

# 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.

WATER RESOURCES RECEIVED

FEB 02 2018

12:02

DEPT OF AGRICULTURE



State of Kansas

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 USES  
MADE OF THE WATER UNDER AN  
EXISTING WATER RIGHT**

**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. 21341

2. Name of applicant: SOUTHWEST PLAINS DAIRY LLC

Address: 12701 SW CR 32

City, State and Zip: SYRACUSE, KS 67878

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 AS ABOVE

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):

ADD AN ADDITIONAL WELL BY TRANSFERRING 110 AF FROM THE NEW IRRIGATION WELL TO THE OLD AND  
CHANGING THE USE TO LIVESTOCK TO COVER DAIRY EXPANSION (HEIFER LOT).

The change(s) (was) completed by JULY 20, 2017

(Date)

**For Office Use Only:**

F.O. 4 GMD 3 Meets K.A.R. 5-5-1 (YES) / NO Use IRR Source (C) S County HM By AW Date 2/5/18  
Code C-3 Fee \$ 700 TR # 700 Receipt Date 2/1/18 Check # 9776

2/19/2018 ULM

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File No. 21341

4. The presently authorized place of use is:

Owner of Land — NAME: RC GEVEN FARMS LLC

KS DEPT OF AGRICULTURE

ADDRESS: 12701 SW CR 32, SYRACUSE, KS 67878

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	
1	26	43W									34	34	34	34	34	34	34	34	272

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: RC GEVEN FARMS LLC / SOUTHWEST PLAINS DAIRY LLC\*

ADDRESS: 12701 SW CR 32, SYRACUSE, KS 67878

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	
1	26	43W									34	34	34	34	34	34	34	34	272
2	26	43W	Dairy	(SE SW)	&	(SW SE)													
11	26	43W	Dairy	(N2 NE)															

List any other water rights that cover this place of use. 9921-4\*, 18576 (Stockwater to Dairy)

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	
12	26	43W	Dairy	(NW)	&	(N2 SW)													

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 are TWO WELLS  
(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 SW Quarter of the NE Quarter of Section 12, Township 26 South, Range 43 W, in HAMILTON County, Kansas, 2990 feet North 2598 feet West of Southeast corner of section.  
 Authorized Rate \_\_\_\_\_ Authorized Quantity \_\_\_\_\_  
 (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 SW Quarter of the SW Quarter of the NE Quarter of Section 1, Township 26 South, Range 43 W, in HAMILTON County, Kansas, 100 feet North 2580 feet West of Southeast corner of section.  
 Proposed Rate \_\_\_\_\_ Proposed Quantity 110 AF  
 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. \_\_\_\_\_

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 Syracuse, Kansas, this 24<sup>th</sup> day of January, 2018.

[Signature]  
(Owner) Managing Member (Spouse)

(Please Print) (Please Print)

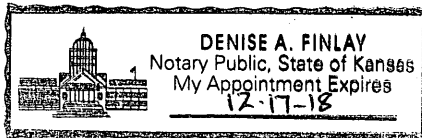
(Owner) (Spouse)

(Please Print) (Please Print)

(Owner) (Spouse)

(Please Print) (Please Print)

State of Kansas }  
County of Hamilton } SS



I hereby certify that the foregoing application was signed in my presence and sworn to before me this 24<sup>th</sup> day of January, 2018.

My Commission Expires 12-17-18

Denise A. Finlay  
Notary Public

**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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\$ 700

12. The presently authorized use of water is for IRRIGATION purposes.

It is proposed that the use be changed to IRRIGATION AND STOCKWATERING purposes.

13. If changing the place of use and/or use made of water, describe how the consumptive use will not be increased.

The water right is authorized 511AF at 815 gpm on irrigated 272 acres. Proposed 110AF to be converted to stockwatering.

Consumptive use calc: 511 AF x 83% (HM Co)= 424.13 AF

110 AF stockwater / 424.13 AF = .2594 -1 = 74.1%

511 AF x 74.1% = 378.651 AF IRRIGATION

(Please show any calculations here.)

14. It is requested that the maximum annual quantity of water be reduced to 488.651 (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](http://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 ½ 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 ½ 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) ½ mile downstream and ½ 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.

Reduction of Acres: Per K.A.R. 5-5-10 (b) - (511 AF / 272 AC) \* (378.65 / X) = 202.2 AC

Per K.A.R. 5-5-11 (a)(2)(B)(iii) - 228.3 AC

Due to application of effluent (25.5 MGY/ 78 AF) to authorized acres, a reduction will not be applicable.

(511 AF / 272 AF) \* ((378.65 + 78 af) / X) = 273.410 ac

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.

NA

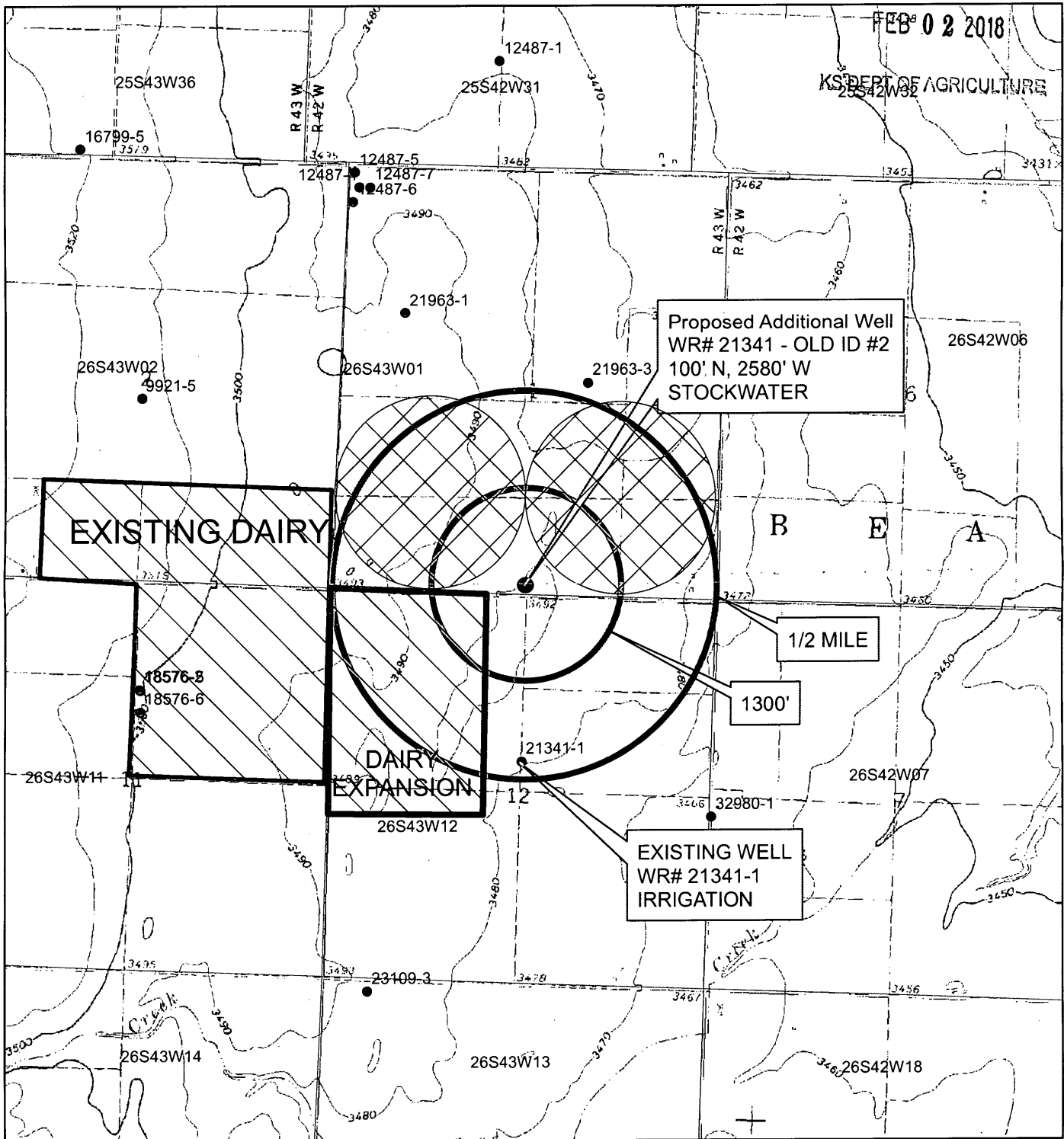
# WR 21341



## Change in Place of Use, Use Made of Water & Additional Well

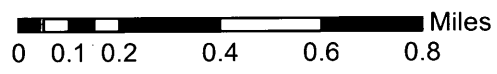
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-  Existing place of use
-  Proposed place of use



All wells are shown within 1/2 mile radius of additional well.

  
Signature of Applicant

**STOCKWATER USE  
SUPPLEMENTAL SHEET**

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File No. 21341

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Name of Applicant (Please Print): Richard Geven

1. Please indicate type of livestock (cattle, hogs, etc.): Cattle (400 pd - 1300 pd)

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	6000	190,551.060 g	1 89
Last year	8250	200,528.613 g	1 68
Present Year	15000	296,292.550 g	1 40

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	15000	216,292.550	1 40
Year 2	18000	244,388.250	1 37
Year 3	19000 ?	250,492.250 ?	1 36
Year 4	19000 ?	250,492.250 ?	1 36
Year 5	19000 ?	250,492.250 ?	1 36

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 Application*

S	T	R	NE 1/4				NW 1/4				SW 1/4				SE 1/4				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

8200 head of Dairy Cattle x 45 gallons/head (avg.) x 365 days = 134,685.00 gallons  
5000 head of 400-800 lb x 4.5 gallons/head (avg.) x 365 days = 8,212.500 gallons  
5800 head of 800-1300 lb x 9.0 gallons/head (avg.) x 365 days = 19,053.000 gallons

COOLING

4344.68 gallons/hour x 15 hour/day x 150 days = 9,775.530 gallons

SANITATION

20 g.p.m. x 60 min/hr x 168 hr/wk x 52 wks/yr = 10,483.200 gallons

OTHER USE (Explain) Flushing 2 Holding pens = 68832.017 gallons

TOTAL

251,040.747 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 33959 linear feet.

8. Total size of stock pens for confinement area of cattle, hogs, etc. is SEE ABOVE 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.

**Kansas**  
Department of Agriculture  
Division of Water Resources

Garden City Field Office  
2508 Johns Street  
Garden City, Kansas 67846-2804

Jackie McClaskey, Secretary  
David W. Barfield, Chief Engineer  
Michael A. Meyer, Water Commissioner

Phone: (620) 276-2901  
Fax: (620) 276-9315  
www.agriculture.ks.gov  
Sam Brownback, Governor

December 19, 2017

SOUTHWEST PLAINS DAIRY LLC  
RICHARD GEVEN  
12701 SW CR 32  
SYRACUSE KS 67878-7816

WATER RESOURCES  
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FEB 02 2018

Re: Water Right, File No. 21341, 9921 & 18576

KS DEPT OF AGRICULTURE

Dear Richard:

Enclosed are the applications to cover the changed needed for the dairy expansion.

WR 21341:

1. **Application for Term Permit:** Application is for 2018 only, 110 AF at 50 gpm. Please review, sign the three highlighted lines, and return with \$300.
2. **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:** Please review, sign the map, sign the application in front of a notary and return with \$700 (this covers the additional well).
3. As part of the change application, the **Stockwater Use Supplemental Sheet** needs to be completed and returned.

WR 9921- **Application for Approval to Change the Place of Use and/or the Point of Diversion:** Review, sign the application in front of a notary and return with \$200.

WR 18576- **Application for Approval to Change the Place of Use and/or the Point of Diversion:** Review, sign the application in front of a notary and return with \$200.

Please submit all together, the applications and fees (total \$1400), and send to Headquarters at:

Division of Water Resources  
Kansas Department of Agriculture  
1320 Research Park Drive  
Manhattan, Kansas 66502

*TO pay of 1400<sup>00</sup> Cheque included*

If you need additional assistance, please feel free to contact myself or the Water Commissioner. When reserving an appointment, please refer to the file number(s) referenced above.

Sincerely,

*Brandy Cole*

Brandy Cole  
Environmental Scientist

*1-25-18*

BSC  
enclosure

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

SOUTHWEST PLAINS DAIRY, LLC  
12701 SW CR 32  
SYRACUSE, KS 67878

February 14, 2018

RE: File No 21341

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/PD/UMW  
 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 Tourney, L.G.  
Change Applications Unit Supervisor  
Water Appropriation Program

BAT: DLW  
pc: GARDEN CITY Field Office GMD3