

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)

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KS DEPT OF AGRICULTURE

10:26 AM

File No. 39508

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): CHANGE THE AUTHORIZED PLACE OF USE TO COVER THE EXPANSION OF THE FEEDLOT FOOTPRINT

The change(s) (was) (will be) completed by \_\_\_\_\_ (Date)

For Office Use Only:	
F.O. <u>4</u> GMD <u>3</u> Meets K.A.R. 5-5-1 (YES/NO) Use <u>STK</u> Source <input checked="" type="checkbox"/> S County <u>ST</u> By <u>KJN</u> Date <u>1/10/25</u>	
Code <u>CPH</u> Fee \$ <u>200</u> TR # _____ Receipt Date <u>1/2/2025</u> Check # <u>345</u>	

1/16/2025  
LMoody

Assisted by: AM / GCFO

JAN 02 2025

File No. 39508

4. The presently authorized place of use is:

Owner of Land — NAME: ROCKING HEIFER LLC

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ADDRESS: 439 EAST ROAD 4 ULYSSES KS 67880

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	
27	27S	40W	FEEDLOT (S2 NE, N2 SE & SE SE)																
26	27S	40W	FEEDLOT (S2 NW & N2 SW)																

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

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: ROCKING HEIFER LLC

ADDRESS: 439 EAST ROAD 4 ULYSSES KS 67880

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	
27	27S	40W	FEEDLOT (NE & NW); (N2 SE) & (SE SE)																
26	27S	40W	FEEDLOT (S2 NW) & (N2 SW)																
22	27S	40W	FEEDLOT (S2 SE) & (SE SW)																

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

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

- 6. The presently authorized point(s) of diversion (is) (are) ONE WELL; PUMP & MOTOR  
(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 SW Quarter of the SE Quarter of the NE Quarter of Section 27, Township 27 South, Range 40 (W), in STANTON County, Kansas, 3050 feet North 1150 feet West of Southeast corner of section. Authorized Rate 50 GPM Authorized Quantity 8.15 MGY  
 (DWR use only: Computer ID No. 05 GPS 2914 feet North 1200 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 31060 & 40589

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 STOCKWATERING purposes.  
It is proposed that the use be changed to NO CHANGE purposes.

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

(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](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.

NO CHANGE IN LOCAL SOURCE OF SUPPLY

NO IMPAIRMNET ANTICIPATED

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**

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.

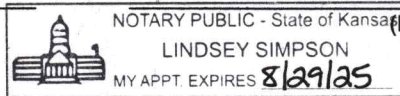
In the event that all applicants cannot appear before one notary public, they may as necessary sign separate copies of the application before any notary public conveniently available to them. All copies signed in this manner shall be considered to be valid parts of the application.

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 Olysses, Kansas, this 30 day of December, 2024.

<u>Andrew B Smaltz</u> (Owner)	_____
_____	(Spouse)
<u>Andrew B Smaltz</u> (Please Print)	_____
_____	(Please Print)
_____	(Owner)
_____	(Spouse)
_____	(Please Print)
_____	(Please Print)
_____	(Owner)
_____	(Spouse)
_____	(Please Print)
_____	(Please Print)



State of Kansas }  
County of Grant } SS

I hereby certify that the foregoing application was signed in my presence and sworn to before me this 30 day of December, 2024.

Lindsey Simpson  
Notary Public

My Commission Expires 8/29/25

**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.**

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**KLA ENVIRONMENTAL SERVICES, INC.**

PROJECT: **ROCKING HEIFER #2 (JOHNSON)**

LOCATION: SECTIONS 26 & 27 T27S R40W, STANTON COUNTY, KANSAS

BY: CSG  
 DATE: 9/24/2024

CHECKED BY: \_\_\_\_\_  
 DATE: \_\_\_\_\_

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**SUMMARY OF STOCKWATER USE**

YEAR	ANNUAL WATER USE IN ACRE-FEET BY STOCKWATER FILE NO.					TOTAL ANNUAL USE (AF)	AVERAGE HEAD COUNT	RATE (GAL/HD/DAY)
	8,704 (9) WELL #9	31,060 (5); 39,508 (5); & 40,589 (5) HOUSE #5	31,060 (11) NEAR ROAD #11	31,060 (12) HOUSE #10	39,507 (4) WELL #4			
2019	24.70	5.98	5.51	82.93	9.17	128.28	17,677	6.48
2020	59.61	0.95	3.87	83.22	16.86	164.52	18,600	7.90
2021	63.19	3.47	83.13	10.44	11.73	171.95	22,001	6.98
2022	52.23	7.31	83.24	66.45	9.21	218.43	26,103	7.47
2023	69.64	19.53	68.14	129.60	8.11	295.02	32,904	8.00
<b>AVG.</b>	<b>53.87</b>	<b>7.45</b>	<b>48.78</b>	<b>74.53</b>	<b>11.01</b>	<b>81.52</b>	<b>23,457</b>	<b>7.37</b>

**KLA ENVIRONMENTAL SERVICES, INC.**

PROJECT: **ROCKING HEIFER #2 (JOHNSON)**

LOCATION: SECTIONS 26 & 27 T27S R40W, STANTON COUNTY, KANSAS

BY: CSG  
DATE: 09/24/24

CHECKED BY: \_\_\_\_\_  
DATE: \_\_\_\_\_

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**STOCKWATER REQUIREMENTS**

ROCKING HEIFER #2 IS A DAIRY HEIFER REPLACEMENT FEEDING FACILITY. THE FACILITY INCLUDES YOUNG CALVES WHICH CONSUME LESS WATER THAN MATURE CATTLE. AN EXPANSION TO RAISE THE PERMITTED NUMBER OF CATTLE FROM 35,000 HEAD TO 44,000 HEAD WAS APPROVED BY KDHE ON MAY 25, 2023. JUSTIFICATION FOR THE ADDITIONAL HEADCOUNT IS REQUIRED AND INCLUDED BELOW. IT IS ANTICIPATED THAT THE ACTUAL QUANTITIES USED FOR STOCKWATERING WILL VARY FROM YEAR TO YEAR DEPENDING UPON CATTLE NUMBERS AND ENVIRONMENTAL CONDITIONS.

DETERMINE REASONABLE USE FOR STOCKWATERING QUANTITY (K.A.R. 5-3-22):

PLANNED FACILITY CAPACITY = 44,000 HEAD OF BEEF CATTLE (MAXIMUM ANNUAL CAPACITY)

→ **MAXIMUM REASONABLE QUANTITY** = 44,000 HEAD x 15 GALLONS/HEAD/DAY x 365 DAYS/YEAR = **240.90 MGY**  
= **739.295 AF**

→ **FACILITY-SPECIFIC QUANTITY\*** = 44,000 HEAD x 8 GALLONS/HEAD/DAY x 365 DAYS/YEAR = **128.48 MGY**  
= **394.291 AF**

\*FACILITY-SPECIFIC QUANTITY IS BASED OFF OF 2019-2023 HISTORIC AVERAGE USE OF 7.37 GAL/HEAD/DAY WITH AN ADDITIONAL 8.5% SAFETY FACTOR.

MGY = MILLION GALLONS PER YEAR, AF = ACRE-FEET PER YEAR, AND 1.0 AF = 325,851 GALLONS

**EXISTING FACILITY STOCKWATER SUMMARY:**

FILE NO.	P/D ID	FACILITY ID	NET QUANTITY (AF)
8,704	9	WELL #9	234.003
31,060	5	HOUSE #5	25.840
31,060	11	NEAR ROAD #11	83.339
31,060	12	HOUSE #10	33.607
39,507	4	WELL #4	25.011
<b>TOTAL</b>			<b>401.800</b>

→ **MAXIMUM ADDITIONAL QUANTITY OF STOCKWATER NEEDED**  
= (MAXIMUM REASONABLE QUANTITY) - (EXISTING QUANTITY)  
= 739.295 AF - 401.800 AF = **337.495 AF**

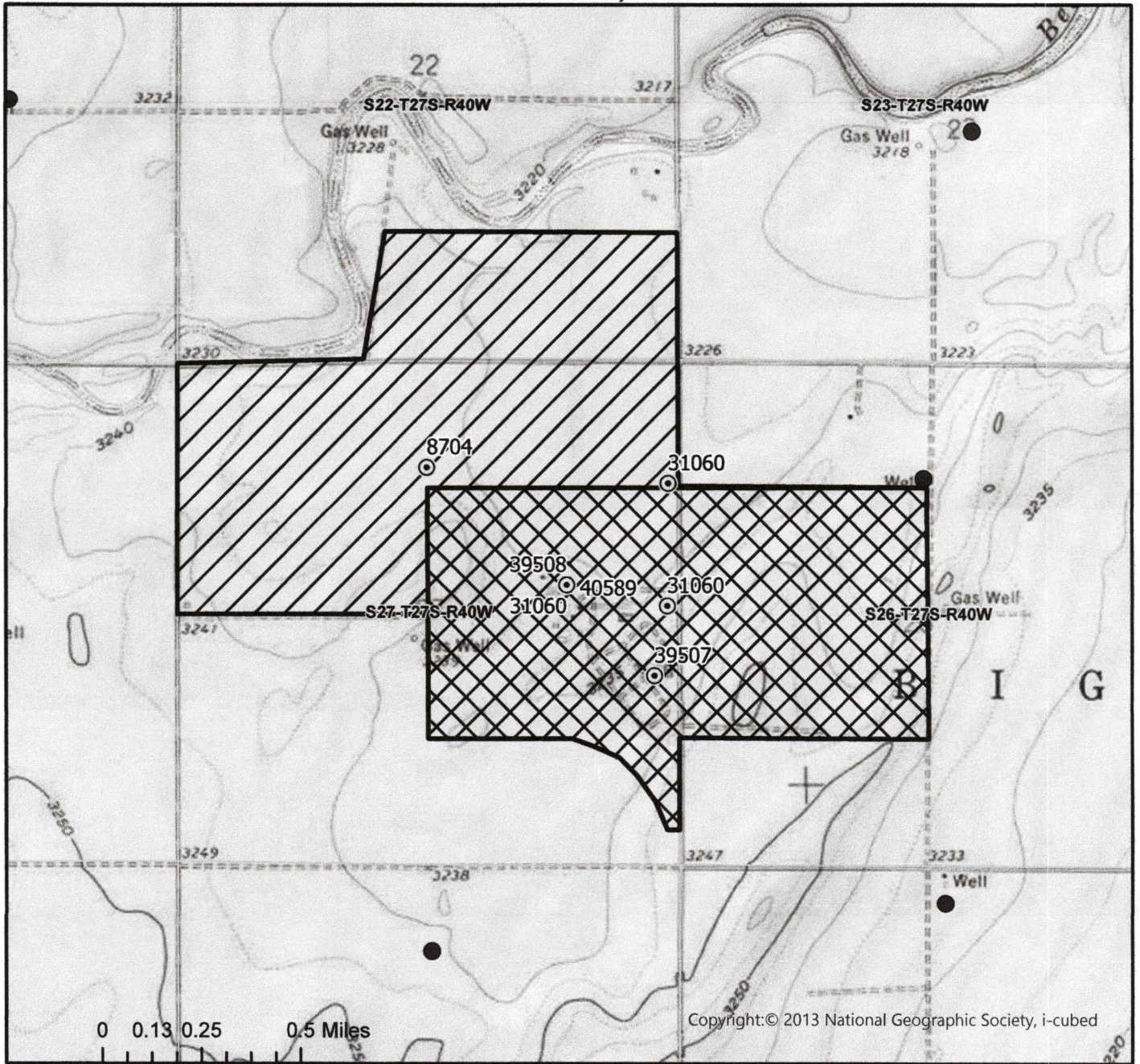
→ **ADDITIONAL QUANTITY OF STOCKWATER NEEDED BASED ON HISTORIC USE**  
= (FACILITY-SPECIFIC PLANNED QUANTITY) - (EXISTING QUANTITY)  
= 394.291 AF - 401.800 AF = **-7.509 AF**

**THE EXISTING WATER RIGHTS ARE SUFFICIENT TO SUPPLY THE ESTIMATED WATER REQUIRED FOR THE EXPANSION, BASED UPON THE HISTORIC FACILITY AVERAGE.**

# CHANGE IN PLACE OF USE

## WATER RIGHT, FILE NOS. 8704; 31060; 39507; 39508 & 40589

Stanton County



	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:

WATER RESOURCES  
DIVISION

JAN 02 2025

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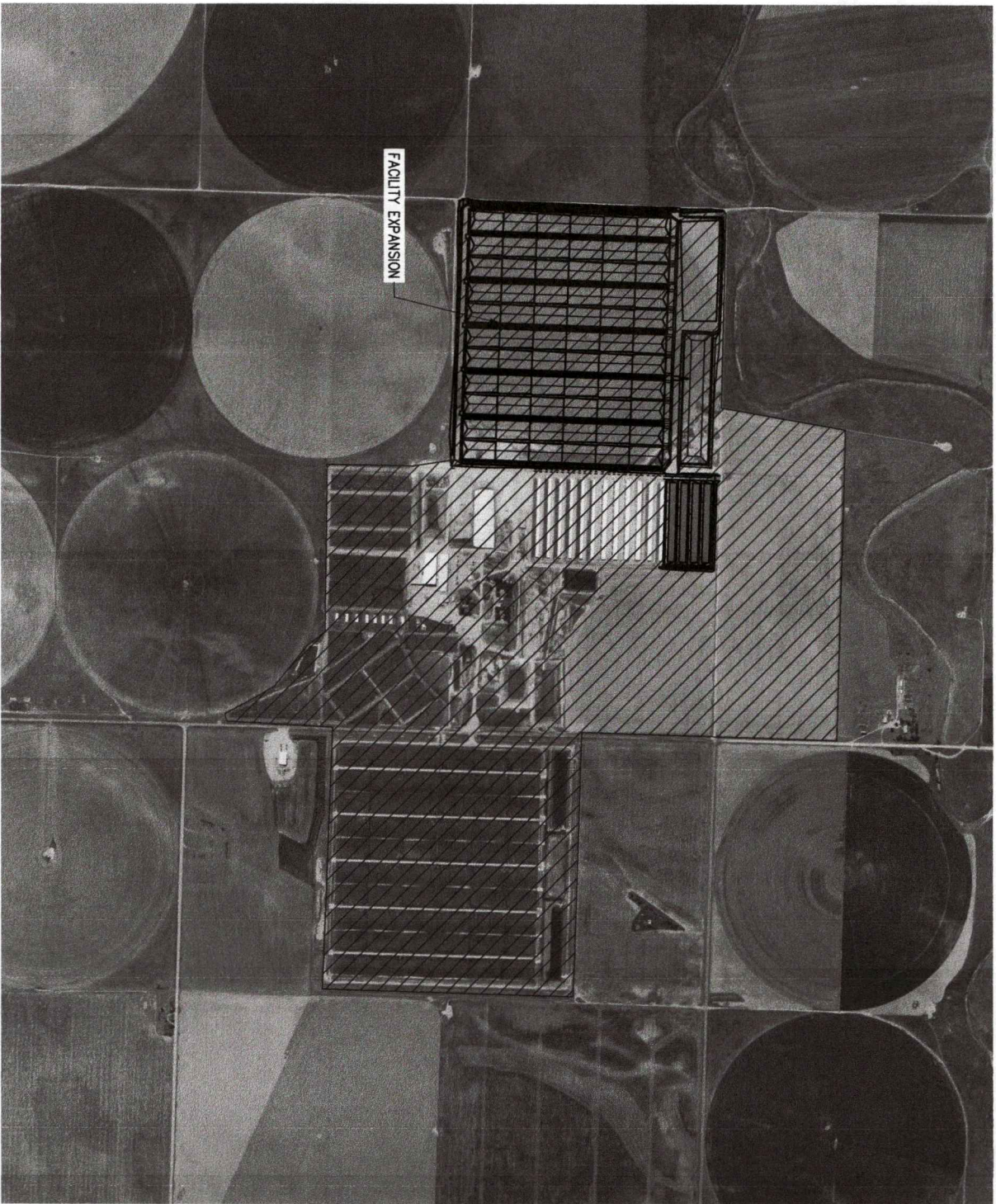
By signing below I agree that all wells, including domestic, and owners names and addresses within 1/2 mile of the proposed point of diversion have been shown on the map

AM/GCFO  
1:24,000 Scale

(Signature)

Date





R40W



LEGEND  
PROPOSED PLACE OF USE

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T27S



PLACE OF USE MAP

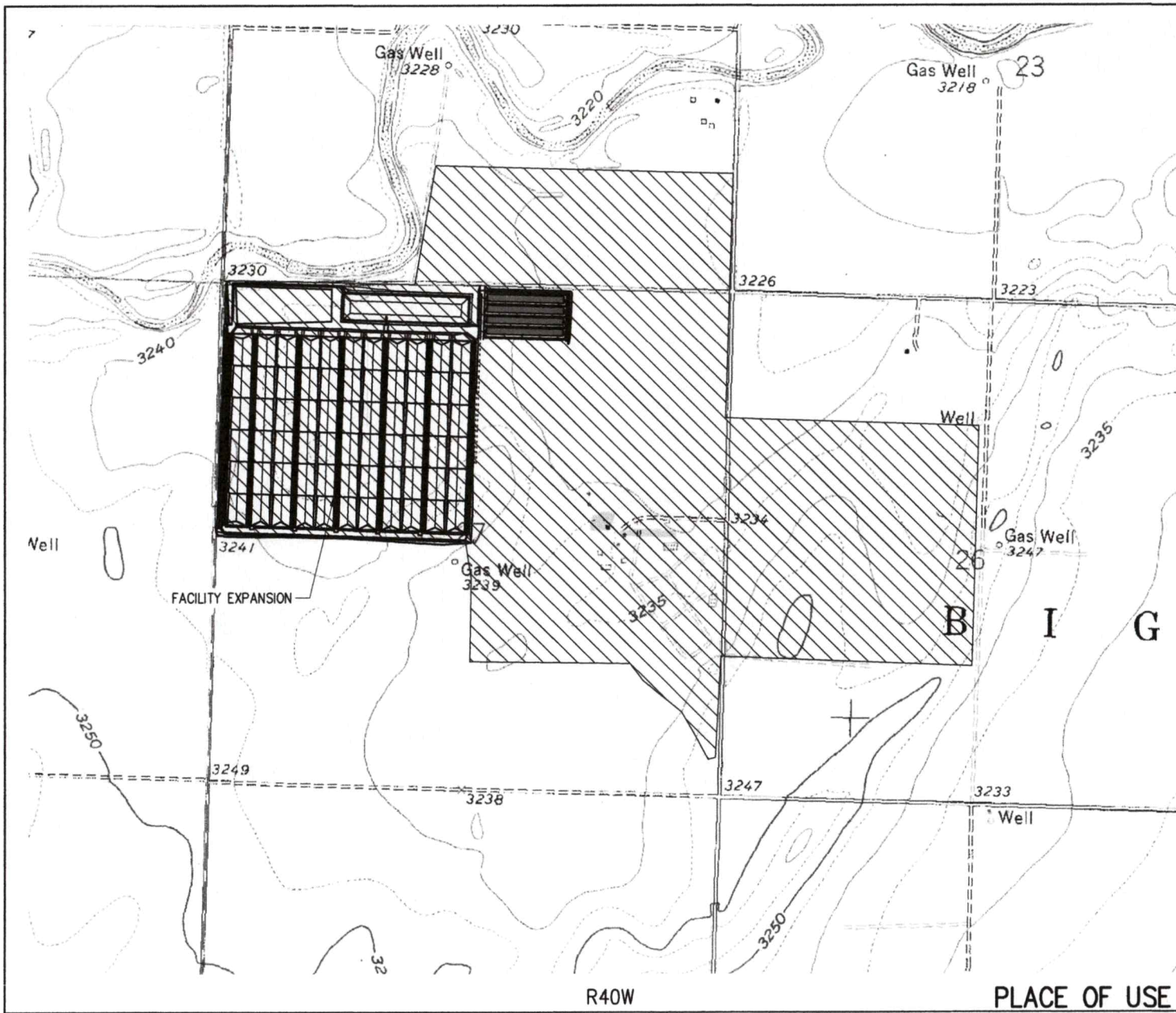
CAD FILE NAME:  
WATER RIGHTS Prop.dwg  
SHEET NO. 1 OF 2




1700 E. IRON  
SALINA, KANSAS 67401  
(785) 823-0087  
1303 YUCCA STREET  
SCOTT CITY, KANSAS 67871  
(620) 872-2300

**ROCKING HEIFER #2**  
WATER RIGHTS  
W 1/2 SECTION 26 & E 1/2 SECTION 27 T27S R40W  
STANTON COUNTY, KANSAS

DRAWN	CSG	DATE	09/24
CHECKED	KMB	DATE	09/24
APPROVED		DATE	



**LEGEND**  
 PROPOSED PLACE OF USE

WATER RESOURCES RECEIVED  
**JAN 02 2025**  
 KS DEPT OF AGRICULTURE

T27S



DRAWN	CSG	DATE	09/24
CHECKED	KMB	DATE	09/24
APPROVED		DATE	

**ROCKING HEIFER #2**  
 WATER RIGHTS  
 W 1/2 SECTION 26 & E 1/2 SECTION 27 T27S R40W  
 STANTON COUNTY, KANSAS

1700 E. ION  
 SALINA, KANSAS 67401  
 (785) 822-0887

1303 YUCCA STREET  
 SCOTT CITY, KANSAS 67871  
 (620) 872-2300



CAD FILE NAME:  
 WATER RIGHTS POP.dwg  
 SHEET NO. 2 OF 2

**PLACE OF USE MAP (TOPOGRAPHIC)**

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

January 14, 2025

ROCKING HEIFER LLC  
439 EAST ROAD 4  
ULYSSES KS 67880

RE: File No(s). **39508**

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