

Kansas Department of Agriculture
 Division of Water Resources
CHANGE: PU UMW WORKSHEET - DUAL USE
P/D BETTER DESCRIBED

1. File Number: 473	2. Status Change Date: 6/6/2023	3. Change Num: C2	4. Field Office: 04	5. GMD: 01
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: 12/28/2022
8a. Applicant(s) New to system <input type="checkbox"/> CHRIS HOLOVACH 2730 E ROAD 240 SCOTT CITY KS 67871		Person ID _____ Add Seq# _____		
8b. Landowner(s) New to system <input type="checkbox"/> HRC FEED YARDS LLC PO BOX 224 SCOTT CITY, KS 67871		Person ID 63928 Add Seq# 2 1		
8c. Landowner(s) New to system <input type="checkbox"/> CHRIS & SHAWN HOLOVACH 2730 E ROAD 240 SCOTT CITY KS 67871		Person ID 61407 Add Seq# _____		
8d. WUC New to system <input type="checkbox"/> CHRIS & SHAWN HOLOVACH 2730 E ROAD 240 SCOTT CITY KS 67871		Person ID 61407 Add Seq# 1		
9. Documents and Enclosure(s): <input checked="" type="checkbox"/> DWR Meter(s) Date to Comply: 12/31/2023 <input type="checkbox"/> 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: IRR To: IRR & STK DUAL USE				
Date Prepared: 5/22/2023 By: LI Date Entered: _____ By: 6/7/2023 LMoody Date Reviewed: 5/26/23 By: JDK				

File No. **473** 11. County: **SC** Basin: **WHITEWOMAN CREEK** Stream: **NA** Formation Code: **211/331** Special Use: **NA**

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

MOD 17236 SE NW SE 17 17 31W 2 1472 1382 DUAL IRR/STK 570 225 570 225 15818

GPS/QUALIFIER UPDATE

13. Storage: Rate _____ NF Quantity _____ ac/ft Additional Rate _____ NF Additional Quantity _____ ac/ft

14. Limitation: **184.1** af/yr at _____ gpm (_____ cfs) when combined with file number(s) **DUAL IRR /STK (59.97 MGY) USE**
 Limitation: _____ af/yr at _____ gpm (_____ cfs) when combined with file number(s) _____

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								
ENT	7839	24	17	32W	2	FEEDLOT (NW) & (N2 SW)																	8b	NO	***				
CHK	29725	17	17	31W	1																	40	40	40	40	160	8c	NO	15818

Base Acres: Year: Minimum Reasonable Quantity:

Comments: **POP UP TEMPORARY QUANTITY REDUCTION QUANTITY LIMITED TO 184.1 AF (59.97 MGY) 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 23, 2023

FROM: Leslie Ireland

RE: Water Right, File Nos. 473 & 15,818

Chris and Shawn Holovach as owners of the referenced files have 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. 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...*, has 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 a complete overlap in point of diversion and place of use. The place of use change will add the livestock feedlot facility operated by Lee Mayo on behalf of HRC Feedyards LLC. My conversation with Chris Holovach indicated there is a contract water use agreement between the owners and HRC Feedyard LLC. All owners signed the applications and provided needed information for their completion.

File No. 473 authorizes 570 gallons per minute (gpm) to divert 225 acre-feet (AF) from one(1) well located near the center of the Southeast Quarter (SW $\frac{1}{4}$) of Section 17, Township 17 South, Range 33 West, Scott County. File No. 15,818, shares this well providing 95 AF at 600 gpm, with their combined 320 AF irrigating 160 acres in the same quarter. Scott County consumptive use allocation of 81.8% affords the dual use quantity under the referenced files to be 261.76 AF (85.295 million gallons (mgy)) per year. Their rates of diversion will remain as authorized. Specifically, while operated as dual use, File No. 473 will be authorized 184.1 AF, and File No. 15,818, authorized 77.7 AF.

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 160 acres at the reduced quantity of 261.76 AF will provide an irrigation ratio of 1.63 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 261.76 AF (85.295 mgy) could be diverted as stockwater use at the proposed existing feedlot located in the Northwest Quarter (NW $\frac{1}{4}$) and in the North Half of the Southwest Quarter (N $\frac{1}{2}$ SW $\frac{1}{4}$) of Section 24, in Township 17, South Range 32 West, Scott County. This feedlot is currently authorized by File Nos. 6,974; 8,716.05; 15,772; 17,125.05; 18,123; 32,665.05; 36,173.05 & 38,388 with a total of 73.208 mgy, with full operational wells. This quantity would provide drinking water to 13,371 head at 15 gallons per head per day. An increase to 158.504 mgy could be yielded by the changes. The submitted justification indicates a total of 146.93 mgy could be needed due to cattle numbers and operation of the facility, but also states their stockwater wells have reduced production. No additional limitation on the quantity will be applied due to the justification and well operations. It appears the applications complies with K.A.R. 5-3-22, *Maximum reasonable quantity of water for livestock and poultry*.

The review of the change application identified(2) two wells within one-half ($\frac{1}{2}$) mile of the well proposing to change. One is owned by HRC and the nearby notification letter sent on April 27, 2023, to the other well owner and their water use correspondent did not result in any comments. It appears the processing of the application follows K.S.A. 82a-1906.

Information in the WRIS database indicates the well authorized by both of the referenced files has an actual to be 1,472 feet North and 1,382 feet West of the Southeast corner of Section 17 approximately . The actual location was determined to be approximately 172 feet from the authorized, but complies with K.A.R. 5-5-6, *Failure to construct diversion works at authorized location*, due to the history of the files. The qualifiers will be updated to the Southeast Quarter of the Northwest Quarter of the Southeast Quarter (SE $\frac{1}{4}$ NW $\frac{1}{4}$ SE $\frac{1}{4}$) of 17-17-31W, Scott County.

Katie Durham, Manager of Western Kansas Groundwater Management District No. 1, was sent the application and a recommendation requested. No reply was received. It would appear the District has no objections to 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 22, 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 Chris & Shawn Holovach, with HRC receiving 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

Ireland, Leslie [KDA]

From: Meyer, Mike [KDA]
Sent: Monday, May 22, 2023 4:22 PM
To: Ireland, Leslie [KDA]
Subject: RE: Review & Recommendation File Nos. 473 & 15,818 Holovach-HRC Feedlot

Follow Up Flag: Follow up
Flag Status: Flagged

Yes I recommend approval, and please note in the transmittal for them to be aware of their LEMA allocation for irrigation use

From: Ireland, Leslie [KDA] <Leslie.Ireland@ks.gov>
Sent: Wednesday, May 3, 2023 8:36 AM
To: Meyer, Mike [KDA] <Mike.Meyer@ks.gov>
Subject: Review & Recommendation File Nos. 473 & 15,818 Holovach-HRC Feedlot

Mike,

This one doesn't have common ownership.. but appears they have an agreement.

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



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 BETTER DESCRIBE THE AUTHORIZED POINT OF DIVERSION WATER RIGHT, FILE NO. 473

The Chief Engineer, Division of Water Resources, Kansas Department of Agriculture, after due consideration of the written application of Chris Holovach and Shawn Holovach, 2730 E Road 240, Scott City, Kansas 67871-4152 as owners of the referenced water right, along with Lee Mayo on behalf of HRC Feed Yards LLC, PO Box 224, Scott City, Kansas 67871, 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, as modified and amended by the Order of the Chief Engineer dated February 23, 1971, approving the application to change the place of use, and by the Findings and Order of the Chief Engineer dated October 10, 1979, to better describe the authorized point of diversion, and by the Order of the Chief Engineer dated May 7, 2004, approving the application to change the point of diversion, 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 225 acre-feet (73.31 million gallons). This order effectively limits the authorized quantity of water to 184.1 acre-feet (59.97 million gallons) per calendar year for both stockwatering and irrigation uses combined. That the limitation on the quantity of water shall exist until such a time that the quantity of water for stockwatering use authorized by this approval is no longer required.

The authorized location of the irrigation place of use shall be:

Sec.	Twp.	Range	NE¼				NW¼				SW¼				SE¼				TOTAL			
			NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼				
17	17S	31W																40.0	40.0	40.0	40.0	160.0

a total of 160 acres in Section 17, Township 17 South, Range 31 West, Scott County, Kansas and the place of use authorized for stockwatering use shall be:

a feedlot located in the Northwest Quarter (NW¼) and the in the North Half of the Southwest Quarter (N½ SW¼) of Section 24, Township 17 South, Range 32 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.

That information in the office of the Chief Engineer finds that the point of diversion authorized would more accurately be defined as:

one (1) well located in the Southeast Quarter of the Northwest Quarter of the Southeast Quarter (SE¼ NW¼ SE¼) of Section 17, more particularly described as being near a point 1,472 feet North and 1,382 feet West of the Southeast corner of said section, in Township 17 South, Range 31 West, Scott County, Kansas.

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. 473, for permit to appropriate water for beneficial use, is as stated and set forth in the Certificate of Appropriation dated February 2, 1956, as modified and amended by the aforementioned orders.

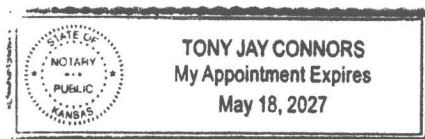
Ordered this 6 day of June, 2023, in Manhattan, Riley County, Kansas.

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



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

CHRIS & SHAWN HOLOVACH
2730 E ROAD 240
SCOTT CITY, KS 67871-4152

RE: Water Right, File Nos. 473 & 15,818

Dear Sirs:

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>. As requested, the water use correspondent will remain Chris & Shawn Holovach.

Please be reminded the referenced files are located within a Local Enhancement Management Area and the quantity authorized is subject to an additional limitation or allocation.

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:LI

Enclosures

pc: Garden City Field Office
Groundwater Management District No. 1
Lee Mayo, HRC Feed Yards LLC

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 Approval of Applications for Change in Use Made of Water, Place of Use and Order in the Matter of the Authorized Quantity of Water under, File Nos 473 & 15,818; dated _____, 2023, was mailed postage prepaid, first class, US mail to the following:

CHRIS & SHAWN HOLOVACH
2730 E ROAD 240
SCOTT CITY, KS 67871-4152

With a True and Correct copy to:

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

With a Photocopy to:

Garden City Field Office
Groundwater Management District No. 1


Division of Water Resources