

# 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.

WATER RESOURCES RECEIVED

1

APR 5 2021

3:15PM

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)

File No. 9589

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MAR 29 2021

Garden City Field Office  
Division of Water Resources

2. Name of applicant: OX TOWN LLC

Address: 1580 OXTOWN DR

City, State and Zip: TRIBUNE, KS 67879

Phone Number: (620) 376-4985 E-mail address: \_\_\_\_\_

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

Ox Town LLC will become part owner of this water right upon signing / approval of this change application

Name of water use correspondent: SAME AS ABOVE

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): We wish to acquire additional Water rights to provide a secure and sufficient supply of water for our cattle feeding facility.

The change(s) (was) (will be) completed by 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>IRR</u>	Source	<u>G/S</u>	County	<u>GL</u>	By	<u>BMM</u>	Date	<u>4/6/21</u>
Code	<u>CPU/CWU</u>	Fee \$	<u>300.00</u>	TR #		Receipt Date	<u>4/5/21</u>	Check #	<u>12327 + 12328</u>						

4/8/2021  
LMoody

APR 5 2021

4. The presently authorized place of use is:

Owner of Land — NAME: MARK J & NANCY CAVENEE

ADDRESS: 122 E EMPORIA TRIBUNE, KS 67879 KS DEPT OF AGRICULTURE

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	16S	40W					40	40	40	40	40	40	40	40	40	40	40	40	480

List any other water rights that cover this place of use. NONE

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: MARK J & NANCY CAVENEE

ADDRESS: 122 E EMPORIA TRIBUNE, KS 67879

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	
															20.75	20.75	20.75	20.75	83

List any other water rights that cover this place of use. NONE

Owner of Land — NAME: OX TOWN LLC

ADDRESS: 1580 OXTOWN DR TRIBUNE, KS 67879

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	
20	16S	40W																	

*Handwritten notes:*  
 - Section 20: FEEDLOTS (NE & E2 SE) ALL OF SECTION 20  
 - Section 19: 19 16 40W NE 1/4 Feedlot

List any other water rights that cover this place of use. 10002; 24950; 36139; 39942

*Handwritten signature:* mm/owr

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



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6. The presently authorized point(s) of diversion (is) (are) TWO WELLS, PUMPS AND MOTORS  
(Provide description and number of points)

7. The proposed point(s) of diversion (is) (are) TWO WELLS, PUMPS AND MOTORS  
(Provide description and number of points) APR 5 2021

List all presently authorized point(s) of diversion:

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8. Presently authorized point of diversion: **STK USE**

One in the \_\_\_\_\_ Quarter of the NC Quarter of the NW Quarter of Section 18, Township 16 South, Range 40 (E/W), in GREELEY County, Kansas, \_\_\_\_\_ feet North \_\_\_\_\_ feet West of Southeast corner of section.

Authorized Rate 1440 AF Authorized Quantity 3000 GPM

(DWR use only: Computer ID No. 02 GPS 4022 feet North 4241 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 SE Quarter of the NW Quarter of the NW Quarter of Section 18, Township 16 South, Range 40 (E/W), in GREELEY County, Kansas, 4022 feet North 4241 feet West of Southeast corner of section.

Proposed Rate \_\_\_\_\_ GPM Proposed Quantity 1148 AF

This point is:  Additional Well  Geo Center List other water rights that will use this point \_\_\_\_\_

9. Presently authorized point of diversion: **IRR USE**

One in the NE Quarter of the NW Quarter of the SE Quarter of Section 18, Township 16 South, Range 40 (E/W), in GREELEY County, Kansas, \_\_\_\_\_ feet North \_\_\_\_\_ feet West of Southeast corner of section.

Authorized Rate 1440 AF Authorized Quantity 3000 GPM

(DWR use only: Computer ID No. 03 GPS 2642 feet North 1522 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 NW Quarter of the SE Quarter of Section 18, Township 16 South, Range 40 (E/W), in GREELEY County, Kansas, 2642 feet North 1522 feet West of Southeast corner of section.

Proposed Rate \_\_\_\_\_ GPM Proposed Quantity 120 AF

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. \_\_\_\_\_

N/A

IF MORE SPACE IS NEEDED, ATTACH ADDITIONAL SHEETS AS NECESSARY

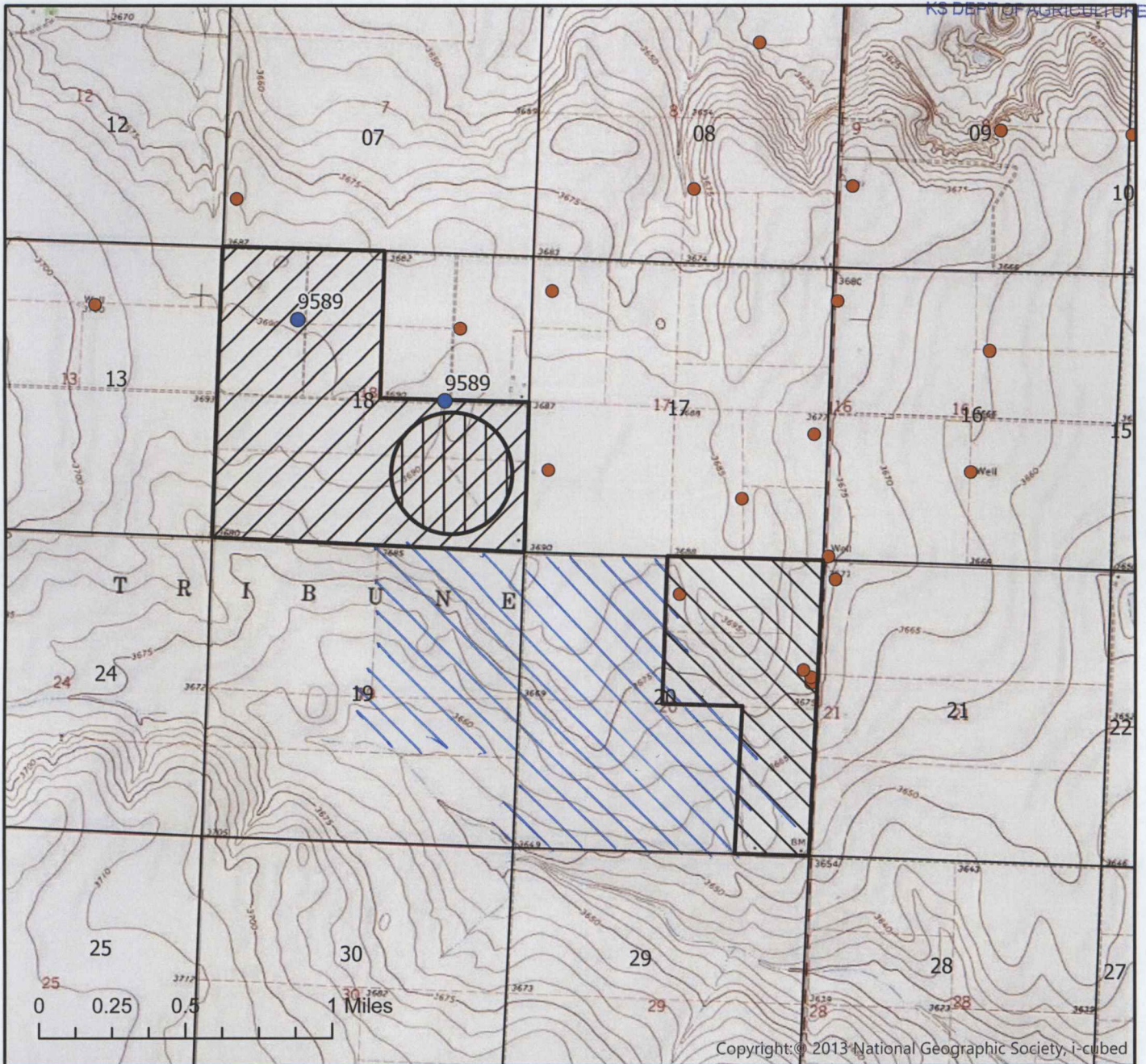


# WATER RIGHT, FILE NO. 9589







Section 18 Township 16 South Range 40 West Greeley County

APR 5 2021

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-  Authorized Point of Diversion
-  Permitted Water Right
-  Domestic Well within 1/2 mile
-  Authorized Place of Use - IRR
-  Proposed Place of Use
-  Authorized Place of Use - STK

List of owner name and addresses within 1/2 mile:



By signing below I agree that all wells, including domestic, and owners names and addresses within 1/2 mile of the proposed point of diversion have been shown on the map

(Signature)

Date

AM/GCFO  
1:24,000 Scale



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

It is proposed that the use be changed to IRRIGATION AND STOCKWATERING purposes.

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

There will be no increase in the consumptive use. Well ID 2 will be used for STK purposes, Well ID 3 will be used for IRR purposes. Authorized amount of 1440 AF will be reduced to 1148 AF for STK and 120 AF for IRR. Authorized quantity is based on a consumptive use conversion of 87% in Greeley County (KAR 5-5-9).

Current Authorized – 1440 AF \* 87% = 1252.8 AF; 1148 proposed for STK / 1252.8 = 0.916 (91.6%) – 1 = .083 (8.36%)

Left for IRR; 1440 x 8.36% = 120 AF for IRR

1148 AF proposed for STK, 120 AF proposed for IRR  
(Please show any calculations here.)

14. It is requested that the maximum annual quantity of water be reduced to 1268 (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](http://www.usgs.gov)). The map should show the location of the presently authorized point(s) of diversion. Distances North and West of the Southeast corner of the section must be shown. The presently authorized place of use should also be shown. Identify the center of the section, the section lines and the section corners and show the appropriate section, township, and range numbers on the map. In addition the following information must also be shown on the map.

a. If a change in the location of the point(s) of diversion is proposed, show:

- 1) The location of the proposed point(s) of diversion. Distances North and West of the Southeast corner of the section must be shown. Please be certain that the information shown on the map agrees with the information shown in Paragraph Nos. 9, 10 and 11 of the application.
- 2) If the source of supply is groundwater, please show the location of existing water wells of any kind, including domestic wells, within 1/2 mile of the proposed well or wells. Identify each well as to its use and furnish name and mailing address of the property owner or owners. If there are no wells within 1/2 mile, please indicate so on the map.
- 3) If the source of supply is surface water, the names and mailing addresses of all landowner(s) 1/2 mile downstream and 1/2 mile upstream from your property lines must be shown.

b. If a change in the place of use is desired, show the proposed place of use by crosshatching on the map. Please be certain that the information shown on the map agrees with the information shown in Paragraph No. 5 of the application.

17. Attach documentation to show the change(s) proposed herein will not impair existing water rights and relates to the same local source of supply as to which the water right relates. This information may include statements, plats, geology reports, well logs, test hole logs, and other information as necessary information to show the above. Additional comments may be made below.

120 AF \* .85 / 1.23 NIR = 83 acres

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18. If the proposed change(s) does not meet all applicable rules and regulations of the Kansas Water Appropriation Act, please identify the rules and regulations for which you request a waiver. State the reason why a waiver is needed and why the request should be granted. Attach documentation showing that granting the request will not impair existing water rights and will not prejudicially and unreasonably affect the public interest.

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5195- change place of use

and use made of water application

File No. 9589

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The application must be supplemented by an aerial photograph or U.S.G.S. topographic map (1:24,000 or 7.5 minute) showing the location of the subdivided point(s) of diversion (wells, pumpsites, dams, or other diversion works) and the location of the subdivided place of use. A U.S.G.S. topographic map may be obtained from the Kansas Geological Survey (785-864-3965).

The application must be signed by all owners of the place of use authorized by the water right or permit and his or her spouse, if married. Please indicate if there is no spouse. Unless the water right or permit has been legally severed from the authorized place of use, the owners of the water right or permit are the owners of the authorized place of use. If land is being purchased under contract, the seller must sign as owner 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 water right, or that I represent all such owners and am authorized to make this application on their behalf and declare further that the statements contained herein are true, correct, and complete.

Dated at Tribune, Kansas, this 24th day of March, 2021.

[Signature] (Owner)

(Spouse)

Mark J Cavence (Print)

(Print)

Nancy Cavence (Owner) spouse

(Spouse)

Nancy Cavence (Print)

(Print)

Tomas Rodriguez (Owner)

(Spouse)

Tomas Rodriguez (Print)

(Print)

State of Kansas )  
County of KS ) SS

I hereby certify that the foregoing application was signed in my presence and sworn to before me this 24th day of March, 2021.



Joyce E Huddleston Notary Public

My Commission Expires 9-17-2022



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 Tribune, Kansas, this 24<sup>th</sup> day of March, 2021.

Ox Town LLC by Brian Baalman  
(Owner)

(Spouse)

Ox Town LLC by Brian Baalman  
(Please Print)

(Please Print)

(Owner)

(Spouse)

(Please Print)

(Please Print)

(Owner)

(Spouse)

(Please Print)

(Please Print)

State of Kansas )  
County of Greeley ) SS

I hereby certify that the foregoing application was signed in my presence and sworn to before me this 24<sup>th</sup> day of March, 2021.



Joyce E Huddleston  
Notary Public

My Commission Expires \_\_\_\_\_

**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.**