

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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MAY 01 2017

**1:15
KS DEPT OF AGRICULTURE**

File No. 10601.08

2. Name of applicant: REEVE CATTLE CO. INC.

Address: PO BOX 1036

City, State and Zip: GARDEN CITY, KS 67846

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

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 COVER THE EXPANSION OF THE FEEDYARD.

The change(s) was completed by 2017

(Date)

For Office Use Only:

F.O. 1 GMD 3 Meets K.A.R. 5-5-1 (YES/NO) Use SR/DW Source G/S County FI By AW Date 5/1/17
Code CAJ Fee \$ 200 TR # _____ Receipt Date 5/1/17 Check # 38714

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4. The presently authorized place of use is:

Owner of Land — NAME: REEVE CATTLE CO. INC.

ADDRESS: PO BOX 1036, GARDEN CITY, KS 67846

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			
13	25	33W		FEED	LOT	LOC	ATED	IN	THE	EAST	HALF										

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: REEVE CATTLE CO. INC.

ADDRESS: PO BOX 1036, GARDEN CITY, KS 67846

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					
13	25	33W		FEED	LOT	LOC	ATED	IN	THE	EAST	HALF	AND	NW	1/4									

List any other water rights that cover this place of use. 31499

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						

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

6. The presently authorized point(s) of diversion is ONE WELL
(Provide description and number of points)

7. The proposed point(s) of diversion is ONE WELL
(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 13, Township 25 South, Range 33 W,
 in _____ County, Kansas, _____ feet North _____ feet West of Southeast corner of section.
 Authorized Rate 500 Authorized Quantity 68.438 MGY
 (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 _____

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 MAY 01 2017 (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. _____

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

13. If changing the place of use and/or use made of water, describe how the consumptive use will not be increased.
MEETS K.A.R. 5-5-11

(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). 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 TO LOCAL SOURCE OF SUPPLY

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.

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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 Garden City Kansas, this 15th day of April, 2017.

Rene Cath Co. d/b/a Lee M Reeve
(Owner)

(Spouse)

Lee M Reeve
(Please Print)

(Please Print)

(Owner)

(Spouse)

(Please Print)

(Please Print)

(Owner)

(Spouse)

(Please Print)

(Please Print)

State of Kansas }
County of Finney } SS

I hereby certify that the foregoing application was signed in my presence and sworn to before me this 25th day of April, 2017.

NOTARY PUBLIC - State of Kansas
JANET E. STIMATZE
My Appt. Expires: 8-15-2017

Janet E. Stimatze
Notary Public

My Commission Expires _____

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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APR 25 2017

REEVE CATTLE CO., INC.

Phone 620-275-0234 • P.O. Box 1036 • GARDEN CITY, KANSAS 67846

April 25, 2017

Mike Meyer, Water Commissioner
Kansas Department of Agriculture
Division of Water Resources - Garden City Field Office
2508 Johns Street
Garden City, KS 67846-2804

Subject: Change Applications Pertaining to Water Right File Nos. 10,601.08 and 31,499
Reeve Cattle Company, Inc., Finney County

Dear Mr. Meyer:

Several applications pertaining to the subject water rights are enclosed with this letter. The purpose of these applications is to provide a sufficient water supply for the planned expansion of our cattle feeding facility. The details of each application are summarized herein.

Change in Use Made of Water and Place of Use Relating to File No. 31,499

We plan to expand our existing cattle feeding facility to a total capacity of 56,000 head. The facility is currently located in the E ½ Section 13 T25S R33W. The expansion will convert the NW ¼ Section 13 T25S R33W from irrigated cropland to pens and related facilities. This area is currently irrigated with the well associated with File No. 31,499. This change application proposes to change the use made of water from irrigation to stockwatering since this well will be used as part of the interconnected facility water supply system. The change in place of use proposes to cover the complete extent of the facility after the expansion is completed.

The consumptive use calculations relating to this change application are based on a reduction factor of 12.6% for Finney County. This factor was obtained from the draft version of the map entitled "Default Consumptive Use Factor by County in Kansas." This map was issued by KDA-DWR in 2016. We believe that the consumptive use calculations based on the aforementioned map issued by KDA-DWR and the supporting documentation satisfy the requirements of K.A.R. 5-5-9 (b). If the Chief Engineer does not concur, then we request a waiver of K.A.R. 5-5-9 to enable this change application to be approved.

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Garden City Field Office
Division of Water Resources

Change in Place of Use Relating to File No. 10,601.08

The well associated with File No. 10,601.08 is currently authorized to supply stockwater to the existing facility in the E ½ Section 13 T25S R33W. This change in place of use proposes to cover the complete extent of the facility after the expansion is completed.

Justification for Stockwatering Quantity

The capacity of the facility after the expansion project is completed will be 56,000 head of beef cattle. K.A.R. 5-3-22 indicates that consumption of 15 gallons per head per day is a reasonable quantity of use. Therefore, the maximum reasonable quantity for the facility will be:

$$(56,000 \text{ head}) \times (15 \text{ gallons/head/day}) \times (365 \text{ days/year}) = 306.6 \text{ mgy} = 940.9 \text{ AF/yr}$$

The total stockwatering quantity associated with our facility is:

File No. 10,601.08 (current) =	210 AF
File No. 31,499 (proposed) =	<u>253 AF</u>
	463 AF

The total requested stockwatering quantity is less than the maximum reasonable quantity.

Please contact me if you have any questions concerning these applications and the associated documentation. Thank you for your consideration of this matter.

Sincerely,



Lee M. Reeve

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Garrett City Field Office
Division of Water Resources



1320 Research Park Drive
Manhattan, Kansas 66502
(785) 564-6700

900 SW Jackson, Room 456
Topeka, Kansas 66612
(785) 296-3556

Jackie McClaskey, Secretary

Governor Sam Brownback

FILE COPY

May 1, 2017

REEVE CATTLE CO. INC
PO BOX 1036
GARDEN CITY, KS 67846

RE: File No. 10601.08

Dear Sir or Madam:

An application for approval of the Chief Engineer to change the following condition or conditions of the file number referred to above has been received:

- place of use PU
- point of diversion
- use made of water

As a matter of record, the Division of Water Resources has on hand a large number of applications awaiting processing. Therefore, to be fair to all concerned, and so that we can process those applications on hand in the order they were received, we intend to concentrate on the backlog of applications until the issue is resolved. You will be contacted regarding this application as soon as it has been examined.

In accordance with the provisions of the Kansas Water Appropriation Act, a portion of which is included below, the use of water prior to approval of the application is unlawful. You should not proceed and divert water as indicated by your plans in your application for a change for this file until you receive approval for this change from the Chief Engineer. Once approved, compliance with the terms, conditions and limitations of the permit is necessary. Conservation of the water resources of Kansas is required.

Section 82a-728 of the Kansas Water Appropriation Act, provides (a) except for the appropriation of water for the purpose of domestic use, . . . it shall be unlawful for any person to appropriate or threaten to appropriate water from any source without first applying for and obtaining a permit to appropriate water in accordance with the provisions of the Water Appropriation Act or for any person to violate any condition of a vested right, appropriation right or an approved application for a permit to appropriate water for beneficial use.

(b) (1) The violation of any provision of this section by any person is a class C misdemeanor...

A class C misdemeanor is punishable by a fine not to exceed \$500 and/or a term of confinement not to exceed one month in the county jail. Each day that the violation occurs constitutes a separate offense.

If you have any questions, please contact me at (785) 564-6645. If you wish to discuss a specific file, please have the file number ready so that we may help you more efficiently.

Sincerely,

Brent A Turney, L.G.
Change Applications Unit Supervisor
Water Appropriation Program

BAT: DLW
pc: GARDEN CITY Field Office GMD3 3