

NOTICE

This scan only represents the application as filed. The information contained herein meets the requirements of K.A.R. 5-3-1 or K.A.R. 5-5-1, and has been found acceptable for filing in the office of the Chief Engineer. The application should not be considered to be a complete application as per K.A.R. 5-3-1b or K.A.R. 5-5-2a.

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
- (Check one or more) Point of Diversion
- Use Made of Water

File No. 14578

WATER RESOURCES
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 SEP 20 2021
 1:34
 KS DEPT OF AGRICULTURE

2. Name of applicant: Feedyards, Inc. dba Ulysses Feedyard

Address: 1765 East Road 21

City, State and Zip: Ulysses, Kansas 67880

Phone Number: (620) 356-1750 E-mail address: dave.venhaus@cactusfeeders.com

What is your relationship to the water right; owner tenant agent other? If other, please explain. _____

Name of water use correspondent: Dave Venhaus

Address: PO Box 3050

City, State and Zip: Amarillo, Texas 79116

Phone Number: (806) 371-4791 E-mail address: dave.venhaus@cactusfeeders.com

3. The change(s) proposed herein are desired for the following reasons (please be specific): _____

We are proposing to drill a replacement well for File No. 14578. We are proposing to make the water right, File No. 14578, a combined irrigation and stockwater use made of water. Ulysses Feedyard purchased this property and subsequent water rights with intentions to provide the feedyard with an additional water source for the cattle.

The change(s) (was) (will be) completed by 10/31/2021 (Date)

For Office Use Only:															
F.O.	<u>4</u>	GMD	<u>3</u>	Meets K.A.R. 5-5-1	(YES / NO)	Use	IRR	Source	<input type="checkbox"/> G / <input type="checkbox"/> S	County	GT	By	BMM	Date	9/21/21
Code	C-2	Fee \$	<u>700</u>	TR #		Receipt Date	<u>9-20-21</u>	Check #	<u>241797</u>						

9/22/2021
 LMoody

4. The presently authorized place of use is:

Owner of Land — NAME: Feedyards, Inc. dba Ulysses Feedyard

ADDRESS: 1765 East Road 21

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	
12	30 S	37 W	X	X	X	X													120
1	30 S	37 W								X	X	X	X						120

List any other water rights that cover this place of use. 18018

Owner of Land — NAME: Feedyards, Inc. dba Ulysses Feedyard

ADDRESS: 1765 East Road 21

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: Feedyards, Inc. dba Ulysses Feedyard

ADDRESS: 1765 East Road 21

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	
14	30 S	37 W	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	577

List any other water rights that cover this place of use. 7919; 14441; 26191; 31974

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

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- 6. The presently authorized point(s) of diversion (is) (are) 1; a well located in the SW/4 of the SE/4 of the NE/4 of Section 12 in Township 30S, Range 37 W
(Provide description and number of points)
- 7. The proposed point(s) of diversion (is) (are) 1 point; a well located in the SW/4 of the SE/4 of the NW/4 of Section 12 in Township 30S, Range 37W
(Provide description and number of points)

List all presently authorized point(s) of diversion:

8. **Presently authorized point of diversion:**
 One in the Southwest Quarter of the Southeast Quarter of the Northeast Quarter of Section 12, Township 30 S South, Range 37 W (E/W), in Grant County, Kansas, 3000 feet North 850 feet West of Southeast corner of section.
 Authorized Rate 650 gpm Authorized Quantity 480 Acre-feet
 (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 Southwest Quarter of the Southeast Quarter of the Northwest Quarter of Section 12, Township 30S South, Range 37W (E/W), in Grant County, Kansas, 2830 feet North 3310 feet West of Southeast corner of section.
 Proposed Rate 650 Proposed Quantity 480
 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 _____ (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. _____
 The existing deteriorated well that this proposed well replaces will be plugged. _____

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12. The presently authorized use of water is for Irrigation purposes.
It is proposed that the use be changed to Stockwater and Irrigation purposes.
13. If changing the place of use and/or use made of water, describe how the consumptive use will not be increased.
The place of use for the irrigation portion will be reduced to 240 acres. The place of use for the stockwater portion will be Ulysses Feedyard where we will combine the water with that produced from our other rights to provide water
for 72,000 head of cattle. The combined irrigation and stockwater consumptive use will not exceed the
authorized quantity for File No. 14578.
Please see attachment for calculations.
(Please show any calculations here.)
14. It is requested that the maximum annual quantity of water be reduced to 417 acre-feet (acre-feet or million gallons).
15. It is requested that the maximum rate of diversion of water be reduced to 650 gpm 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.
Please see the attached test hole log.

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.

IF MORE SPACE IS NEEDED, ATTACH ADDITIONAL SHEETS AS NECESSARY

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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 MUSSES, Kansas, this 13TH day of SEPTEMBER, 20 21.

[Signature]

 (Owner)

ADAM S. GERONIS

 (Please Print)

 (Owner)

 (Please Print)

 (Owner)

 (Please Print)

 (Spouse)

 (Please Print)

 (Spouse)

 (Please Print)

 (Spouse)

 (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 13 day of September, 20 21.



[Signature]
Notary Public

My Commission Expires 4/1/25

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.



STOCKWATER USE SUPPLEMENTAL SHEET

File No. _____

Name of Applicant (Please Print): Feedyards, Inc. dba Ulysses Feedyard

1. Please indicate type of livestock (cattle, hogs, etc.): cattle

2. Please complete the following table showing past and present water requirements:

PAST NUMBER OF HEAD AND WATER DIVERTED, IF APPLICABLE

LAST 5 YEARS	NUMBER OF HEAD	WATER DIVERTED (GALLONS)	GALLONS PER HEAD PER DAY
5 years ago	70,036	275,811,000	10.8
Last year	69,386	306,444,000	12.1
Present Year	71,952	190,387,599	10.9

3. Please complete the following table showing estimated future water requirements:

ESTIMATED FUTURE NUMBER OF HEAD AND WATER DIVERTED

NEXT 5 YEARS	NUMBER OF HEAD	WATER TO BE DIVERTED (GALLONS)	GALLONS PER HEAD PER DAY
Year 1	72,000	315,360,000	12
Year 2	72,000	315,360,000	12
Year 3	72,000	315,360,000	12
Year 4	72,000	315,360,000	12
Year 5	72,000	315,360,000	12

Please attach any additional information, tables, or curves showing past, present and estimated future water requirements to substantiate the amount of water requested.

4. Please designate the legal description of the location where the water is to be used. Show in the space provided below the Section (S), Township (T), and Range (R), and the number of acres in each forty acre tract or fractional portion thereof.

S	T	R	NE¼				NW¼				SW¼				SE¼				TOTAL
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
14	30S	37W	40	40	40	40	40	40	40	40	40	40	40	40	40	40	40	2	577

5. Show quantities of water used and all associated water uses at the feedlot such as water used in feed mills, cooling of animals, washing, flushing of wastes, etc.:

DRINKING

72,000 head of cattle x 12 gallons/head (avg.) x 365 days = 315,360,000 gallons

_____ head of _____ x _____ gallons/head (avg.) x _____ days = _____ gallons

_____ head of _____ x _____ gallons/head (avg.) x _____ days = _____ gallons

COOLING

_____ gallons/hour x _____ hour/day x _____ days = _____ gallons

SANITATION

_____ g.p.m. x 60 min/hr x _____ hr/wk x _____ wks/yr = _____ gallons

OTHER USE (Explain) Feedmill water use is included in gallons/head total = _____ gallons

TOTAL ----- 315,360,000 gallons

6. Show location of present and future location of confinement pens on your attached maps or photographs.
7. Total feed bunk space for cattle or livestock is 54,000 linear feet.
8. Total size of stock pens for confinement area of cattle, hogs, etc. is 200 square feet.

You may attach any additional information you believe will assist in informing the Division of Water Resources of the need for your request.

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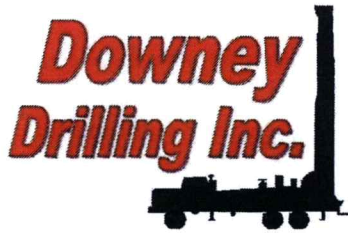
*** We propose that each file number be affected according to the calculation below:**

Currently authorized quantity		480 Acre-Ft	
Reduction due to stockwater conversion	86.90%	417 Acre-Ft	Maximum stockwater quantity
Proposed Stockwater authorized quantity	79%	330 Acre-Ft	
Proposed Irrigation authorized quantity	21%	88 Acre-Ft	

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WELL LOG

DATE: 7/7/2021



CUSTOMER NAME: ULYSSES FEEDYARD TH#1

LEGAL: SENW 12-30S-37W

COUNTY: GRANT CO, KS

GPS: 37.453641

-101.31951

LOGGER:

DRILLER: DIEGO VALLE

WO: 21-297

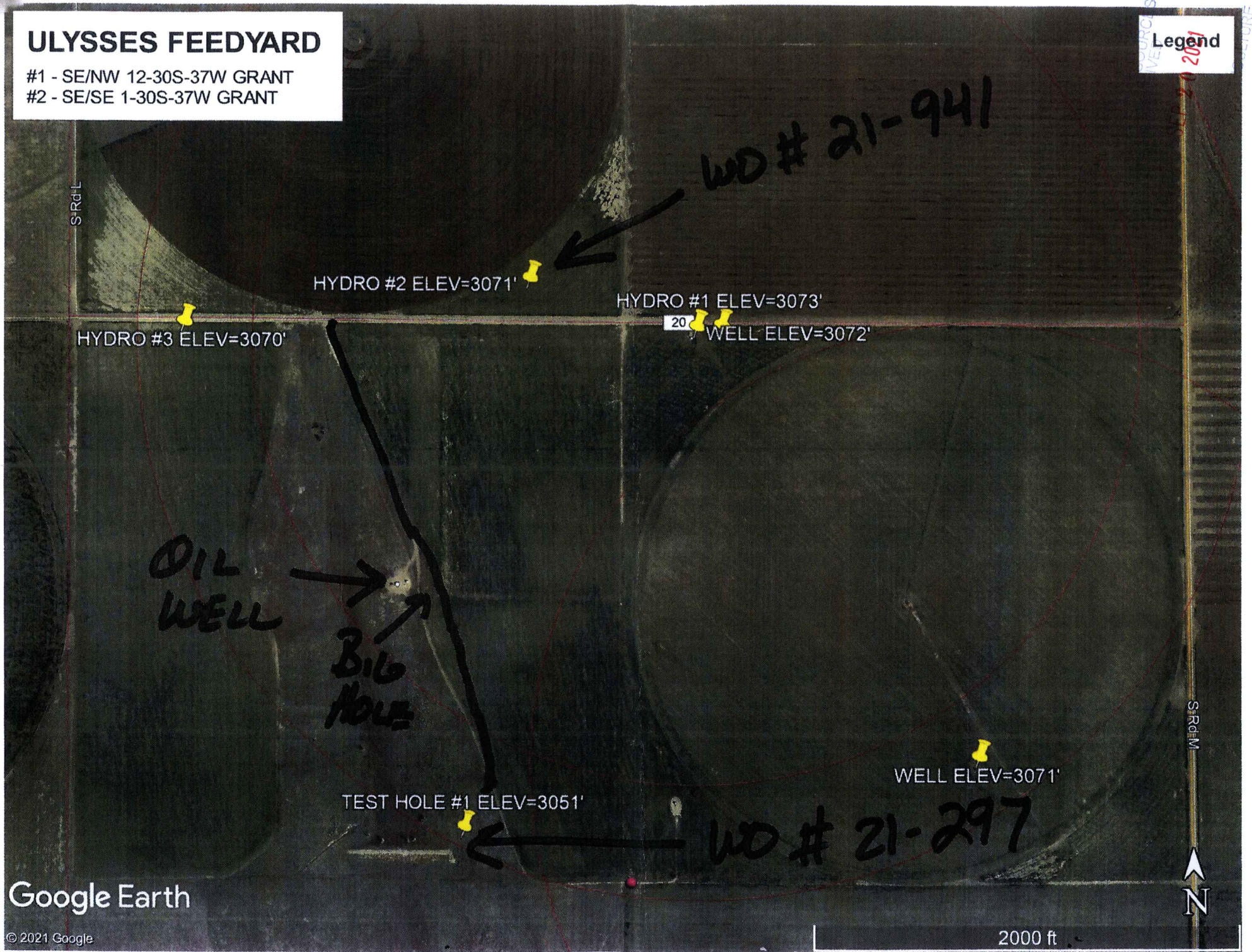
TW	FROM	TO	TYPE	HARDNESS	COLOR	SPEED	PULL DOWN	OTHER / DRILLING ACTION
	0	2	TOPSOIL	SOFT		SLOW		SMOOTH
	2	15	BROWN CLAY	SOFT	BROWN	SLOW		SMOOTH
	15	30	WHITE CLAY	SOFT	WHITE	SLOW		SMOOTH
	30	59	BROWN CLAY	SOFT	BROWN	SLOW		SMOOTH
	59	62	FINE SAND	SOFT		FAST		VIBRATION
	62	85	BROWN CLAY	SOFT	BROWN	SLOW		SMOOTH
	85	92	FINE-MED SAND	FIRM		FAST		FAST CHATTER
	92	146	SANDY CLAY	SOFT	TAN	SLOW SEMI-SLOW		SMOOTH & VIBRATION
	146	210	SANDY CLAY W/ FINE SAND	SOFT	TAN	SLOW		SMOOTH & VIBRATION
	210	330	FINE-MED-COARSE SAND	FIRM		FAST		FAST CHATTER
	330	344	SANDY CLAY W/ FINE-MED SAND	SOFT	TAN	FAST		SMOOTH & CHOPPY VIBRATION & SMOOTH
	344	360	FINE SAND W/ SANDY CLAY	SOFT		FAST		SMOOTH
	360	375	BROWN STICKY CLAY W/ SANDY CLAY LAYERS	STICKY & SOFT	BROWN	FAST		SMOOTH
X	375	376	BROWN ROCK	HARD	BROWN	FAST		CHATTER
	376	390	BROWN CLAY W/ BROWN ROCK	FIRM	BROWN	FAST		SMOOTH & CHOPPY VIBRATION & CHOPPY
	390	415	WHITE SOAPSTONE W/ BROWN ROCK	FIRM	WHITE	FAST		SMOOTH & CHOPPY
	415	433	SANDSTONE W/ BROWN ROCK & FINE SAND	STIFF	BROWN	FAST		FAST CHATTER
	433	437	GREEN CLAY	SOFT	GREEN	FAST		SMOOTH
	437	455	RED SANDSTONE	STIFF	RED	FAST		FAST CHATTER
	455	460	YELLOW CLAY W/ SOAPSTONE	SOFT	YELLOW	FAST		SMOOTH & VIBRATION
	460	538	SANDSTONE W/ BROWN ROCK & FINE SAND & LAYERS OF CLAY	STIFF		FAST		FAST CHATTER
	538	560	RED BED	SOFT	RED	SLOW		SMOOTH
			QUIKGEL - 7					
			WATER LOADS - 2					
			SODA ASH - 1/2					
			BRAN - 1					
			HOLE PLUG - 2					
			CASING SEAL - 1					

WATER RESOURCES
 TISSARD
 SEP 20 2021
 IDENT

ULYSSES FEEDYARD

#1 - SE/NW 12-30S-37W GRANT
#2 - SE/SE 1-30S-37W GRANT

Legend



Google Earth




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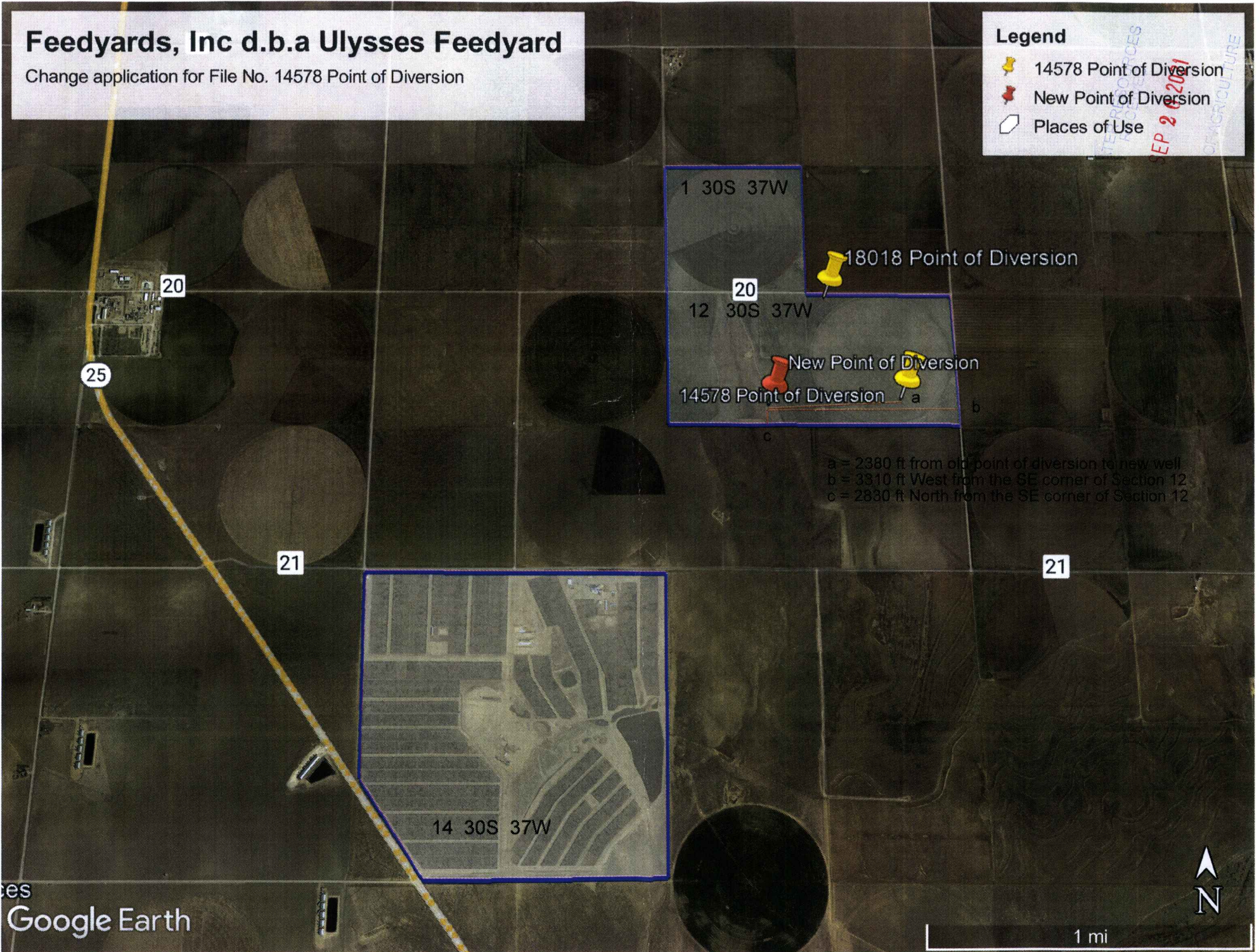
Feedyards, Inc d.b.a Ulysses Feedyard

Change application for File No. 14578 Point of Diversion

Legend

-  14578 Point of Diversion
-  New Point of Diversion
-  Places of Use



SEP 26 2011

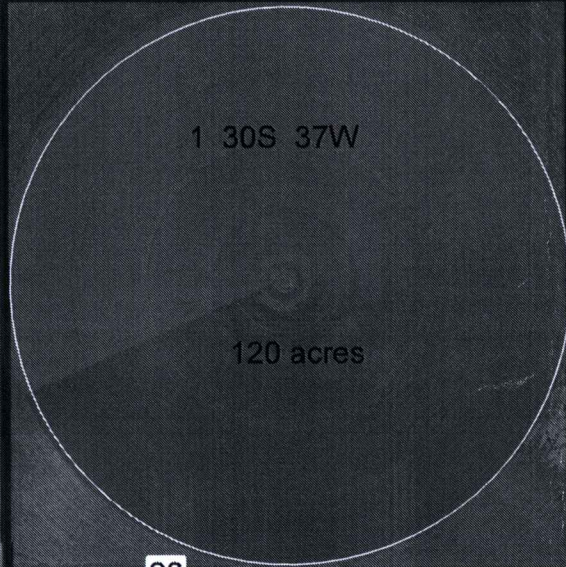


Feedyards, Inc. dba Ulysses Feedyard

Change Application for File No. 18018 and 14578 Places of Use

Legend

-  File
-  Place of Use



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