

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

12/28/2022, 2:36 PM

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

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KS Dept Of Agriculture

File No. 24885

2. Name of applicant: HRC FEED YARDS LLC

Address: 6550 W HIGHWAY 96

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, NO CHANGE

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 MAKE WELL DUAL USE FOR STOCKWATER USE

The change(s) (was) (will be) completed by 2023

(Date)

For Office Use Only:

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

RECEIVED

1/4/2023
LMoody

DEC 28 2022

Assisted by: _____

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4. The presently authorized place of use is:

Owner of Land — NAME: CROWN H CATTLE CO INC

ADDRESS: PO BOX 186 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	
21	18	33W					40	40	40	40	22.5	22.5							205

List any other water rights that cover this place of use. SC 044

Owner of Land — NAME: HRC FEED YARDS LLC

ADDRESS: 6550 W HIGHWAY 96, 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	
21	18	33W									17.5	10.5	9	40					77
28	18	33W					37	15	39	27									118

List any other water rights that cover this place of use. SC 044

5. It is proposed that the place of use be changed to:

Owner of Land — NAME: CROWN H CATTLE CO INC

ADDRESS: PO BOX 186 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	
21	18	33W					40	40	40	40	22.5	22.5							205

List any other water rights that cover this place of use. SC 044

Owner of Land — NAME: HRC FEED YARDS LLC

ADDRESS: 6550 W HIGHWAY 96, 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	
21	18	33W									17.5	10.5	9	40					77
28	18	33W					37	15	39	27									118
21	18	33w									Feed Lot	In	The	W½ SW¼					
28	18	33W					feed lot	in	the N2NW NW¼										

List any other water rights that cover this place of use. 39536, 39537, 40669 (STOCKWATER), SC 044 IRRIGATION

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6. The presently authorized point(s) of diversion is two wells _____
(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 NW Quarter of the SW Quarter of the SW Quarter of Section 21, Township 18 South, Range 33 W, in SC County, Kansas, 1120 feet North 5175 feet West of Southeast corner of section.
 Authorized Rate 500 GPM Authorized Quantity 752 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 _____ Quarter of the _____ Quarter of the _____ Quarter of Section _____, Township _____ South, Range _____, 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 NW Quarter of the NW Quarter of the NW Quarter of Section 28, Township 18 South, Range 33 W, in SC County, Kansas, 5015 feet North 5150 feet West of Southeast corner of section.
 Authorized Rate 415 GPM Authorized Quantity 222 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 _____ 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. _____

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- 12. The presently authorized use of water is for IRR purposes.
It is proposed that the use be changed to IRR AND STK purposes.
- 13. If changing the place of use and/or use made of water, describe how the consumptive use will not be increased.
KAR 5-5-10, DUAL USE. TOTAL COMBINED AUTHIZED QUANTITY WITH FILE NO. SC 044 = 752 AF (TOTAL COMBINED X CONSUMPTIVE USE FACTOR FOR SCOTT COUNTY OF 81.8% = 615.136 AF TO BE LIMITED FOR DUAL USE REQUEST IF STOCKWATER LEGALLY IS REMOVED FROM WATER RIGHTS, THEN RETAIN THE FULL 752 AF FOR IRRIGATION USE IN THE FUTURE.

(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 IN SOURCE OF SUPPLY OR LOCAL SOURCE OF SUPPLY

- 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.

NONE

**STOCKWATER USE
SUPPLEMENTAL SHEET**

File No. SC-44 & 24885

Name of Applicant (Please Print): HRC Feedyards, LLC #3

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	13,865	37,642,200	8.5
2021 Last year	13,751	39,140,483	8.7
Jan-Nov Present Year	12,579	40,674,759	9.6

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	15,000	82,125,000	15
Year 2	15,000	82,125,000	15
Year 3	15,000	82,125,000	15
Year 4	15,000	82,125,000	15
Year 5	15,000	82,125,000	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		
21	18	33W																		
28	18	33W																		

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- 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 15 gallons/head (avg.) x 365 days = 82,125,000 gallons

_____ head of _____ x _____ gallons/head (avg.) x _____ days = _____ gallons

_____ head of _____ x _____ gallons/head (avg.) x _____ days = _____ gallons

COOLING

0 gallons/hour x _____ hour/day x _____ days = 0 gallons

SANITATION

25 g.p.m. x 60 min/hr x ^{2hr x 2xper wk} _____ hr/wk x 52 wks/yr = 312,000 gallons

OTHER USE (Explain) _____ = 0 gallons

TOTAL ----- 82,437,000 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 ~11,570 linear feet.
- 8. Total size of stock pens for confinement area of cattle, hogs, etc. is ~60 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.

Additional stockwater needed due to inadequate water supply in other 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 Scott City, Kansas, this 19 day of December, 2022.

E Lee Mayo
(Owner) (Spouse)

E Lee Mayo HRC Feedyards
(Please Print) (Please Print)

Kelly Hoeme
(Owner) (Spouse)

Kelly Hoeme Crown HI CATCO INC.
(Please Print) (Please Print)

(Owner) (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 19th day of December, 2022.

NOTARY PUBLIC-State of Kansas

JACQUE S. BLAIR

Jacques Blair
Notary Public

My Commission Expires 11-15-24 My Appt. Exp 11-15-24

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:

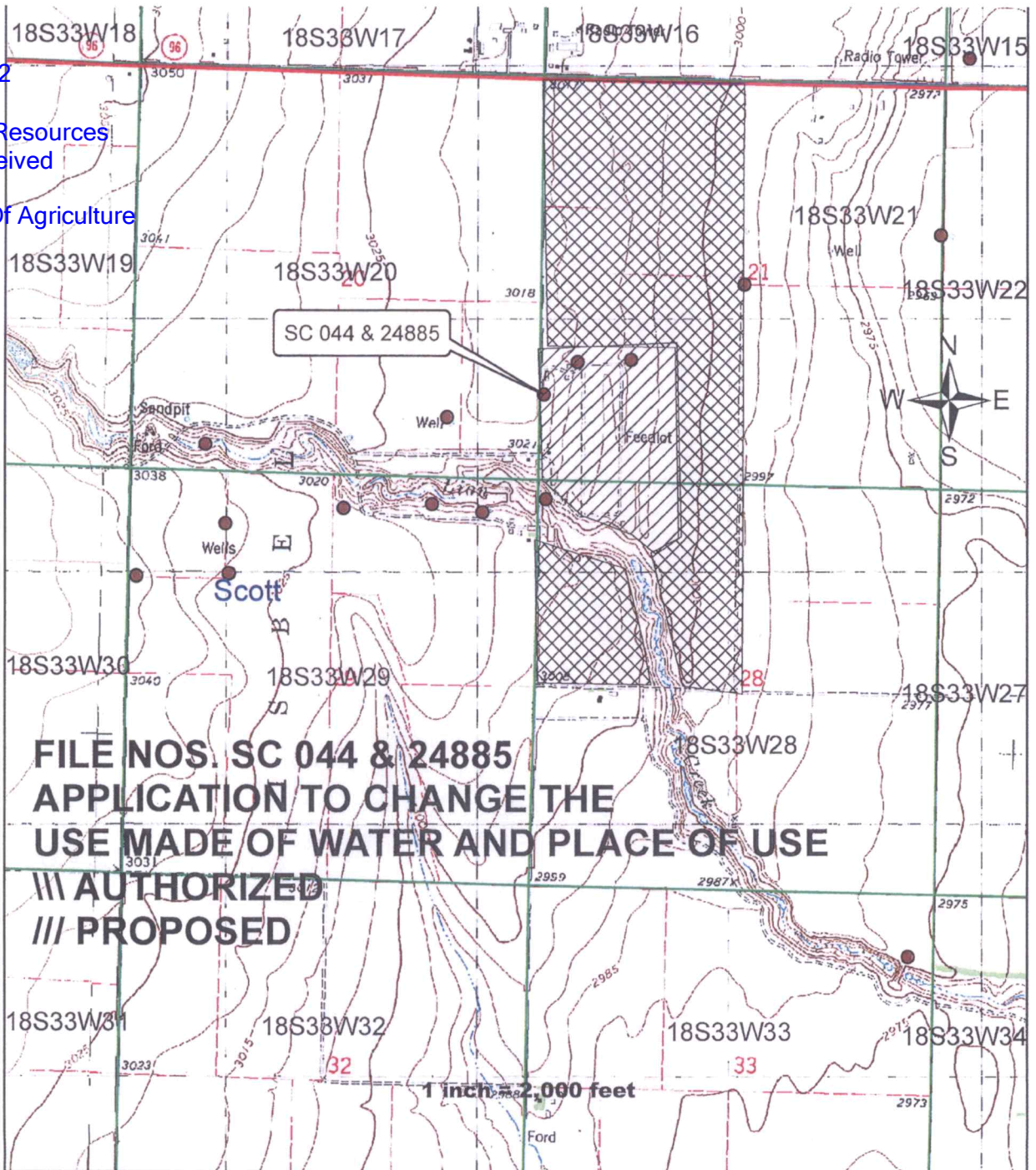
- (1) Application to change a point of diversion 300 feet or less \$100
- (2) Application to change a point of diversion more than 300 feet \$200
- (3) Application to change the place of use \$200
- (4) Application to change the use made of the water \$300

Make check payable to **Kansas Department of Agriculture.**

12/28/2022

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E. Lee Mayo
Kelz Home