

# 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.

12/28/22

Water Resources  
Received  
2:39

KS Dept Of Agriculture

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. 15942

2. Name of applicant: HRC FEED YARDS LLC

Address: PO BOX 224

City, State and Zip: SCOTT CITY KS 67871

Phone Number: ( ) \_\_\_\_\_ E-mail address: \_\_\_\_\_

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

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): \_\_\_\_\_

TO ACCOMMODATE A FEEDLOT OPERATION. THIS CHANGE WILL CONVERT AN IRRIGATION RIGHT TO A DUAL USE IRRIGATION / STOCKWATERING PERMIT. IN ADDITION, THIS APPLICATION WILL CHANGE THE AUTHORIZED PLACE OF USE TO COVER THE FEEDLOT.

The change(s) (was) (will be) completed by UPON APPROVAL

(Date)

<b>For Office Use Only:</b>												
F.O.	<u>4</u>	GMD	<u>1</u>	Meets K.A.R. 5-5-1 (YES / NO)	Use	<u>IRR</u>	Source	<u>G/S</u>	County	<u>SC</u>	By	Date
Code	<u>C-2</u>	Fee \$	<u>500.00</u>	TR #		Receipt Date	<u>12-28-22</u>	Check #	<u>59333</u>			

RECEIVED

1/4/2023  
LMoody

DWR 1-120 (Revised 06/16/2014)

DEC 28 2022

Assisted by: \_\_\_\_\_ AM / GCFO

Garden City Field Office  
Division of Water Resources

Water Resources  
Unacceptable for Priority  
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File No. 15942

4. The presently authorized place of use is:

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Owner of Land — NAME: HRC FEED YARDS LLC

ADDRESS: PO BOX 224 SCOTT CITY KS 67871

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	
35	18S	33W	37	40	40	40													157

List any other water rights that cover this place of use. SC-053

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: HRC FEED YARDS LLC

ADDRESS: PO BOX 224 SCOTT CITY KS 67871

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	
35	18S	33W	37	40	40	40													157

List any other water rights that cover this place of use. SC-053 (IRR)

Owner of Land — NAME: HRC FEED YARDS LLC

ADDRESS: PO BOX 224 SCOTT CITY KS 67871

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		
35	18S	33W					FEEDLOT (NW NW)													

List any other water rights that cover this place of use. SC-053; 11385-D2; 15942; 34127 (STK)

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



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File No. 15942

- 6. The presently authorized point(s) of diversion (is) (are) ONE WELL; PUMP; MOTOR  
KS Dept Of Agriculture (Provide description and number of points)
- 7. The proposed point(s) of diversion (is) (are) ONE WELL; PUMP; MOTOR  
(Provide description and number of points)

List all presently authorized point(s) of diversion:

8. **Presently authorized point of diversion:**  
 One in the NE Quarter of the NE Quarter of the NE Quarter of Section 35, Township 18 South, Range 33 (W), in SCOTT County, Kansas, 5136 feet North 571 feet West of Southeast corner of section.  
 Authorized Rate 700 GPM Authorized Quantity 218 AF  
 (DWR use only: Computer ID No. 01 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 NE Quarter of the NE Quarter of the NE Quarter of Section 35, Township 18 South, Range 33 (W), in SCOTT County, Kansas, 5136 feet North 571 feet West of Southeast corner of section.  
 Proposed Rate 700 GPM Proposed Quantity STK: 178.324 AF IRR: 218 AF (SEE ITEM 13 &17)  
 This point is:  Additional Well     Geo Center    List other water rights that will use this point SC-053 (ALSO DUAL USE).

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. N / A

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 IRRIGATION / STOCKWATERING purposes.

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

THIS REQUEST PROPOSED TO CONVERT THE WATER RIGHT INTO BOTH IRRIGATION AND STOCKWATERING USE FOR A DUAL USE PERMIT. THE PROPOSED STOCKWATERING AUTHORIZED QUANTITY IS BASED ON A CONSUMPTIVE USE CONVERSION OF 81.8% IN SCOTT COUNTY (K.A.R. 5-5-9)  
CURRENT AUTHORIZED = 218 AF \* 81.8% = 178.324 AF

\*\*LIMITATIONS WILL BE UPDATED WHEN COMBINED W/ SC-053\*\*  
(Please show any calculations here.)

14. It is requested that the maximum annual quantity of water be reduced to SEE INTEM 17 (acre-feet or million gallons).

15. It is requested that the maximum rate of diversion of water be reduced to N / A 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.

THE APPLICANT REQUESTS THAT THEY RETAIN THE ORIGINAL 218 AF FOR IRRIGATION, BUT WILL LIMIT THE TOTAL ANNUAL USE TO 178.324 AF WHEN WATER IS AUTHORIZED FOR STOCKWATERING DURING THE DURATION OF THE DUAL USE IRRIGATION/STOCKWATERING PERMIT. SHOULD THE STOCKWATERING USE EVER CEASE, THE APPLICANT WILL REQUEST TO REVERT BACK TO IRRIGATION FOR THE ORIGINAL QUANTITY.

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.

N / A

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



12/28/22

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KS Dept Of Agriculture

**STOCKWATER USE  
SUPPLEMENTAL SHEET**

File No. SC053 / 15942

Name of Applicant (Please Print): HRC Feed Yards LLC

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
2018 5 years ago	4,000	8,010,050	9.81
2021 Last year	4,000	7,956,070	7.43
thru Oct Present Year	4,000	7,680,010	8.32

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	4,000	21,900,000	15
Year 2	4,000	21,900,000	15
Year 3	4,000	21,900,000	15
Year 4	4,000	21,900,000	15
Year 5	4,000	21,900,000	15

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	
35	18S	33W					feedlot (NW NW)												

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KS Dept Of Agriculture

- 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**

4,000 head of cattle x 15 gallons/head (avg.) x 365 days = 21,900,000 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**

20 g.p.m. x 60 min/hr x 1 hr/wk x 26 wks/yr = 31,200 gallons

**OTHER USE** (Explain) \_\_\_\_\_ = \_\_\_\_\_ gallons

**TOTAL** ----- 21,931,200 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 3,036 linear feet.
- 8. Total size of stock pens for confinement area of cattle, hogs, etc. is 17 acres ~~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.

Application for dual use (irrigation/stock) for WR SC53 and 15942 to provide additional stock water for feedlot. Additional water is needed due to supply issues with existing stock wells.

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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 \_\_\_\_\_, Kansas, this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_\_.

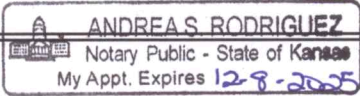
<u>HRC Rodriguez OS LLC E. La Moya</u> (Owner)	_____	(Spouse)
<u>HRC Rodriguez OS E. Lec Moya</u> (Please Print)	_____	(Please Print)
_____	_____	(Spouse)
(Please Print)	_____	(Please Print)
_____	_____	(Spouse)
(Please Print)	_____	(Please Print)

State of Kansas )  
County of Scott ) SS

I hereby certify that the foregoing application was signed in my presence and sworn to before me this 21<sup>st</sup> day of December, 2022.

Andrea S. Rodriguez  
Notary Public

My Commission Expires 12-8-2025



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.



# CHANGE IN PU / UMW WATER RIGHT, FILE NO. 15942

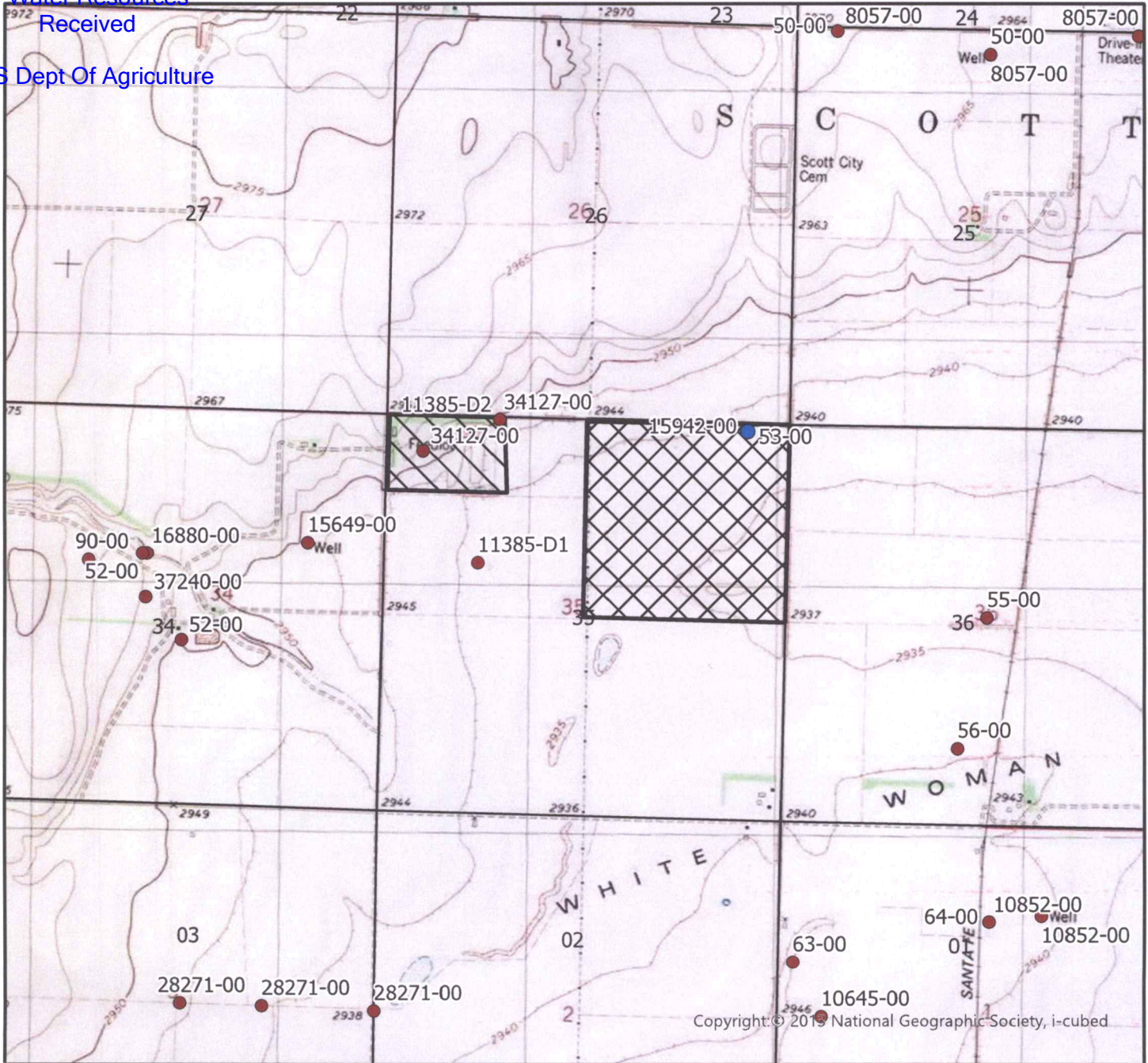
12/28/22

NE1/4 of Section 35 Township 18 South Range 33 West Scott County

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

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

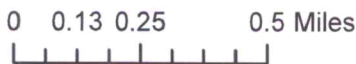


By signing below I agree that all wells, including domestic, and owners names and addresses within 1/2 mile of the proposed point of diversion have been shown on the map

*E. R. May Hall Feed yards*  
(Signature)

Date

Date AM/GCFO  
1:24,000 Scale



12/28/22

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### KANSAS QUITCLAIM DEED

Jerry M. Walker ("Grantor"), conveys by **quitclaim** to John C. Walker, Tina M. Walker and Nicole K. Turner (collectively "Grantees") as JOINT TENANTS, not as tenants in common, with full right of survivorship, all of their interest in the following real property:

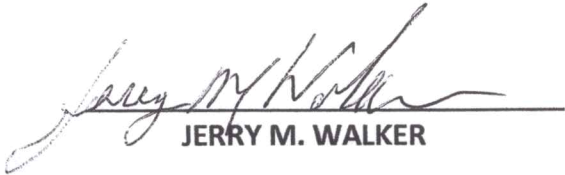
REAL ESTATE in the County of Scott:

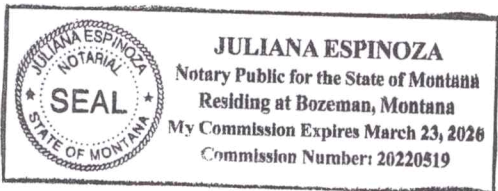
#### Tract Description

S35, T18, R33, ACRES 2.7, BEG NE COR SEC TH W 480 TH S 300 TH E 480 TH N 300 TO POB LESS RD R/W, together with improvements thereon subjected to easements, rights-of-way and outstanding mineral interests, if any, now shown on record.

For the sum of One Dollar and other good and valuable consideration.

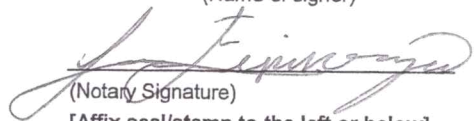
Signed and Delivered <sup>jk</sup> 10<sup>th</sup> December ~~November~~ 2022.

  
JERRY M. WALKER



County of Gallatin

This instrument was signed or acknowledged before me on Dec. 10 2022 by Jerry M. Walker  
(Name of signer)

  
(Notary Signature)  
[Affix seal/stamp to the left or below]