

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)

RECEIVED

AUG 19 2024

Garden City Field Office  
Division of Water Resources

File No. 39507

2. Name of applicant: ROCKING HEIFER LLC

Address: 439 EAST ROAD 4

City, State and Zip: ULYSSES, KS 67880

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 correct an error in the well location on a 2014 change application.

The change(s) (will be) completed by Already completed.

(Date)

For Office Use Only:

F.O. 4 GMD 3 Meets K.A.R. 5-5-1  YES  NO Use STK Source  G  S County ST By KJN Date 8/20/24  
Code \_\_\_\_\_ Fee \$ 200.00 TR # \_\_\_\_\_ Receipt Date 8/19/24 Check # 6800

8/27/2024  
KAnderson

4. The presently authorized place of use is:

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. \_\_\_\_\_

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: \_\_\_\_\_

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. \_\_\_\_\_

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. \_\_\_\_\_

- 6. The presently authorized point(s) of diversion is one point of diversion with associated diversion works.  
(Provide description and number of points)
- 7. The proposed point(s) of diversion is one point of diversion with associated diversion works.  
(Provide description and number of points)

List all presently authorized point(s) of diversion:

8. **Presently authorized point of diversion:**  
 One in the NC E2 Quarter of the NE Quarter of the SE Quarter of Section 27, Township 27 South, Range 40 W, in ST County, Kansas, 1653 feet North 280 feet West of Southeast corner of section.  
 Authorized Rate No change Authorized Quantity No change  
 (DWR use only: Computer ID No. 4 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 NW Quarter of the NE Quarter of the SE Quarter of Section 27, Township 27 South, Range 40 (W), in ST County, Kansas, 2208 feet North 1304 feet West of Southeast corner of section.  
 Proposed Rate No change Proposed Quantity No change  
 This point is:  Additional Well  Geo Center List other water rights that will use this point N/A

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

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

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

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(Please show any calculations here.)

14. It is requested that the maximum annual quantity of water be reduced to N/A (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.

This application is to correct the location of an existing point of diversion

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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.

A waiver from K.A.R. 5-23-3, Well Spacing Requirements will be required.

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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 Middleton, Michigan, Kansas, this 12<sup>th</sup> day of August, 2024.

<u>Elizabeth De Saepher</u> (Owner)	_____	(Spouse)
<u>Elizabeth De Saepher</u> (Please Print)	_____	(Please Print)
<u>Bart De Saepher</u> (Owner)	_____	(Spouse)
<u>Bart De Saepher</u> (Please Print)	_____	(Please Print)
_____	_____	(Spouse)
_____	_____	(Please Print)

**NANCY BEALS**  
 NOTARY PUBLIC - STATE OF MICHIGAN  
 COUNTY OF GRATIOT  
 My Commission Expires November 26, 2028  
 Acting in the County of Gratiot

Michigan  
 State of ~~Kansas~~  
 County of Gratiot } SS

I hereby certify that the foregoing application was signed in my presence and sworn to before me this 12 day of August, 2024.

Nancy Beals  
Notary Public

My Commission Expires 11/26/2028

**FEE SCHEDULE**

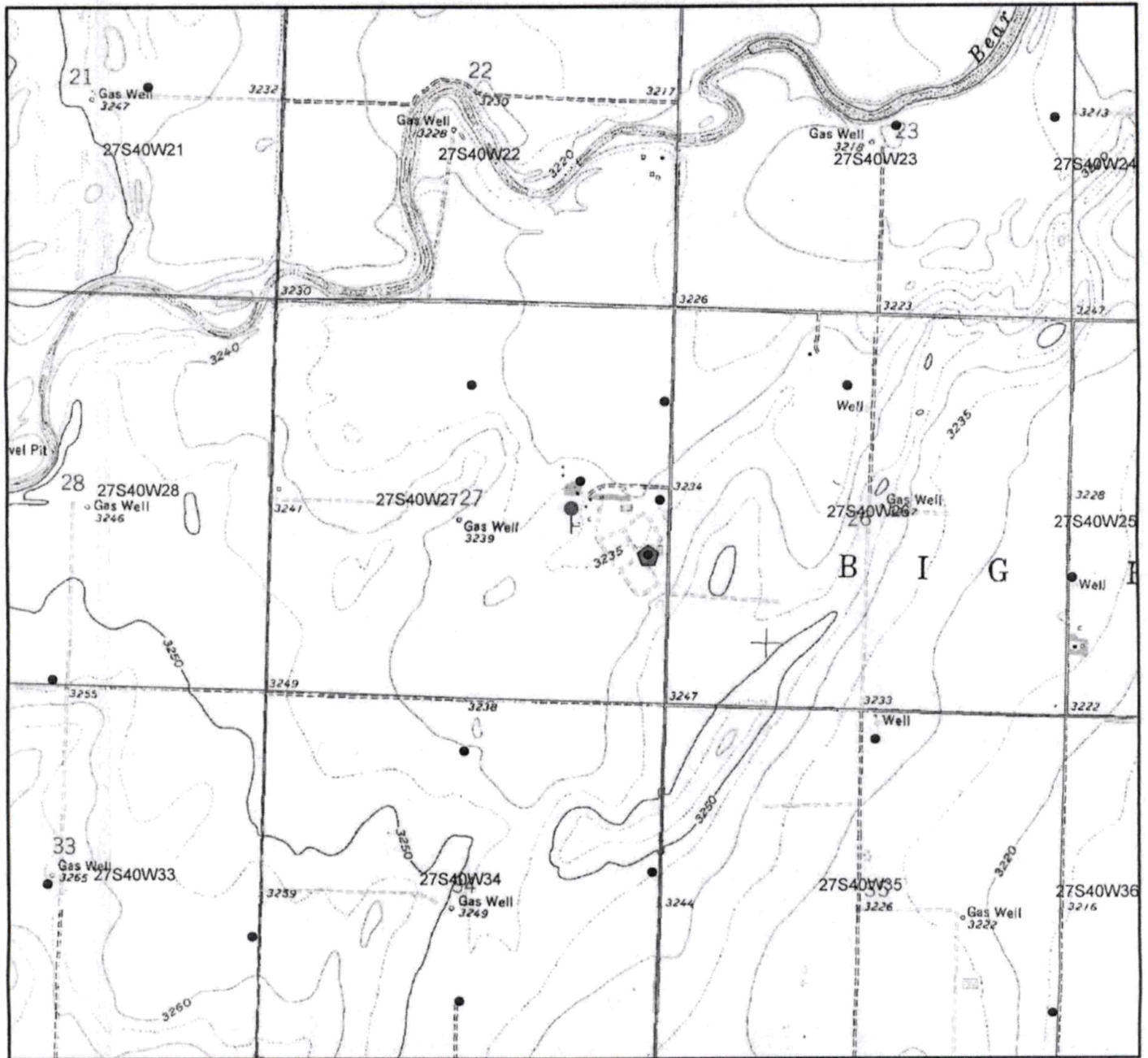
Each application to change the place of use, the point of diversion or the use made of the water under this section shall be accompanied by the application fee set forth in the schedule below:

- (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

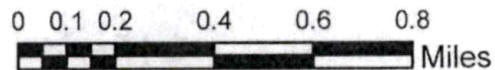
Make check payable to Kansas Department of Agriculture.

# CHANGE IN POINT OF DIVERSION WATER RIGHT, FILE NO. 39507

SE 1/4 of Section 27, Township 27 South, Range 40 West, ST County



- Authorized Point of Diversion
- Proposed Point of Diversion



All wells of any kind within 1/2 mile of the requested place of use have been plotted.

(Signature)

Date

mdf/GCFO  
08/07/2024

1 LOCATION OF WATER WELL: Fraction Section Number Township Number Range Number  
 COUNTY: 094 STANTON NW 1/4 NE 1/4 SE 1/4 27 T 27 S R 40 W

Distance and direction from nearest town or city street address of well if located within city?  
 APPROX. 4 EAST, 6 1/2 NORTH & 1/4 MILES WEST OF JOHNSON

2 WATER WELL OWNER: WINGER FEEDYARD INC.  
 RR#, St. Address, Box #: 6372 N. ROAD H Board of Agriculture, Division of Water Resources  
 City, State, ZIP code: JOHNSON, KS 67855- Application Number: 31,060

3 LOCATE WELL'S LOCATION WITH AN "X" IN SECTION BOX: 4 DEPTH OF COMPLETED WELL 362 ELEVATION: 0  
 Depth(s) Groundwater Encountered 1. 0 ft. 2. 0 ft. 3. 0 ft.  
 WELL'S STATIC WATER LEVEL 130 ft. below land surface measured on mo/day/yr 09/08/95  
 Pump test data: Well water was 0 ft. after 0 hours pumping 0 gpm  
 Estimated Yield 50 gpm: Well water was 0 ft. after 0 hours pumping 0 gpm  
 Bore Hole Diameter 11 in. to 362 ft., and in. to 0 ft.  
 WELL WATER TO BE USED AS: 03 FEEDLOT  
 Was a chemical/bacteriological sample submitted to department? No;  
 If yes, mo/day/yr sample was submitted Water well disinfected? Yes

5 TYPE OF BLANK CASING USED: 02 PVC CASING JOINTS: GLUED  
 Blank casing diameter 6 in. to 362 ft., Dia in. to 0 ft., Dia in. to 0 ft.  
 Casing height above land surface 12 in., weight 4 lbs/ft. Wall thickness or gauge No. .316  
 TYPE OF SCREEN OR PERFORATION MATERIAL: 07 PVC  
 SCREEN OR PERFORATION OPENINGS ARE: 03 MILL SLOT

SCREEN PERFORATED INTERVALS: From 220 ft. to 280 ft., From 0 ft. to 0 ft.  
 From 300 ft. to 320 ft., From 0 ft. to 0 ft.  
 GRAVEL PACK INTERVALS: From 25 ft. to 362 ft., From 0 ft. to 0 ft.  
 From 0 ft. to 0 ft., From 0 ft. to 0 ft.

6 GROUT MATERIAL 03 BENTONITE  
 Grout Intervals: From 5 ft. to 25 ft., From 0 ft. to 0 ft., From 0 ft. to 0 ft.  
 What is the nearest source of possible contamination: NONE OBSERVED  
 Direction from well? How many feet? 0

FROM	TO	LITHOLOGIC LOG	FROM	TO	PLUGGING INTERVALS
0	8	01 CLAY			
8	18	05 SAND 11 GRAVEL			
18	40	01 CLAY 05 SAND			
40	110	01 CLAY 04 SANDY CLAY			
110	120	05 SAND			
120	160	01 CLAY			
160	180	07 FINE SAND			
180	210	01 CLAY			
210	220	01 CLAY 07 FINE SAND			
220	227	07 FINE SAND			

7 CONTRACTOR'S OR LANDOWNER'S CERTIFICATION: This water well was Constructed under my jurisdiction and was completed on (mo/day/year) 09/08/95 and this record is true to the best of my knowledge and belief. Kansas Water Well Contractor's License No. 145 This Water Well Record was completed on (mo/day/yr) 09/08/95 under the business name of HENKLE DRILLING & SUPPLY by (signature)

(Continued)

WATER WELL RECORD Form WWC-5 KSA 82a-1212

1 LOCATION OF WATER WELL:	Fraction	Section Number	Township Number	Range Number
COUNTY: 094 STANTON	NW 1/4 NE 1/4 SE 1/4	27	T 27 S	R 40 W

2 WATER WELL OWNER: WINGER FEEDYARD INC.

RR#, St. Address, Box #: 6372 N. ROAD H  
City, State, ZIP code : JOHNSON, KS 67855-

Board of Agriculture, Division of Water Resources  
Application Number: 31,060

FROM	TO	LITHOLOGIC LOG
227	240	04 SANDY CLAY
240	260	07 FINE SAND 08 MEDIUM SAND 01 CLAY
260	270	07 FINE SAND 08 MEDIUM SAND 01 CLAY
270	280	04 SANDY CLAY 07 FINE SAND
280	310	04 SANDY CLAY 07 FINE SAND
310	325	04 SANDY CLAY
325	326	31 CALICHE
326	327	28 ROCK
327	340	04 SANDY CLAY 19 SHALE
340	345	19 SHALE
345	346	28 ROCK
346	360	19 SHALE
360	362	19 SHALE 28 ROCK

7 CONTRACTOR'S OR LANDOWNER'S CERTIFICATION: This water well was Constructed under my jurisdiction and was completed on (mo/day/year) 09/08/95 and this record is true to the best of my knowledge and belief. Kansas Water Well Contractor's License No. 145 This Water Well Record was completed on (mo/day/yr) 09/08/95 under the business name of HENKLE DRILLING & SUPPLY

by (signature) *Bruce J. Reichmuth*



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

August 23, 2024

ROCKING HEIFER LLC  
439 EAST ROAD 4  
ULYSSES KS 67880

RE: File No(s). **39507**

Dear Sir or Madam:

The Division of Water Resources (Division) has received your application(s) to change the place of use, point of diversion or use made of water for the file number(s) referenced above. Please be aware that the Division may have a large number of pending applications on hand at times and makes every attempt to process them in the order in which they are received. You will be contacted if additional information is required.

Please note, this letter only acknowledges receipt of your application(s) and does not guarantee approval. In accordance with the provisions of the Kansas Water Appropriation(s) Act, the use of water as proposed prior to approval of the application(s) is unlawful.

Additional information about the process may be found on our website at [agriculture.ks.gov/divisions-programs/dwr](http://agriculture.ks.gov/divisions-programs/dwr). If you have any other questions, please contact our office at 785-564-6640 or your local Garden City Field Office at 620-276-2901. If you call, please reference the file number so we can help you more efficiently.

Sincerely,

Kristen Baum  
New Applications and Changes Supervisor  
Water Appropriation Program

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

September 13, 2024

ROCKING HEIFER LLC  
439 EAST ROAD 4  
ULYSSES KS 67880

RE: File No(s). **39507**

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Sincerely,

Kristen Baum  
New Applications and Changes Supervisor  
Water Appropriation Program