

Kansas Department of Agriculture
 Division of Water Resources
CHANGE: PU WORKSHEET

1. File Number: 50157	2. Status Change Date: 9/28/2021	3. Change Num: C1	4. Field Office: 1	5. GMD:
6. Status: <input type="checkbox"/> Approved <input type="checkbox"/> Denied by DWR/GMD <input type="checkbox"/> Dismiss by Request/Failure to Return				7. Filing Date of Change: 6/7/2021
8a. Applicant(s) New to system <input type="checkbox"/> 2 I FEEDERS LLC 884 RD 350 ALLEN, KS 66833		Person ID 60473 Add Seq# _____		
8b. Landowner(s) New to system <input type="checkbox"/> 8a		Person ID _____ Add Seq# _____		
8c. Landowner(s) New to system <input type="checkbox"/>		Person ID _____ Add Seq# _____		
8d. WUC New to system <input type="checkbox"/> 8a		Person ID _____ Add Seq# _____ NO CHANGE		
9. Documents and Enclosure(s): <input checked="" type="checkbox"/> DWR Meter(s) Date to Comply: 12/31/21 <input checked="" type="checkbox"/> N & P Date to Comply: 12/31/21				
<input type="checkbox"/> Anti-Reverse Meter <input type="checkbox"/> Meter Seal <input checked="" type="checkbox"/> Check Valve <input checked="" type="checkbox"/> N & P Form <input checked="" type="checkbox"/> Water Tube <input checked="" type="checkbox"/> Driller Copy <input type="checkbox"/> H & E Letter				
<input type="checkbox"/> Conservation Plan Date Required: _____ Date Approved: _____ Date to Comply: _____				
10. Use Made of Water From: _____ To: _____				
Date Prepared: 9/16/2021 By: KJN Date Entered: 9/29/2021 By: LMoody				

File No. **50157** 11. County **LY** Basin **NEOSHO RIVER** Stream: Formation Code: **550** Special Use:

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

NO CHANGE

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

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

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

16. Place of Use 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				
MOD	53084	8	16S	11E	1	FEEDLOT (SE & NE) (E2 NW) (E2 SW)																8a	no	(SEE COMMENTS)	
MOD	53085	9	16S	11E	1	FEEDLOT (SW & NW)																8a	no	"	
MOD	60148	16	16S	11E	1	FEEDLOT (N2 NE) (NW)																8a	no	"	
MOD	60297	17	16S	11E	1	FEEDLOT (NE NW) (NE)																8a	no	"	

Base Acres: Year: Minimum Reasonable Quantity:
 Comments: **44071, 47208, 49697, 50433, 20189033**

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

TO: Files

DATE: August 6, 2021

FROM: Kris Neuhauser

RE: Water Right
File Nos. 44,071; 47,208; &
Appropriation of Water, File No.
50,157

2 I Feeders Inc. has filed an application for approval to change the place of use authorized by Water Right, File Nos. 44,071 and 47,208; and Appropriation of Water, File No. 50,157.

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

The three change applications are designed to create a complete overlap in place of use with between Water Right, File Nos. 44,071 and 47,208, Appropriation of Water, File No. 50,157, and New Application, File No. 50,433. The applications will be approved in unison with New Application, File No. 50,433; another change application for Water Right, File No. 44,071; and the dismissal of Appropriation of Water, File No. 50,158 (voluntary dismissal from the applicant).

The stockwatering place of use will be described as a feedlot located in the Southeast Quarter, the Northeast Quarter, the East Half of the Northwest Quarter, the East Half of the Southwest Quarter of Section 8; the Southwest Quarter and Northwest Quarter of Section 9; the Northwest Quarter and the North Half of the Northeast Quarter of Section 16; the Northeast Quarter and the Northeast Quarter of the Northwest Quarter of Section 17, all in Township 16 South, Range 11 East, Lyon county Kansas.

The memo for New Application, File No. 50,433 outlines the total quantity limitations in further detail for all files involved.

No domestic or non-domestic wells owned by anyone other than the applicant are within a half-mile of File Nos. 47,208, and 50,157. Therefore, no nearby notification letters for those change applications are required. Two letters were mailed on August 9, 2021 to landowners ½ mile upstream and downstream of the applicant's property lines, to notify of the pending change application for File No. 44,071. No responses of any kind have been received to date.

The local source of supply will not change, previously determined to be Council Grove group (550) – File Nos. 47,208 and 50,157, and Allen Creek Tributary 1 (Neosho River) – File No. 44,071.

In an e-mail dated August 6, 2021, Katie Tietsort, Water Commissioner of the Topeka Field Office, recommend approval of the referenced applications.

No File Nos. are within any Groundwater Management Districts. Water flow meters are required. Check valves are 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, that no change in the local source of supply will occur, it is recommended the referenced application be approved.



Kris Neuhauser
New Applications Lead
Water Appropriation Program

4/28/2021
KJN

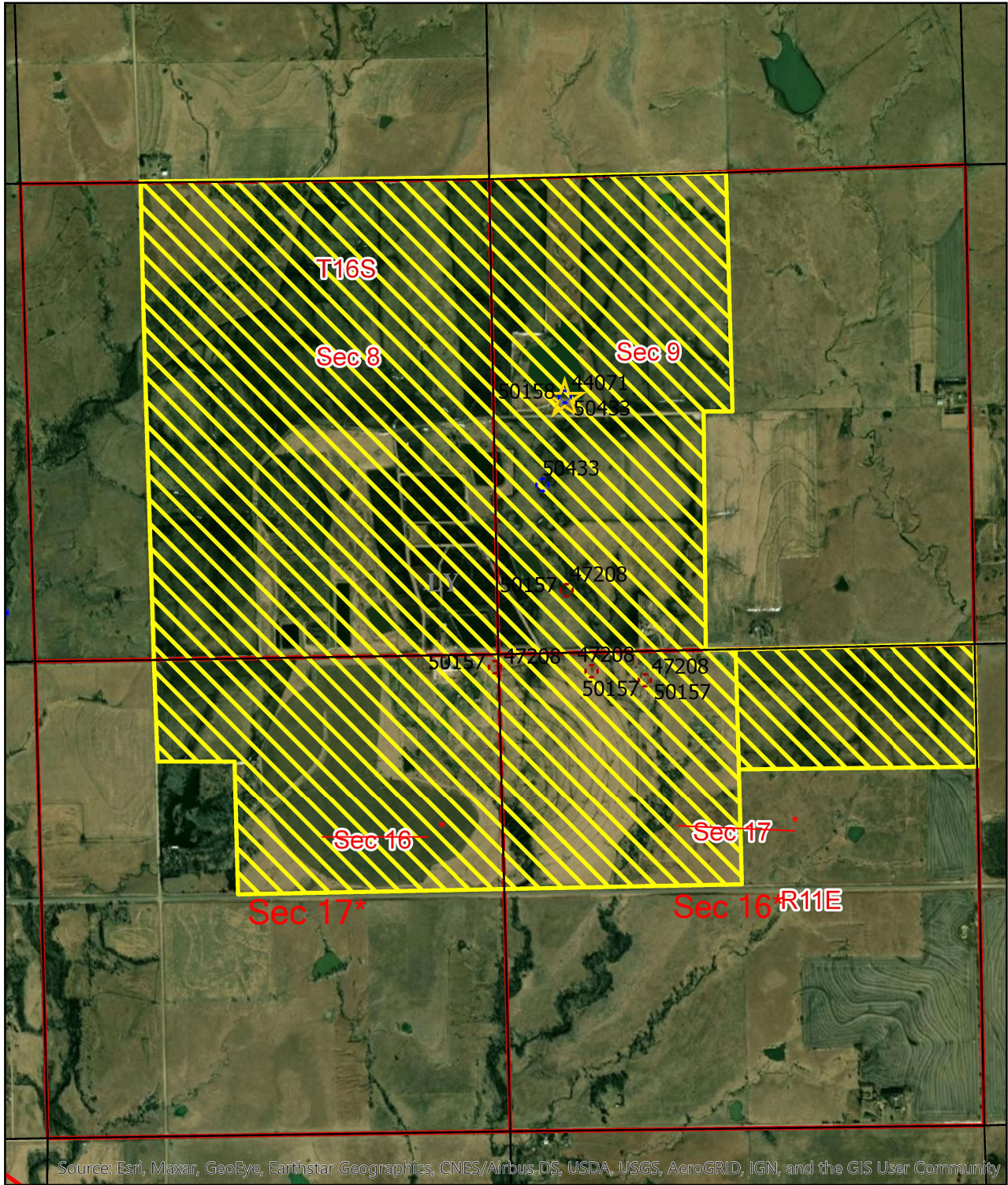
Via email from Doug Schemm*

4/28/2021

Water Resources
Received

Proposed Place of Use

KS Dept Of Agriculture



Map prepared by: Tyler Smith



Scale: 1:20,000

* li/dwr 9/19/2021

From: Tietsort, Katie [KDA]
Sent: Thu 9/16/2021 9:44 AM
To: Neuhauser, Kris [KDA]
Subject: RE: 2I Feeders

Nope that sounds like it all YAY!! THANK YOU for working this cruddy package!

Katie Tietsort

Water Commissioner

Katie.Tietsort@ks.gov

Ph. 785-296-5733 Cell 785-213-9188

Kansas Department of Agriculture

Topeka Field Office

1131 SW Winding Rd, Suite 400

Topeka, KS 66615

From: Neuhauser, Kris [KDA] <Kris.Neuhauser@ks.gov>
Sent: Tuesday, September 14, 2021 4:34 PM
To: Tietsort, Katie [KDA] <Katie.Tietsort@ks.gov>
Subject: RE: 2I Feeders

Ah yes I have a lot on SharePoint finished up already, tweaked Doug's stuff and got everything updated. We had been waiting on those 3 changes to add to the package - 44071, 47208, 50157 PU change apps. Sent nearby letters last month for them. I can get those worked up now. Just been jumping back and forth between apps like a mad man lately, so they hadn't moved since I sent nearby's – glad you reminded me on them!

Is there anything new I should add to it? Or was the comp check a while ago and those three change apps are correct (they all came in on 6/7/21).

Kris

From: Tietsort, Katie [KDA] <Katie.Tietsort@ks.gov>
Sent: Tuesday, September 14, 2021 4:26 PM
To: Neuhauser, Kris [KDA] <Kris.Neuhauser@ks.gov>
Subject: RE: 2I Feeders

Yes, but there is like a boatload of changes that go with it. They are all in various stages of done>????? Do you know the history there? Doug drafted up the whole pack of approvals of what had been pending, but Tyler did a comp check and found a PU problem so all their files needs a PU change too....

Katie Tietsort

Water Commissioner

Katie.Tietsort@ks.gov

Ph. 785-296-5733 Cell 785-213-9188

Kansas Department of Agriculture

Topeka Field Office

1131 SW Winding Rd, Suite 400

Topeka, KS 66615

From: Neuhauser, Kris [KDA] <Kris.Neuhauser@ks.gov>
Sent: Tuesday, September 14, 2021 4:24 PM

To: Tietsort, Katie [KDA] <Katie.Tietsort@ks.gov>
Subject: RE: 2I Feeders

Yes that was me, 50433 is the new app correct?

Kris Neuhauser

New Applications Lead
Kansas Department of Agriculture, Division of Water Resources
Phone: 785-564-6643

From: Tietsort, Katie [KDA] <Katie.Tietsort@ks.gov>
Sent: Tuesday, September 14, 2021 3:43 PM
To: Neuhauser, Kris [KDA] <Kris.Neuhauser@ks.gov>
Subject: 2I Feeders

Was it you that said you were working on the 2I Feeders package?

Katie Tietsort

Water Commissioner

Katie.Tietsort@ks.gov
Ph. 785-296-5733 Cell 785-213-9188
Kansas Department of Agriculture
Topeka Field Office
1131 SW Winding Rd, Suite 400
Topeka, KS 66615

From: Neuhauser, Kris [KDA]
Sent: Fri 8/6/2021 2:29 PM
To: Tietsort, Katie [KDA]
Cc: Bunger, Brett [KDA];Ireland, Leslie [KDA];Smith, Tyler [KDA]
Subject: RE: 44071, 47208, 50157 PU change apps - recommendation request

Yes makes sense to me! Was planning on working as one large package.

Kris Neuhauser

Environmental Scientist
Kansas Department of Agriculture, Division of Water Resources
Address: 1320 Research Park Drive, Manhattan, KS 66502
Phone: (785)564-6643
Website: <http://agriculture.ks.gov/divisions-programs/dwr>

From: Tietsort, Katie [KDA] <Katie.Tietsort@ks.gov>
Sent: Friday, August 6, 2021 2:24 PM
To: Neuhauser, Kris [KDA] <Kris.Neuhauser@ks.gov>
Cc: Bunger, Brett [KDA] <Brett.Bunger@ks.gov>; Ireland, Leslie [KDA] <Leslie.Ireland@ks.gov>; Smith, Tyler [KDA] <Tyler.Smith@ks.gov>
Subject: RE: 44071, 47208, 50157 PU change apps - recommendation request

So the problem with this one is that Doug had prepared that package that was pending and I gave the ok and Tyler was out doing inspections there like within days and found that they were putting water to use in an unauthorized area. They had expanded the feedlot up to the north so we had to stop the package from moving thorough.

We got them to file the additional change applications in PU so that all the 2I Feeders files will cover this new unauthorized, expanded area once the whole package is approved. The pending apps and changes that included PU changes were all supposed to be updated to include the new territory and the maps by using the new map prepared that went with the most recent changes. The whole thing is one big necessary package and it can't be split up.

Does this make sense? Tyler is very up to speed on the whole package.

Katie Tietsort

Water Commissioner

Katie.Tietsort@ks.gov
Ph. 785-296-5733 Cell 785-213-9188
Kansas Department of Agriculture
Topeka Field Office
1131 SW Winding Rd, Suite 400
Topeka, KS 66615

From: Neuhauser, Kris [KDA] <Kris.Neuhauser@ks.gov>
Sent: Friday, August 6, 2021 12:40 PM
To: Tietsort, Katie [KDA] <Katie.Tietsort@ks.gov>
Cc: Bunger, Brett [KDA] <Brett.Bunger@ks.gov>; Ireland, Leslie [KDA] <Leslie.Ireland@ks.gov>
Subject: RE: 44071, 47208, 50157 PU change apps - recommendation request

Katie,

Adding on to this email string from Doug and I.

Attached is a draft memo for three PU change applications – for file nos. 44071, 47208, & 50157. Doug started a package of files for new app 50433, a PD change for 44071, and a voluntary dismissal of 50158. You gave the okay to Doug back in October of '20. I have the package prepared in Docuware, and Leslie has already final reviewed the orders/transmittals. The last piece of the puzzle we were waiting on are these three change apps, to also include in said package.

Ashlee is out, but nearby notification letters for the PU change on 44071 will go out Monday. Doubt we get any feedback, never did on the PD change for 44071. I can follow up if we do. No domestics/non-domestic wells I'm finding within ½ mile of 47208/50157 (other than those owned by the applicant) so no nearby letters needed.

Let me know if you have questions or need anything else for these change apps, or the package in general. Thanks!

Kris Neuhauser

Environmental Scientist

Kansas Department of Agriculture, Division of Water Resources

Address: 1320 Research Park Drive, Manhattan, KS 66502

Phone: (785)564-6643

Website: <http://agriculture.ks.gov/divisions-programs/dwr>

From: Schemm, Doug [KDA] <Doug.Schemm@ks.gov>

Sent: Monday, April 5, 2021 2:39 PM

To: Neuhauser, Kris [KDA] <Kris.Neuhauser@ks.gov>

Subject: RE: 2i feeders PU map

Yes, they need to be in the same package. The PU on these 2 files must match the PU proposed on these senior files.

From: Neuhauser, Kris [KDA]

Sent: Monday, April 5, 2021 2:37 PM

To: Schemm, Doug [KDA] <Doug.Schemm@ks.gov>

Subject: RE: 2i feeders PU map

Gotcha. Will that 50433 and 44071 change package need to wait on these PU change apps, so we can include them in the same package? I have the approvals all drafted up for Kristen's review, but can put them on hold if need be.

From: Schemm, Doug [KDA] <Doug.Schemm@ks.gov>

Sent: Monday, April 5, 2021 2:33 PM

To: Neuhauser, Kris [KDA] <Kris.Neuhauser@ks.gov>

Subject: RE: 2i feeders PU map

It should come in with the Change Apps, I hope.

From: Neuhauser, Kris [KDA]

Sent: Monday, April 5, 2021 2:32 PM

To: Schemm, Doug [KDA] <Doug.Schemm@ks.gov>

Subject: RE: 2i feeders PU map

Thanks Doug, I'll get this in Docuware!

Kris

From: Schemm, Doug [KDA] <Doug.Schemm@ks.gov>

Sent: Monday, April 5, 2021 1:25 PM

To: Neuhauser, Kris [KDA] <Kris.Neuhauser@ks.gov>
Subject: FW: 2i feeders PU map

From: Smith, Tyler [KDA]
Sent: Monday, April 5, 2021 1:04 PM
To: Schemm, Doug [KDA] <Doug.Schemm@ks.gov>
Subject: 2i feeders PU map

This is the map I sent with the place of use apps.
Tyler Smith
Environmental Compliance and Regulatory Specialist
Kansas Department of Agriculture
Division of Water Resources
Phone: (785) 296-8681
Tyler.Smith@ks.gov

THE STATE OF KANSAS



KANSAS DEPARTMENT OF AGRICULTURE
Mike Beam, Secretary of Agriculture

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

APPROVAL OF APPLICATION FOR CHANGE IN PLACE OF USE APPROPRIATION OF WATER FILE NO. 50,157

The Chief Engineer, Division of Water Resources, Kansas Department of Agriculture, after due consideration of the written application of Derek Thompson on behalf of 2 I Feeders LLC, 884 Road 350, Allen, Kansas, 66833, received in this office on June 7, 2021, for approval of a change in the location of the place of use under the Approval of Application, File No. 50,157, for permit to appropriate water for beneficial use, finds that the change is reasonable and will not impair existing rights, and that the application should be and is hereby approved.

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

a feedlot located in the Southeast Quarter (SE $\frac{1}{4}$) of Section 8, the East Half of the Southwest Quarter (E $\frac{1}{2}$ SW $\frac{1}{4}$) of Section 8, the Northeast Quarter (NE $\frac{1}{4}$) of Section 8, the East Half of the Northwest Quarter (E $\frac{1}{2}$ NW $\frac{1}{4}$) of Section 8, a portion of the Southwest Quarter (SW $\frac{1}{4}$) of Section 9, the Northwest Quarter (NW $\frac{1}{4}$) of Section 9, the North Half of the Northeast Quarter (N $\frac{1}{2}$ NE $\frac{1}{4}$) and the Northwest Quarter (NW $\frac{1}{4}$) of Section 16, the Northeast Quarter of the Northwest Quarter (NE $\frac{1}{4}$ NW $\frac{1}{4}$) and the Northeast Quarter (NE $\frac{1}{4}$) of Section 17, all in Township 16 South, Range 11 East, Lyon County, Kansas,

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

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

The water right owner shall properly install 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 Approval of Application, File No. 50,157, for permit to appropriate water for beneficial use, is as stated and set forth in the approval dated April 11, 2019.

Ordered this 28 day of September, 2021, in Manhattan, Riley County, Kansas.

Lane P. Letourneau

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

State of Kansas)
) SS
County of Riley)

The foregoing instrument was acknowledged before me this 28 day of September, 2021, by Lane P. Letourneau, P.G., Water Appropriation Program Manager, Division of Water Resources, Kansas Department of Agriculture.

Melinda Jennings
Notary Public



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.

CERTIFICATE OF SERVICE

On this _____ day of _____, 2021, I hereby certify that the attached original Approval of Change in Place of Use, File No. 50,157, dated _____, was mailed postage prepaid, first class, US mail to the following:

2 I FEEDERS LLC
884 RD 350
ALLEN, KS 66833

With photocopies to:

Topeka Field Office

Staff

1320 Research Park Drive
Manhattan, KS 66502
785-564-6700
www. agriculture.ks.gov



900 SW Jackson, Room 456
Topeka, KS 66612
785-296-3556

Mike Beam, Secretary

Laura Kelly, Governor

2 I FEEDERS LLC
DEREK THOMPSON
884 RD 350
ALLEN, KS 66833

September 30, 2021

RE: Water Right, File Nos. 44,071 & 47,208 and Appropriation of Water, File No. 50,157

Dear Mr. Thompson:

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 numbers.

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

Since the orders for the referenced file numbers modify the original document referred to above they should be recorded with the Register of Deeds as other instruments affecting real estate.

If you have any questions, please contact this office at 785-564-6640 or your local Topeka Field Office at 785-296-5733. If you call, please reference the file number so we can help you more efficiently.

Sincerely,

A handwritten signature in black ink that reads "Kristen A. Baum". The signature is written in a cursive style.

Kristen A. Baum
New Applications and Changes Supervisor
Water Appropriation Program

KAB: kjn: li
Enclosures

pc: Topeka Field Office

RIGHT TO A HEARING AND TO ADMINISTRATIVE REVIEW

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- 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.

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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.

CERTIFICATE OF SERVICE

On this 30 day of September, 2021, I hereby certify that the attached original Approval of Change in Place of Use, File No. 50,157, dated 28 September 2021 was mailed postage prepaid, first class, US mail to the following:

2 I FEEDERS LLC
884 RD 350
ALLEN, KS 66833

With photocopies to:

Topeka Field Office


Staff