 30 days following the drilling of the well at the location authorized herein.

The water right owner shall properly install an acceptable water 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 meter has been completed. The water right owner shall maintain the water meter in an operating condition satisfactory to the Chief Engineer, at all times during diversion of water and shall maintain records from which the total quantity of water diverted may be determined. The water right owner shall also report the reading of said water meter and the total quantity of water diverted annually to the Chief Engineer. Such records shall be furnished to the Chief Engineer by March 1 following the end of each calendar year.

In all other respects, the Certificate of Appropriation issued pursuant to Approval of Application, File No. 7,266, for permit to appropriate water for beneficial use, is as stated and set forth in the Certificate of Appropriation dated July 17, 1973, as modified and amended by the aforementioned orders.

RIGHT TO A HEARING AND TO ADMINISTRATIVE REVIEW

If you are aggrieved by this Order, then pursuant to K.S.A. 82a-1901, you may:

- 1) request an evidentiary hearing before the Chief Engineer, or
- 2) request administrative review by the Secretary of Agriculture.

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

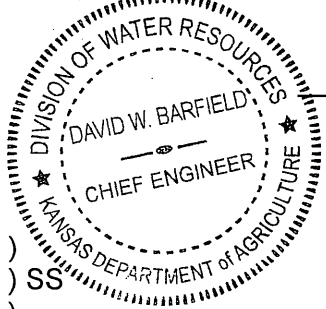
To obtain an evidentiary hearing before the Chief Engineer, a written request for hearing must be filed within 15 days after service of this Order as provided in K.S.A. 77-531 (**i.e., within a total of 18 days after this Order was mailed to you**), with: Kansas Department of Agriculture, Attn: Legal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

If you do not file a request for an evidentiary hearing before the Chief Engineer, you may petition for administrative review of the Order by the Secretary of Agriculture. A petition for review shall be in writing and state the basis for requesting administrative review. The request for hearing may be denied if the request fails to clearly establish factual or legal issues for review. See K.S.A. 77-527. The petition must be filed within 30 days after service of this Order as provided in K.S.A. 77-531 (**i.e., within a total of 33 days after this Order was mailed to you**), and be filed with: Secretary of Agriculture, Attn: Legal Division, Kansas Department of Agriculture, 1320 Research Park Drive, Manhattan, KS 66502, FAX (785) 564-6777.

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

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

Ordered this 11th day of October, 2017, in Topeka, Shawnee 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 11th day of October, 2017, 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 17th day of October, 2017, I hereby certify that the foregoing Approval of Application for Change in Point of Diversion, File No. 7,266, dated _____ was mailed postage prepaid, first class, US mail to the following:

BELOIT FEEDERS LLC
ATTN JOE W LUDWIG
PO BOX 89
BELOIT KS 67420-0089

With photocopies to:
Stockton Field Office

Darrell Wilson
Division of Water Resources

Submit completed application to:
 Kansas Department of Agriculture
 Division of Water Resources
 Field Office for your area.
 Call for address:
 Topeka -- (785) 296-5733
 Stafford -- (620) 234-5311
 Stockton -- (785) 425-6787
 Garden City -- (620) 276-2901
<http://agriculture.ks.gov/dwr>

DWR FIELD OFFICE APPLICATION FOR APPROVAL TO CHANGE THE PLACE OF USE AND/OR THE POINT OF DIVERSION



STATE OF KANSAS

Filing Fee Must Accompany the Application, K.S.A. 82a-708b(b), as amended.
 Fee Schedule is on the third page of this application form.

Paragraph Nos. 1, 2, 3 & 5 must be completed. Complete all other applicable portions. If change in point of diversion is greater than 100 feet, or if place of use will be changed, include a topographic map or detailed plat showing the authorized and proposed point(s) of diversion and/or place of use.

File No. 7,266

**WATER RESOURCES
 RECEIVED**

SEP 11 2017
 11:45
 KS DEPT OF AGRICULTURE

1. Application is hereby made for approval of the Chief Engineer to change the (check one or both):

Place of Use Point of Diversion

under the water right which is the subject of this application in accordance with the conditions described below.

The source of supply is: Groundwater Surface water

2. Name and address of Applicant: BELOIT FEEDERS LLC

PO BOX 89 BELOIT, KS 67420-0089

Phone Number: () _____ Email address: beloitfl@mckcn.com

Name and address of Water Use Correspondent: same as above

Phone Number: () _____ Email address: _____

3. The presently authorized place of use is:

Owner of Land ---- NAME: BELOIT FEEDERS LLC

ADDRESS: PO BOX 89 BELOIT, KS 67420-0089

(If there is more than one landowner, attach supplemental sheets as necessary.)

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	
17	07S	06W																	
20	07S	06W																	

4. If this application is for a change in place of use, it is proposed that the place of use be changed to:

Owner of Land ---- NAME: NO CHANGE

ADDRESS: _____

(If there is more than one landowner, attach supplemental sheets as necessary.)

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	

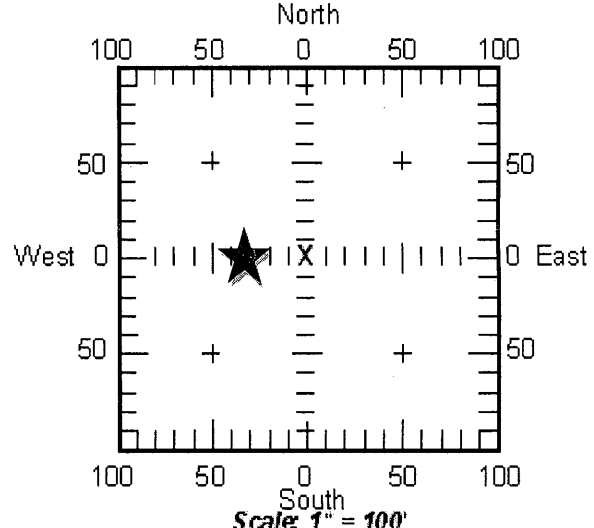
For Office Use Only: Code CLT Fee \$ 100 TR # _____ Receipt Date 9/11/17 Check # 5301

5. **Presently authorized point of diversion:**
 One in the NW Quarter of the NE Quarter of the NW Quarter
 of Section 20 , Township 07S South, Range 06 W,
 in MC County, Kansas, 5200 feet North 3800 feet West of Southeast corner of section.
 Authorized Rate 300 GPM Authorized Quantity 140.66 AF Depth of well (feet)
(DWR use only: Computer ID No. 1 GPS 5175 feet North 3679 feet West)
 This point will not be changed This point will be changed as follows: No change, point better described with GPS as follows:
Proposed point of diversion: (Complete only if change is requested or if existing point is better described by GPS)
 One in the NW Quarter of the NE Quarter of the NW Quarter
 of Section 20 , Township 07 South, Range 06 W,
 in MC County, Kansas, 5175 feet North 3709 feet West of Southeast corner of section.
 Proposed Rate 300 GPM Proposed Quantity 140.66 AF Proposed well depth (feet) .
 This point is: Additional Well Geo Center List other water rights that will use this point .

6. **Presently authorized point of diversion:**
 One in the Quarter of the Quarter of the Quarter
 of Section , Township South, Range
 in County, Kansas, feet North feet West of Southeast corner of section.
 Authorized Rate Authorized Quantity Depth of well (feet)
(DWR use only: Computer ID No. GPS feet North feet West)
 This point will not be changed This point will be changed as follows: No change, point better described with GPS as follows:
Proposed point of diversion: (Complete only if change is requested or if existing point is better described by GPS)
 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 Proposed well depth (feet) .
 This point is: Additional Well Geo Center List other water rights that will use this point .

7. The changes herein are desired for the following reasons?
 (please be specific) TO REPLACE FAILING WELL

13a. If the proposed point of diversion will be relocated within 100 feet of the existing point of diversion, indicate its location on the diagram below in relation to the existing point of diversion. (PLEASE NOTE: The "X" in center of diagram below represents presently authorized point of diversion.)



8. If a well, is the test hole log attached? Yes No

9. The change(s) (was)(will be) completed by?
UPON APPROVAL

10. If the point of diversion is a well:
 (a) What are you going to do with the old well?
PLUG OR CAP

(b) When will this be done? UPON COMPLETION

11. Groundwater Management District recommendation attached? Yes No

12. Assisted by M BILLINGER

13b. If the proposed point of diversion will be relocated more than 100 feet but within 1320 feet from the existing point of diversion, attach a topographic map or aerial photograph. For groundwater sources, show all wells (including domestic) within one-half mile of the proposed point of diversion and the names and mailing addresses of the owners. For surface water sources, show the names and addresses of the landowner(s) one-half mile downstream and one-half mile upstream from your property lines.

WATER RESOURCES RECEIVED

SEP 11 2017

14. If the proposed groundwater point of diversion is 300 or fewer feet from existing point of diversion, complete the following:

- (a) Does the undersigned represent all owners of the currently authorized place(s) of use identified in this application?
 Yes No (If no, all owners must sign this application.)
- (b) Will the ownership interest of any owner of the currently authorized place(s) of use identified in this application be adversely affected if this application is approved as requested?
 Yes No (If yes, all owners must sign this application.)
- (c) If this application is not approved expeditiously, will there be substantial damage to property, public health or safety?
 Yes No (If no, all owners must sign this application.)

If the application proposes a surface water change in point of diversion, a groundwater change in point of diversion greater than 300 feet, or a change in place of use, the application must be signed by all owners of the currently authorized place of use, or their duly authorized agent (attach notarized statement authorizing representation).

I hereby verify, being first duly sworn upon my oath or affirmation and under penalty of perjury, that I am of lawful age and the owner, the spouse of the owner, or a duly authorized agent of the owner(s) to make this application on their behalf, in regards to the water right(s) to which this application pertains. I further verify that the statements contained in this application are true, correct and complete.

Dated at _____, Kansas, this _____ day of _____, 20_____.

<u>Joe W. Seidig P.O.A.</u> (Owner)	_____	(Spouse)
<u>Joe W. Ludwig P.O.A.</u> (Please Print)	_____	(Please Print)
_____	_____	(Spouse)
(Owner)	_____	(Please Print)
_____	_____	(Spouse)
(Please Print)	_____	(Please Print)
_____	_____	(Spouse)
(Owner)	_____	(Please Print)
_____	_____	(Spouse)
(Please Print)	_____	(Please Print)

State of Kansas }
County of Mitchell } SS



I hereby certify that the foregoing application was signed in my presence and sworn to before me this 6 day of September, 2017.

Christina L. File
Notary Public

My Commission Expires 7-11-2021.

ONLY COMPLETE APPLICATIONS WILL BE PROCESSED. To be complete, all of the applicable portions of the application form must be completed with accurate information; maps, if necessary, must be included; signatures of all the appropriate owners' must be affixed to the application and notarized; and the appropriate fee must be paid.

FEE SCHEDULE

Each application to change the place of use or the point of diversion under this section shall be accompanied by the application fee set forth in the schedule below: Make checks payable to: **Kansas Department of Agriculture**

- (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

**WATER RESOURCES
RECEIVED**

SEP 11 2017

Krueger, Richelle

From: Stewart, Kelly
Sent: Monday, October 9, 2017 9:36 AM
To: Krueger, Richelle
Cc: Billinger, Mark; Turney, Brent; Hageman, Rebecca
Subject: RE: Request for Recommendation Change in PD File No. 7266 Beloit Feeders

Richelle,

The source of supply is the terrace deposit.

I have no objection to the approval of this change application.

Kelly

From: Krueger, Richelle
Sent: Thursday, October 5, 2017 5:26 PM
To: Stewart, Kelly <Kelly.Stewart@ks.gov>
Cc: Billinger, Mark <Mark.Billinger@ks.gov>; Turney, Brent <Brent.Turney@ks.gov>; Hageman, Rebecca <Rebecca.Hageman@ks.gov>
Subject: Request for Recommendation Change in PD File No. 7266 Beloit Feeders

Hi Kelly,

Attached is a change in pd in the Mitchell County Court Decree Area. What should be the source of supply for this application and do you recommend approval?

Thanks,
Richelle

1320 Research Park Drive
Manhattan, Kansas 66502
(785) 564-6700



900 SW Jackson, Room 456
Topeka, Kansas 66612
(785) 296-3556

Jackie McClaskey, Secretary

Governor Sam Brownback

BELOIT FEEDERS, LLC
PO BOX 89
BELOIT, KS 67420

9/12/2017

FILE COPY

RE: File No 7266

Dear Sir or Madam:

An application for approval of the Chief Engineer to change the following condition or conditions of the file number referred to above has been received:

- place of use PD
- point of diversion
- use made of water

As a matter of record, the Division of Water Resources has on hand a large number of applications awaiting processing. Therefore, to be fair to all concerned, and so that we can process those applications on hand in the order they were received, we intend to concentrate on the backlog of applications until the issue is resolved. You will be contacted regarding this application as soon as it has been examined.

In accordance with the provisions of the Kansas Water Appropriation Act, a portion of which is included below, the use of water prior to approval of the application is unlawful. You should not proceed and divert water as indicated by your plans in your application for a change for this file until you receive approval for this change from the Chief Engineer. Once approved, compliance with the terms, conditions and limitations of the permit is necessary. Conservation of the water resources of Kansas is required.

Section 82a-728 of the Kansas Water Appropriation Act, provides (a) except for the appropriation of water for the purpose of domestic use, . . . it shall be unlawful for any person to appropriate or threaten to appropriate water from any source without first applying for and obtaining a permit to appropriate water in accordance with the provisions of the Water Appropriation Act or for any person to violate any condition of a vested right, appropriation right or an approved application for a permit to appropriate water for beneficial use.

(b) (1) The violation of any provision of this section by any person is a class C misdemeanor...

A class C misdemeanor is punishable by a fine not to exceed \$500 and/or a term of confinement not to exceed one month in the county jail. Each day that the violation occurs constitutes a separate offense.

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

Sincerely,

A handwritten signature in cursive script that reads "Brent A. Tournay".

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

BAT: DLW
pc: STOCKTON Field Office GMD