

Kansas Department of Agriculture  
 Division of Water Resources  
**CHANGE: PU UMW WORKSHEET - DUAL USE**

|   |   |  |                               |  |
|---|---|--|-------------------------------|--|
| 1. File Number:<br><b>15818</b>   | 2. Status Change Date:<br><b>6/6/2023</b> | 3. Change Num:<br><b>C1</b>                              | 4. Field Office:<br><b>04</b> | 5. GMD:<br><b>01</b>                           |
| 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:<br><b>12/28/2022</b> |
| 8a. Applicant(s)<br>New to system <input type="checkbox"/><br><br><b>CHRIS HOLOVACH<br/>2730 E ROAD 240<br/>SCOTT CITY KS 67871</b>   |   | Person ID _____<br>Add Seq# _____                        |                               |  |
| 8b. Landowner(s)<br>New to system <input type="checkbox"/><br><br><b>HRC FEED YARDS LLC<br/>PO BOX 224<br/>SCOTT CITY, KS 67871</b>   |   | Person ID <b>63928</b><br>Add Seq# <del>2</del> <b>1</b> |                               |  |
| 8c. Landowner(s)<br>New to system <input type="checkbox"/><br><br><b>CHRIS &amp; SHAWN HOLOVACH<br/>2730 E ROAD 240<br/>SCOTT CITY KS 67871</b>   |   | Person ID <b>61407</b><br>Add Seq# _____                 |                               |  |
| 8d. WUC<br>New to system <input type="checkbox"/><br><br><b>CHRIS &amp; SHAWN HOLOVACH<br/>2730 E ROAD 240<br/>SCOTT CITY KS 67871</b>  |   | Person ID <b>61407</b><br>Add Seq# <b>1</b>              |                               |  |
| 9. Documents and Enclosure(s): <input checked="" type="checkbox"/> DWR Meter(s) Date to Comply: <b>12/31/2023</b> <input type="checkbox"/> Date to Comply: _____  |   |  |                               |  |
| <input type="checkbox"/> Anti-Reverse Meter <input type="checkbox"/> Meter Seal <input 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<br><input type="checkbox"/> Conservation Plan    Date Required: _____    Date Approved: _____    Date to Comply: _____ |   |  |                               |  |
| 10. Use Made of Water    From: <b>IRR</b> To: <b>IRR &amp; STK DUAL USE</b>   |   |  |                               |  |
| Date Prepared: <b>5/22/2023</b> By: <b>LI</b><br>Date Entered: _____    By: <span style="border: 1px solid blue; padding: 2px;"><b>6/7/2023<br/>LMoody</b></span><br>Date Reviewed: 5/26/23    By: <b>JDK</b>   |   |  |                               |  |

File No. **15818**      11. County: **SC**      Basin: **WHITEWOMAN CREEK**      Stream: **NA**      Formation Code: **211/331**      Special Use: **NA**

| 12. Points of Diversion |              |                 |      |           |           |           |            |          |             | Rate and Quantity  |                     |             |              |             |                  |            |
|-------------------------|--------------|-----------------|------|-----------|-----------|-----------|------------|----------|-------------|--------------------|---------------------|-------------|--------------|-------------|------------------|------------|
| CHK                     | MOD          | DEL             | PDIV | Qualifier | S         | T         | R          | ID       | 'N          | 'W                 | Authorized          |             | Additional   |             | Overlap PD Files |            |
| ENT                     |              |                 |      |           |           |           |            |          |             | Comment (AKA Line) | Rate gpm            | Quantity af | Rate gpm/cfs | Quantity af |                  |            |
| <b>MOD</b>              | <b>17236</b> | <b>SE NW SE</b> |      |           | <b>17</b> | <b>17</b> | <b>31W</b> | <b>2</b> | <b>1472</b> | <b>1382</b>        | <b>DUAL IRR/STK</b> | <b>600</b>  | <b>95</b>    | <b>600</b>  | <b>95</b>        | <b>473</b> |

**GPS/QUALIFIER UPDATE**

13. Storage: Rate \_\_\_\_\_ NF      Quantity \_\_\_\_\_ ac/ft      Additional Rate \_\_\_\_\_ NF      Additional Quantity \_\_\_\_\_ ac/ft

14. Limitation: **77.7** af/yr at \_\_\_\_\_ gpm ( \_\_\_\_\_ cfs) when combined with file number(s) **DUAL IRR /STK (25.32 MGY) USE**  
 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 |              | NE¼       |           |            |          | NW¼ |    |      |      | SW¼  |      |      |      | SE¼  |      |           |           | Total     | Owner     | Chg?       | Overlap Files |           |            |            |
|------------------|--------------|-----------|-----------|------------|----------|-----|----|------|------|------|------|------|------|------|------|-----------|-----------|-----------|-----------|------------|---------------|-----------|------------|------------|
| CHK              | MOD          | DEL       | PUSE      | S          | T        | R   | ID | NE ¼ | NW ¼ | SW ¼ | SE ¼ | NE ¼ | NW ¼ | SW ¼ | SE ¼ | NE ¼      | NW ¼      | SW ¼      | SE ¼      |            |               |           |            |            |
| <b>ENT</b>       | <b>7839</b>  | <b>24</b> | <b>17</b> | <b>32W</b> | <b>2</b> |     |    |      |      |      |      |      |      |      |      |           |           |           |           |            |               | <b>8b</b> | <b>NO</b>  | <b>***</b> |
|                  |              |           |           |            |          |     |    |      |      |      |      |      |      |      |      |           |           |           |           |            |               |           |            |            |
| <b>CHK</b>       | <b>29725</b> | <b>17</b> | <b>17</b> | <b>31W</b> | <b>1</b> |     |    |      |      |      |      |      |      |      |      | <b>40</b> | <b>40</b> | <b>40</b> | <b>40</b> | <b>160</b> | <b>8c</b>     | <b>NO</b> | <b>473</b> |            |
|                  |              |           |           |            |          |     |    |      |      |      |      |      |      |      |      |           |           |           |           |            |               |           |            |            |

Base Acres: \_\_\_\_\_    Year: \_\_\_\_\_    Minimum Reasonable Quantity: \_\_\_\_\_  
 Comments: **POP UP TEMPORARY QUANTITY REDUCTION QUANTITY LIMITED TO 77.7 AF ( 25.32 MGY) AS LONG AS DUAL USE IS DESIRED**



The review of the change application identified(2) two wells within one-half ( $\frac{1}{2}$ ) mile of the well proposing to change. One is owned by HRC and the nearby notification letter sent on April 27, 2023, to the other well owner and their water use correspondent did not result in any comments. It appears the processing of the application follows K.S.A. 82a-1906.

Information in the WRIS database indicates the well authorized by both of the referenced files has an actual to be 1,472 feet North and 1,382 feet West of the Southeast corner of Section 17 approximately . The actual location was determined to be approximately 172 feet from the authorized, but complies with K.A.R. 5-5-6, *Failure to construct diversion works at authorized location*, due to the history of the files. The qualifiers will be updated to the Southeast Quarter of the Northwest Quarter of the Southeast Quarter (SE $\frac{1}{4}$  NW $\frac{1}{4}$  SE $\frac{1}{4}$ ) of 17-17-31W, Scott County.

Katie Durham, Manager of Western Kansas Groundwater Management District No. 1, was sent the application and a recommendation requested. No reply was received. It would appear the District has no objections to approval of the applications.

Mike Meyer, Water Commissioner of the Garden City Field Office, indicated that he recommends approval of the applications and temporary reduction per his May 22, 2023, email.

A condition of the approvals will be the requirement of a flow meter for each use authorized, pursuant to K.S.A. 82a-706c. A check valve will be required if chemigation occurs. The water use correspondent will remain Chris & Shawn Holovach, with HRC receiving copies of the approval documents.

Based on the above discussion, that the changes are reasonable, consumptive use will not increase, impairment of existing water rights is unlikely, and that no change in the local source of supply will occur, it is recommended that the referenced application for change be approved.



Leslie Ireland  
Environmental Scientist  
Water Appropriation Program

## Ireland, Leslie [KDA]

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**From:** Meyer, Mike [KDA]  
**Sent:** Monday, May 22, 2023 4:22 PM  
**To:** Ireland, Leslie [KDA]  
**Subject:** RE: Review & Recommendation File Nos. 473 & 15,818 Holovach-HRC Feedlot

**Follow Up Flag:** Follow up  
**Flag Status:** Flagged

Yes I recommend approval, and please note in the transmittal for them to be aware of their LEMA allocation for irrigation use

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**From:** Ireland, Leslie [KDA] <Leslie.Ireland@ks.gov>  
**Sent:** Wednesday, May 3, 2023 8:36 AM  
**To:** Meyer, Mike [KDA] <Mike.Meyer@ks.gov>  
**Subject:** Review & Recommendation File Nos. 473 & 15,818 Holovach-HRC Feedlot

Mike,

This one doesn't have common ownership.. but appears they have an agreement.

Please let me know if you could recommend this change for dual use in GMD 1.

As always comments and concerns are welcome.

Leslie Ireland  
Environmental Scientist  
Change Application Unit  
Division of Water Resources



# THE STATE OF KANSAS

**KANSAS DEPARTMENT OF AGRICULTURE**  
Mike Beam, Secretary of Agriculture

**DIVISION OF WATER RESOURCES**  
Earl D. Lewis Jr., Chief Engineer

## APPROVAL OF APPLICATION FOR CHANGE IN USE MADE OF WATER, PLACE OF USE AND ORDER IN THE MATTER OF THE AUTHORIZED QUANTITY OF WATER AND BETTER DESCRIBE THE AUTHORIZED POINT OF DIVERSION WATER RIGHT, FILE NO. 15,818

The Chief Engineer, Division of Water Resources, Kansas Department of Agriculture, after due consideration of the written application of Chris Holovach and Shawn Holovach, 2730 E Road 240, Scott City, Kansas 67871-4152 as owners of the referenced water right, along with Lee Mayo on behalf of HRC Feed Yards LLC, PO Box 224, Scott City, Kansas 67871, received in this office on December 28, 2022, for approval of a change in the location of the place of use and the use made of water under the certificate of appropriation issued pursuant to the permit to appropriate water for beneficial use, finds that the change is reasonable and will not impair existing rights, and that the application should be and is hereby approved.

The authorized quantity of water under this right will remain 95 acre-feet (30.95 million gallons). This order effectively limits the authorized quantity of water to 77.7 acre-feet (25.32 million gallons) per calendar year for both stockwatering and irrigation uses combined. That the limitation on the quantity of water shall exist until such a time that the quantity of water for stockwatering use authorized by this approval is no longer required.

The authorized location of the irrigation place of use shall be:

| Sec. | Twp. | Range | NE¼ |     |     |     | NW¼ |     |     |     | SW¼ |     |     |     | SE¼ |     |     |     | TOTAL |      |      |      |      |       |
|------|------|-------|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-------|------|------|------|------|-------|
|      |      |       | NE¼ | NW¼ | SW¼ | SE¼ | NE¼ | NW¼ | SW¼ | SE¼ | NE¼ | NW¼ | SW¼ | SE¼ | NE¼ | NW¼ | SW¼ | SE¼ |       |      |      |      |      |       |
| 17   | 17S  | 31W   |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |       | 40.0 | 40.0 | 40.0 | 40.0 | 160.0 |

a total of 160 acres in Section 17, Township 17 South, Range 31 West, Scott County, Kansas and the place of use authorized for stockwatering use shall be:

a feedlot located in the Northwest Quarter (NW¼) and the in the North Half of the Southwest Quarter (N½ SW¼) of Section 24, Township 17 South, Range 32 West, Scott County, Kansas,

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

That information in the office of the Chief Engineer finds that the point of diversion authorized would more accurately be defined as:

one (1) well located in the Southeast Quarter of the Northwest Quarter of the Southeast Quarter (SE¼ NW¼ SE¼) of Section 17, more particularly described as being near a point 1,472 feet North and 1,382 feet West of the Southeast corner of said section, in Township 17 South, Range 31 West, Scott County, Kansas.

The water right owner shall properly install a separate acceptable water meter for each use made of water for 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 meters has been completed. The water right owner shall maintain the water meters 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 for stockwatering, and irrigation use may be determined. The water right owner shall also report the reading of said water meters 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.

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.

In all other respects, the Certificate of Appropriation issued pursuant to Approval of Application, File No. 15,818, for permit to appropriate water for beneficial use, is as stated and set forth in the Certificate of Appropriation dated January 7, 1983.

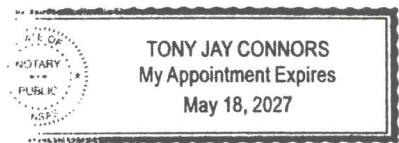
Ordered this 6 day of June, 2023, in Manhattan, Riley County, Kansas.

Lane P. Letourneau, P.G.  
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 6 day of June, 2023, by Lane P. Letourneau, P.G., Program Manager, Division of Water Resources, Kansas Department of Agriculture.

  
Notary Public



1320 Research Park Drive  
Manhattan, KS 66502  
785-564-6700  
www. agriculture.ks.gov



900 SW Jackson, Room 456  
Topeka, KS 66612  
785-296-3556

Mike Beam, Secretary

Laura Kelly, Governor

June 14, 2023

CHRIS & SHAWN HOLOVACH  
2730 E ROAD 240  
SCOTT CITY, KS 67871-4152

RE: Water Right, File Nos. 473 & 15,818

Dear Sirs:

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

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 the requirement that the well authorized for dual use shall have **acceptable water flow meters installed so both irrigation and stockwatering uses can be metered independent of each other.** Meters should be installed prior to the diversion of water. Please return the required *Notice of Completion* form for the installation of the meters as soon as this action is completed. The form and other information may be found at our web site <http://agriculture.ks.gov>. As requested, the water use correspondent will remain Chris & Shawn Holovach.

Please be reminded the referenced files are located within a Local Enhancement Management Area and the quantity authorized is subject to an additional limitation or allocation.

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 regarding the enclosed documents, please contact our office at 785- 564-6640. Inquiries about the metering please contact our staff at the Garden City Field Office, 620-276-2901. If you contact us to discuss a specific file, please have the file number ready so that we may help you more efficiently.

Sincerely,

Kristen A. Baum  
New Application and Change Unit Supervisor  
Water Appropriation Program

KAB:LI

Enclosures

pc: Garden City Field Office  
Groundwater Management District No. 1  
Lee Mayo, HRC Feed Yards LLC



## 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 request an evidentiary hearing before the Chief Engineer or 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, Kansas 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.

## CERTIFICATE OF SERVICE

On this 14 day of June, 2023, I hereby certify that the attached Approval of Applications for Change in Use Made of Water, Place of Use and Order in the Matter of the Authorized Quantity of Water under, File Nos 473 & 15,818; dated \_\_\_\_\_, 2023, was mailed postage prepaid, first class, US mail to the following:

CHRIS & SHAWN HOLOVACH  
2730 E ROAD 240  
SCOTT CITY, KS 67871-4152

With a True and Correct copy to:

HRC FEED YARDS LLC  
LEE MAYO  
PO BOX 224  
SCOTT CITY, KS 67871

With a Photocopy to:

Garden City Field Office  
Groundwater Management District No. 1

  
Division of Water Resources