Submit To: CHIEF ENGINEER Division of Water Resources Kansas Department of Agriculture

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



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.

		WATER RESOURCES
1. Application is hereby	made for approval of the Chief Engineer to change the	9
	Place of Use	OCT 15 2024
(Check one or more)	 Point of Diversion Use Made of Water 	KS DEPT OF AGRICULTURE 3:55 PM
	File No. <u>38,106</u>	<u>-</u>
2. Name of applicant: <u>H</u>	AYS FEEDYARD	
	IAYS, KS 67601	
)341-1776 E-mail address: perry	
	ship to the water right; \Box owner \Box tenant \boxtimes agent	
Name of water use co	orrespondent: SAME AS ABOVE	
Address:		
City, State and Zip: _		
) E-mail address:	
3. The change(s) propos	sed herein are desired for the following reasons (pleas	se be specific): <u>TO CONVERT INDUSTRIAL</u>
USE TO STOCKWAT	TER USE. FUTURE INDUSTRIAL USE WILL BE SOU	JRCED FROM RWD
The change(s) (was)	(will be) completed by <u>UPON APPROVAL</u>	(Date)
For Office Use Only: F.O. <u>3</u> GMD Me Code 2	eets K.A.R. 5-5-1 (<mark>YES</mark> / NO) Use <mark>IND</mark> Source G. Fee \$500 TR # Rec	S County EL By KJN Date 10/17/2

Assisted by: MAB STKFO

10/18/2024 KAnderson

WATER RESOURCES

OCT 1 5 2024

File No. 38,106

4.	The	presently	authorized	place	of use is	3:
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Owner of Land — NAME: HFY LAND LLC KS DEPT OF AGRICULTURE

				NE	Ξ1/4			NV	V1/4		h fa	SV	V1/4		1	SE	1/4		TOTAL
Sec.	Twp.	Range	NE ¹ / ₄	NW1/4	SW1/4	SE¼	NE¼	NW1/4	SW1/4	SE1/4	NE¼	NW1/4	SW1/4	SE1/4	NE¼	NW1/4	SW1/4	SE1/4	ACRES
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															0		1.6	-	
1.10		1.1.1.1	1.5	-					1.1	1.		1.11							

List any other water rights that cover this place of use. <u>37237, 38106, 42963</u>

Owner of Land — NAME: _____

ADDRESS: _____

		1.54		NE	Ξ1/4			NV	V1/4			SV	V1/4			SE	1/4		TOTAL
Sec.	Twp.	Range	NE ¹ / ₄	NW1/4	SW1/4	SE1/4	NE¼	NW1/4	SW1/4	SE1/4	NE1/4	NW1/4	SW1/4	SE¼	NE¼	NW1/4	SW1/4	SE¼	ACRES
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		1.0							1. 1.								1		
						1.1.1													
	Inde			C.L.	Sec. 1	1		1.14	1.11			12.5	ΞĒ.	Courses.	8 H L				

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: HFY LAND LLC

ADDRESS: PO BOX 232 OSAGE CITY, KS 66523

			1.1	NE	Ξ¼			NW¼			SV	V1/4	192. J		SI	=1/4		TOTAL	
Sec.	Twp.	Range	NE ¹ / ₄	NW1/4	SW1/4	SE1/4	NE ¹ / ₄	NW1/4	SW1/4	SE1/4	NE ¹ / ₄	NW1/4	SW1/4	SE1/4	NE¼	NW1/4	SW1⁄4	SE¼	ACRES
12	135	19W	1					3		FEEDL	OT-W2	2					÷		
11	13S	19W							F	EEDLC	T-640A	C				e gla			
				1.00		Start	sof. I		1							a The Ag			

List any other water rights that cover this place of use. <u>34228 ETAL</u>

Owner of Land — NAME: _____

ADDRESS:

				NE	1/4	i selle	1.1	NV	V1/4		Sec. 1	SV	V1/4	5. Kais		SE	=1/4		TOTAL
Sec.	Twp.	Range	NE¼	NW1/4	SW1/4	SE¼	NE¼	NW1/4	SW1/4	SE1/4	NE¼	NW1/4	SW1/4	SE1/4	NE1/4	NW1/4	SW1/4	SE¼	ACRES
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		1.1	1.1		6.00	1.00	1.7.2					10				말하는		· · ·	$1 \leq \frac{1}{2}$

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

File No. 38,106

The presently authorized point(s) of diversion (is) (are) BATTERY OF 3 WELLS 6. (Provide description and number of points)

The proposed point(s) of diversion (is) (are) <u>BATTERY OF 3 WELLS (NO CHANGE)</u>
(Provide description and number of points) 7.

Presently authoriz	ed point of	diversion:				
One in the	NE	Quarter of the	NE	Quarter of the	NE	Quarte
of Section	11	, Township	13	South, Range	19	W
n <u>ELLIS</u>	Co	ounty, Kansas, <u>5073</u>	feet North	122 feet West of S	outheast corne	er of section.
Authorized Rate	37 GPM	Authorized Quantity	1.187 MGY			
DWR use only: C	omputer ID	No. 9 PDIV 16712 G	PS	feet North	feet We	est)
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Proposed point of	diversion:	(Complete only if chan	ige is requeste	ed)		
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		Proposed Quantity				
				ts that will use this point	37237 38106	42963
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Presently authoriz	ed point of	diversion:		en sere se en se antenen se antenet des antenes seg		
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				South, Range		
				100 feet West of S		
		Authorized Quantity				
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11. Describe the current condition of and future plans for any point(s) of diversion which will no longer be used. N/A

RECEIVED VATE

KS DEPT OF AGRICULTURE

8.	The presently authorized point(s) of diversion (is) (a	e) BA	ITERY	OF 3 WELL	S
			12101		rovide description and number of points)

9. The proposed point(s) of diversion (is) (are) <u>BATTERY OF 3 WELLS (NO CHANGE)</u>
(Provide description and number of points)

Presently authorize	ed point of di	version:				
One in the	NE	Quarter of the	NE	Quarter of the	NE	_ Quarter
of Section	11	, Township	13	South, Range	19	W
in ELLIS	Coun	ty, Kansas, <u>5060</u>	feet North	165 feet West of S	Southeast corner of	f section.
Authorized Rate		Authorized Quantity	/			
(DWR use only: Co	omputer ID N	o. 11 PDIV 48167 G	PS	feet North	feet West)	
🛛 This point will n	ot be change	d 🗌 This point w	ill be changed a	as follows:		
Proposed point of	diversion: (C	omplete only if char	nge is requeste	d)		
				Quarter of the		Quarter
of Section		, Township		South, Range		W,
				feet West of S		
Proposed Rate		Proposed Quantity		-		
Proposed Rate		Proposed Quantity				
Proposed Rate	ditional Well	Proposed Quantity		-		
Proposed Rate This point is: Ado Presently authorize	ditional Well ad point of di	Proposed Quantity	other water righ	-		
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Presently authorized point of diversion: 10. One in the ______ Quarter of the ______ Quarter of the ______ Quarter of the ______ Quarter of Section _____, Township _____ South, Range _____ 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 _ 12. Describe the current condition of and future plans for any point(s) of diversion which will no longer be used. N/A

WATER RESOURCES

File No. 38,106

- 13. The presently authorized use of water is for INDUSTRIAL
 purposes.

 It is proposed that the use be changed to STOCKWATER
 purposes.
- 14. If changing the place of use and/or use made of water, describe how the consumptive use will not be increased. <u>SINCE BOTH INDUSTRIAL AND STOCKWATER USES ARE CONSIDERED 100% CONSUMPTIVE, NO INCREASE</u> <u>IN CONSUMPTIVE USE WILL OCCUR.</u>

FEEDLOT WILL OBTAIN WATER FOR FEEDMILL FROM RWD IF NEEDED.

(Please show any calculations here.)

- 15. It is requested that the maximum annual quantity of water be reduced to N/A (acre-feet or million gallons).
- 16. It is requested that the maximum rate of diversion of water be reduced to N/A gallons per minute (_______c.f.s.).
- 17. 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.
- 18. 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 OF PD OR SOURCE OF SUPPLY. WATER WILL BE USED FOR STOCKWATERING VS FOOD PREP

FEED INGREDIENT FOR CATTLE. CHANGES ARE PROPOSED FOR ALL 3 OF THE OLAPPING IND FILES.

ALL CURRENT LIMITATIONS ON RATE OF OVERLAPPING FILES WILL STILL APPLY (38106 & 42963 LIMITED TO

37 GPM WHEN COMBINED WITH 37237).

19. 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.

N/A

RECEIVED

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OURCES

KS DEPT OF AGRICULTURE

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.

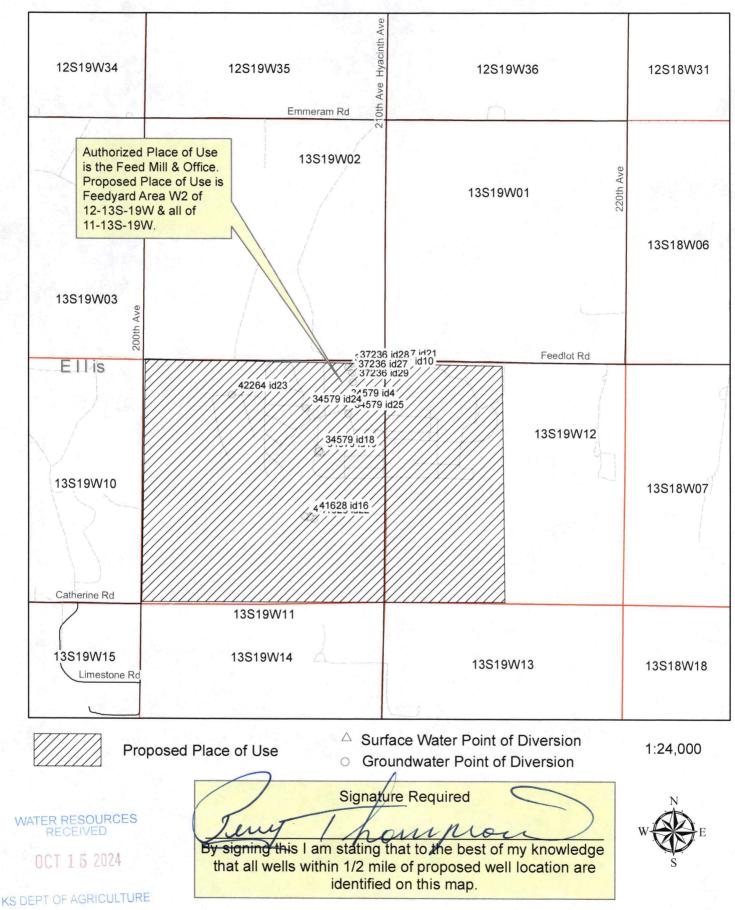
I declare that I am an owner of the currently authorized place of use as identified herein, or that I represent all such owners and am authorized to make this application on their behalf, and declare further that the statements contained herein are true, correct, and complete. By filing this application 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.

pated at OSOGE City/, Kansas, this	4th day of UCtober , 20 24
lour hours	
(Owner)	(Spouse)
(Please Print)	(Please Print)
(Owner)	(Spouse)
(Please Print)	(Please Print)
(Owner)	(Spouse)
(Please Print)	(Please Print)
State of Kansas) SS County of <u>05000</u>) SS I hereby certify that the foregoing application was signed in my of <u>0240000</u> , 20 <u>24</u> . My Commission Expires <u>8.21.2027</u> .	presence and sworn to before me this day
CONNIE S. CALL MY COMMISSION EXPIRES	<u>LE</u>
Each application to change the place of use, the point of diversion or the use application fee set forth in the schedule below:	made of the water under this section shall be accompanied by the
 Application to change a point of diversion 300 feet or less Application to change a point of diversion more than 300 feet Application to change the place of use Application to change the use made of the water 	\$100 \$200 \$200 \$200 \$300
Make check payable to Kansas Department of Agriculture.	

WATER RESOURCES RECEIVED

OCT 1 5 2024

Application to Change the Place of Use & Use Made of Water For Water Right Files # 37237, 38106 & 42963



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

Mike Beam, Secretary



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

Laura Kelly, Governor

October 18, 2024

HAYS FEEDYARD 1174 FEEDLOT RD HAYS KS 67601

RE: File No(s). 38106

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 Stockton Field Office at 785-425-6787. If you call, please reference the file number so we can help you more efficiently.

Sincerely,

KristendBaum

Kristen Baum New Applications and Changes Supervisor Water Appropriation Program