

NOTICE

This scan only represents the application as filed. The information contained herein meets the requirements of K.A.R. 5-3-1 or K.A.R. 5-5-1, and has been found acceptable for filing in the office of the Chief Engineer. The application should not be considered to be a complete application as per K.A.R. 5-3-1b or K.A.R. 5-5-2a.

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
- (Check one or more) Point of Diversion
- Use Made of Water

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1:32

KS DEPT OF AGRICULTURE

File No. 18018

2. Name of applicant: Feedyards, Inc. dba Ulysses Feedyard

Address: 1765 East Road 21

City, State and Zip: Ulysses, Kansas 67880

Phone Number: (620) 356-1750

E-mail address: dave.venhaus@cactusfeeders.com

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

Name of water use correspondent: Dave Venhaus

Address: PO Box 3050

City, State and Zip: Amarillo, Texas 79116

Phone Number: (806) 371-4791

E-mail address: dave.venhaus@cactusfeeders.com

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

We are proposing to make the water right, File No. 18018, a combined irrigation and stockwater use made of water. Ulysses Feedyard purchased this property and subsequent water rights with intentions to provide the feedyard with an additional water source for the cattle.

The change(s) (was) (will be) completed by 12/31/2021

(Date)

For Office Use Only:

F.O. 4 GMD 3 Meets K.A.R. 5-5-1 (YES / NO) Use IRR Source G/S County GT By LI Date 10/12/2021
Code C3 Fee \$ 700 TR # _____ Receipt Date 9-20-21 Check # 241798

9/22/2021
LMoody

4. The presently authorized place of use is:

Owner of Land — NAME: Feedyards, Inc. dba Ulysses Feedyard

ADDRESS: 1765 East Road 21

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	
12	30 S	37 W	X	X	X	X													120
1	30 S	37 W								X	X	X	X						120

List any other water rights that cover this place of use. 14578

Owner of Land — NAME: Feedyards, Inc. dba Ulysses Feedyard

ADDRESS: 1765 East Road 21

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: Feedyards, Inc. dba Ulysses Feedyard

ADDRESS: 1765 East Road 21

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	
14	30 S	37 W	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	577

List any other water rights that cover this place of use. 7919; 14441; 26191; 31974

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. _____

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IF MORE SPACE IS NEEDED, ATTACH ADDITIONAL SHEETS AS NECESSARY

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- 6. The presently authorized point(s) of diversion (is) (are) 1; a well located in the NW/4 of the NW/4 of the NE/4 of Section 12 in Township 30S, Range 37 W
(Provide description and number of points)
- 7. The proposed point(s) of diversion (is) (are) a replacement well located in the SE/4 of the SW/4 of Section 1 in Township 30S, Range 37W.
(Provide description and number of points)

List all presently authorized point(s) of diversion:

8. **Presently authorized point of diversion:**
 One in the Northwest Quarter of the Northwest Quarter of the Northeast Quarter of Section 12, Township 30 S South, Range 37 W (E/W), in Grant County, Kansas, 5150 feet North 2500 feet West of Southeast corner of section.
 Authorized Rate 1100 gpm Authorized Quantity 480 Acre-feet
 (DWR use only: Computer ID No. _____ GPS _____ feet North _____ feet West)
 This point will not be changed This point will be changed as follows:
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 _____ (E/W), in _____ County, Kansas, _____ feet North _____ feet West of Southeast corner of section.
 Proposed Rate _____ Proposed Quantity _____
 This point is: Additional Well Geo Center List other water rights that will use this point _____

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

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

- 11. Describe the current condition of and future plans for any point(s) of diversion which will no longer be used.
 The existing point of diversion will be plugged upon completion of the new well.

IF MORE SPACE IS NEEDED, ATTACH ADDITIONAL SHEETS AS NECESSARY

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12. The presently authorized use of water is for Irrigation purposes.
It is proposed that the use be changed to Stockwater and Irrigation purposes.

13. If changing the place of use and/or use made of water, describe how the consumptive use will not be increased.
The place of use for the irrigation portion will be reduced to 240 acres. The place of use for the stockwater portion will be Ulysses Feedyard where we will combine the water with that produced from our other rights to provide water
for 72,000 head of cattle. The combined irrigation and stockwater consumptive use will not exceed the
authorized quantity for File No. 18018.

See attached calculations
(Please show any calculations here.)

14. It is requested that the maximum annual quantity of water be reduced to 417 (acre-feet or million gallons).

15. It is requested that the maximum rate of diversion of water be reduced to 650 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.

Please see the attached test hole logs.

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.

IF MORE SPACE IS NEEDED, ATTACH ADDITIONAL SHEETS AS NECESSARY

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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 WILSON, Kansas, this 13TH day of SEPTEMBER, 20 21.

<u>[Signature]</u> (Owner)	_____ (Spouse)
<u>ADAM D. GEROND</u> (Please Print)	_____ (Please Print)
_____ (Owner)	_____ (Spouse)
_____ (Please Print)	_____ (Please Print)
_____ (Owner)	_____ (Spouse)
_____ (Please Print)	_____ (Please Print)

State of Kansas)
County of Grant) SS

I hereby certify that the foregoing application was signed in my presence and sworn to before me this 13 day of September, 20 21.



My Commission Expires 4/1/25

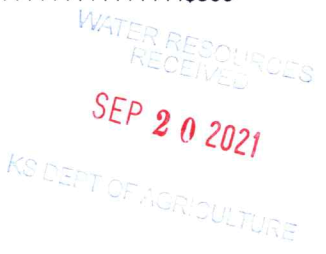
[Signature]
Notary Public

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. _____

Name of Applicant (Please Print): Feedyards, Inc. dba Ulysses Feedyard

- Please indicate type of livestock (cattle, hogs, etc.): cattle
- 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	70,036	275,811,000	10.8
Last year	69,386	306,444,000	12.1
Present Year	71,952	190,387,599	10.9

- 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	72,000	315,360,000	12
Year 2	72,000	315,360,000	12
Year 3	72,000	315,360,000	12
Year 4	72,000	315,360,000	12
Year 5	72,000	315,360,000	12

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

- 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		
14	30S	37W	40	40	40	40	40	40	40	40	40	40	40	15	40	40	40	40	2	577

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

72,000 head of cattle x 12 gallons/head (avg.) x 365 days = 315,360,000

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) Feedmill water use is included in gallons/head total = _____ gallons

TOTAL ----- 315,360,000 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 54,000 linear feet.
8. Total size of stock pens for confinement area of cattle, hogs, etc. is 200 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.

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 KS DEPT OF AGRICULTURE

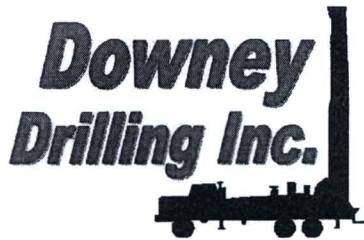
*** We propose that each file number be affected according to the calculation below:**

Currently authorized quantity		480 Acre-Ft	
Reduction due to stockwater conversion	86.90%	417 Acre-Ft	Maximum :
Proposed Stockwater authorized quantity	79%	330 Acre-Ft	
Proposed Irrigation authorized quantity	21%	88 Acre-Ft	

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WELL LOG

DATE: 7/8/2021



CUSTOMER NAME: ULYSSES FEEDYARD TH#2

LEGAL: SESW 1-30S-37W

COUNTY: GRANT CO, KS

GPS: 37.460774 N

-101.318421 W

LOGGER:

DRILLER: DIEGO VALLE

WO: 21-941

TW	FROM	TO	TYPE	HARDNESS	COLOR	SPEED	PULL DOWN	OTHER / DRILLING ACTION
	0	2	TOPSOIL	SOFT	DARK BROWN	FAST		SMOOTH
	2	70	SANDY CLAY W/ CALICHE	FIRM		FAST SEMI SLOW	SMOOTH	SMOOTH & CHOPPY
	70	103	SANDY CLAY W/ CALICHE	SOFT	TAN			SMOOTH
	103	163	SANDY CLAY W/ FINE SAND	SOFT	TAN	FAST	SMOOTH	SMOOTH VIBRATION
	163	182	WHITE SANDY CLAY	SOFT	WHITE	FAST		SMOOTH
	182	191	SANDY CLAY W/ FINE SAND	SOFT	TAN	FAST	SMOOTH	SMOOTH & VIBRATION
	191	200	FINE/MED SAND	FIRM		FAST		FAST CHATTER
	200	215	FINE/MED/COARSE SAND	FIRM		FAST		FAST CHATTER
	215	226	SANDY CLAY	SOFT	TAN	FAST		SMOOTH
	226	235	FINE/MED SAND	FIRM		FAST		FAST CHATTER
	235	249	SANDY CLAY W/ FINE SAND	SOFT	TAN	FAST	SMOOTH	SMOOTH & VIBRATION
	249	264	FINE SAND	SOFT		FAST		VIBRATION
	264	280	FINE/MED/COARSE SAND W/ FINE GRAVEL & SANDY CLAY LAYERS	FIRM		FAST		CHATTER
	280	306	FINE/MED/COARSE W/ FINE/MED GRAVEL	STIFF		FAST		CHATTER
	306	315	FINE/MED GRAVEL	HARDNES S		SLOW	X	CHATTER
	315	328	STICKY BROWN CLAY	STICKY	BROWN	FAST		SMOOTH
	328	335	FINE/MED SAND	FIRM		FAST		FAST CHATTER
	335	345	SANDY CLAY W/ FINE SAND	SOFT	TAN	FAST		VIBRATION
	395	358	FINE/MED/COARSE SAND	FIRM		FAST		FAST CHATTER
	358	380	FINE SAND W/ SANDY CLAY	SOFT		FAST		VIBRATION & SMOOTH
	380	395	YELLOW CLAY	SOFT	YELLOW	FAST		SMOOTH
X	395	408	BROWN ROCK W/ SANDSTONE	STIFF		FAST SEMI SLOW		FAST CHATTER
	408	419	FALSE RED BED	SOFT	RED			SMOOTH
	419	448	RED CLAY W/ SANDSTONE	FIRM	RED	FAST	SMOOTH	SMOOTH & CHOPPY
	448	460	RED CLAY	SOFT	RED	FAST		SMOOTH
X	460	470	SANDSTONE W/ FINE SAND	STIFF		FAST		FAST CHATTER
	470	480	GREEN CLAY	SOFT	GREEN	FAST		SMOOTH
X	480	518	SANDSTONE W/ FINE SAND AND BROWN ROCK	STIFF		FAST		FAST CHATTER
	518	522	WHITE SOAPSTONE	SOFT	WHITE	FAST		VIBRATION
X	522	586	SANDSTONE W/ FINE SAND & CLAY LAYERS	FIRM		FAST		FAST CHATTER
	586	600	RED BED	SOFT	RED	SLOW		SMOOTH
			QUIKGELL - 9					
			SODA ASH - 1					
			BRAN - 2					
			CS - 1					
			WATER LOADS - 2-1/2 / HOLEPLUG - 2					

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ULYSSES FEEDYARD

#1 - SE/NW 12-30S-37W GRANT
#2 - SE/SE 1-30S-37W GRANT

Legend

WD # 21-941

SEP 20 2021

S Rd L

HYDRO #2 ELEV=3071'

HYDRO #1 ELEV=3073'

HYDRO #3 ELEV=3070'

20

WELL ELEV=3072'

OIL WELL

BIG HOLE

WELL ELEV=3071'

TEST HOLE #1 ELEV=3051'

WD # 21-297

S Rd M



Google Earth




© 2021 Google

2000 ft

Feedyards, Inc. dba Ulysses Feedyard

Change Application for File No. 18018 Point of Diversion

Legend

-  18018 Point of Diversion
-  File
-  New Point of Diversion

1 30S 37W

18018 Point of Diversion

New Point of Diversion

20

c

a

12 30S 37W

a = 824 ft from old point of diversion to new well
b = 3098 ft West from SE corner of Section 1
c = 178 ft North from SE corner of Section 1.

21

14 30S 37W

21

Google Earth





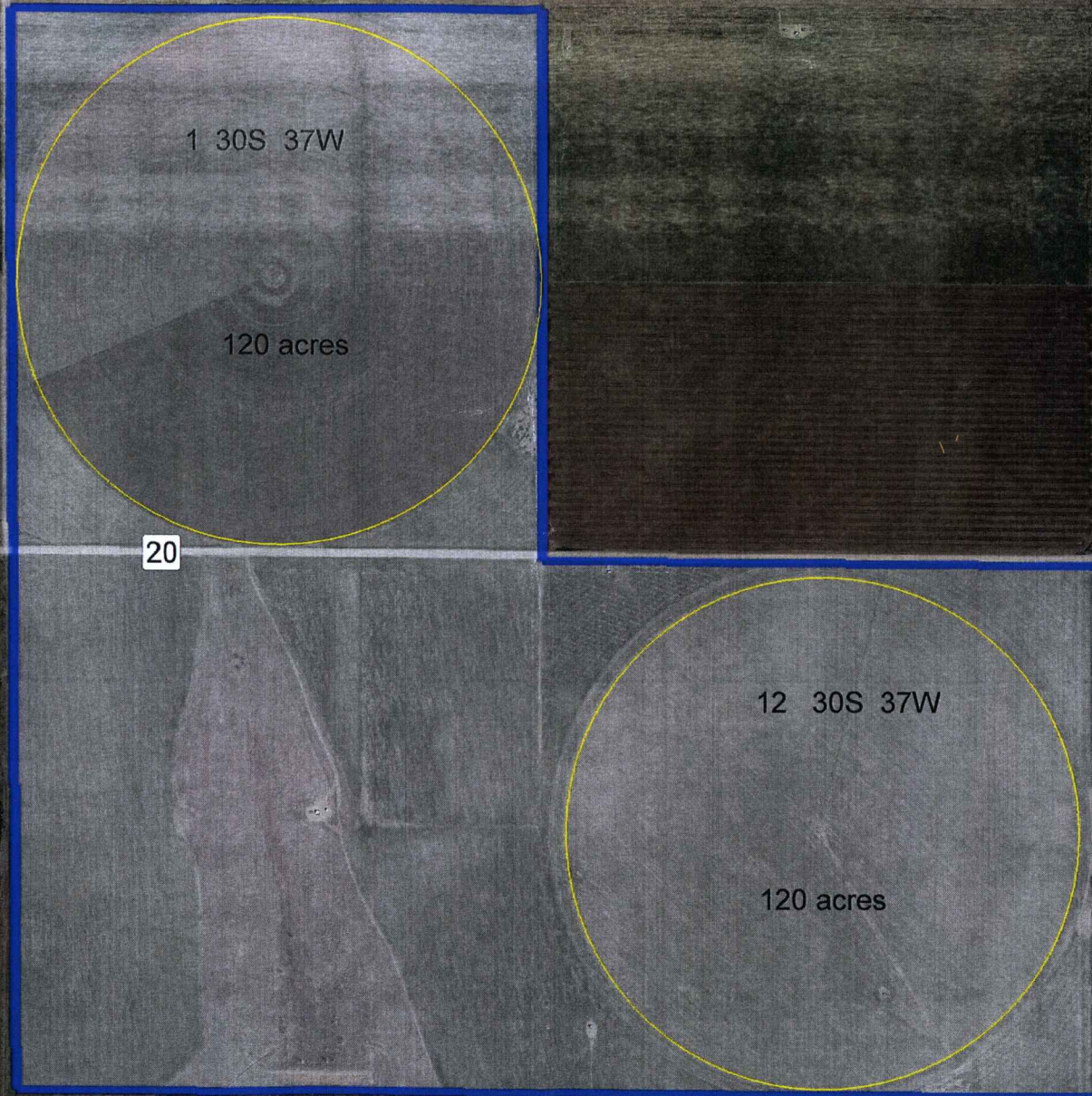
1 mi

Feedyards, Inc. dba Ulysses Feedyard

Change Application for File No. 18018 and 14578 Places of Use

Legend

-  File
-  Place of Use



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