

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

Document Signature DWB

1. File Number: 21910.01	2. Status Change Date: 7/13/2017	3. Change Num: 2	4. Field Office: 4	5. GMD: 3
6. Status: <input checked="" type="checkbox"/> Approved <input type="checkbox"/> Denied by DWR/GMD <input type="checkbox"/> Dismiss by Request/Failure to Return				7. Filing Date of Change: 05/18/15
8a. Applicant(s) New to system <input type="checkbox"/> ROCKING HEIFER LLC EAST FARM 439 EAST RD 4 ULYSSES KS 67880		Person ID 62826 Add Seq# _____		8c. Landowner(s) New to system <input type="checkbox"/> Person ID _____ Add Seq# _____
8b. Landowner(s) New to system <input type="checkbox"/> Person ID _____ Add Seq# _____		8d. WUC New to system <input type="checkbox"/> SAME AS 8A Person ID _____ Add Seq# _____		
9. Documents and Enclosure(s): <input checked="" type="checkbox"/> DWR Meter(s) Date to Comply: <u>3 12-31-2017</u> <input type="checkbox"/> N & P Date to Comply: _____				
<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 _____ To: _____				
<i>entered by CM on 7/17/2017</i>				

File No. **21910.01** 11. County: GT Basin: Stream: Formation Code: 211 Special Use:

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

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

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

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

16. Place of Use T MOD DEL ENT	P USE	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							
ENT	0815?	15	27S	37W	?	FEEDLOT IN THE (S½ N½ SW) + (S½ SW)																				8a	NO	8515
MOD	50090	22	27S	37W	5	FEEDLOT IN THE NW																				8a	NO	8515

Comments:

KANSAS DEPARTMENT OF AGRICULTURE
Division of Water Resources

M E M O R A N D U M

TO: Files

DATE: July 12, 2017

FROM: Brent A. Turney

RE: Water Right
File Nos. 8,515 and 21,910.01

Andy Smaltz on behalf of Rocking Heifer LLC owner of the referenced water rights, has filed applications for approval to change the place of use for File Nos. 8,515 and 21,910.01, authorized for stockwatering use.

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

All wells within one half mile of either point of diversion are owned by the applicant, therefore, no nearby notifications were sent.

According to the applications, the owners plan to expand their current feedlot capacity 15,000 head to 24,000 head. The total quantity requested for stockwatering under File Nos. 8,515 and 21,910.01 is 80.61 m.g.y. amounts to approximately 9.2 gallons per head per day, which appears to be reasonable for cattle pursuant to K.A.R. 5-3-22 *Maximum reasonable quantity of water for livestock and poultry*.

In a letter dated June 7, 2017, Jason Norquest, Assistant Manager of Southwest Kansas Groundwater Management District No. 3, indicated that applications comply with the current management program and he further recommends approval of the applications at this time.

In an e-mail dated July 12, 2017, Mike Meyer, Water Commissioner of the Garden City Field Office, indicated that he is not opposed to approval of the applications.

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, and that no change in the local source of supply will occur, it is recommended that the referenced applications and reduction request be approved.


Brent A. Turney
Change Application Unit Supervisor

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



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

Jackie McClaskey, Secretary

Governor Sam Brownback

July 18, 2017

FILE COPY

ROCKING HEIFER LLC
439 EAST RD 4
ULYSSES KS 67880

RE: Water Right
File Nos. 8,515 & 21,910.01

Dear Sir or Madam:

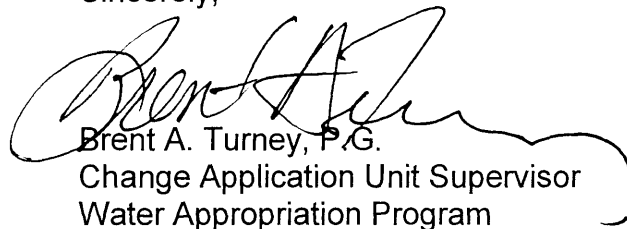
Enclosed are the orders executed by the Chief Engineer, Division of Water Resources, Kansas Department of Agriculture, approving the applications for change under the above referenced file numbers.

Your attention is directed to the enclosures and to the terms, conditions, and limitations specified in the approvals for change. A condition of the approvals is that an acceptable water flow meter 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 these orders modify the original documents 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. 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
Enclosures
pc: Garden City Field Office
GMD No. 3



KANSAS DEPARTMENT OF AGRICULTURE
Jackie McClaskey, Secretary of Agriculture

DIVISION OF WATER RESOURCES
David W. Barfield, Chief Engineer

**APPROVAL OF APPLICATION
FOR
CHANGE IN PLACE OF USE
WATER RIGHT
FILE NO. 21,910.01**

The Chief Engineer, Division of Water Resources, Kansas Department of Agriculture, after due consideration of the written application of Andy Smaltz on behalf of Rocking Heifer L.L.C., 439 East Road 4, Ulysses KS 67880, received in this office on February 13, 2017, for approval of a change in the location of the place of use 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 April 28, 2003, approving the application to change the authorized 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 effective date of the change shall be the date this order is executed by the Chief Engineer, the authorized place of use shall be described as:

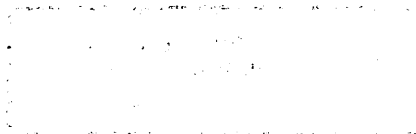
a feedlot located in the South Half of the North Half of the Southwest Quarter (S $\frac{1}{2}$ N $\frac{1}{2}$ SW $\frac{1}{4}$) and the South Half of the Southwest Quarter (S $\frac{1}{2}$ SW $\frac{1}{4}$) of Section 15, and the Northwest Quarter (NW $\frac{1}{4}$), of Section 22, all in Township 27 South, Range 37 West, Grant County, Kansas,

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

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. 21,910.01, for permit to appropriate water for beneficial use, is as stated and set forth in the Certificate of Appropriation dated April 10, 2002, as modified and amended by the aforementioned order.



RIGHT TO A HEARING AND TO ADMINISTRATIVE REVIEW

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

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

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


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

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

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

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

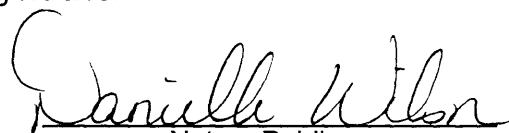
Ordered this 13th day of July, 2017, in Topeka, Shawnee County, Kansas.


 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 13th day of July, 2017, by Lane P. Letourneau, P.G., Water Appropriation Program Manager, Division of Water Resources, Kansas Department of Agriculture.




 Notary Public

CERTIFICATE OF SERVICE

On this 18th day of July, 2017, I hereby certify that the attached original Approval of Change in Use Made of Water, File No. 21,910.01, dated July 13, 2017, was mailed postage prepaid, first class, US mail to the following:

ROCKING HEIFER LLC
439 EAST ROAD 4
ULYSSES KS 67880

With photocopies to:

Garden City Field Office
GMD No. 3



Staff

Turney, Brent

From: Meyer, Mike
Sent: Wednesday, July 12, 2017 4:24 PM
To: Turney, Brent
Subject: RE: Rocking Heifer LLC PU

Proceed if you are good? 😊

Mike

From: Turney, Brent
Sent: Wednesday, July 12, 2017 4:24 PM
To: Meyer, Mike <Mike.Meyer@ks.gov>
Subject: RE: Rocking Heifer LLC PU

Nope!

Brent A. Turney, P.G.
Kansas Department of Agriculture
Division of Water Resources
1320 Research Park Drive
Manhattan Kansas 66502
(785) 564-6645
Brent.Turney@ks.gov
www.agriculture.ks.gov

From: Meyer, Mike
Sent: Wednesday, July 12, 2017 4:23 PM
To: Turney, Brent <Brent.Turney@ks.gov>
Subject: RE: Rocking Heifer LLC PU

No term on one of the stock wells?

Mike

From: Turney, Brent
Sent: Wednesday, July 12, 2017 4:04 PM
To: Meyer, Mike <Mike.Meyer@ks.gov>
Subject: RE: Rocking Heifer LLC PU

We have no term, but that is your call! Still recommend approval?

Brent A. Turney, P.G.
Kansas Department of Agriculture
Division of Water Resources

**1320 Research Park Drive
Manhattan Kansas 66502
(785) 564-6645
Brent.Turney@ks.gov
www.agriculture.ks.gov**

From: Meyer, Mike
Sent: Wednesday, July 12, 2017 4:03 PM
To: Turney, Brent <Brent.Turney@ks.gov>
Subject: RE: Rocking Heifer LLC PU

14381 will be converted when they get it split out from 28940. (court partition it appears). That is their source to convert more water for the expansion (14831). But need to divide 28940 first and owners will not talk.

I wonder if we should be working on the term?

Mike

From: Turney, Brent
Sent: Wednesday, July 12, 2017 3:58 PM
To: Meyer, Mike <Mike.Meyer@ks.gov>
Subject: RE: Rocking Heifer LLC PU

Sorry Mike, I am all confused! I did not know that more applications would be following?? And no we don't have any more apps filed.

**Brent A. Turney, P.G.
Kansas Department of Agriculture
Division of Water Resources
1320 Research Park Drive
Manhattan Kansas 66502
(785) 564-6645
Brent.Turney@ks.gov
www.agriculture.ks.gov**

From: Meyer, Mike
Sent: Wednesday, July 12, 2017 3:54 PM
To: Turney, Brent <Brent.Turney@ks.gov>
Subject: RE: Rocking Heifer LLC PU

Should we note that pending applications will follow to provide more authority for the expansion? Do we have any applications yet or term permit for additional authroitiy?

Mike

From: Turney, Brent
Sent: Wednesday, July 12, 2017 10:43 AM

Submit To: CHIEF ENGINEER
Division of Water Resources
Kansas Department of Agriculture
1320 Research Park Drive
Manhattan, Kansas 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

FEB 13 2017

1:21
KS DEPT OF AGRICULTURE

File No. 21910-01

2. Name of applicant: ROCKING HEIFER LLC/ANDY SMALTZ

Address: 3068 WEST BUCHANAN ROAD

City, State and Zip: MIDDLETON MI 48856

Phone Number: (620)640-7264 E-mail address: andy@rockingheifer.com

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

Name of water use correspondent: ROCKING HEIFER LLC

Address: EAST FARM/439 EAST RD 4

City, State and Zip: ULYSSES KS 67880

Phone Number: (620)640-7264 E-mail address: andy@rockingheifer.com

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

Existing facility is expanding.

The change(s) (was) (will be) completed by immediately upon approval.

(Date)

For Office Use Only:														
F.O.	<u>4</u>	GMD	<u>3</u>	Meets K.A.R. 5-5-1 (YES / NO)	Use	<u>STIK</u>	Source	<u>(G) S</u>	County	<u>CT</u>	By	<u>ASW</u>	Date	<u>2/13/17</u>
Code	<u>CPU</u>	Fee \$	<u>200</u>	TR #		Receipt Date	<u>2/13/17</u>	Check #	<u>CARD</u>					

4. The presently authorized place of use is:

Owner of Land — NAME: ROCKING HEIFER LLC

ADDRESS: EAST FARM/439 EAST RD 4, ULYSSES KS 67880

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	
22	27	37W					FE	ED	LOT	(E2 NW)									

List any other water rights that cover this place of use. 21910-01

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: ROCKING HEIFER LLC

ADDRESS: EAST FARM/439 EAST RD 4, ULYSSES KS 67880

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	
15	27	37W									20 FEED	20 LOT	40 (SW)	40					
22	27	37W					FEED	LOT	(NW)										

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	

WATER RESOURCES RECEIVED

FEB 13 2017

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) _____
(Provide description and number of points)

7. The proposed point(s) of diversion (is) (are) NO CHANGE _____
(Provide description and number of points)

List all presently authorized point(s) of diversion:

8. **Presently authorized point of diversion:**
 One in the _____ Quarter of the _____ Quarter of the _____ Quarter
 of Section _____, Township _____ South, Range _____ (EW),
 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 _____ (EW),
 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 _____

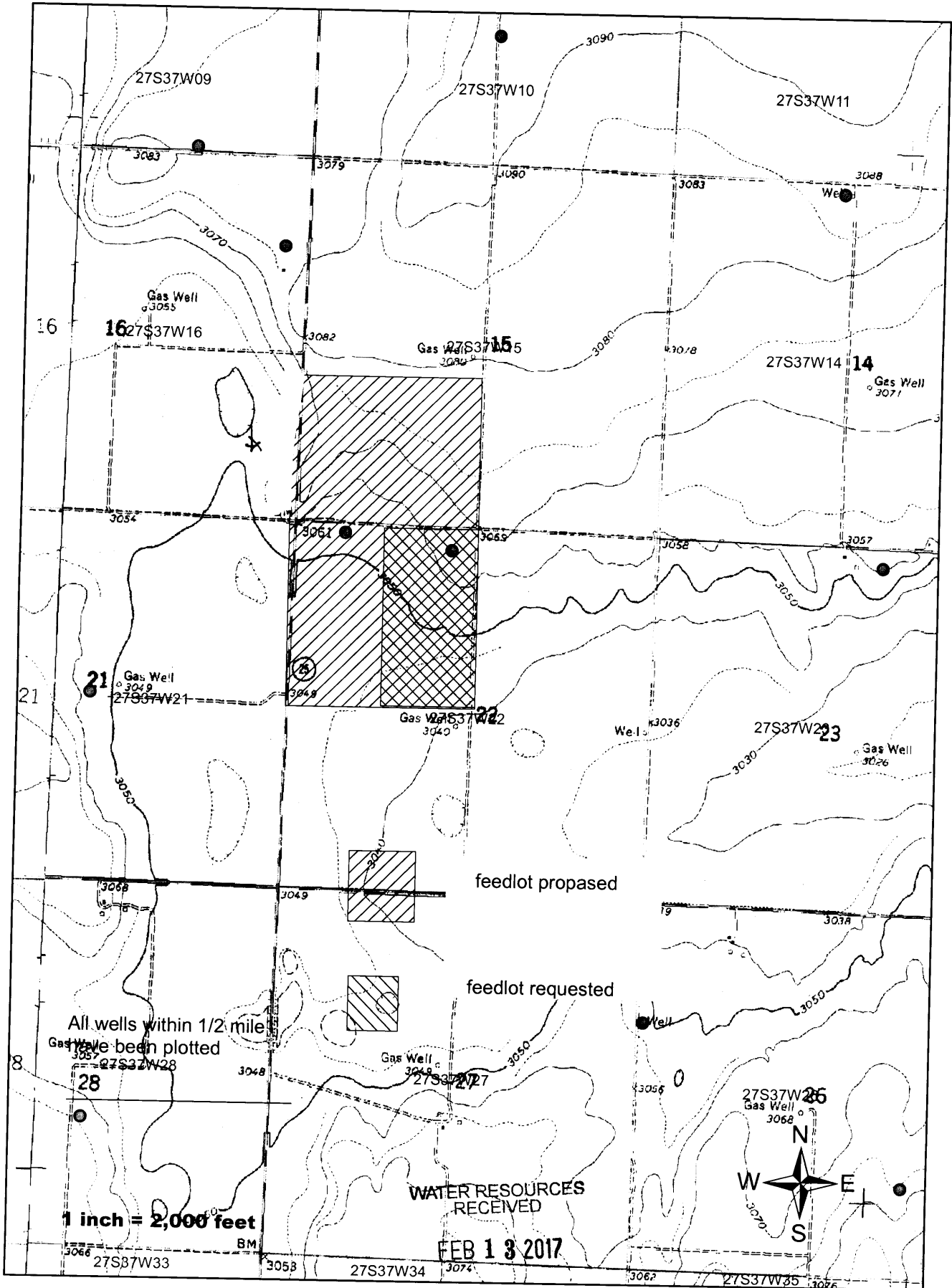
9. **Presently authorized point of diversion:**
 One in the _____ Quarter of the _____ Quarter of the _____ Quarter
 of Section _____, Township _____ South, Range _____ (EW),
 in _____ County, Kansas, _____ feet North _____ feet West of Southeast corner of section.
 Authorized Rate _____ Authorized Quantity _____
 (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 _____ (EW),
 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 _____ (EW),
 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 _____ (EW),
 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

21910-01 expand feedlot



KS DEPT OF AGRICULTURE

x BATT/DWR 2-20-17 SCANNED

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

It is proposed that the use be changed to _____ purposes.

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

NO CHANGE

(Please show any calculations here.)

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

15. It is requested that the maximum rate of diversion of water be reduced to _____ 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.

NO CHANGE

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.

WATER RESOURCES
RECEIVED

FEB 13 2017

IF MORE SPACE IS NEEDED, ATTACH ADDITIONAL SHEETS AS NECESSARY

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.

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 Garden City, Kansas, this 10th day of February, 2017.

[Signature]
(Owner)

(Spouse)

(Please Print)

(Please Print)

(Owner)

(Spouse)

(Please Print)

(Please Print)

(Owner)

(Spouse)

(Please Print)

(Please Print)

State of Kansas }
County of Finney } SS

I hereby certify that the foregoing application was signed in my presence and sworn to before me this 10th day of February, 2017.



My Commission Expires _____

[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.**

**STOCKWATER USE
SUPPLEMENTAL SHEET**

File No. 21910-01

Name of Applicant (Please Print): ROCKING HEIFER

1. Please indicate type of livestock (cattle, hogs, etc.): CATTLE

2. Please complete the following table showing past and present water requirements:

PAST NUMBER OF HEAD AND WATER DIVERTED, IF APPLICABLE

LAST 5 YEARS	NUMBER OF HEAD	WATER DIVERTED (GALLONS)	GALLONS PER HEAD PER DAY
5 years ago	11,000		
Last year	11,000	57,598,000	
Present Year	12,500 15,000	80,610,000	

3. Please complete the following table showing estimated future water requirements:

ESTIMATED FUTURE NUMBER OF HEAD AND WATER DIVERTED

NEXT 5 YEARS	NUMBER OF HEAD	WATER TO BE DIVERTED (GALLONS)	GALLONS PER HEAD PER DAY
Year 1	18,000		
Year 2	24,000		
Year 3			
Year 4			
Year 5			

Please attach any additional information, tables, or curves showing past, present and estimated future water requirements to substantiate the amount of water requested.

4. Please designate the legal description of the location where the water is to be used. Show in the space provided below the Section (S), Township (T), and Range (R), and the number of acres in each forty acre tract or fractional portion thereof.

S	T	R	NE¼				NW¼				SW¼				SE¼				TOTAL
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
22	27	37W					40	40	40	40									
15	27	37W									20	20	40	40					

WATER RESOURCES
RECEIVED

FEB 13 2017

Page 1 of 2

5. Show quantities of water used and all associated water uses at the feedlot such as water used in feed mills, cooling of animals, washing, flushing of wastes, etc.:

DRINKING

15,000 head of Cattle x 14.72 gallons/head (avg.) x 365 days = 80.61 MG gallons
 _____ head of _____ x _____ gallons/head (avg.) x _____ days = _____ gallons
 _____ head of _____ x _____ gallons/head (avg.) x _____ days = _____ gallons

COOLING

_____ gallons/hour x _____ hour/day x _____ days = _____ gallons

SANITATION

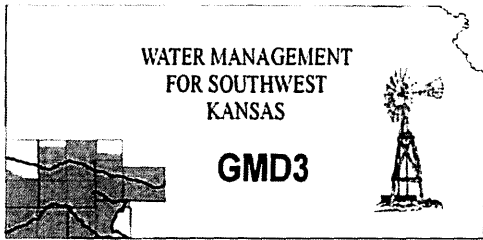
_____ g.p.m. x 60 min/hr x _____ hr/wk x _____ wks/yr = _____ gallons

OTHER USE (Explain) _____ = _____ gallons

TOTAL ----- 80.61 MG gallons

6. Show location of present and future location of confinement pens on your attached maps or photographs.
7. Total feed bunk space for cattle or livestock is _____ linear feet.
8. Total size of stock pens for confinement area of cattle, hogs, etc. is _____ square feet.

You may attach any additional information you believe will assist in informing the Division of Water Resources of the need for your request.



Southwest Kansas
Groundwater Management District No. 3
2009 E. Spruce Street
Garden City, Kansas 67846
(620) 275-7147 phone (620) 275-1431 fax
www.gmd3.org

June 7, 2017

Brent A. Turney
Kansas Department of Ag
Division of Water Resources
1320 Research Park Drive
Manhattan, Kansas 66502

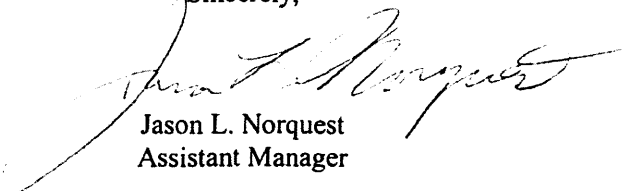
RE: Application for Change in Place of Use
Water Right, File Nos. 8515 & 21901.01

Dear Brent:

We have completed a review for the above referenced applications. The proposal is not in conflict with the Management Program of the Southwest Kansas Groundwater Management District No. 3 (GMD3). The applicant is applying to increase the place of use for expansion of the feeding operation and to make a complete overlap with these water rights. The change in place of use is in accordance with K.A.R. 5-5-11. It is therefore recommended that the applications be approved at this time.

Thank you for the opportunity to review the applications and to provide a recommendation. If you have any questions, please don't hesitate to contact us.

Sincerely,



Jason L. Norquest
Assistant Manager

GMD3 Change Review

Change Application(s); PU
File No(s). 8515 & 21910.01; Rocking Heifer
SEE ATTACHED MAP

	ft. North	ft. West	
Authorized PD			
Proposed PD			
Difference	0	0	
$a^2 + b^2 = c^2$	0	0	0

Neighboring wells: NA

Domestic wells: NA

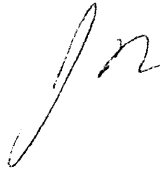
Regulation(s) Reviewed: KAR 5-5-11

Board Review Date: NA

Board Recommendation: NA

Waiver Reason: NA

Final Recommendation: After review of all available information, it appears the area rules are met. The applicant is expanding the calf pens for their yard and making a complete overlap in place of use. Staff therefore recommends approval of the applications.



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



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

Jackie McClaskey, Secretary

Governor Sam Brownback

May 31, 2017

FILE COPY

SOUTHWEST KANSAS GROUNDWATER
MANAGEMENT DISTRICT NO 3
2009 E SPRUCE STREET
GARDEN CITY KS 67846

Re: Water Right
File Nos. 8,515 and 21,910.01

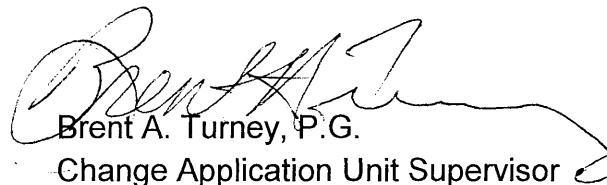
Dear Sir or Madam:

We are enclosing copies of the applications referred to above, received in the office of the Chief Engineer February 13, 2017, which appear to be in proper form.

We are delaying any 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 allotted time, or any authorized extension of time thereof. 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
Enclosures

pc: Garden City Field Office

SCANNED

Turney, Brent

From: Kelly Warren <kkwarren@kkwpe.com>
Sent: Wednesday, February 22, 2017 1:28 PM
To: Turney, Brent
Subject: Change Applications: File Nos. 8515; 21910.01

Mr. Turney:

Per our phone call Monday, February 20, 2017 regarding the subject change applications, where your cursory review indicated an incomplete application due to lack of contact information for owners of points of diversion within 1/2 mile of the proposed change in place of use-

A review using WIMAS of the area within [Longitude between -101.3833 - -101.2667 Latitude between 37.6833 - 37.7542] and filtered for all active water rights showed that there are no authorized groundwater POD's within 1/2 mile of the POD's authorized for File Nos. 8515 and 21910.01.

A review of the KGS interactive WWC5 map also did not show any domestic wells within 1/2 mile of the POD's authorized by File Nos. 8515 and 21910.01. The WWC5 map did show a well in the NW/4 NW/4 NE/4 Section 22 that was not plugged and was drilled for stockwater in 1996. It was confirmed that there is not an active well at this location.

There is a domestic well on Rocking Heifer, LLC property located within the NW/4 of Section 22 and approximately 80 feet west of the feedlot office. This well supplies water for the feedlot office and employee housing on site. It is possible that the WWC5 well named above was incorrectly described as in the NE/4 and could be Rocking Heifer's domestic well located approximately 400 ft west of the stockwater well's described location instead.

Please contact me if you have any questions regarding the information provided above or if there is additional information required to continue processing the change applications for File Nos. 8515 and 21910.01.

Thank you,

--

K. K. Warren, P.E.

(620) 424-3441

201 E Oklahoma Ave, No. 8
Ulysses, KS 67880

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



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

Jackie McClaskey, Secretary

Governor Sam Brownback

February 14, 2017

ROCKING HEIFER LLC % ANDY SMALTZ
3068 WEST BUCHANAN ROAD
MIDDLETON, MI

RE: File No. 21910

FILE COPY

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 PU
- 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 A Turney, L.G.
Change Applications Unit Supervisor
Water Appropriation Program

BAT: dlw
pc: GARDEN CITY Field Office GMD 3

8515 & 21901.01 Change



June 7, 2017

- Meters
- WWC5 WELLS GMD3
- Sections
- Wells
- WIMAS WELLS GMD3

