

WATER RESOURCES RECEIVED

SEP 08 2023

1430

KS DEPT OF AGRICULTURE

WATER RESOURCES RECEIVED

APR 24 2024

13:34

KS Dept. of Agriculture

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~~ No PD change proposed or processing fee paid. LI/DWR

Use Made of Water # 12 of application proposes a use made of water change, fee needed. 4/10/2024
LI/DWR

File No. 18349

2. Name of applicant: CENTERFIRE FEEDYARD, Attn: Trey Livingston

Address: P O BOX 489

City, State and Zip: ULYSSES, KS 67880

Phone Number: (719)342-1413 E-mail address: trey.livingston@cactusfeeders.com

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

Name of water use correspondent: CENTERFIRE FEEDYARD, Attn: DAVE VENHAUS

Address: P O BOX 489

City, State and Zip: ULYSSES, KS 67880

Phone Number: () E-mail address: _____

3. The change(s) proposed herein are desired for the following reasons (please be specific): To create a dual use permit for the above water right. This permit will cover two feedyards.

The change(s) (will be) completed by As soon as approved _____
(Date)

For Office Use Only:															
F.O.	<u>4</u>	GMD	<u>3</u>	Meets K.A.R. 5-5-1	<input checked="" type="checkbox"/> YES / <input type="checkbox"/> NO	Use	<u>IRR</u>	Source	<input checked="" type="checkbox"/> G / <input type="checkbox"/> S	County	<u>GT</u>	By	<u>ALB</u>	Date	<u>9/8/23</u>
Code	<u>CPU</u>	Fee \$	<u>300</u>	TR #		Receipt Date	<u>9/8/23</u>	Check #	<u>285717</u>						

Cwu

300

PDIV 89194

4-24-24

303828

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APPLICATION FOR APPROVAL TO CHANGE
THE PLACE OF USE AND/OR POINT OF DIVERSION
SUPPLEMENTAL SHEET

SEP 08 2023

FILE NO. 18346

MAKE ADDITIONAL COPIES AS NECESSARY

KS DEPT OF AGRICULTURE

3. Continued: The presently authorized place of use is:

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		

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		

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		

4. Continued: If this application is for a change in place of use, it is proposed that the place of use be changed to:

Owner of Land ---- NAME: CENTERFIRE FEEDYARD
ADDRESS: P O BOX 489, ULYSSES, KS 67880

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	
16	30	36W									Feed lot		Feed lot	Feed lot	Feed	Lot	in the	SE	
22	30	36W																	
21	30	36W	N2																

Owner of Land ---- NAME: FEEDYARDS INC, Attn: ULYSSES FEEDYARD
ADDRESS: P O BOX 489, ULYSSES, KS 67880

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	37W	Feed																
13	30	37W																	

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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4. The presently authorized place of use is:

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Owner of Land — NAME: CENTERFIRE FEEDYARD

ADDRESS: P O BOX 489, ULYSSES, KS 67880

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	
16	30	36W									30								30
17	30	36W															11	39	50
20	30	36W	4																4

List any other water rights that cover this place of use. N/A

Owner of Land — NAME: CENTERFIRE FEEDYARD

ADDRESS: P O BOX 489, ULYSSES, KS 67880

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	
21	30	36W		1	22		7	1	19	40	40	15		2			19		166

List any other water rights that cover this place of use. N/A

(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: CENTERFIRE FEEDYARD

ADDRESS: P O BOX 489, ULYSSES, KS 67880

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	
16	30	36W									30								30
17	30	36W															11	39	50
20	30	36W	4																4

List any other water rights that cover this place of use. N/A

Owner of Land — NAME: CENTERFIRE FEEDYARD

ADDRESS: P O BOX 489, ULYSSES, KS 67880

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	
21	30	36W		1	22		7	1	19	40	40	15		2			19		166

List any other water rights that cover this place of use. N/A

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File No. 18349

6. The presently authorized point(s) of diversion is one well with associated diversion works
(Provide description and number of points)

7. The proposed point(s) of diversion is One well with associated diversion works including one water flowmeter for each use made of water.
(Provide description and number of points)

List all presently authorized point(s) of diversion:

8. **Presently authorized point of diversion:**
 One in the SE Quarter of the NW Quarter of the NW Quarter of Section 21, Township 30 South, Range 36 W, in GT County, Kansas, 4482 feet North 4437 feet West of Southeast corner of section. Authorized Rate 1305 gpm Authorized Quantity 420 AF
 (DWR use only: Computer ID No. 1 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 _____ (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 IRR purposes.
It is proposed that the use be changed to IRR/STK purposes.

13. If changing the place of use and/or use made of water, describe how the consumptive use will not be increased.
IRR is authorized for 420 acre feet per year. Consumptive use calculation is 86.9%
420 (AF) X 86.9% leaves 364.98 AF to be used for IRR and STK purposes.
364.98 will be the maximum authorized quantity for either IRR or STK purposes.
Authorized quantity will revert back to the 420 AF if STK use is terminated by a subsequent change application.
(Please show any calculations here.)

14. It is requested that the maximum annual quantity of water be reduced to 364.98 (acre-feet or million gallons).

15. It is requested that the maximum rate of diversion of water be reduced to No change 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.

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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KS Dept of Agriculture File No. 18346

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.

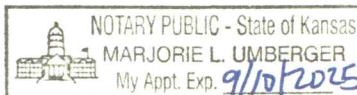
In the event that all applicants cannot appear before one notary public, they may as necessary sign separate copies of the application before any notary public conveniently available to them. All copies signed in this manner shall be considered to be valid parts of the application.

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 ULYSSES, Kansas, this 9th day of AUGUST, 2023.
(Owner) (Spouse)
ADAM D. GERROLD (Please Print) (Please Print)
(Owner) (Spouse)
(Please Print) (Please Print)
(Owner) (Spouse)
(Please Print) (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 9th day of August, 2023.

Signature of Notary Public: Marjorie L. Umberger

My Commission Expires 9/10/2025

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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KS DEPT OF AGRICULTURE

KS Dept. of Agriculture
**STOCKWATER USE
SUPPLEMENTAL SHEET**

File No. 18349

Name of Applicant (Please Print): Centerfire 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	120,007	436,025,550	10
Last year	104,284	551,923,070	14.5
Present Year	70,242	164,326,670	12

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	146,000	639,480,000	12
Year 2	146,000	639,480,000	12
Year 3	146,000	639,480,000	12
Year 4	146,000	639,480,000	12
Year 5	146,000	639,480,000	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.

See Page 2a

S	T	R	NE¼				NW¼				SW¼				SE¼				TOTAL
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	

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

146,000 head of Beef Cattle x 12 gallons/head (avg.) x 365 days = 639,480,000 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) _____ = _____ gallons

TOTAL ----- 639,480,000 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 109,500 linear feet.

8. Total size of stock pens for confinement area of cattle, hogs, etc. is 150 square feet / head of cattle

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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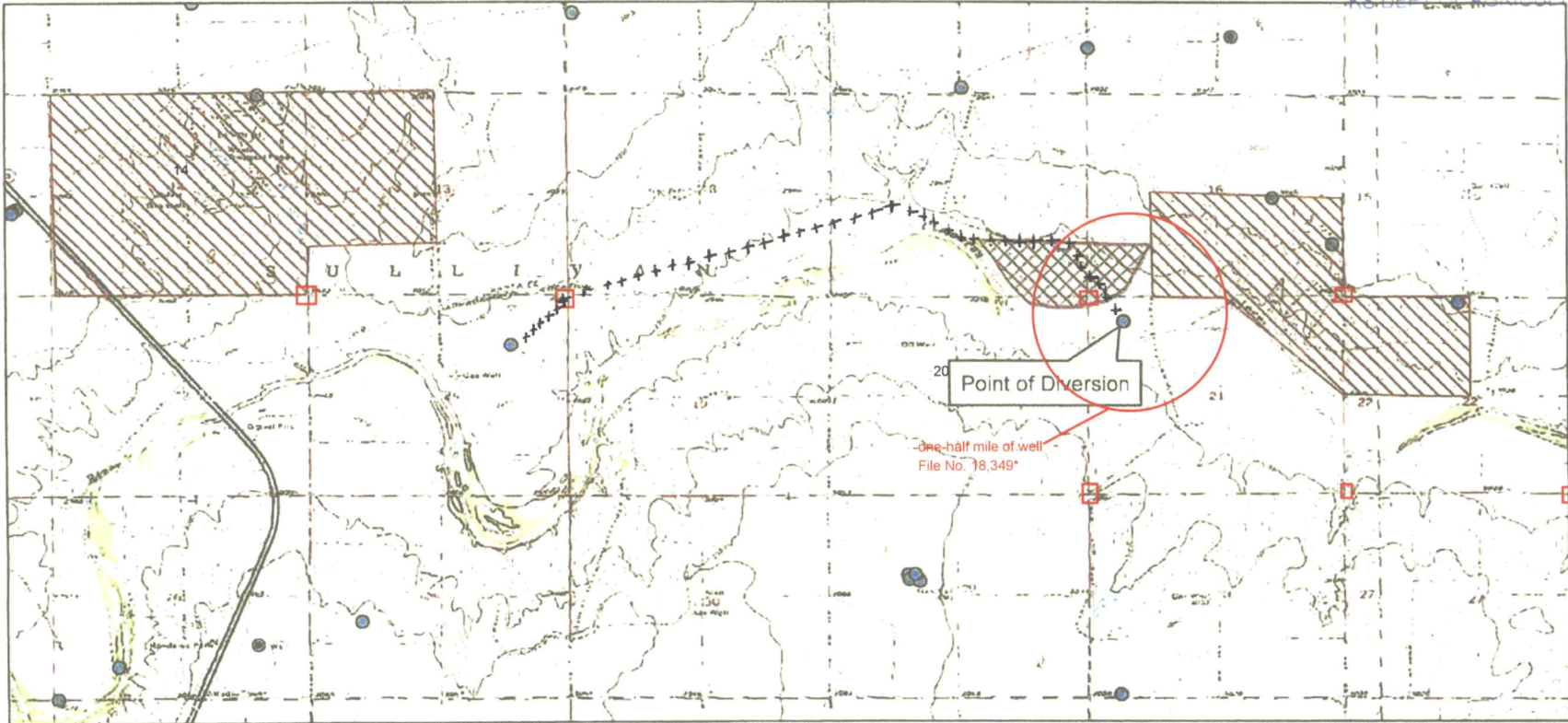
Change in Place of Use and Use made of Water for water right 18346

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KS Dept. of Agriculture

KS DEPT. OF AGRICULTURE



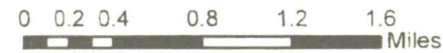
● Authorized point of diversion

⊘ Authorized Place of Use

⊘ Proposed Place of Use

□ Southeast corner of Section *

++++ Pipeline *



All wells within 1/2 mile are noted

X _____

1:48,000

mdf/GCFO

* L/DWR 4/10/2024

+ TCL/cactus Feeders
4/12/24