

Kansas Department of Agriculture  
 Division of Water Resources  
**CHANGE: UMW WORKSHEET**

1. File Number: <b>14,103</b>	2. Status Change Date: <b>10/31/2018</b>	3. Change Num: <b>C4</b>	4. Field Office: <b>03</b>	5. GMD: <b>04</b>
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: <b>18-JUN-2018</b>
8a. Applicant(s) New to system <input type="checkbox"/>  <b>HOXIE FEEDYARD INC SCOTT FOOTE PO BOX 65 HOXIE KS 67740</b>		Person ID <b>50890</b> Add Seq# <b>1</b>	8c. Landowner(s) New to system <input type="checkbox"/>  <b>FOOTE LAND CO LLC PO BOX 11 BUCYRUS KS 66013</b>	
8b. Landowner(s) New to system <input type="checkbox"/>  <b>HOXIE FEEDYARD INC SCOTT FOOTE PO BOX 65 HOXIE KS 67740</b>		Person ID <b>50890</b> Add Seq# <b>1</b>	8d. Landowner(s) New to system <input type="checkbox"/> <b>SCOTT &amp; MICHELLE FOOTE PO BOX 416 HOXIE KS 67740</b>	
8e. WUC New to system <input type="checkbox"/>  <b>HOXIE FEEDYARD INC SCOTT FOOTE PO BOX 65 HOXIE KS 67740</b>		Person ID <b>50890</b> Add Seq# <b>1</b>	8f. WUC New to system <input type="checkbox"/>  <b>HOXIE FEEDYARD INC SCOTT FOOTE PO BOX 65 HOXIE KS 67740</b>	
9. Documents and Enclosure(s): <input checked="" type="checkbox"/> DWR Meter(s) Date to Comply: <b>12/31/2018</b> <input type="checkbox"/> N & P Date to Comply: _____				
<input type="checkbox"/> Anti-Reverse Meter <input type="checkbox"/> Meter Seal <input checked="" type="checkbox"/> Check Valve <input type="checkbox"/> N & P Form <input type="checkbox"/> Water Tube <input type="checkbox"/> Driller Copy <input type="checkbox"/> H & E Letter <input type="checkbox"/> Conservation Plan    Date Required: _____    Date Approved: _____    Date to Comply: _____				
10. Use Made of Water    From: <b>STK &amp; IRR</b> To: <b>STK</b>				
Date Prepared: <b>10/02/18</b> By: <b>RAK</b> Date Entered: <b>10/18/2018</b> By: <b>UM</b>				

File No. **14,103**      11. County: **SD**    Basin:      Stream:      Formation Code: **211**      Special Use:

12. Points of Diversion  
 Rate and Quantity  
 Authorized      Additional  
 MOD      PDIV  
 DEL      S    T    R    ID    'N    'W    Comment (AKA Line)      Rate      Quantity      Rate      Quantity  
 ENT      Qualifier      gpm/cfs      af/mgy      gpm/cfs      af/mgy      Overlap PD Files

STK MOD 76583 NW¼ NE¼ SW¼ 28 7 29W 2 **2023** **3799**      800 g.p.m. 93.81 m.g.y.(287.9 AF) **800** g.p.m. 93.81 m.g.y.(287.9 AF)      NO

IRR DEL 76583 NW¼ NE¼ SW¼ 28 7 29W 2 2023 3799      800 g.p.m. 204AF      800 g.p.m. 204AF      NO

**BETTER DESCRIBE PD WITH GPS per WRIS/8-23-12 compliance investigation (previous ft distances 2026'N 3805'W)**

13. Storage: Rate \_\_\_\_\_ NF    Quantity \_\_\_\_\_ ac/ft    Additional Rate \_\_\_\_\_ NF    Additional Quantity \_\_\_\_\_ ac/ft

14. **REMOVE** Limitation: **--** af/yr at **800GPM FROM WELL** gpm (

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 CHK MOD DEL ENT	PUSE	S	T	R	ID	NE¼				NW¼				SW¼				SE¼				Total	Owner	Chg?	Overlap Files
						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				
STK	√ 54577	28	7	29W	3					FEEDLOT (SW NE), (E2 NW), (NE SW), (NW SE) & (S2 S2)											8B	NO	16605;16865;21315		
STK	√ 12007	33	7	29W	1					FEEDLOT (N2)											8B	NO	16605;16865;21315		
IRR	DEL 34565	28	7	29W	1						39.90	40.8				18.70					99.40	8C	NO	30537	
IRR	DEL 33943	29	7	29W	3	30.25	30.25	30.25	30.25												121.00	8D	NO	30537	

Base Acres:      Year:      Minimum Reasonable Quantity:

Comments:

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

**TO:** Files  
**FROM:** Richelle A. Krueger

**DATE:** October 2, 2018  
**RE:** Water Right  
File No. 14,103

Scott and Michelle Foote and Robert E. Foote, on behalf of Hoxie Feedyard, Inc. and Foote Land Co. L.L.C., water right owners, filed an application for approval to change the use made of water for Water Right, File No. 14,103, currently authorized irrigation and stockwatering uses in Sheridan County, Kansas in the Sheridan 6 LEMA.

The referenced file number does not appear abandoned as per K.S.A. 82a-718.

File No. 14,103 is authorized 35.52 million gallons per calendar year (109 acre-feet) at 800 gallons per minute for stockwatering use and 204 acre-feet (66.47 million gallons) at 800 gallons per minute for irrigation use from the same well, limited to 800 gallons per minute – no other point of diversion overlaps. The stockwatering place of use overlaps Water Right, File Nos. 16,605; 16,865 and 21,315 and is described as a feedlot located in the Southwest Quarter of the Northeast Quarter (SW $\frac{1}{4}$  NE $\frac{1}{4}$ ); the East Half of the Northwest Quarter (E $\frac{1}{2}$  NW $\frac{1}{4}$ ); the Northeast Quarter of the Southwest Quarter (NE $\frac{1}{4}$  SW $\frac{1}{4}$ ); the Northwest Quarter of the Southeast Quarter (NW $\frac{1}{4}$  SE $\frac{1}{4}$ ); and the South Half of the South Half (S $\frac{1}{2}$ S $\frac{1}{2}$ ) of Section 28, and the North Half (N $\frac{1}{2}$ ) of Section 33, all located in Township 7 South, Range 29 West, Sheridan County. The irrigation place of use totals 220.40 acres and is overlapped by Water Right, File No. 30,537.

File Nos. 14,103; 16,605; 16,865 and 21,315 are authorized a total quantity of 232 million gallons (712 acre-feet) for the feedlot. The water right owners are proposing to convert the remaining irrigation quantity of File No. 14,103 to stockwatering use for the feedlot. Based on the K.A.R. 5-5-9 calculation an additional 58.29 million gallons (178.9 acre-feet) may be converted to stockwatering use for File No. 14,103 for a total of 290.29 million gallons (890.87 acre-feet) to be authorized for stockwatering use under File Nos. 14,103; 16,605; 16,865 and 21,315.

The overall quantity of File No. 14,103 will be reduced from 313 acre-feet to 287.9 acre-feet and the rate limitation on File No. 14,103 will be removed. The point of diversion will be better described with g.p.s. feet distances per WRIS and an August 23, 2012 compliance investigation. The irrigation place of use will be removed from File No. 14,103 with the 220.40-acre place of use to remain authorized by File No. 30,537. The applicant indicated in attachments to the application that in 2016 and 2017 up to 150.23 to 183.384 million gallons per calendar year of effluent per year were available for supplemental irrigation.

No changes in the stockwatering place of use are proposed. The total quantity requested for the feedlot under File Nos. 14,103; 16,605; 16,865 and 21,315 is 290.29 million gallons (890.87 acre-feet) and appears reasonable based on the reported 60,000 head of cattle.

The same local source of supply will remain the same for File No. 14,103, previously determined to be Ogallala Formation (211).

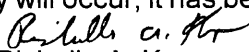
No other wells were identified on the application map or in WRIS within one-half mile of the authorized point of diversion.

In a letter dated September 13, 2018 to Kelly Stewart, Water Commissioner of the Stockton Field Office, Ray Luhman, Manager of Northwest Kansas Groundwater Management District No. 4, indicated that the Board of Directors of GMD No. 4 recommended approval of the application.

In an e-mail dated October 1, 2018 Kelly indicated he is not opposed to approval of the application.

A water flow meter is required. A check valve is required if any chemical or foreign substance is injected into the water through the diversion works.

Based on the above discussion, that the changes are reasonable, that impairment to existing water rights is unlikely, and that no change in the local source of supply will occur, it has been recommended that the referenced application be approved.

  
Richelle A. Krueger  
Environmental Scientist

STATE OF KANSAS

DEPARTMENT OF AGRICULTURE  
1320 RESEARCH PARK DRIVE  
MANHATTAN, KS 66502  
PHONE: (785) 564-6700  
FAX: (785) 564-6777



900 SW JACKSON, ROOM 456  
TOPEKA, KS 66612  
PHONE: (785) 296-3556  
www.agriculture.ks.gov

GOVERNOR JEFF COLYER, M.D.  
JACKIE McCLASKEY, SECRETARY OF AGRICULTURE

FILE COPY

HOXIE FEEDYARD INC  
PO BOX 65  
HOXIE KS 67740

October 9, 2018

RE: Water Right, File No. 14,103

Dear Sir or Madam:

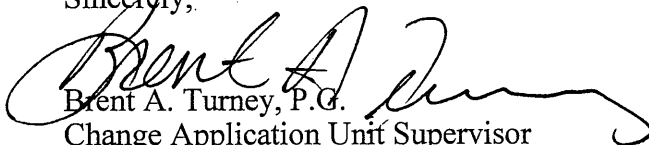
Enclosed is the order executed by the Chief Engineer, Division of Water Resources, Kansas Department of Agriculture, approving the application for change under the above referenced file number.

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/or installation of the required meter as soon as these actions are completed.

Since this order 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

BAT:rak

pc: Stockton Field Office  
Groundwater Management District No. 4  
Foote Land Co., L.L.C.  
Scott and Michelle Foote



KANSAS DEPARTMENT OF AGRICULTURE

Jackie McClaskey, Secretary of Agriculture

DIVISION OF WATER RESOURCES

David W. Barfield, Chief Engineer

**APPROVAL OF APPLICATION  
FOR  
CHANGE IN USE MADE OF WATER  
AND ORDER REDUCING  
THE AUTHORIZED QUANTITY AND  
REMOVING THE ADDITIONAL RATE LIMITATION  
WATER RIGHT  
FILE NO. 14,103**

The Chief Engineer, Division of Water Resources, Kansas Department of Agriculture, after due consideration of the written application of Scott Foote, on behalf of Hoxie Feedyard, Incorporated, P.O. Box 65, Hoxie Kansas, 67740, Scott and Michelle Foote, P.O. Box 416, Hoxie, Kansas, 67740, and Robert E. Foote, on behalf of Foote Land Company, L.L.C., P.O. Box 11, Bucyrus, Kansas, 66013, received in this office on June 18, 2018, for approval of a change in the use made of water 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 May 22, 2007, approving the application to change the place of use, by the Order of the Chief Engineer dated May 28, 2009, approving the application to change the point of diversion, and by the Order of the Chief Engineer dated November 7, 2011, approving the application to change the place of use and use made of water, finds that the change is reasonable and will not impair existing rights, and that the application should be and is hereby approved.

The application, therefore, is approved subject to the condition that the water right is reduced to a quantity not to exceed 93.81 million gallons (287.9 acre-feet) of water per calendar year in accordance with the Application to Change the Use Made of Water, File No. 14,103 received on June 18, 2018.

This order removes the additional limitation on the diversion rate as set forth by the Approval of Application for Change in Place of Use and Use Made of Water, Water Right, File No. 14,103 approved on November 7, 2011.

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

Stockwatering use at a feedlot located in the Southwest Quarter of the Northeast Quarter (SW $\frac{1}{4}$ NE $\frac{1}{4}$ ); the East Half of the Northwest Quarter (E $\frac{1}{2}$ NW $\frac{1}{4}$ ); the Northeast Quarter of the Southwest Quarter (NE $\frac{1}{4}$ SW $\frac{1}{4}$ ); the Northwest Quarter of the Southeast Quarter (NW $\frac{1}{4}$ SE $\frac{1}{4}$ ) and the South Half of the South Half (S $\frac{1}{2}$ S $\frac{1}{2}$ ) of Section 28, and in the North Half (N $\frac{1}{2}$ ) of Section 33, all located in Township 7 South, Range 29 West, Sheridan County, Kansas,

located substantially as shown on the topographic map accompanying the application to change the use made of water, and the location of the authorized point of diversion is better described as follows:

one(1) well located in the Northwest Quarter of the Northeast Quarter of the Southwest Quarter (NW $\frac{1}{4}$  NE $\frac{1}{4}$  SW $\frac{1}{4}$ ) of Section 28, more particularly described as being near a point 2,023 feet North and 3,799 feet West of the Southeast corner of said section, in Township 7 South, Range 29 West, Sheridan County, Kansas, at a diversion rate not in excess of 800 gallons per minute (1.78 c.f.s.) and a quantity of water not to exceed 93.81 million gallons (287.9 acre-feet) per calendar year.

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 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. 14,103, for permit to appropriate water for beneficial use, is as stated and set forth in the Certificate of Appropriation dated April 15, 1980, 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.

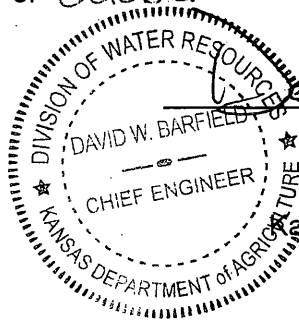
To obtain an evidentiary hearing before the Chief Engineer, a written request for hearing must be filed within 15 days after service of this Order as provided in K.S.A. 77-531 (i.e., within a total of 18 days after this Order was mailed to you), with the Kansas Department of Agriculture, Attn: Legal Section, 1320 Research Park Drive, Manhattan, Kansas 66502, or by 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 review 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 the Secretary of Agriculture, Attn: Legal Division, Kansas Department of Agriculture, 1320 Research Park Drive, Manhattan, Kansas 66502, or by 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 3<sup>rd</sup> day of October, 2018, in Manhattan, Riley County, Kansas.



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

State of Kansas )  
                          ) SS  
County of Riley )

The foregoing instrument was acknowledged before me this 3<sup>rd</sup> day of October, 2018, 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 9<sup>th</sup> day of October, 2018, I hereby certify that the foregoing Approval of Application for Change in Use Made of Water, File No. 14,103, dated October 3<sup>rd</sup>, 2018, was mailed postage prepaid, first class, US mail to the following:

HOXIE FEEDYARD INC  
SCOTT FOOTE  
PO BOX 65  
HOXIE KS 67740

With photocopies to:

FOOTE LAND CO LLC  
PO BOX 11  
BUCYRUS KS 66013

SCOTT & MICHELLE FOOTE  
PO BOX 416  
HOXIE KS 67740

Stockton Field Office  
Groundwater Management District No. 4

*Danielle Wilson*  
\_\_\_\_\_  
Division of Water Resources

Submit To: CHIEF ENGINEER  
Division of Water Resources  
Kansas Department of Agriculture  
1320 Research Park Drive  
Manhattan, KS 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  
RECEIVED  
JUN 18 2018  
12:30  
KS DEPT OF AGRICULTURE

File No. 14103

2. Name of applicant: HOXIE FEEDYARD INC SCOTT FOOTE

Address: PO BOX 65

City, State and Zip: HOXIE, KS 67740

Phone Number: (785)386-4519 E-mail address: \_\_\_\_\_

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

Name of water use correspondent: SAME

Address: \_\_\_\_\_

City, State and Zip: \_\_\_\_\_

Phone Number: ( ) \_\_\_\_\_ E-mail address: \_\_\_\_\_

3. The change(s) proposed herein are desired for the following reasons (please be specific): TO CONVERT

BALANCE OF IRR TO STK

The change(s) WILL BE completed by 5/1/18

(Date)

For Office Use Only:		Meets K.A.R. 5-5-1 (YES / NO) Use <u>JK/FR</u> Source <u>(G)S</u> County <u>SP</u> By <u>AMW</u> Date <u>6/18/18</u>	
F.O. Code <u>3</u>	GMD <u>4</u>	Fee \$ <u>30</u>	TR # _____ Receipt Date <u>6/12/18</u> Check # <u>100932</u>



4. The presently authorized place of use is:

Owner of Land — NAME: FOOTE LAND COMPANY LLC

ADDRESS: PO BOX 11 BUCYRUS, KS 66013

⊗ IRR  
PU

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		
28	7	29						39.9	40.8						18.7					99.4

List any other water rights that cover this place of use. 30537

Owner of Land — NAME: SCOTT & MICHELLE FOOTE

3RD OWNER ON EXTRA SHEET

ADDRESS: PO BOX 416 HOXIE, KS 67740

⊗ IRR  
PU

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			
29	7	29	30.25	30.25	30.25	30.25														121	

List any other water rights that cover this place of use. 30537

(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: HOXIE FEEDYARD INC (STK PL/USE) ACREAGE APPROXIMATE NO IRR PL/USE

ADDRESS: PO BOX 65 HOXIE, KS 67740

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		
28	7	29			19		27		40	28		23	26		18	24	30			235
33	7	29	40	40	40	40	40	40	40											320

List any other water rights that cover this place of use. 16605, 21315, & 16865 STK

Owner of Land — NAME: <sup>⊗ STK PU</sup> Also described as below per 11-7-11 chg pu umw approval

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	
28	7	29W	A Feedlot in (SW¼ NE¼) (E½ NW¼) (NE¼ SW¼) (NW¼ SE¼) + (S½ S½)																
33	7	29W	N½																

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

IF MORE SPACE IS NEEDED, ATTACH ADDITIONAL SHEETS AS NECESSARY

⊗ parcel 9/5/18

\* parcel 7/12/18

12. The presently authorized use of water is for IRR (204) & STK (109) purposes.  
It is proposed that the use be changed to STK (287.9) purposes.

13. If changing the place of use and/or use made of water, describe how the consumptive use will not be increased.  
KAR 5-5-9 IRR 204 X .877 = 178.9      178.9 + 109 = 287.9 TOTAL FOR STK

LICENSED FEEDLOT CAPACITY IS 60000 HD. CURRENT RIGHTS UNDER 14103, 16605, 21315, & 16865 STK = 712 AF  
THE ADDITIONAL 178.9 AF PLUS CURRENT RIGHTS ARE BELOW THE MAX ALLOWABLE OF 15 GAL/HD/DAY

(Please show any calculations here.)

14. It is requested that the maximum annual quantity of water be reduced to 287.9 AF STK (acre-feet or million gallons).

15. It is requested that the maximum rate of diversion of water be reduced to NA 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](http://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.

NO CHANGE IN PT/DIV. NO IMPAIRMENT WILL OCCUR

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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.

ALL REGS ARE MET

**IF MORE SPACE IS NEEDED, ATTACH ADDITIONAL SHEETS AS NECESSARY**

- 6. The presently authorized point(s) of diversion is ONE WELL  
(Provide description and number of points)
- 7. The proposed point(s) of diversion is ONE WELL (NO CHANGE PT/DIV)  
(Provide description and number of points)

List all presently authorized point(s) of diversion:

8. **Presently authorized point of diversion:**  
 One in the NW Quarter of the NE Quarter of the SW Quarter of Section 28, Township 7 South, Range 29 W, in SHERIDAN County, Kansas, 2026 feet North 3805 feet West of Southeast corner of section. Authorized Rate 800 GPM Authorized Quantity 313 AF  
 (DWR use only: Computer ID No. 2 \* GPS 2023 feet North 3799 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 \_\_\_\_\_ 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 \_\_\_\_\_

9. **Presently authorized point of diversion:**  
 One in the \_\_\_\_\_ Quarter of the \_\_\_\_\_ Quarter of the \_\_\_\_\_ Quarter of Section \_\_\_\_\_, Township \_\_\_\_\_ South, Range \_\_\_\_\_ 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 \_\_\_\_\_ 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 \_\_\_\_\_ 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 \_\_\_\_\_ 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. \_\_\_\_\_

IF MORE SPACE IS NEEDED, ATTACH ADDITIONAL SHEETS AS NECESSARY

*\* GPS per WRS + 8-23-12 compliance investigation*  
*\* DAK/JOWN 10/2/18*

WATER RESOURCES RECEIVED

JUN 18 2018

KS DEPT OF AGRICULTURE

SCANNED

APPLICATION FOR APPROVAL TO CHANGE  
THE PLACE OF USE AND/OR POINT OF DIVERSION  
SUPPLEMENTAL SHEET

FILE NO. 14103

MAKE ADDITIONAL COPIES AS NECESSARY

3. Continued: The presently authorized place of use is:

Owner of Land ---- NAME: HOXIE FEEDYARD INC (STK PL/USE)  
ADDRESS: PO BOX 65 HOXIE, KS 67740

\* 01495 STK  
per File Nos 16605, 16865 & 21315

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		
28	7	29	0	0	19		27			40	28			23	26		18	24	30	235
33	7	29	40	40	40	40	40	40	40	40										320

Owner of Land ---- NAME: *(\*) Also described as below per 11-7-11 chg pumw approval*  
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			
28	7	29W	A Feedlot in				(SW¼ NE¼)				(E½ NW¼) (NE¼ SW¼)				(NW¼ SE¼) + (S½ S½)						
33	7	29W	N½																		

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			

4. Continued: 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: \_\_\_\_\_  
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			

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			

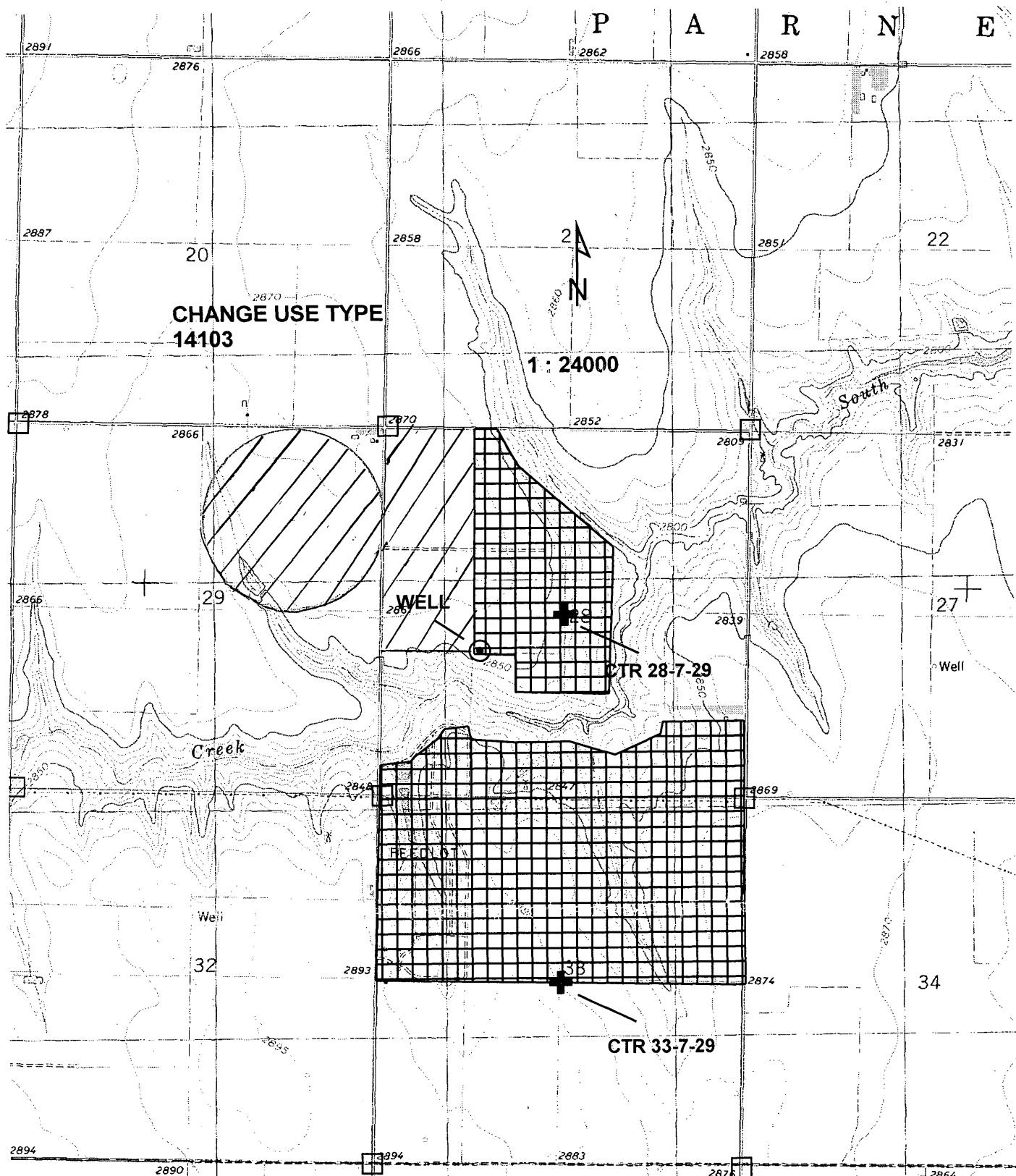
Owner of Land ---- NAME: \_\_\_\_\_  
ADDRESS: \_\_\_\_\_


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			

WATER RESOURCES RECEIVED

FOR  
JUN 18 2018

P A R N E



 \* Currently Authorized  
IRR PU



**PRESENT AND PROPOSED  
PL/USE STK**  
WATER RESOURCES  
RECEIVED

(To be removed under File No 14103)  
( & retained under File No 30537)

JUN 18 2018

\* Added per 11-7-11 CHG PU UMW Approval

KS DEPT OF AGRICULTURE **SCANNED**

\* RSK/owr 9/15/18

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 Hoxie, Kansas, this 4th day of June, 2018

<u>[Signature]</u> (Owner)	_____ (Spouse)
<u>Scott Foote</u> (Please Print)	_____ (Please Print)
<u>[Signature]</u> (Owner)	_____ (Spouse)
<u>Robert E Foote (member Foote land)</u> (Please Print)	_____ (Please Print)
_____ (Owner)	_____ (Spouse)
_____ (Please Print)	_____ (Please Print)

State of Kansas }  
County of Sheridan } SS

I hereby certify that the foregoing application was signed in my presence and sworn to before me this 4 day of June, 2018



My Commission Expires 5-30-2022

[Signature]  
Notary Public

**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.**

WATER RESOURCES RECEIVED

JUN 18 2018

APPLICATION FOR APPROVAL TO CHANGE  
THE PLACE OF USE AND/OR POINT OF DIVERSION  
SUPPLEMENTAL SHEET  
FILE NO. 14103

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.

Dated at Hoxie (city), Kansas, this 4<sup>th</sup> (day) day of June (month), 2018 (year).

[Signature]  
(Owner)

(Spouse)

Scott Foote  
(Owner)

(Spouse)

[Signature]  
(Owner)

(Spouse)

Robert E Foote  
(Owner)

(Spouse)

(Owner)

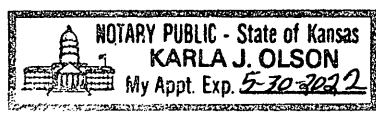
(Spouse)

State of Kansas )  
County of Sheridan ) SS

I hereby certify that Scott Foote (Please Print) appeared before me and signed this foregoing application in my presence this 4 day of June, 2018.

Karla Olson  
Notary Public

My Commission Expires 5-30-2022



WATER RESOURCES  
RECEIVED

JUN 18 2018

**NORTHWEST KANSAS GROUNDWATER MANAGEMENT DISTRICT NO. 4**

PO Box 905  
1290 West 4th  
Colby, KS 67701-0905  
(785) 462-3915

**MEMORANDUM**

**DATE:** February 12, 2018  
**FROM:** Ray Luhman  
**RE:** Change Application No. 14103  
**TO:** Scott Foote

35.52 m gal  
178.9

Scott:

Enclosed is the change application that will convert the remainder of 14103 to stock use. It will delete the irrigation entirely, and will result in a total of 287.9 AF for stock use.

Please check the form and map, etc for accuracy. The form will need to be dated and signed on page 5 by you and your wife, by Hoxie Feedyard Inc, and by Foote Land Company LLC. **All of the signatures must be notarized.** I've included a 2<sup>nd</sup> signature sheet in case you all can't use the same notary. You can mail the application and all attachments to Manhattan DWR at the address below along with a check for the \$300.00 filing fee made payable to the Kansas Department of Agriculture.

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

If you have any questions please let me know.

Water Resources  
Received  
JUN 18 2018  
KS Dept Of Agriculture

SCANNED



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.

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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 8/27/2018 Hoxie, Kansas, this 27<sup>th</sup> day of August, 2018.

\_\_\_\_\_  
(Owner)

\_\_\_\_\_  
(Please Print)

\_\_\_\_\_  
(Owner)

\_\_\_\_\_  
(Please Print)

\_\_\_\_\_  
(Owner)

\_\_\_\_\_  
(Please Print)

\_\_\_\_\_  
(Owner)

\_\_\_\_\_  
(Please Print)

\_\_\_\_\_  
(Spouse)

\_\_\_\_\_  
(Please Print)

\_\_\_\_\_  
(Spouse)

\_\_\_\_\_  
(Please Print)

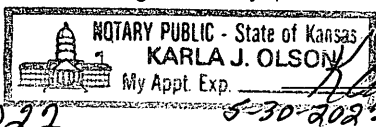
\_\_\_\_\_  
(Spouse)

\_\_\_\_\_  
(Please Print)

State of Kansas }  
County of Sheridan } SS

I hereby certify that the foregoing application was signed in my presence and sworn to before me this 27 day of Aug., 2018.

My Commission Expires 5-30-2022

 Karla J. Olson  
Notary Public

**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.**

Water Resources  
Received

SEP 04 2018

KS Dept Of Agriculture

SCANNED

8/28/18

Water Resources  
Received

SEP 04 2018

KS Dept Of Agriculture

Brent-

I think that this  
will be everything that  
you need.

Please call me if you  
have any questions or need  
anything else.

Thanks!

Scott Foote

(785) 675-9009-cell

2

**Kansas Department of Health and Environment  
NPDES CAFO PERMIT - ANNUAL REPORT**

**2016**

**2016**

**FACILITY NAME:** HOXIE FEEDYARD

**KDHE PERMIT NUMBER / NPDES PERMIT NUMBER:** A-SOSD-C002 / KS0117897

**REPORTING PERIOD (MM/DD/YYYY - MM/DD/YYYY):** 01/01/2016-12/31/2016

**I. NUMBER AND TYPE / WEIGHT OF ANIMALS**

Record the maximum number (head) and animal type/weight confined at any one time during the reporting period.

NUMBER OF ANIMALS	ANIMAL TYPE / WEIGHT
55,000	Beef Cattle > 700lbs

**II. LIVESTOCK WASTE GENERATED**

Record the estimated amount of manure / litter and process wastewater generated at the facility during the reporting period.

Manure / Litter Generated	74,461	<b>TONS</b>
Process Wastewater Generated	150,230,000	<b>GALLONS</b>

**III. LIVESTOCK WASTE EXPORTED**

A. Was livestock waste transferred (sold or given away) to other persons during the reporting period? If yes, submit the **EXPORTED WASTE REPORT** with the Annual Report.

YES  YES/NO

B. Record the estimated or actual amount of manure, process wastewater, litter, and/or compost exported during the reporting period.

Manure Exported	66,625	<b>TONS</b>
Process Wastewater Exported		<b>GALLONS</b>
Litter Exported	0	<b>TONS</b>
Compost Exported	0	<b>TONS</b>

**IV. LIVESTOCK WASTE LAND APPLIED**

A. Was manure/litter and/or process wastewater applied to land included in the facility's Nutrient Management Plan and under the control of the facility during the reporting period? If yes, submit the **LAND APPLICATION SUMMARY** with the Annual Report.

YES  YES/NO

B. Record the total amount of solids and liquids that were land applied during the reporting period.

Solids Land Applied	0	<b>TONS</b>
Liquids Land Applied	150,230,000	<b>GALLONS</b>

C. Record the total acres of land included in the facility's Nutrient Management Plan, whether or not they were used for land application during the reporting period.

3,300 **ACRES**

D. Record the total acres of land where manure or process wastewater was spread. Include only land application acres under the control of the facility.

580 **ACRES**

E. Was the current version of the facility's Nutrient Management Plan prepared or approved by a certified nutrient management planner?

YES  YES/NO

**V. SUMMARY OF DISCHARGES**

Was there a water pollution incident, overflow, or discharge of livestock waste from the facility and/or a land application site during the reporting period? If yes, submit the **SUMMARY OF DISCHARGES** with the Annual Report.

NO  YES/NO

**VI. SOIL AND MANURE TEST RESULTS**

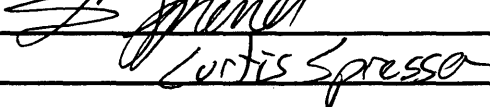
Submit copies of any manure and/or soil test results obtained during the reporting period with the Annual Report. However, soil and/or manure test results do not need to be submitted with the Annual Report if the results were included with a Nutrient Management Plan.

Water Resources  
Received

**SEP 04 2018**

**VII. CERTIFICATION**

I certify under penalty of law that this document and all attachments were prepared under my direct supervision in accordance with a system designed to assure that qualified personnel properly gather and evaluate the information submitted. Based on my inquiry of the person(s) who prepared the system, or those persons directly responsible for gathering information, the information submitted is, to the best of my knowledge and belief, true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment for knowing violations.

**SIGNATURE** 

**PRINT NAME** Curtis Spessa

**DATE** 3/3/17

KS Dept Of Agriculture

**SUBMIT BY:** February 28th of Year Following Reporting Period  
**SUBMIT TO:** KDHE - Livestock Waste Management Section, 1000 SW Jackson St. Suite 420, Topeka, KS 66612-1367  
 Fax: (785) 296-5509; Email: feedlots@kdheks.gov

**SCANNED**

Kansas Department of Health and Environment

2017

NPDES CAFO PERMIT - ANNUAL REPORT

2017

FACILITY NAME:

HOXIE FEEDYARD

KDHE PERMIT NUMBER / NPDES PERMIT NUMBER:

A-SOSD-C002 / KS0117897

REPORTING PERIOD (MM/DD/YYYY - MM/DD/YYYY):

01/01/2017-12/31/2017

**I. NUMBER AND TYPE / WEIGHT OF ANIMALS**

Record the maximum number (head) and animal type/weight confined at any one time during the reporting period.

NUMBER OF ANIMALS
60,000

ANIMAL TYPE / WEIGHT
Beef Cattle > 700lbs

**II. LIVESTOCK WASTE GENERATED**

Record the estimated amount of manure / litter and process wastewater generated at the facility during the reporting period.

Manure / Litter Generated  
Process Wastewater Generated

74,649	TONS
183,384,000	GALLONS

**III. LIVESTOCK WASTE EXPORTED**

A. Was livestock waste transferred (sold or given away) to other persons during the reporting period? If yes, submit the EXPORTED WASTE REPORT with the Annual Report.

YES  YES/NO

B. Record the estimated or actual amount of manure, process wastewater, litter, and/or compost exported during the reporting period.

Manure Exported  
Process Wastewater Exported  
Litter Exported  
Compost Exported

86,326	TONS
183,384,000	GALLONS
0	TONS
0	TONS

**IV. LIVESTOCK WASTE LAND APPLIED**

A. Was manure/litter and/or process wastewater applied to land included in the facility's Nutrient Management Plan and under the control of the facility during the reporting period? If yes, submit the LAND APPLICATION SUMMARY with the Annual Report.

YES  YES/NO

B. Record the total amount of solids and liquids that were land applied during the reporting period.

Solids Land Applied  
Liquids Land Applied

0	TONS
183,384,000	GALLONS

C. Record the total acres of land included in the facility's Nutrient Management Plan, whether or not they were used for land application during the reporting period.

3,300  ACRES

D. Record the total acres of land where manure or process wastewater was spread. Include only land application acres under the control of the facility.

700  ACRES

E. Was the current version of the facility's Nutrient Management Plan prepared or approved by a certified nutrient management planner?

YES  YES/NO

**V. SUMMARY OF DISCHARGES**

Was there a water pollution incident, overflow, or discharge of livestock waste from the facility and/or a land application site during the reporting period? If yes, submit the SUMMARY OF DISCHARGES with the Annual Report.

NO  YES/NO

**VI. SOIL AND MANURE TEST RESULTS**

Submit copies of any manure and/or soil test results obtained during the reporting period with the Annual Report. However, soil and/or manure test results do not need to be submitted with the Annual Report if the results were included with a Nutrient Management Plan.

Water Resources

Received

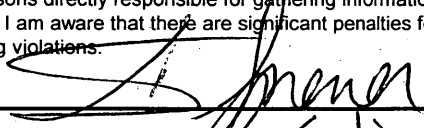
SEP 04 2018

KS Dept. Of Agriculture

**VII. CERTIFICATION**

I certify under penalty of law that this document and all attachments were prepared under my direct supervision in accordance with a system designed to assure that qualified personnel properly gather and evaluate the information submitted. Based on my inquiry of the person or persons who manage the system, or those persons directly responsible for gathering information, the information submitted is, to the best of my knowledge and belief, true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment for knowing violations.

SIGNATURE

  
Curtis Spreser

DATE

2/28/18

PRINT NAME

SUBMIT BY:  
SUBMIT TO:

February 28th of Year Following Reporting Period  
KDHE - Livestock Waste Management Section, 1000 SW Jackson St. Suite 420, Topeka, KS 66612-1367  
Fax: (785) 296-5509; Email: feedlots@kdheks.gov

## Krueger, Richelle [KDA]

---

**From:** Stewart, Kelly [KDA]  
**Sent:** Monday, October 1, 2018 10:00 AM  
**To:** Krueger, Richelle [KDA]  
**Cc:** Billinger, Mark [KDA]; Hageman, Rebecca [KDA]  
**Subject:** RE: Request for Recommendation Change in UMW File No. 14103 Hoxie Feedyard

Richelle,

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

Kelly

---

**From:** Krueger, Richelle [KDA]  
**Sent:** Monday, October 1, 2018 9:55 AM  
**To:** Stewart, Kelly [KDA] <Kelly.Stewart@ks.gov>  
**Cc:** Billinger, Mark [KDA] <Mark.Billinger@ks.gov>  
**Subject:** Request for Recommendation Change in UMW File No. 14103 Hoxie Feedyard

Hi Kelly,

I was looking in scanned documents and think that you received the recommendation from Ray on this one instead of me - I requested a recommendation from them back on September 6<sup>th</sup> but never received one. If that is the case, and the recommendation to you is not for something else, do you recommend approval of the referenced change application?

Thanks,  
Richelle



**NORTHWEST KANSAS  
GROUNDWATER MANAGEMENT  
DISTRICT NO. 4**

1290 West 4th Street  
P.O. Box 905  
Colby, Kansas 67701-0905

---

September 13, 2018

Kelly Stewart  
Stockton Field Office  
820 South Walnut  
Stockton, Kansas 67669-0192

RE: Application: 14,103  
Hoxie Feedyard Inc  
Scott Foote

Dear Kelly,

The Northwest Kansas Groundwater Management District has reviewed the above referenced application and based on our records and the information supplied by the applicant, we have determined that the following recommendation be made to the Chief Engineer:  
If you have any questions, please contact this office.

Approve application

Sincerely,

Ray Luhman  
Manager

RPL: jem

RECEIVED

SEP 13 2018

Stockton Field Office  
Division of Water Resources

# STATE OF KANSAS

DEPARTMENT OF AGRICULTURE  
1320 RESEARCH PARK DRIVE  
MANHATTAN, KS 66502  
PHONE: (785) 564-6700  
FAX: (785) 564-6777



900 SW JACKSON, ROOM 456  
TOPEKA, KS 66612  
PHONE: (785) 296-3556  
www.agriculture.ks.gov

GOVERNOR JEFF COLYER, M.D.  
JACKIE McCLASKEY, SECRETARY OF AGRICULTURE

NORTHWEST KANSAS GROUNDWATER      September 6, 2018  
MANAGEMENT DISTRICT NO 4  
ATTN RAY LUHMAN  
PO BOX 905  
COLBY KS 67701-0905

**FILE COPY**

RE: Water Right, File No. 14,103

Dear Ray:

We are enclosing a copy of the application to change the use made of water for the above referenced file number.

We are delaying further action for a period of 15 days from the date of this letter to allow you time to submit your recommendations concerning this application.

Please submit your recommendations within the allowed time, or any authorized extension of time thereof. If you have any questions, please contact me at (785) 564-6635. If you call, please reference the file number so we can help you more efficiently.

Sincerely,

Richelle A. Krueger  
Environmental Scientist  
Water Appropriation Program

Enclosures

pc: Stockton Field Office

**SCANNED**

# STATE OF KANSAS

DEPARTMENT OF AGRICULTURE  
1320 RESEARCH PARK DRIVE  
MANHATTAN, KS 66502  
PHONE: (785) 564-6700  
FAX: (785) 564-6777



900 SW JACKSON, ROOM 456  
TOPEKA, KS 66612  
PHONE: (785) 296-3556  
www.agriculture.ks.gov

GOVERNOR JEFF COLYER, M.D.  
JACKIE McCLASKEY, SECRETARY OF AGRICULTURE

HOXIE FEEDYARD INC  
SCOTT FOOTE  
PO BOX 65  
HOXIE KS 67740

August 22, 2018

**FILE COPY**

Re: Water Right, File No. 14,103

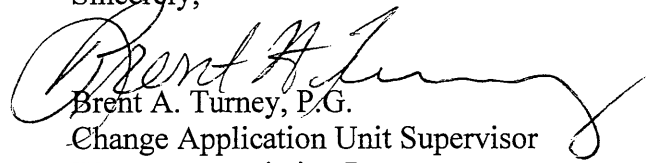
Dear Mr. Foote:

Reference is made to the application for approval of the Chief Engineer to change the use made of water under the referenced file number which was received in the office of the Chief Engineer on June 18, 2018. Upon review of the application, we find that additional information is needed.

- Please note that the application must be signed by each landowner and their spouse in the presence of a notary. I am enclosing a copy of the application and an additional signature form so that you may obtain the original notarized signature of Michelle Foote.
- The application requests to convert the entire quantity of File No. 14,103 to stockwatering use but to retain the entire 220.40 irrigation acres under overlapping Water Right, File No. 30,537. The proposal appears to increase the consumptive use of File No. 30,537 since only 1.03 acre-feet per acre (226 acre-feet/220.40 acres) of water will remain authorized to irrigate 220.40 acres which does not appear reasonable in Sheridan County. Please submit information showing that you will have at least 98.11 acre-feet of effluent available for the 220.40-acre irrigation place of use to remain authorized under File No. 30,537. Otherwise the irrigation place of use for File No. 30,537 will need to be reduced to 153.68 acres to comply with K.A.R. 5-5-10(b).

Please return the original notarized signature of Michelle Foote and the above requested information regarding effluent quantity available at your earliest convenience so that I may continue with processing your application. 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,

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

BAT:rak  
Enclosures

pc: Stockton Field Office  
Groundwater Management District No. 4

**SCANNED**



# STATE OF KANSAS

DEPARTMENT OF AGRICULTURE  
1320 RESEARCH PARK DRIVE  
MANHATTAN, KS 66502  
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GOVERNOR JEFF COLYER, M.D.  
JACKIE McCLASKEY, SECRETARY OF AGRICULTURE

SCOTT FOOTE  
PO BOX 65  
HOXIE, KS 67740

June 19, 2018

RE: File No 14103-

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           UMW
- 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,

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

BAT: DLW  
pc: STOCKTON Field Office   GMD4

SCANNED