

File No. **16181** 11. County: **GO** Basin: **HACKBERRY CREEK** Stream: Formation Code: **211** Special Use:

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

IRR MOD 12814	NW SW NE¼	16	11	31W	2	3772	2264			750 g.p.m.	20 AF	750 g.p.m.	20 AF	16181 STK
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STK MOD 29503	NW¼NW¼NW¼	16	11	31W	1	5040	4753	STK PRIMARY WELL; AKA NW 16		435 g.p.m.	117.2 m.g.y.(359.7AF)	435 g.p.m.	117.2 m.g.y. (359.7AF)	NO
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STK MOD 12814	NW¼ SW¼ NE¼	16	11	31W	2	3772	2264	STK STANDBY WELL		--	---	--	--	16181 IRR
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REDUCTION IN OVERALL QUANTITY OF FILE NO. 16181 to 379.7 AF

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

14. Limitation: **STDBY WELL** 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 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 ✓	16573	18	11S	31W	1	FEEDLOT (N2 & SW)																8B	NO	see above	
STK ✓	25859	19	11S	31W	1	FEEDLOT (N2 NW) & (N2 S2 NW)																			
IRR ✓	19964	16	11S	31W	1	31.00	31.00	31.00	31.00												124.00	8B	NO	NO	

Base Acres: Year: Minimum Reasonable Quantity:

Comments: **MAIN ACTION TRAIL ENTRY STANDBY WELL**

KANSAS DEPARTMENT OF AGRICULTURE
Division of Water Resources
MEMORANDUM

TO: Files
FROM: Richelle A. Krueger

DATE: August 27, 2018
RE: Water Right
File No. 16,181

Jason Gerstberger, and Scott Foote, on behalf of Pioneer Feedyard, Inc., owner of the above referenced water right, filed applications for approval to change the point of diversion and use made of water for Water Right, File No. 16,181, authorized for both irrigation and stockwatering uses.

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

File No. 16,181 is authorized two wells located in Section 16, Township 11 South, Range 31 West, Gove County, Kansas for irrigation use in Section 16 and for stockwatering use in a feedlot located in the North Half (N½) and the Southwest Quarter (SW¼) of Section 18, and in the North Half of the Northwest Quarter (N½ NW¼) and the North Half of the South Half of the Northwest Quarter (N½ S½ NW¼) of Section 19 in the aforementioned township and range. There are no overlaps in the irrigation place of use but the stockwatering place of use overlaps Water Right, File Nos. 35,587; 35,594; 35,597; 35,598; 35,599 and 35,600, and Appropriation of Water, File No. 48,933. The easternmost well (3772'N,2264'W) is authorized 225 acre-feet and 750 gallons per minute for irrigation use and is also authorized as a standby stockwatering well for File No. 16,181. The westernmost well (5040'N,4753'W) is authorized 59.3 million gallons (182 acre-feet) per calendar year and 435 gallons per minute solely for stockwatering use. The water right owner proposes to convert 205 acre-feet of water from irrigation use to stockwatering use leaving 20 acre-feet to remain authorized for irrigation use for flushing effluent at the irrigation place of use. Based on the K.A.R. 5-5-10 *Partial changes in the use made of water from irrigation to another type of beneficial use* a total of 57.9 million gallons (177.7 AF) of water will convert to stockwatering use. No changes to the irrigation or stockwatering places of use are proposed.

The water right owner also proposes to transfer the 57.9 million gallons (177.7AF) to now be authorized stockwatering use and no additional rate from the easternmost well to the westernmost well authorized by File No. 16,181. The easternmost well will also remain authorized as a standby stockwatering well.

No other wells were identified in WRIS or on the application map within one half mile of the proposed wells so no nearby well owner letters sent.

The local source of supply will not change, previously determined to be Ogallala Formation (211).

In a letter dated August 20, 2018 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 applications.

In an e-mail dated August 22, 2018 Kelly Stewart, Water Commissioner of the Stockton Field Office, indicated no objection to approval of the applications.

Water flow meters are required. Check valves are required if chemigating.

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

STATE OF KANSAS



FILE COPY 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

PIONEER FEEDYARD LLC
1021 COUNTY RD CC
OAKLEY KS 67748

August 29, 2018

RE: Water Right, File No. 16,181

Dear Sir or Madam:

Enclosed is the order executed by the Chief Engineer, Division of Water Resources, Kansas Department of Agriculture, approving the applications 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 acceptable water flow meters 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 meters as soon as these actions are completed.

Please note that the well described in the approval document as the standby well shall be used exclusively at such time one or more of the wells described in the approval document as the primary well is inoperable due to mechanical, maintenance or power failure. Use of the standby well under these limiting conditions does not allow the authorized quantity of water or rate of diversion under this file to be exceeded.

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
Groundwater Management District No. 4



KANSAS DEPARTMENT OF AGRICULTURE
Jackie McClaskey, Secretary of Agriculture

DIVISION OF WATER RESOURCES
David W. Barfield, Chief Engineer

**APPROVAL OF APPLICATIONS
FOR
CHANGE IN
POINT OF DIVERSION AND USE MADE OF WATER
AND ORDER REDUCING
THE AUTHORIZED QUANTITY
WATER RIGHT
FILE NO. 16,181**

The Chief Engineer, Division of Water Resources, Kansas Department of Agriculture, after due consideration of the written applications of Jason Gerstberger and Scott Foote, on behalf of Pioneer Feedyard, L.L.C., 1021 County Road CC, Oakley, Kansas 67748, received in this office on July 2, 2018, for approval of a change in the use made of water and on August 6, 2018, for approval of a change in the location of the authorized 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 December 22, 2003, approving the application to change the place of use and use made of water, and by the Order of the Chief Engineer dated April 24, 2014, approving the application to change the point of diversion, finds that the changes are reasonable and will not impair existing rights, that the changes relate to the same local source of supply and that the applications should be and are hereby approved.

This order effectively reduces the authorized quantity to 379.7 acre-feet of water per calendar year in accordance with the Applications for Approval to Change the Point of Diversion and Use Made of Water received in this office on July 2, 2018 and August 6, 2018.

The effective date of the changes shall be the date this order is executed by the Chief Engineer, after which that portion retained for irrigation use shall be authorized from the following point of diversion:

one(1) well located in the Northwest Quarter of the Southwest Quarter of the Northeast Quarter (NW $\frac{1}{4}$ SW $\frac{1}{4}$ NE $\frac{1}{4}$) of Section 16, more particularly described as being near a point 3,772 feet North and 2,264 feet West of the Southeast corner of said section, at a diversion rate not in excess of 750 gallons per minute (1.67 c.f.s.) and a quantity not to exceed 20 acre-feet of water per calendar year, in Township 11 South, Range 31 West, Gove County, Kansas,

located substantially as shown on the map accompanying the applications to change the point of diversion and use made of water.

The portion changed to stockwatering use shall be authorized from the points of diversion located as follows:

one(1) well located in the Northwest Quarter of the Southwest Quarter of the Northeast Quarter (NW $\frac{1}{4}$ SW $\frac{1}{4}$ NE $\frac{1}{4}$) of Section 16, more particularly described as being near a point 3,772 feet North and 2,264 feet West of the Southeast corner of said section, to be used as a standby stockwatering well and

one(1) well located in the Northwest Quarter of the Northwest Quarter of the Northwest Quarter (NW $\frac{1}{4}$ NW $\frac{1}{4}$ NW $\frac{1}{4}$) of Section 16, more particularly described as being near a point 5,040 feet North and 4,753 feet West of the Southeast corner of said section, at a diversion rate not in excess of 435 gallons per minute (0.97 c.f.s.) and a quantity not to exceed 117.2 million gallons (359.7 acre-feet) of water per calendar year, to be used as a primary stockwatering well,

both in Township 11 South, Range 31 West, Gove County, Kansas,

located substantially as shown on the map accompanying the applications to change the point of diversion and use made of water.

The well described herein as the standby stockwatering well shall be used exclusively at such time the well herein described as the primary stockwatering well is inoperable due to mechanical, maintenance or power failure. Use of the standby well under these limiting conditions does not allow the authorized quantity of water or rate of diversion under this file to be exceeded.

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 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 water meters 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. 16,181, for permit to appropriate water for beneficial use, is as stated and set forth in the Certificate of Appropriation dated May 27, 1982, 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.

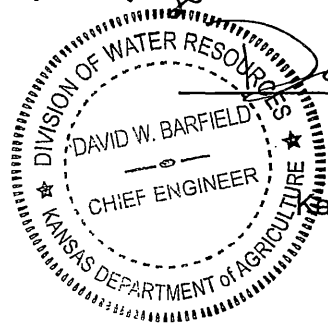
To obtain an evidentiary hearing before the Chief Engineer, a written request for hearing must be filed within 15 days after service of this Order as provided in K.S.A. 77-531 (i.e., within a total of 18 days after this Order was mailed to you), with the Kansas Department of Agriculture, Attn: Legal 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 27th day of August, 2018, 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 27th day of August 2018, by David W. Barfield, P.E., Chief Engineer, Division of Water Resources, Kansas Department of Agriculture.



Karen Hunter

 Notary Public

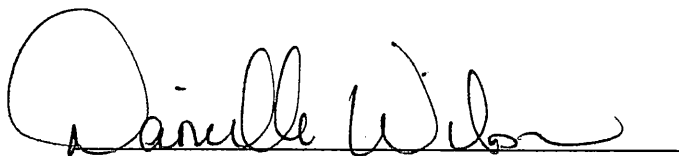
CERTIFICATE OF SERVICE

On this 29th day of August, 2018, I hereby certify that the attached original Approval of Change in Point of Diversion and Use Made of Water, File No. 16,181, dated August 27th, 2018, was mailed postage prepaid, first class, US mail to the following:

PIONEER FEEDYARD LLC
1021 COUNTY RD CC
OAKLEY KS 67748

With photocopies to:

Stockton Field Office
Groundwater Management District No. 4


Staff

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)

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JUL 02 2018
1:20
KS Dept Of Agriculture

File No. 16,181

2. Name of applicant: Pioneer Feedyard LLC

Address: 1021 County RD CC

City, State and Zip: Oakley, KS 67748

Phone Number: (785)672-3257

E-mail address: SCOTT@FEEDCATTLE.COM

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

Name of water use correspondent: Same as Applicant

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 the maximum amount of irrigation water to stockwater while leaving 20 AF on the authorized place of use to flush effluent.

The change(s) (was) (will be) completed by Upon Approval

(Date)

For Office Use Only:

F.O. 3 GMD 4 Meets K.A.R. 5-5-1 (YES/NO) YES Use SK/FRR Source GDS County GO By AW Date 7/2/18
Code CWU Fee \$ 500 TR # _____ Receipt Date 7/2/18 Check # 21410

APPLICATION NO. 8/20/18
Listowner RAK

SCANNED
7/5/18 AW

4. The presently authorized place of use is:

Owner of Land — NAME: Pioneer Feedyard LLC

ADDRESS: 1021 Country RD CC, Oakley, KS 67748

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	
18	11S	31W	Feedlot (N2 & SW)																
19	11S	31W	Feedlot (N2 NW) & N2 S2 NW)																
16	11S	31w	31	31	31	31													124

List any other water rights that cover this place of use. 35587, 35594, 35597, 35598, 35599, 35600 & 48933

Owner of Land — NAME: _____

ADDRESS: _____

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

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

(If there are more than two landowners, attach additional sheets as necessary.)

5. It is proposed that the place of use be changed to:

Owner of Land — NAME: N/A

ADDRESS: _____

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

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

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	

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JUL 02 2018

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

KS Dept Of Agriculture

IF MORE SPACE IS NEEDED, ATTACH ADDITIONAL SHEETS AS NECESSARY

SCANNED

- 6. The presently authorized point(s) of diversion (is) (are) 1 Irrigation well that shares stockwater with another well.
(Provide description and number of points)
- 7. The proposed point(s) of diversion (is) (are) Irrigation water converted to be authorized for both wells.
(Provide description and number of points)

List all presently authorized point(s) of diversion:

8. **Presently authorized point of diversion: (IRRIGATION PORTION)**

One in the NW Quarter of the SW Quarter of the NE Quarter of Section 16, Township 11 South, Range 31 W, in GOVE County, Kansas, 3772 feet North 2264 feet West of Southeast corner of section.
 Authorized Rate 750 GPM Authorized Quantity 225 af
 (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 NW Quarter of the SW Quarter of the NE Quarter of Section 16, Township 11 South, Range 31 W, in GOVE County, Kansas, 3772 feet North 2264 feet West of Southeast corner of section.
 Proposed Rate 750 GPM Proposed Quantity 20 AF
 This point is: Additional Well Geo Center List other water rights that will use this point N/A

9. **Presently authorized point of diversion: (STOCKWATER)**

One in the NW Quarter of the NW Quarter of the NW Quarter of Section 16, Township 11 South, Range 31 W, in GOVE County, Kansas, 5040 feet North 4753 feet West of Southeast corner of section.
 Authorized Rate 435 GPM Authorized Quantity 59.3 MGY COMBINED WITH PRIMARY STK WELL
 (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) PRIMARY STOCKWATER WELL
 One in the NW Quarter of the NW Quarter of the NW Quarter of Section 16, Township 11 South, Range 31 W, in GOVE County, Kansas, 5040 feet North 4753 feet West of Southeast corner of section.
 Proposed Rate 435 GPM Proposed Quantity 117.2 MGY (COMBINED WITH PRIMARY WELL)
 This point is: Additional Well Geo Center List other water rights that will use this point _____

10. **Presently authorized point of diversion: (STOCKWATER)**

One in the NW Quarter of the SW Quarter of the NE Quarter of Section 16, Township 11 South, Range 31 W, in GOVE County, Kansas, 3772 feet North 2264 feet West of Southeast corner of section.
 Authorized Rate 435 GPM Authorized Quantity 59.3 MGY COMBINED WITH STANDBY STK WELL
 (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) STANDBY STOCKWATER WELL
 One in the NW Quarter of the SW Quarter of the NE Quarter of Section 16, Township 11 South, Range 31 W, in GOVE County, Kansas, 3772 feet North 2264 feet West of Southeast corner of section.
 Proposed Rate 435 GPM Proposed Quantity 117.2 MGY (COMBINED WITH STANDBY WELL)
 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. NA

IF MORE SPACE IS NEEDED, ATTACH ADDITIONAL SHEETS AS NECESSARY

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JUL 02 2018
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12. The presently authorized use of water is for IRR & STK purposes.
It is proposed that the use be changed to IRR & STK purposes.

13. If changing the place of use and/or use made of water, describe how the consumptive use will not be increased.
This application requests to move water from the irrigation to stockwater. Irrigation to be left with 20 AF for effluent flushing. The remaining 205 AF converts to 57.9 mgd when the consumptive use calculation for Gove County is applied. As irrigation water is only authorized for one well, the irrigation water converted should be authorized for both the primary and standby stockwater wells.

(Please show any calculations here.)

** 59.3 mgd (187 AF STK) = 379.7 AF Total Remaining*

14. It is requested that the maximum annual quantity of water be reduced to 197.7 AF (IRR + 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). 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.

NA

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.

NA

IF MORE SPACE IS NEEDED, ATTACH ADDITIONAL SHEETS AS NECESSARY

Water Resources
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JUL 02 2018
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** RSK/mxl 8/9/18*

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 Oakley, Kansas, this 29 day of June, 2018.

[Signature]

(Owner)
Jason Gerstberger

(Please Print)

(Spouse)

(Please Print)

(Owner)

(Please Print)

(Spouse)

(Please Print)

(Owner)

(Please Print)

(Spouse)

(Please Print)

State of Kansas }
County of Logan } SS

I hereby certify that the foregoing application was signed in my presence and sworn to before me this 29th day of June, 2018.

My Commission Expires 5/17/22

[Signature]

Notary Public
NOTARY PUBLIC - State of Kansas
KEITH RIBORDY
My Appt. Exp. _____

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
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JUL 02 2018
KS Dept Of Agriculture
SCANNED

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)

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AUG 06 2018

12:55

KS DEPT OF AGRICULTURE

File No. 16,181

2. Name of applicant: Pioneer Feedyard LLC

Address: 1021 County RD CC

City, State and Zip: Oakley, KS 67748

Phone Number: (785)672-3257

E-mail address: SCOTT@FEEDCATTLE.COM

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

Name of water use correspondent: Same as Applicant

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 the maximum amount of irrigation water to stockwater while leaving 20 AF on the authorized place of use to flush effluent.

The change(s) (was) (will be) completed by Upon Approval

(Date)

For Office Use Only:

F.O. 3 GMD 4 Meets K.A.R. 5-5-1 (YES/NO) Use TRR Source G/S County GO By AW Date 8/6/18
Code CAT Fee \$ 200 TR # _____ Receipt Date 8/6/18 Check # 61709

APPLICATION COMPLETE
8/20/18
Reviewed RAK

8/7/18 DAW

4. The presently authorized place of use is:

Owner of Land — NAME: Pioneer Feedyard LLC

ADDRESS: 1021 Country RD CC, Oakley, KS 67748

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	
18	11S	31W	Feedlot (N2 & SW)																
19	11S	31W	Feedlot (N2 NW) & N2 S2 NW)																
16	11S	31w	31	31	31	31													124

List any other water rights that cover this place of use. 35587, 35594, 35597, 35598, 35599, 35600 & 48933

Owner of Land — NAME: _____

ADDRESS: _____

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

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

(If there are more than two landowners, attach additional sheets as necessary.)

5. It is proposed that the place of use be changed to:

Owner of Land — NAME: N/A

ADDRESS: _____

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

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

Owner of Land — NAME: _____

ADDRESS: _____

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

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

IF MORE SPACE IS NEEDED, ATTACH ADDITIONAL SHEETS AS NECESSARY

WATER RESOURCES RECEIVED

AUG 06 2008

6. The presently authorized point(s) of diversion (is) (are) 1 Irrigation well that shares stockwater with another well. _____
(Provide description and number of points)
7. The proposed point(s) of diversion (is) (are) Irrigation water converted to be authorized for both wells. _____
(Provide description and number of points)

List all presently authorized point(s) of diversion:

8. **Presently authorized point of diversion: (IRRIGATION PORTION)**

One in the NW Quarter of the SW Quarter of the NE Quarter of Section 16, Township 11 South, Range 31 W, in GOVE County, Kansas, 3772 feet North 2264 feet West of Southeast corner of section.
 Authorized Rate 750 GPM Authorized Quantity 225 af
 (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 NW Quarter of the SW Quarter of the NE Quarter of Section 16, Township 11 South, Range 31 W, in GOVE County, Kansas, 3772 feet North 2264 feet West of Southeast corner of section.
 Proposed Rate 750 GPM Proposed Quantity 20 AF (Standby for STK)
 This point is: Additional Well Geo Center List other water rights that will use this point N/A

9. **Presently authorized point of diversion: (STOCKWATER)**

One in the NW Quarter of the NW Quarter of the NW Quarter of Section 16, Township 11 South, Range 31 W, in GOVE County, Kansas, 5040 feet North 4753 feet West of Southeast corner of section.
 Authorized Rate 435 GPM Authorized Quantity 59.3 MGY COMBINED WITH PRIMARY STK WELL
 (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) PRIMARY STOCKWATER WELL
 One in the NW Quarter of the NW Quarter of the NW Quarter of Section 16, Township 11 South, Range 31 W, in GOVE County, Kansas, 5040 feet North 4753 feet West of Southeast corner of section.
 Proposed Rate 435 GPM Proposed Quantity 117.2 MGY (COMBINED WITH PRIMARY WELL)
 This point is: Additional Well Geo Center List other water rights that will use this point _____

10. **Presently authorized point of diversion: (STOCKWATER)**

One in the _____ Quarter of the _____ Quarter of the _____ Quarter of Section _____, Township _____ South, Range _____ W, in GOVE 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) STANDBY STOCKWATER WELL
 One in the _____ Quarter of the _____ Quarter of the _____ Quarter of Section _____, Township _____ South, Range _____ W, in GOVE 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. NA

IF MORE SPACE IS NEEDED, ATTACH ADDITIONAL SHEETS AS NECESSARY

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 AUG 06 2018

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12. The presently authorized use of water is for IRR & STK purposes.

It is proposed that the use be changed to IRR & STK purposes.

13. If changing the place of use and/or use made of water, describe how the consumptive use will not be increased.

This application requests to move water from the irrigation to stockwater. Irrigation to be left with 20 AF for effluent flushing. The remaining 205 AF converts to 57.9 mgd when the consumptive use calculation for Gove County is applied. As irrigation water is only authorized for one well, the irrigation water converted should be authorized for both the primary and standby stockwater wells.

(Please show any calculations here.)

** 59.3 MGd (182 AF) STK = 379.7 AF Total Remain*

14. It is requested that the maximum annual quantity of water be reduced to 197.7 AF (IRR + 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). 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.

NA

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.

NA

IF MORE SPACE IS NEEDED, ATTACH ADDITIONAL SHEETS AS NECESSARY

** Rain down 8/9/18*

WATER RESOURCES
DIVISION

AUG 0 6 50 AM '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 _____, Kansas, this _____ day of _____, 20_____.

[Signature]

(Owner)
Scott Foote

(Please Print)

(Spouse)

(Please Print)

(Owner)

(Please Print)

(Spouse)

(Please Print)

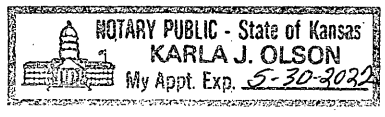
(Owner)

(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 1 day of August, 2018.

[Signature]

Notary Public

My Commission Expires 5-30-2022.

FEE SCHEDULE

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

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

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

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AUG 06 2018

KS DEPT OF AGRICULTURE
SCANNED

Krueger, Richelle [KDA]

From: Stewart, Kelly [KDA]
Sent: Wednesday, August 22, 2018 10:25 AM
To: Krueger, Richelle [KDA]; Hageman, Rebecca [KDA]
Cc: Billinger, Mark [KDA]; Turney, Brent [KDA]
Subject: Re: Request for Recommendation Changes in PD UMW File No. 16181 Pioneer Feedyard, Inc.

Richelle,

I recommend approval.

Kelly

Sent from my iPhone

On Aug 21, 2018, at 9:57 AM, Krueger, Richelle [KDA] <Richelle.Krueger@ks.gov> wrote:

Hi Kelly,

Attached is a draft memo for the referenced changes in pd and umw, do you recommend approval?

Thanks,
Richelle

<16181pdumwrrstkgmd4mem.docx>



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

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

August 20, 2018

Richelle Krueger
Division of Water Resources
1320 Research Park Drive
Manhattan KS 66502

RE: Application 16,181
Pioneer Feedyard LLC

Dear Richelle,

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

Approve application for Point of Diversion & Use Made of Water

Sincerely,

Ray Luhman
Manager

RPL: jem

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AUG 20 2018
KS DEPT OF AGRICULTURE

SCANNED

Krueger, Richelle [KDA]

From: Jody McCain <jmccain@gmd4.org>
Sent: Monday, August 20, 2018 3:05 PM
To: Krueger, Richelle [KDA]
Subject: Recommendation for Applications - WR #16,181
Attachments: 20180820151853888.pdf

EXTERNAL: This email originated from outside of the organization. Do not click any links or open any attachments unless you trust the sender and know the content is safe.

Richelle,

I have attached a copy of Ray's recommendation for WR #16,181, regarding the applications for Point of Diversion and Use Made of Water.

Jody McCain
NW KS Groundwater
Management District No 4
P O Box 905 – 1290 West Fourth
Colby KS 67701
785-462-3915
jmccain@gmd4.org

WATER RESOURCES
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AUG 20 2018
KS DEPT OF AGRICULTURE

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 August 10, 2018
MANAGEMENT DISTRICT NO 4
ATTN RAY LUHMAN
PO BOX 905
COLBY KS 67701-0905

FILE COPY

RE: Water Right, File No. 16,181


Dear Mr. Luhman:

We are enclosing copies of the applications to change the point of diversion and 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 these applications.

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

PIONEER FEEDYARD, LLC
1021 COUNTY RD CC
OAKLEY, KS 67748

August 7, 2018

RE: File No 16181

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,

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

BAT: DLW
pc: STOCKTON Field Office GMD4

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

PIONEER FEEDYARD, LLC
1021 COUNTY RD CC
OAKLEY, KS 67748

July 3, 2018

RE: File No 16181

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.

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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.

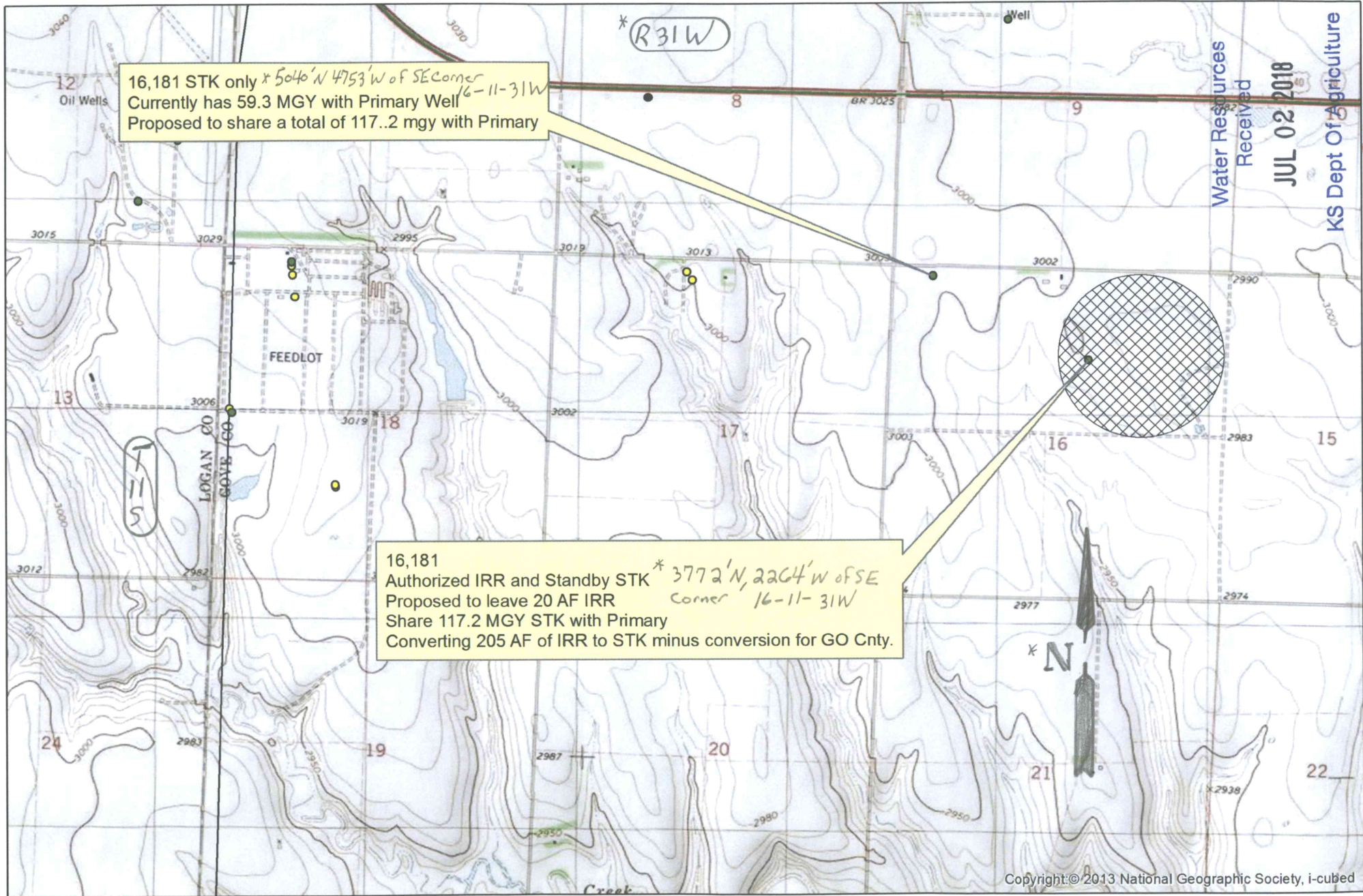
Sincerely,

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

BAT: DLW
pc: STOCKTON Field Office GMD4

SCANNED

#16,181 - Proposed Conversion of Partial IRR to STK



Prepared by Shannon Kenyon, GMD 4

* per WRIS * RAN/awk 8/4/18