

Kansas Department of Agriculture  
Division of Water Resources  
**CHANGE WORKSHEET: PU & UMW DUAL USE**

1. File Number: <b>24885</b>	2. Status Change Date: <b>6/6/2023</b>	3. Change Num: <b>C1</b>	4. Field Office: <b>04</b>	5. GMD: <b>01</b>
6. Status: <input checked="" type="checkbox"/> Approved <input type="checkbox"/> Denied by DWR/GMD <input type="checkbox"/> Dismiss by Request/Failure to Return				7. Filing Date of Change: <b>12/28/2022</b>
8a. Applicant(s) New to system <input type="checkbox"/>  <b>HRC FEED YARDS LLC LEE MAYO PO BOX 224 SCOTT CITY, KS 67871</b>		Person ID _____ Add Seq# _____		8c. Landowner(s) New to system <input type="checkbox"/>  <b>CROWN H CATTLE CO INC PO BOX 186 SCOTT CITY KS 67871</b>
8b. Landowner(s) New to system <input type="checkbox"/>  <b>HRC FEED YARDS LLC PO BOX 224 SCOTT CITY, KS 67871</b>		Person ID <b>63928</b> Add Seq# <del>2</del> <b>1</b>		8d. WUC New to system <input type="checkbox"/>  <b>CROWN H CATTLE CO INC PO BOX 186 SCOTT CITY KS 67871</b>
9. Documents and Enclosure(s): <input checked="" type="checkbox"/> DWR Meter(s) Date to Comply: <b>12/31/23</b> <input type="checkbox"/> N & P Date to Comply: _____				
<input type="checkbox"/> Anti-Reverse Meter <input type="checkbox"/> Meter Seal <input type="checkbox"/> Check Valve <input type="checkbox"/> N & P Form <input type="checkbox"/> Water Tube <input type="checkbox"/> Driller Copy <input type="checkbox"/> H & E Letter <input type="checkbox"/> Conservation Plan    Date Required: _____    Date Approved: _____    Date to Comply: _____				
10. Use Made of Water    From: <b>IRR</b> To: <b>DUAL IRR/STK</b>				
Date Prepared: <b>5/2/2023</b> By: <b>li</b> Date Entered: <span style="border: 1px solid blue; padding: 2px;"><b>6/8/2023</b></span> By: <b>LMoody</b>				

File No. **24885**      11. County: **SC**      Basin: **WHITE WOMAN CREEK**      Stream: **NA**      Formation Code: **NA**      Special Use: **NA**

12. Points of Diversion  
 CHK  
 MOD  
 DEL  
 ENT      PDIV  
 Qualifier      S      T      R      ID      'N      'W      Comment (AKA Line)      Rate gpm      Quantity AF      Additional Rate gpm      Quantity AF      Overlap PD Files

**MOD 44081 NW SW SW 21 18 33W 1 1120 5175 DUAL IRR/STK 440/400 234 0 0 SC 44**

**CHK 16931 NW NW NW 28 18 33W 1 5015 5150 415 222 415/0 0 NONE**

6/8/2023  
 KKopp

13. Storage: Rate \_\_\_\_\_ NF      Quantity \_\_\_\_\_ ac/ft      Additional Rate \_\_\_\_\_ NF      Additional Quantity \_\_\_\_\_ ac/ft

14. Limitation: **615.14** af/yr at **855** gpm ( \_\_\_\_\_ cfs) when combined with file number(s) **DUAL IR R /STK (200.44 MGY)USE**  
~~Limitation: **191.41** af/yr at \_\_\_\_\_ gpm ( \_\_\_\_\_ cfs) when combined with file number(s) **SEC 21 WELL ID1**~~  
 Limitation: **752** af/yr at ~~**500**~~ **855** gpm ( ~~**1.91**~~ **1.11** cfs) when combined with file number(s) **SC 044 WHEN IRR USE ONLY**

15. 5YR Allocation:      Allocation Type \_\_\_\_\_      Start Year \_\_\_\_\_      5 YR Amount \_\_\_\_\_      Amount Unit \_\_\_\_\_      Base Acres \_\_\_\_\_      Comment \_\_\_\_\_

16. Place of Use CHK MOD DEL ENT	PUSE	S	T	R	ID	NE¼				NW¼				SW¼				SE¼				Total	Owner	Chg?	Overlap Files
						NE ¼	NW ¼	SW ¼	SE ¼	NE ¼	NW ¼	SW ¼	SE ¼	NE ¼	NW ¼	SW ¼	SE ¼	NE ¼	NW ¼	SW ¼	SE ¼				
<b>ENT</b>	<b>21345</b>	<b>21</b>	<b>18</b>	<b>33W</b>	<b>3</b>	<b>FEEDLOT (W2 SW) SCOTT COUNTY</b>																	<b>8b</b>	<b>NO</b>	<b>***</b>
<b>ENT</b>	<b>33335</b>	<b>28</b>	<b>18</b>	<b>33W</b>	<b>3</b>	<b>FEEDLOT (N2 NW NW) SCOTT COUNTY</b>																	<b>8b</b>	<b>NO</b>	<b>***</b>
<b>CHK</b>	<b>17856</b>	<b>28</b>	<b>18</b>	<b>33W</b>	<b>1</b>					<b>37.0</b>	<b>15.0</b>	<b>39.0</b>	<b>27.0</b>									<b>118</b>	<b>8b</b>	<b>NO</b>	<b>SC044</b>
<b>CHK</b>	<b>28945</b>	<b>21</b>	<b>18</b>	<b>33W</b>	<b>1</b>					<b>40.0</b>	<b>40.0</b>	<b>40.0</b>	<b>40.0</b>	<b>22.5</b>	<b>22.5</b>							<b>205</b>	<b>8c</b>	<b>NO</b>	<b>SCO44</b>
<b>CHK</b>	<b>68938</b>	<b>21</b>	<b>18</b>	<b>33W</b>	<b>5</b>									<b>17.5</b>	<b>10.5</b>	<b>9.0</b>	<b>40.0</b>					<b>77.0</b>	<b>8b</b>	<b>NO</b>	<b>SC044</b>

Year:      Minimum Reasonable Quantity:      Comments: **Action Trail Entry BS**  
**POP UP TEMPORARY QUANTITY REDUCTION QUANTITY LIMITED TO 615.14 AF ( 200.44 MGY) WITH SC 044 AS LONG AS DUAL USE IS DESIRED**

**KANSAS DEPARTMENT OF AGRICULTURE**  
**Division of Water Resources**

**M E M O R A N D U M**

**TO:** Files

**DATE:** May 2, 2023

**FROM:** Leslie Ireland

**RE:** Vested Right, File No. SC 044  
Water Right, File No. 24,885

Lee Mayo on behalf of HRC Feedyards LLC, along with Kelly Hoeme on behalf of Crown H Cattle Company Inc. filed applications for approval to change the place of use and use made of water for operation as dual use from irrigation to authorize irrigation and stockwater uses from one of the wells authorized by both files. The applications located in the White Woman Creek Basin, Scott County were received on December 28, 2022.

The referenced files appear to comply with K.S.A. 82a-718, *Abandonment of water rights* and K.S.A. 82a-732, *Annual water use report required; penalty for violations*, as reports have been received. Notice per K.S.A. 82a-1906, *Notice...*, have been sent. The applications comply with K.A.R. 5-5-2a, *Complete change application*.

The owners are requesting a change in use made of water per K.A.R. 5-5-9, *Criteria for the approval of an application for a change in the use made of water from irrigation to any other type of beneficial use of water*, to authorize a limited "dual use" of irrigation and stockwatering from a shared well. These files have an incomplete overlap point of diversion with the two(2) wells authorized under File No. 24,885, one(1) well remaining irrigation use. They have a complete overlap in the place of use of 400 irrigated acres that will remain as authorized by both of the referenced files. The place of use change will add the livestock feedlot facility.

File No. SC 044 authorizes 500 gallons per minute (gpm) to divert 752 acre-feet (AF) from one(1) well shared with File No. 24,885 located in the Northwest Quarter of the Southwest Quarter of the Southwest Quarter (NW $\frac{1}{4}$  SW $\frac{1}{4}$  SW $\frac{1}{4}$ ) of Section 21, Township 18 South, Range 33 West, Scott County. This well will be operated as a dual use well for stockwatering and irrigation use. File No. 24,885 is limited in quantity to the 752 AF with File No. SC 044, providing only rate from two(2) wells, that have an assigned quantity per well. The second well located in Section 28 is authorized for irrigation use and will remain irrigation. The standard consumptive use factor of 81.8 percent for Scott County allows 615.14 AF to be changed to another use under File No. SC 044 and File No. 24,885 from the well in Section 21. The junior file well will be limited to 615.14 AF with File No. SC 044 for both stockwater, and irrigation uses.

The reduction in quantity and modification of the limitation assures compliance with K.A.R. 5-5-3, *Change in consumptive use*. The irrigated place of use of 400 acres at the reduced quantity of 615.14 AF will provide an irrigation ratio of 1.53 AF/acre. This is more than the Scott County Net Irrigation (NIR) requirement of 1.33 AF/acre at the 80% chance of rainfall per K.A.R. 5-5-12, *Net irrigation requirements*, appearing to remain reasonable.

The proposed 615.14 AF (58.11 mgy) could be totally diverted as stockwater use at the existing feedlot located in the West Half of the Southwest Quarter (W $\frac{1}{2}$  SW $\frac{1}{4}$ ) of Section 21, and the North Half of the Northwest Quarter of the Northwest Quarter (N $\frac{1}{2}$  NW $\frac{1}{4}$  NW $\frac{1}{4}$ ) of Section 28, all in Township 18, South Range 33 West, Scott County. This facility is currently authorized by File Nos. 39,536; 39,537 & 40,669 with a total of 18.213 mgy, authorized to water 4,000 head at 15 gallons per head per day with sanitation, a total of 82.437 mgy was indicated to be needed due to well operations at the existing facility. The justification does indicate supplemental water could be utilized at the feedyard and will provide an alternate point of diversion for the stockwater use. No additional limitation on the quantity will be applied. It appears the application complies with KAR 5-3-22, *Maximum reasonable quantity of water for livestock and poultry*.

The review of the change application identified seven wells within one-half ( $\frac{1}{2}$ ) mile of the well proposing to change. Nearby notification letters were sent on April 20, 2023, to the two(2) wells not owned by the owners of the referenced files. No comments were received. It appears the processing of the application follows K.S.A. 82a-1906.

In a letter dated April 25, 2023, Katie Durham, Manager of Western Kansas Groundwater Management District No. 1, recommended approval of the applications.

Mike Meyer, Water Commissioner of the Garden City Field Office, indicated that he recommends approval of the applications and temporary reduction per his May 1, 2023, email.

A condition of the approvals will be the requirement of a flow meter for each use authorized, pursuant to K.S.A. 82a-706c. A check valve will be required if chemigation occurs. The water use correspondent will remain Crown H Cattle Company Incorporated. They will receive copies of the approval documents.

Based on the above discussion, that the changes are reasonable, consumptive use will not increase, impairment of existing water rights is unlikely, and that no change in the local source of supply will occur, it is recommended that the referenced application for change be approved.



Leslie Ireland  
Environmental Scientist  
Water Appropriation Program

THE STATE OF KANSAS



**KANSAS DEPARTMENT OF AGRICULTURE**  
Mike Beam, Secretary of Agriculture

**DIVISION OF WATER RESOURCES**  
Earl D. Lewis Jr., Chief Engineer

**APPROVAL OF APPLICATION  
FOR  
CHANGE IN USE MADE OF WATER, PLACE OF USE  
AND  
ORDER IN THE MATTER OF THE AUTHORIZED QUANTITY OF WATER  
AND  
ORDER MODIFYING THE ADDITIONAL LIMITATION  
WATER RIGHT, FILE NO. 24,885**

The Chief Engineer, Division of Water Resources, Kansas Department of Agriculture, after due consideration of the written application of Lee Mayo on behalf of HRC Feed Yards LLC, P.O. Box 224, Scott City, Kansas 67871, along with Kelly Hoeme on behalf of Crown H Cattle Company Incorporated, P.O. Box 186, Scott City, Kansas 67871, as owners of the referenced water right, received in this office on December 28, 2022, for approval of a change in the location of the place of use and the use made of water under the certificate of appropriation issued pursuant to the permit to appropriate water for beneficial use, finds that the change is reasonable and will not impair existing rights, and that the application should be and is hereby approved.

The authorized quantity of water under this right will remain limited to 752 acre-feet (245.04 million gallons) with Vested Right, File No. SC 044. This order effectively limits the authorized quantity of water to 615.14 acre-feet (200.44 million gallons) per calendar year for both stockwatering and irrigation uses when combined with Vested Right, File No. SC 044. This limitation on the quantity of water shall exist until such a time that an order of the Chief Engineer further modifies the water right upon request of the water right owner(s).

This order effectively modifies the additional limitation on the authorized quantity as set forth by the Certificate of Appropriation of the Chief Engineer, Water Right, File No. 24,885 as follows:

This appropriation right is further limited to a rate of diversion and quantity of water which when combined with the Vested Right, File No. SC 044 as set forth in the Certificate of Appropriation, issued pursuant to File No. 24,885, will provide a maximum rate of diversion of 855 gallons per minute (1.91 c.f.s.) and quantity not to exceed 615.14 acre-feet (200.44 million gallons of water) per calendar year for irrigation use or stockwatering use at the places of use described herein.

The effective date of the change shall be the date this order is executed by the Chief Engineer, after which the point of diversion authorized for both irrigation and stockwatering uses shall be:

one (1) well located in the Northwest Quarter of the Southwest Quarter of the Southwest Quarter (NW $\frac{1}{4}$  SW $\frac{1}{4}$  SW $\frac{1}{4}$ ) of Section 21, more particularly described as being near a point 1,120 feet North and 5,175 feet West of the Southeast corner of said section, and

the point of diversion to remain authorized solely for irrigation use shall be:

one (1) well located in the Northwest Quarter of the Northwest Quarter of the Northwest Quarter (NW<sup>1</sup>/<sub>4</sub> NW<sup>1</sup>/<sub>4</sub> NW<sup>1</sup>/<sub>4</sub>) of Section 28, more particularly described as being near a point 5,015 feet North and 5,150 feet West of the Southeast corner of said section,

all in Township 18 South, Range 33 West, Scott County, Kansas.

The place of use authorized for irrigation use shall be:

Sec. Twp. Range	NE <sup>1</sup> / <sub>4</sub>				NW <sup>1</sup> / <sub>4</sub>				SW <sup>1</sup> / <sub>4</sub>				SE <sup>1</sup> / <sub>4</sub>				TOTAL
	NE <sup>1</sup> / <sub>4</sub>	NW <sup>1</sup> / <sub>4</sub>	SW <sup>1</sup> / <sub>4</sub>	SE <sup>1</sup> / <sub>4</sub>	NE <sup>1</sup> / <sub>4</sub>	NW <sup>1</sup> / <sub>4</sub>	SW <sup>1</sup> / <sub>4</sub>	SE <sup>1</sup> / <sub>4</sub>	NE <sup>1</sup> / <sub>4</sub>	NW <sup>1</sup> / <sub>4</sub>	SW <sup>1</sup> / <sub>4</sub>	SE <sup>1</sup> / <sub>4</sub>	NE <sup>1</sup> / <sub>4</sub>	NW <sup>1</sup> / <sub>4</sub>	SW <sup>1</sup> / <sub>4</sub>	SE <sup>1</sup> / <sub>4</sub>	
21 - 18S - 33W					40	40	40	40	40	33	9	40					282
28 - 18S - 33W					37	15	39	27									118

a total of 400 acres in Sections 21 and 28, Township 18 South, Range 33 West, Scott County, Kansas,

and the place of use authorized for stockwatering use shall be:

a feedlot located in the West Half of the Southwest Quarter (W<sup>1</sup>/<sub>2</sub> SW<sup>1</sup>/<sub>4</sub>) of Section 21, and the North Half of the Northwest Quarter of the Northwest Quarter (N<sup>1</sup>/<sub>2</sub> NW<sup>1</sup>/<sub>4</sub> NW<sup>1</sup>/<sub>4</sub>) of Section 28, both in Township 18 South, Range 33 West, Scott County, Kansas,

all located substantially as shown on the topographic map accompanying the application to change the use made of water and place of use.

The water right owner shall properly install a separate acceptable water meter for each use made of water for the diversion works authorized under this water right, prior to the use of water, in strict accordance with the Kansas Administrative Regulations 5-1-4 through 5-1-12 adopted by the Chief Engineer. The water right owner shall notify the Chief Engineer when installation of the water meters has been completed. The water right owner shall maintain the water meters in an operating condition satisfactory to the Chief Engineer, at all times during diversion of water and shall maintain records from which the total quantity of water diverted for stockwatering, and irrigation use may be determined. The water right owner shall also report the reading of said water meters and the total quantity of water diverted annually to the Chief Engineer. Such records shall be furnished to the Chief Engineer by March 1 following the end of each calendar year.



All diversion works into which any type of chemical or other foreign substance will be injected into the water pumped from the diversion works shall be equipped with an in-line, automatic, quick-closing check valve capable of preventing pollution of the source of the water supply. The type of valve installed shall meet specifications adopted by the Chief Engineer and shall be maintained in an operating condition satisfactory to the Chief Engineer.

In all other respects, the Certificate of Appropriation issued pursuant to Approval of Application, File No. 24,885, for permit to appropriate water for beneficial use, is as stated and set forth in the Certificate of Appropriation dated February 28, 2022.

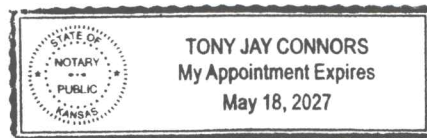
Ordered this 6 day of June, 2023, in Manhattan, Riley County, Kansas.

Lane P. Letourneau  
Lane P. Letourneau, P.G.  
Program Manager  
Division of Water Resources  
Kansas Department of Agriculture

State of Kansas )  
                          ) SS  
County of Riley )

The foregoing instrument was acknowledged before me this 6 day of June, 2023, by Lane P. Letourneau, P.G., Program Manager, Division of Water Resources, Kansas Department of Agriculture.

Tony Jay Connors  
Notary Public



## Ireland, Leslie [KDA]

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**From:** Meyer, Mike [KDA]  
**Sent:** Monday, May 1, 2023 2:32 PM  
**To:** Ireland, Leslie [KDA]  
**Subject:** RE: Review & Recommendation File Nos. SC 044 & 24,885 HRC Feed Yard.

Leslie, based on the notes in the file and the certificate, all diversion rate for each well is additional. I don't like it but it is what it is

Just to confirm, the overlap limit needs to be held to 615.14 AF also, not just the one well.

In this case with the legal agreement in docuware, I am okay with having non common ownership with the feedlot and ag land. The agreements spells everything out. (plus, the ag land owners are investors in the feedlot.....)

Also please note that this is in the four county LEMA and that the LEMA allocation will be adjusted with the adjusted irrigation quantity.

Thanks and I recommend approval.

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**From:** Ireland, Leslie [KDA] <Leslie.Ireland@ks.gov>  
**Sent:** Monday, May 1, 2023 10:12 AM  
**To:** Meyer, Mike [KDA] <Mike.Meyer@ks.gov>  
**Subject:** Review & Recommendation File Nos. SC 044 & 24,885 HRC Feed Yard.

Mike,

Had the WRIS report attached, but email hanging up.. not sure what the deal is with email today.

The rate limitation on File No. 24,885 needs to be updated in WRIS ?? It shows 0 ADL but LTM is only on the Q.

I've summarized the change, please let me know if you could recommend this change for dual use in GMD 1.

As always comments and concerns are welcome.

Leslie Ireland  
Environmental Scientist  
Change Application Unit  
Division of Water Resources





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

June 14, 2023

LEE MAYO  
HRC FEED YARDS LLC  
PO BOX 224  
SCOTT CITY KS 67871

RE: Vested Right  
File No. SC 044

Water Right  
File No. 24,885

Dear Mr. Mayo:

Enclosed are the orders executed by the Chief Engineer, Division of Water Resources, Kansas Department of Agriculture, approving the applications for change.

Your attention is directed to the enclosures and to the terms, conditions, and limitations specified in the approvals for change. A condition of the approvals is the requirement that the well authorized for dual use shall have **acceptable water flow meters installed so both irrigation and stockwatering uses can be metered independent of each other**. Meters should be installed prior to the diversion of water. Please return the required *Notice of Completion* form for the installation of the meters as soon as this action is completed. The form and other information may be found at our web site <http://agriculture.ks.gov/dwr>. As requested, the water use correspondent will remain Crown H Cattle Company Incorporated.

Since these orders modify the original documents referred to above, they should be recorded with the Register of Deeds as other instruments affecting real estate.

If you have any questions regarding the enclosed documents, please contact our office at 785- 564-6640. Inquiries about the metering please contact our staff at the Garden City Field Office, 620-276-2901. If you contact us to discuss a specific file, please have the file number ready so that we may help you more efficiently.

Sincerely,

Kristen A. Baum  
New Application and Change Unit Supervisor  
Water Appropriation Program

KAB:kak:li

Enclosures

pc: Garden City Field Office  
Groundwater Management District No. 1  
Kelly Hoeme, Crown H Cattle Company Incorporated

## RIGHT TO A HEARING AND TO ADMINISTRATIVE REVIEW

If you are aggrieved by this Order, then pursuant to K.S.A. 82a-1901, you may request an evidentiary hearing before the Chief Engineer or request administrative review by the Secretary of Agriculture. Failure to request an evidentiary hearing before the Chief Engineer does not preclude your right to administrative review by the Secretary.

To obtain an evidentiary hearing before the Chief Engineer, a written request for hearing must be filed within 15 days after service of this Order as provided in K.S.A. 77-531 (i.e., **within a total of 18 days after this Order was mailed to you**), with: Kansas Department of Agriculture, Attn: Legal Section, 1320 Research Park Drive, Manhattan, KS 66502, FAX (785) 564-6777.

If you do not file a request for an evidentiary hearing before the Chief Engineer, you may petition for administrative review of the Order by the Secretary of Agriculture. A petition for review shall be in writing and state the basis for requesting administrative review. The request for hearing may be denied if the request fails to clearly establish factual or legal issues for review. See K.S.A. 77-527. The petition must be filed within 30 days after service of this Order as provided in K.S.A. 77-531 (i.e., **within a total of 33 days after this Order was mailed to you**), and be filed with: Secretary of Agriculture, Attn: Legal Division, Kansas Department of Agriculture, 1320 Research Park Drive, Manhattan, Kansas 66502, FAX 785-564-6777.

If neither a request for an evidentiary hearing nor a petition for administrative review is filed as set forth above, then this Order shall be effective and become a final agency action as defined in K.S.A. 77-607(b). Failure to timely request either an evidentiary hearing or administrative review may preclude further judicial review under the Kansas Judicial Review Act.

## CERTIFICATE OF SERVICE

On this 14 day of June, 2023, I hereby certify that the attached Approvals of Applications for Change in Use Made of Water, Place of Use and Orders in the Matter of the Authorized Quantity of Water under, File Nos. SC 044 and 34,885, dated June 6, 2023, were mailed postage prepaid, first class, US mail to the following:

HRC FEED YARDS LLC  
LEE MAYO  
PO BOX 224  
SCOTT CITY KS 67871

With a True and Correct copy to:

CROWN H CATTLE CO INC  
KELLY HOEME  
PO BOX 186  
SCOTT CITY KS 67871

With a Photocopy to:

KDA-DWR Garden City Field Office

Western Kansas GMD No. 1

  
Division of Water Resources