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**

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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.

Application is hereby made for approval of the Chief Engineer to change the 1.

Place of Use

(Check one or more)

Point of Diversion Use Made of Water

File No. 24494

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: <u>SAME AS ABOVE</u>
	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): CHANGE THE AUTHORIZED
	PLACE OF USE TO COVER THE EXPANSION OF THE FEEDLOT FOOTPRINT AND TO CHANGE
	TO STOCKWATER USE,
	The change(s) (was) (will be) completed by 2025 (Date)
Fo F.C	r Office Use Only <i>:</i> D. <u>4</u> GMD <u>3</u> Meets K.A.R. 5-5-1 (YES / NO) Use <u>IRR</u> Source G / S County <u>ST</u> By KJN Date <u>4/10/25</u> de <u>Fee \$</u> TR # Receipt Date <u>4 - 7 - 25</u> Check # <u>1 1 9 6</u>

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

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Assisted by: MAM / GCFO

04/10/2025

Water Resources Received 10:00 am

#### 04/10/2025

Water Resources Received

KS Dept Of Agriculture

File No. 24494

4. The presently authorized place of use is:

## Owner of Land — NAME: ROCKING HEIFER LLC

ADDRESS: 439 EAST ROAD 4 ULYSSES KS 67880

			NE¼			91 . L	NW1/4				S. 57.	SV	V1/4	Margare Con	SE1/4				TOTAL
Sec.	Twp.	Range	NE1/4	NW1/4	SW1/4	SE1/4	NE1/4	NW1/4	SW1/4	SE1/4	NE1/4	NW1/4	SW1/4	SE1/4	NE1/4	NW1/4	SW1/4	SE1/4	ACRES
27	27	40W		- (j. 2) - (j. 2)							31.25	31.25	31.25	31.25			31.25	31.25	187.5
28	27	40W		-			1.3					-			31.25	31.25	31.25	31.25	125
33	27	40W	13	36	40	36	36	13	36	40	40	36	13	36	36	40	36	13	500

List any other water rights that cover this place of use. 10197-D1, 13521, 19180, 31059

Owner of Land — NAME: ROCKING HEIFER LLC

ADDRESS: 439 EAST ROAD 4 ULYSSES KS 67880

NE¼ NW¼ SW¼	SE¼ NE	1/4 NW1/4	SW1/4	SE1/4	NE1/4	NW1/4	SW1/4	SE1/4	NE <sup>1</sup> / <sub>4</sub>	NW%	SW/4	SE14	ACRES
		1.1							110.74		011/4	02/4	
31.25 31.25 31.25	31.25 31.3	25 31.25	31.25	31.25							5.4 		250
<b> </b>	31.:	25 31.25	31.25	31.25	5 - 1 17								125

List any other water rights that cover this place of use. 10197-D1, 13521, 19180, 31059

(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: ROCKING HEIFER LLC

ADDRESS: 439 EAST ROAD 4 ULYSSES KS 67880

				NE	1/4			NW1⁄4				SW1/4					1/4	TOTAL	
Sec.	Twp.	Range	NE <sup>1</sup> ⁄ <sub>4</sub>	NW1/4	SW1/4	SE1/4	NE <sup>1</sup> ⁄ <sub>4</sub>	NW1/4	SW1/4	SE1/4	NE1/4	NW1/4	SW1/4	SE1/4	NE1/4	NW1/4	SW1/4	SE1/4	ACRES
		1	2																
27	27S	40W						F	EEDLC	DT (NE	¼ , NW	1/4, SE1/	4)						
			8. Y																1. 
26	27S	40W				10.1		F	EEDLO	DT (S2	NW) &	(N2 SV	V)						
~~										DT (00	051.0								
22	27S	40W	-8 - St.			0.590		F	EEDL	JT (S2	SE) & (	SE SW	()					-	1 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1

List any other water rights that cover this place of use. 8704; 31060; 39507; 39508 & 40589

Owner of Land — NAME: \_\_\_\_\_

ADDRESS:

				NE	=1/4		1.1	NV	N1/4		SW1/4					TOTAL			
iec.	Twp.	Range	NE1/4	NW1/4	SW1/4	SE1/4	NE1/4	NW1/4	SW1/4	SE1/4	NE1/4	NW1/4	SW1/4	SE1/4	NE1/4	NW1/4	SW1/4	SE1/4	ACRES
													- 98		Steel.				
			-											100					1.2
							1		indi 1			ан. 1919 - 1919 - 1919 - 1919 - 1919 - 1919 - 1919 - 1919 - 1919 - 1919 - 1919 - 1919 - 1919 - 1919 - 1919 - 1919 -		1.1.1.1	1.1				
			2.5				1.1	1.1						12.1	10				

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

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

		04/10/2025		
		Water Resource Received		
6.	The presently authorized point(s) of diversion is one well	KS Dept Of Agricu	lture	
		(Provide déscriptio	n and number of points)	
7.	The proposed point(s) of diversion is one well	(Provide descriptio	n and number of points)	
	List all presently authorized point(s) of diversion:			
8.	Presently authorized point of diversion:		en benen er en senere i de en	
	One in the SE Quarter of the S			
	of Section 34, Township 27			
	in STANTON County, Kansas, 3031 feet	North 79 feet W	lest of Southeast cor	ner of section.
	Authorized Rate 800 GPM Authorized Quantity 38	6 AF		
1	(DWR use only: Computer ID No. 05 GPS	feet North	feet V	Vest)
	$\Box$ This point will not be changed $\Box$ This point will be ch	anged as follows:		
	Proposed point of diversion: (Complete only if change is re	equested)		
	One in the NE Quarter of the S	E Quarter of t	he <u>NE</u>	Quarter
	of Section 34, Township 27	South, Rang	ge 40	W,
	in STANTON County, Kansas, 3377 feet	North 296 feet W	est of Southeast con	ner of section.
	Proposed Rate 800 GPM Proposed Quantity 353.092	OR 115.055 MGY	_	
- 1	This point is: Additional Well Geo Center List other w	ater rights that will use thi	s point	
9.	Presently authorized point of diversion:			0
	One in the Quarter of the	Quarter of t	ne	Quarter
	of Section, Township			
	in County, Kansas, feet		lest of Southeast con	ner of section.
	Authorized Rate Authorized Quantity (DWR use only: Computer ID No GPS		foot	Nost)
	☐ This point will not be changed ☐ This point will be ch			vestj
	Proposed point of diversion: (Complete only if change is re			
	One in the Quarter of the		ho	Quarter
	of Section, Township			
	in County, Kansas, feet			
	Proposed Rate Proposed Quantity		est of ooutheast con	
	This point is: Additional Well Geo Center List other w		s point	à
		ator righto that this doe this	• point	
10.	Presently authorized point of diversion:			
	One in the Quarter of the	Quarter of t	he	Quarter
	of Section, Township			
- 1	in County, Kansas, feet		lest of Southeast cor	ner of section.
	Authorized Rate Authorized Quantity			
	(DWR use only: Computer ID No GPS		feet V	Vest)
	☐ This point will not be changed ☐ This point will be ch	anged as follows:		
	Proposed point of diversion: (Complete only if change is re			
	One in the Quarter of the			
1	of Section, Township			
	in County, Kansas, feet			ner 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

## 04/10/2025

### Water Resources Received

File No. 31060

KS	Dept	Of Agriculture	
	Dept		

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

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

#### KAR 5-5-9 - 386 ACRE FEET X .86.6% = 353.092 ACRE FEET TO LIMIT CONSUMPTIVE USE

(Please show any calculations here.)

14. It is requested that the maximum annual quantity of water be reduced to <u>353.092 OR 115.055 MGY</u> (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:
    - 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 ½ 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 ½ 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) ½ mile downstream and ½ 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 LOCAL SOURCE OF SUPPLY

NO CHANGE IN SOURCE OF SUPPLY WITH THE PROPOSED WELL LOCATION AND DEPTH

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.

MEETS ALL RULES / REGS

IF MORE SPACE IS NEEDED, ATTACH ADDITIONAL SHEETS AS NECESSARY

### 04/10/2025

### Water Resources Received

File No. 24494

### KS Dept Of Agriculture

Any use of water that is not as authorized by the water right or permit to authorize water <u>before</u> 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.

Borthel       Je Stegher         Borthel       Je Stegher         (Owner)       (Please Print)         Elisabeth       Je Saegher         (Owner)       (Spouse)         Elisabeth       Je Saegher         (Owner)       (Spouse)         (Please Print)       (Please Print)         (Owner)       (Spouse)         (Owner)       (Spouse)         (Owner)       (Spouse)         (Owner)       (Spouse)         (Owner)       (Spouse)         (Dease Print)       (Spouse)         (Owner)       (Spouse)         (Dease Print)       (Spouse)	Dated at 8068 July Buchagen Rd., Missil ctor	_, Kansas, this	Jup	_day of	APril	, 20_	35
Barthel       De Kegher         (Please Print)       (Please Print)         Elisabeth       De Saegher         (Owner)       (Spouse)         Elisabeth       De Saegher         (Owner)       (Please Print)         (Owner)       (Please Print)         (Owner)       (Spouse)         (Please Print)       (Please Print)         Michigan       County of Clinton         My Commission Explication for Clinton       My Commission Explication for Clinton         My Commission Explication was signed in my presence and sworn to before me this       Srd         AP(1)       2035       Adv	Bout De act						
(Please Print)       (Please Print)         (Owner)       (Spouse)         Elisabeth       (Please Print)         (Please Print)       (Please Print)         (Owner)       (Spouse)         (Please Print)       (Spouse)	(Owner)				(Spouse)		
(Owner)       (Spouse)         Elisabeth       essephet         (Please Print)       (Please Print)         (Owner)       (Spouse)         (Owner)       (Spouse)         (Please Print)       (Spouse)         (Owner)       (Spouse)         (Please Print)       (Spouse)         (Please Print)       (Spouse)         (Spouse)       (Spouse)         (Please Print)       (Spouse)         (Spouse)       (Spouse)         (Please Print)       (Spouse)         (Spouse)       (Spouse)         (Spouse)       (Spouse)         (Index print)       (Spouse)         (Spouse)       (Spouse)         (Index print)       (Spouse)         (Spouse)       (Spouse)         (Index print)       (Spouse)         (Spouse)	Barthel De Slegher						
Elisabeth       De Saeghet         (Please Print)       (Please Print)         (Owner)       (Spouse)         (Please Print)       (Spouse)         (Please Print)       (Spouse)         (Please Print)       (Please Print)         (Owner)       (Spouse)         (Please Print)       (Please Print)         (Please Print)	(Please Print)		1		(Please Print)		
Elisabeth       De Saeghet         (Please Print)       (Please Print)         (Owner)       (Spouse)         (Please Print)       (Spouse)         (Please Print)       (Spouse)         (Please Print)       (Please Print)         (Owner)       (Spouse)         (Please Print)       (Please Print)         (Please Print)							
(Please Print) (Owner) (Owner) (Please Print) (Please Prin	(Owner)				(Spouse)		
State of Kansas       (Please Print)       (Spouse)         Michigan       SS       SS       (Please Print)         State of Kansas       SS       SS       Notary Public, State of Michigan County of Clinton My Commission Explices Apr. 14, 2030 Acting in the County of Gration       (Please Print)         I hereby certify that the foregoing application was signed in my presence and sworn to before me this 3rd day of APRin       3rd day of	Elisabeth De Saegher						
(Owner)       (Spouse)         (Please Print)       (Please Print)         Michigan       SCOTT SIMON         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 3rd day of APril         APril       2035	(Please Print)				(Please Print)		
(Owner)       (Spouse)         (Please Print)       (Please Print)         Michigan       SCOTT SIMON         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 3rd day of APril         APril       2035	EPROPER AND						
Michigan       SCOTT SIMON         State of Kansas       SS         County of Gratiot       SS         I hereby certify that the foregoing application was signed in my presence and sworn to before me this 3rd day of         APril       2035					(Spouse)		
Michigan       SCOTT SIMON         State of Kansas       SS         County of Gratiot       SS         I hereby certify that the foregoing application was signed in my presence and sworn to before me this 3rd day of         APril       2035	0						
County of <u>Gratiot</u> ) SS <u>Acting in the County of Gratiot</u> I hereby certify that the foregoing application was signed in my presence and sworn to before me this <u>3rd</u> day of <u>APril</u> , 20 <u>35</u> .	(Please Print)				(Please Print)		
County of <u>Gratiot</u> ) SS <u>Acting in the County of Gratiot</u> I hereby certify that the foregoing application was signed in my presence and sworn to before me this <u>3rd</u> day of <u>APril</u> , 20 <u>35</u> .	Michigan	Notary Pub	OTT SIMON	chigan			
I hereby certify that the foregoing application was signed in my presence and sworn to before me this $3rd$ day of $APrill$	State of Kansas	1 000	INV OT CUMPOD				
I hereby certify that the foregoing application was signed in my presence and sworn to before me this $3^{nd}$ day of $AP(n)$ , $20^{35}$ .	County of Gratiot 35	Acting in the Cour	nty of Grati	4,2030			
Je - z =	I hereby certify that the foregoing application was	signed in my	presence an	d sworn t	to before me this	249	_ day of
My Commission Expires ARTI 14, 2030			1				
My Commission Expires ARTI 14, 3030			/	e	~~		
	My Commission Expires $AR_{51}   4, > 030$				Notary Public		

#### 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.

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

April 11, 2025

ROCKING HEIFER LLC 439 EAST ROAD 4 ULYSSES KS 67880

RE: File No(s). 24494

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 <u>agriculture.ks.gov/divisions-</u> <u>programs/dwr</u>. 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,

KristenaBaum

Kristen Baum New Applications and Changes Supervisor Water Appropriation Program