

Kansas Department of Agriculture  
Division of Water Resources  
**CHANGE: P/U WORKSHEET**

Document Signature LPL

1. File Number: <b>27607</b>	2. Status Change Date: <b>2/18/2019</b>	3. Change Num: <b>C34</b>	4. Field Office: <b>04</b>	5. GMD: <b>03</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: <del>6/13/2018</del> <b>10/31/2018</b>
8a. Applicant(s) New to system <input type="checkbox"/>  <b>SOUTHWEST FARMS LLC BRENT STANLEY 15857 BEAR MOUNTAIN BLVD BAKERSFIELD CA 93311</b>		8c. pc New to system <input type="checkbox"/>  <b>MARSHA SHOEMAKER 3404 AIRWAY BLVD AMARILLO TX 79118</b>		
8b. Landowner(s) New to system <input type="checkbox"/>  <b>SOUTHWEST FARMS LLC 15857 BEAR MOUNTAIN BLVD BAKERSFIELD CA 93311</b>		8d. WUC New to system <input type="checkbox"/>  <b>SOUTHWEST FARMS LLC 15857 BEAR MOUNTAIN BLVD BAKERSFIELD CA 93311</b>		
9. Documents and Enclosure(s): <input checked="" type="checkbox"/> DWR Meter(s) Date to Comply: <b>12/31/2019</b> <input type="checkbox"/> N & P Date to Comply: _____				
<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: _____    To: _____				
Date Prepared: <b>2/4/2019</b> By: <b>LI</b> Date Entered: <b>2/19/2019</b> By: <b>LLM</b>				

File No. 27607      11. County: HS      Basin: ARKANSAS RIVER      Stream:      Formation Code: 211      Special Use:

12. Points of Diversion      Rate and Quantity  
 T  
 MOD      Authorized      Additional  
 DEL      PDIV      S      T      R      ID      'N      'W      Comment      Rate      Quantity      Rate      Quantity  
 ENT      Qualifier      S      T      R      ID      'N      'W      Comment      gpm      af/mgy      gpm      af/mgy      Overlap PD Files

**NO CHANGE**

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

14. Limitation: \_\_\_\_\_ af/yr at \_\_\_\_\_ gpm ( \_\_\_\_\_ cfs) when combined with file number(s) **none no change**  
 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 T 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>STOCKWATERING</b> MOD 60073    28 27 33W 3	NE¼, E/2 NW, N/2 SE																8a	NO	4451			
																	8a	NO	4451			
MOD 12617    28 27 33W 1									40	40							40	40	160	8a	NO	4451

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

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

**TO:** Files

**DATE:** January 31, 2019

**FROM:** Leslie Ireland

**RE:** Water Right,  
File Nos. 4,451 & 27,607

Brent Stanley on behalf of the new owner, Southwest Farms LLC, located in Haskell County, filed applications for approval to change the place of use authorized for stockwatering and irrigation use. The applications were received on October 31, 2018.

The rights are in compliance per K.S.A. 82-732, while K.S.A. 82a-718, is not applicable. An updated map and irrigated acres was provided by the applicant on January 24, 2019, and the applications comply with K.A.R. 5-5-2a, *Complete change application*.

File No. 4,451 is authorized irrigation and stockwatering use. The irrigation portion authorizes 1,405 gallons per minute to divert 29 acre-feet from one (1) well in the Northwest Quarter of the Northwest Quarter of the Northwest Quarter of (NW $\frac{1}{4}$  NW $\frac{1}{4}$  NW $\frac{1}{4}$ ) of Section 28, located 3,780 feet North and 4,029 feet West of the Southeast corner is authorized to irrigate 175.99 acres in the Northwest (NW $\frac{1}{4}$ ) and Southeast (SE $\frac{1}{4}$ ) Quarters of Section 28, all in Township 27 South, Range 33 West, Haskell County (28-27-33W). The stockwatering portion authorizes one(1) primary well and two(2) standby wells. The well authorized for irrigation use is also the primary well for the stockwatering use. It is authorized to divert 87.980 million gallons (270 acre-feet) per year to water approximately 24,000 light weight livestock head in the Northeast Quarter (NE $\frac{1}{4}$ ) of 28-27-33W. The standby wells are located in the NW $\frac{1}{4}$  SW $\frac{1}{4}$  SE $\frac{1}{4}$  approximately 981 feet North and 2,635 feet West of the Southeast corner and NC NW $\frac{1}{4}$  of Section 28, approximately 3,785 feet North and 4,093 feet North of the Southeast corner both in 28-27-33W. The southern stockwatering standby well overlaps with the irrigation well authorized by File No. 27,607. The irrigation use of 1,265 gpm to divert 229 AF for the same 175.99 acres as File No. 4,451. The rights are not located within a special use area. They are within the boundaries of the Southwest Kansas Groundwater Management District. Other than the standby well restrictions the rights have not additional limitations.

The proposed change in place of use is to expand the feedlot area and increase herd size. The authorized feed lot described as being in the Northeast Quarter (NE $\frac{1}{4}$ ) and the East Half of the Northeast Quarter of the Northwest Quarter (E $\frac{1}{2}$  NE $\frac{1}{4}$  NW $\frac{1}{4}$ ), the Northeast Quarter of the Southeast Quarter (NE $\frac{1}{4}$  SE $\frac{1}{4}$ ) and the East Half of the East Half of the Northwest Quarter of the Southeast Quarter (E $\frac{1}{2}$  E $\frac{1}{2}$  NW $\frac{1}{4}$  SE $\frac{1}{4}$ ), all in Section 28. The change will result in the place of use being the Northeast Quarter (NE $\frac{1}{4}$ ) and the East Half of the Northwest Quarter (E $\frac{1}{2}$  NW $\frac{1}{4}$ ) and the North Half of the Southeast Quarter (N $\frac{1}{2}$  SE $\frac{1}{4}$ ), all in Section 28. A Stockwatering Supplemental Sheet for Southwest Farms LLC, was submitted with the application. The feed lot has historically been a calf operation and it appears from the submitted numbers it will continue to operate as a calf operation. The historical herd size of 52,000 head will increase to 72,500 head. They did not request any additional water and stated that at capacity five ( 5 ) gallons per head per day will be utilized for drinking with 13.693 million gallons of water per year used for milk mixing operations and sanitation, milk production and trough spillage. It appears the calf operation will continue to utilize 137.063MGY while meeting the requirements of K.A.R. 5-3-22, *Maximum reasonable quantity of water for livestock and poultry*.

The expansion will be into irrigated acres will result in the irrigated acres being reduced from 175.99 to 140 acres. The place of use will somewhat revert to what was certified with the corner acres in the Northwest Quarter and Southeast Quarter being added back. The historical base acres of 300 acres, or the 475 maximum acres irrigated, will not be exceed and the proposed 140 acres complies with K.A.R. 5-5-11, *Applications for change in place of use for irrigation purposes*.

The proposed 140 acres can be irrigated by the 258 acre-feet authorized for irrigation use by the referenced file, providing 1.84 acre-foot per acre. This irrigation ratio complies with K.A.R. 5-3-23, *Maximum reasonable annual quantity approvable for irrigation use for an application for change in place of use and a request to reduce a water right.*

It appears there are two (2) irrigation wells located within one-half (½) mile of the authorized points of diversion that are not owned by the applicant/owner. As required by statute, these owners were notified by letter dated January 25, 2019, of the proposed change.

In a letter dated January 28, 2019, Jason Norquest, Assistant Manager, GMD No. 3, recommended approval of the applications.

Two of the points of diversion under File No. 4,451, had a Compliance Investigation completed by DWR staff in 2017, with the actual locations determined by GPS.

File No.	Use	Well ID	PDIV ID	Qualifiers	Authorized		Actual	
					Feet North	Feet West	Feet North	Feet West
4451	IRR	6	85372	NC NW	3780	4029	3746	4033
4451	STK P	6	85372	NC NW	3780	4029	3746	4033
4451	STK S	1	24929	NC NW	3785	4093	3763	3972
4451	STK S	3	83240	NW SW SE	981	2635		

The well identified as ID 3 was updated and corrected to the actual by the February 25, 2016 correctional order. This point will remain as authorized and overlapping with both uses under File No. 27,607.

In an e-mail dated January 31, 2019, Mike Meyer, Water Commissioner, Garden City Field Office, stated that he had no objections to the approval of the applications.

Water flowmeters will be required for each use in accordance with existing rules and regulations. A meter should be installed for each use at each authorized point of diversion. A check valve will be required if any chemical or foreign substance is injected into the water through the diversion works according to K.A.R. 5-3-5(c).

Based on the above discussion the change in place of use is reasonable, that impairment to existing water rights is unlikely, that there should be no increase in the consumptive use, and that no change in the local source of supply will occur, it is recommended that the referenced application be approved.



Leslie Ireland  
Environmental Scientist  
Water Appropriation Program

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, Acting Secretary

Laura Kelly, Governor

SOUTHWEST FARMS LLC  
BRENT STANLEY  
15857 BEAR MOUNTAIN BLVD  
BAKERSFIELD CA 93311

February 21, 2019

**FILE COPY**

RE: Water Right, File Nos. 4,451 & 27,607

Dear Mr. Stanley:

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

Your attention is directed to the enclosures and to the terms, conditions, and limitations specified in the approval for change. A condition of the approvals is that a water flowmeter meeting 5-1-4 through 5-1-12 must be installed on the diversion works authorized under the referenced files. Records in this office indicate meters meeting the specifications of the Chief Engineer are installed. If a meter installation has changed, please contact the Garden City Field Office.

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.

Please be reminded that reports of water usage must be submitted to this office annually. Records indicating the amount of water used should be furnished to the Chief Engineer by March 1 following the end of the previous calendar year so that the continued use of water becomes a matter of record in this office. The owner, or his or her legally designated agent, is held responsible for submitting annual water use reports. Failure to file an accurate water use report is a violation of law which makes you subject to civil penalties.

If you have any questions, regarding the enclosed approval documents please contact Leslie Ireland, Environmental Scientist, at 785-564-6633. Should you have questions regarding the meter requirement please contact Michael Meyer, Water Commissioner, at the Garden City Field Office at 620-276-2901. If you wish to discuss a specific file, please have the file number ready so that we may help you more efficiently.

Sincerely,

Brent A. Turney, P.E.  
Change Applications Unit Supervisor

BAT:LI:li  
Enclosures

pc: Garden City Field Office  
Groundwater Management District No. 3  
Marsha Shoemaker, Enviro-Ag Engineering, Inc.

# THE STATE OF KANSAS



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

**DIVISION OF WATER RESOURCES**  
David W. Barfield, Chief Engineer

## APPROVAL OF APPLICATION FOR CHANGE IN PLACE OF USE WATER RIGHT, FILE NO. 27,607

The Chief Engineer, Division of Water Resources, Kansas Department of Agriculture, after due consideration of the written application of Brent Stanley on behalf of Southwest Farms LLC, 15857 Bear Mountain Boulevard, Bakersfield, California 93311, received in this office on October 31, 2018, for approval of a change in the place of use under the certificate of appropriation issued pursuant to the application for permit to appropriate water for beneficial use, as modified and amended by the Order of the Chief Engineer dated October 27, 2008, approving the application to change the place of use, and the Order of the Chief Engineer dated May 27, 2014, approving the application to change the point of diversion, and the Order of the Chief Engineer dated December 29, 2015, approving the application to change the point of diversion, place of use and use made of water, and by the Correctional Order of the Chief Engineer Dated February 24, 2016, correcting the location of the authorized point of diversion, finds that the change is reasonable and will not impair existing rights, and that the change relates to the same local source of supply and that the application should be and is hereby approved.

The effective date of the change shall be the date this order is executed by the Chief Engineer, after which the location of the place of use authorized for stockwatering use shall be:

located in the Northeast Quarter (NE $\frac{1}{4}$ ), the East Half of the Northwest Quarter (E $\frac{1}{2}$  NW $\frac{1}{4}$ ), and the North Half of the Southeast Quarter (N $\frac{1}{2}$  SE $\frac{1}{4}$ ), all in Section 28, Township 27 South, Range 33 West, Haskell County, Kansas, and

the place of use authorized for irrigation use shall be:

Sec. Twp. Range	NE $\frac{1}{4}$				NW $\frac{1}{4}$				SW $\frac{1}{4}$				SE $\frac{1}{4}$				TOTAL
	NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$	NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$	NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$	NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$	
28 27S 33W						40.0	40.0								40.0	40.0	160.0

total of 160 acres in Section 28, Township 27 South, Range 33 West,  
Haskell County, Kansas,

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

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.

The water right owner shall properly install an acceptable water meter on 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 meter has been completed. The water right owner shall maintain the water meter 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 may be determined. The water right owner shall also report the reading of said water meter 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.

In all other respects, the Certificate of Appropriation issued pursuant to Approval of Application, File No. 27,607, for permit to appropriate water for beneficial use, is as stated and set forth in the Certificate of Appropriation dated March 20, 1985, as modified and amended by the aforementioned orders.

Ordered this 18<sup>th</sup> day of February 2019, 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 18<sup>th</sup> day of February 2019, by Lane P. Letourneau, P.G., Program Manager, Division of Water Resources, Kansas Department of Agriculture.



Danielle Wilson  
Notary Public

**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:

- 1) request an evidentiary hearing before the Chief Engineer, or
- 2) 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, KS 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.

Any request for a hearing or petition for administrative review shall be in writing and shall be submitted to the attention of : Chief Legal Counsel, Kansas Department of Agriculture, 1320 Research Park Drive, Manhattan, Kansas 66502, Fax: (785) 564 – 6777.

**CERTIFICATE OF SERVICE**

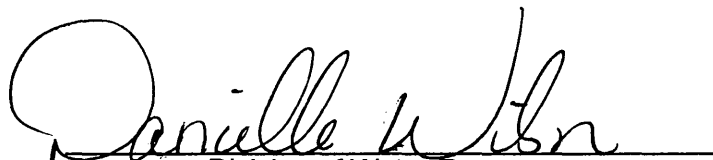
On this 21<sup>st</sup> day of February, 2019, I hereby certify that the attached Approval of Application for Change in the Authorized Place of Use under Water Right, File No. 27,607, dated February 18, 2019 was mailed postage prepaid, first class, US mail to the following:

Southwest Farms LLC  
Brent Stanley  
15857 Bear Mountain Blvd  
Bakersfield, CA 93311

With photocopies to:

Marsha Shoemaker  
Enviro-Ag Engineering, Inc  
3404 Airway Blvd  
Amarillo, TX 79118

Garden City Field Office  
Groundwater Management District No. 3

  
Division of Water Resources



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.

Water Resources  
Received  
**OCT 31 2018**  
**12:54**  
KS Dept Of Agriculture

1. Application is hereby made for approval of the Chief Engineer to change the

- Place of Use  
 Point of Diversion  
 Use Made of Water

(Check one or more)

File No. 27607

2. Name of applicant: Southwest Farms, LLC

Address: 15857 Bear Mountain Blvd

City, State and Zip: Bakersfield, CA 93311

Phone Number: (661) 396-9600 E-mail address: brent@makinmilk.com

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

Name of water use correspondent: Southwest Farms, LLC - Brent Stanley

Address: same

City, State and Zip: \_\_\_\_\_

Phone Number: ( ) \_\_\_\_\_ E-mail address: \_\_\_\_\_

3. The change(s) proposed herein are desired for the following reasons (please be specific): To change the place of use to support the expansion of the existing livestock facility from 52,000 to 72,500 head. Expansion to occur in construction phases. This change to place of use addresses Phases I & II of construction.

The change(s) (was) (will be) completed by Upon approval and expansion construction of Phases I&II, no later than 6/1/2019.  
(Date)

For Office Use Only:	
F.O. <u>4</u> GMD <u>3</u> Meets K.A.R. 5-5-1 (YES / NO) Use <u>STH100</u> Source <u>G</u> S County <u>HS</u> By <u>DAW</u> Date <u>10/31/18</u>	
Code <u>CPU</u> Fee \$ <u>200</u> TR # _____ Receipt Date <u>10/31/18</u> Check # <u>11590</u>	

APPLICATION COMPLETE  
1/24/19  
Reviewer LT

Assisted by: \_\_\_\_\_  
**SCANNED**  
11/1/2018 LM

4. The presently authorized place of use is:

Owner of Land — NAME: Southwest Farms, LLC - Irrigation Use  
 ADDRESS: 15857 Bear Mountain Blvd, Bakersfield, CA 93311

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	
28-27S	33W						31.33	31.33	31.33							20.00	31.00	31.00	175.99

List any other water rights that cover this place of use. 4451 IRR

Owner of Land — NAME: Southwest Farms, LLC - Stockwater Use  
 ADDRESS: 15857 Bear Mountain Blvd, Bakersfield, CA 93311

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	
28-27S	33W		X	X	X	X	X*									X*	X*		N/A
							*(E/2 NE¼ NW¼)									*(NE¼ SE¼ and E/2 E/2 NW¼ SE¼)			

List any other water rights that cover this place of use. 4451 STOCK

(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: Southwest Farms, LLC - Irrigation Use  
 ADDRESS: 15857 Bear Mountain Blvd, Bakersfield, CA 93311

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	
28-27S	33W						40	40								40	40	160	


List any other water rights that cover this place of use. 4451 IRR

Owner of Land — NAME: Southwest Farms, LLC - Stockwater Use  
 ADDRESS: 15857 Bear Mountain Blvd, Bakersfield, CA 93311

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	
28-27S	33W		X	X	X	X	X							X	X			N/A	
*STOCKWATERING			IN THE NORTHEAST QUARTER (NE¼), THE EAST HALF OF THE NORTHWEST QUARTER (E/2 NW¼) AND THE NORTH HALF OF THE SOUTHEAST QUARTER (N/2 SE¼)																

List any other water rights that cover this place of use. 4451 STOCK Water Resources

IF MORE SPACE IS NEEDED, ATTACH ADDITIONAL SHEETS AS NECESSARY

  
INITIAL

1-24-19  
DATE

JAN 24 2019

SCANNED

OCT 31 2018

KS Dept Of Agriculture

6. The presently authorized point(s) of diversion (is) (are) 1 Well (IRR/STOCK)  
(Provide description and number of points)

7. The proposed point(s) of diversion (is) (are) No proposed changes to POD.  
(Provide description and number of points)

**List all presently authorized point(s) of diversion:**

8. **Presently authorized point of diversion:**  
 One in the NW/4 Quarter of the SW/4 Quarter of the SE/4 Quarter of Section 28, Township 27 South, Range 33W (E/W), in Haskell County, Kansas, 981 feet North 2635 feet West of Southeast corner of section.  
 Authorized Rate 500 STK, 1265 IRR Authorized Quantity 150 ac-ft STK, 229 ac-ft IRR  
 (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 \_\_\_\_\_

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.  
n/a Water Resources  
Received

IF MORE SPACE IS NEEDED, ATTACH ADDITIONAL SHEETS AS NECESSARY

OCT 31 2018  
SCANNED  
KS Dept Of Agriculture

12. The presently authorized use of water is for IRR/STOCK purposes.  
It is proposed that the use be changed to No changes to use purposes.

13. If changing the place of use and/or use made of water, describe how the consumptive use will not be increased.  
There will be no increase in the consumptive use. No increase in stockwater use is proposed to exceed the existing  
420 ac-ft (4451/27607 combined).

(Please show any calculations here.)

14. It is requested that the maximum annual quantity of water be reduced to \_\_\_\_\_ (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 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.

No proposed changes to the existing water rights.

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.

Water Resources  
Received

**OCT 31 2018**

IF MORE SPACE IS NEEDED, ATTACH ADDITIONAL SHEETS AS NECESSARY Agriculture

SCANNED

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 BAKERSFIELD, <sup>CA</sup>~~Kansas~~, this 17<sup>TH</sup> day of OCTOBER, 2018

<u></u> (Owner)	_____	(Spouse)
<u>BRENT STANLEY</u> (Please Print)	_____	(Please Print)
_____	_____	(Spouse)
_____	_____	(Please Print)
_____	_____	(Spouse)
_____	_____	(Please Print)

State of Kansas }  
County of \_\_\_\_\_ } SS

I hereby certify that the foregoing application was signed in my presence and sworn to before me this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_.

*See attached*

My Commission Expires \_\_\_\_\_ 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.

Water Resources  
Received  
**OCT 31 2018**  
KS Dept Of Agriculture  
**SCANNED**

A notary public or other officer completing this certificate verifies only the identity of the individual who signed the document to which this certificate is attached, and not the truthfulness, accuracy, or validity of that document.

State of California  
County of Kern

Subscribed and sworn to (or affirmed) before me on this 17th  
day of October, 2018, by Brent Stanley

proved to me on the basis of satisfactory evidence to be the  
person(s) who appeared before me.



(Seal)

Signature Susan K. Lamas

Water Resources  
Received  
**OCT 31 2018**  
KS Dept Of Agriculture  
**SCANNED**

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.

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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 BAKERSFIELD, <sup>CA</sup> ~~Kansas~~, this 17<sup>TH</sup> day of OCTOBER, 2018.

[Signature]  
\_\_\_\_\_  
(Owner)

\_\_\_\_\_  
(Spouse)

BRENT STANLEY  
\_\_\_\_\_  
(Please Print)

\_\_\_\_\_  
(Please Print)

\_\_\_\_\_  
(Owner)

\_\_\_\_\_  
(Spouse)

\_\_\_\_\_  
(Please Print)

\_\_\_\_\_  
(Please Print)

\_\_\_\_\_  
(Owner)

\_\_\_\_\_  
(Spouse)

\_\_\_\_\_  
(Please Print)

\_\_\_\_\_  
(Please Print)

State of Kansas )  
County of \_\_\_\_\_ ) SS

I hereby certify that the foregoing application was signed in my presence and sworn to before me this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_.

*See attached*

My Commission Expires \_\_\_\_\_

\_\_\_\_\_  
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.**

Water Resources  
Received  
NOV 05 2018

RECEIVED  
OCT 31 2018

KS Dept Of Agriculture

Garden City Field Office  
Division of Water Resources

A notary public or other officer completing this certificate verifies only the identity of the individual who signed the document to which this certificate is attached, and not the truthfulness, accuracy, or validity of that document.

State of California  
County of Kern

Subscribed and sworn to (or affirmed) before me on this 17th  
day of October, 2018, by Brent Stanley

proved to me on the basis of satisfactory evidence to be the  
person(s) who appeared before me.



(Seal)

Signature Susan K. Lamas

Water Resources  
Received

**NOV 05 2018**

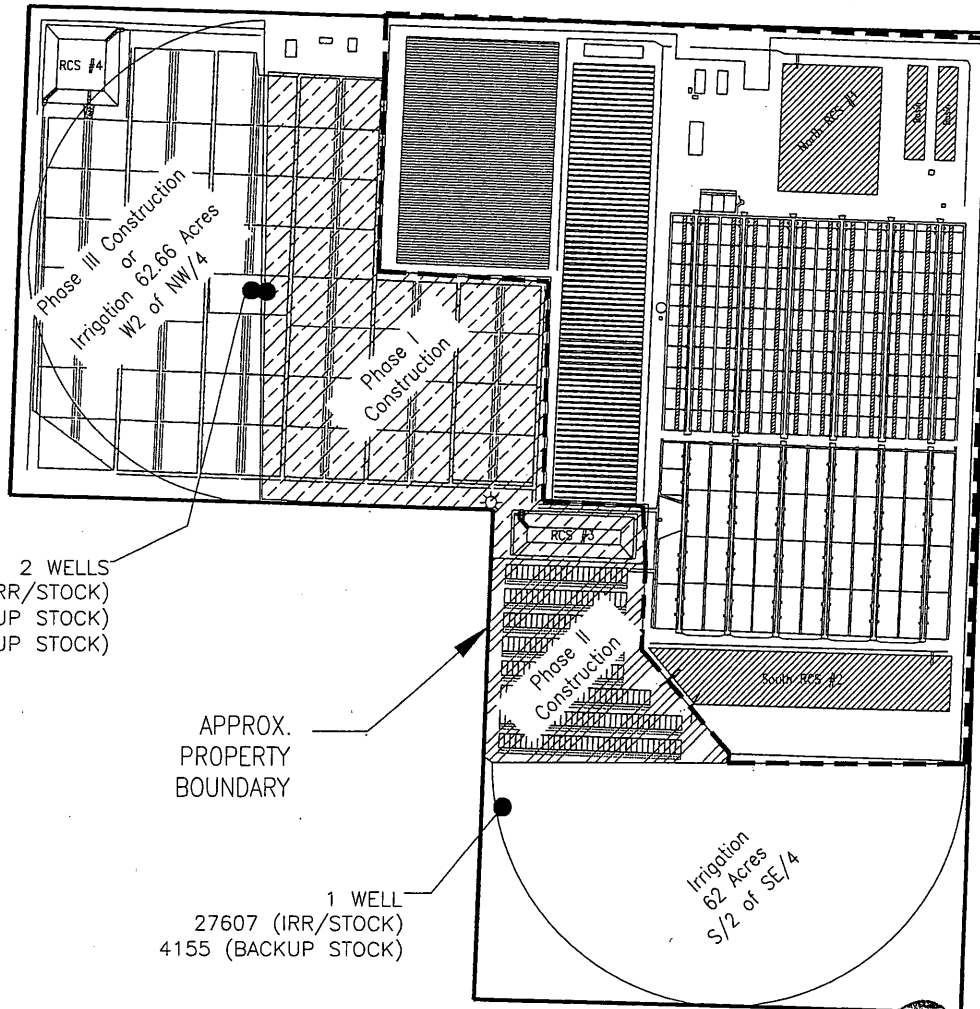
KS Dept Of Agriculture

RECEIVED

**OCT 31 2018**

Garden City Field Office  
Division of Water Resources





2 WELLS  
 4155 (PRIM IRR/STOCK)  
 4155 (BACKUP STOCK)  
 27607 (BACKUP STOCK)

APPROX.  
 PROPERTY  
 BOUNDARY

1 WELL  
 27607 (IRR/STOCK)  
 4155 (BACKUP STOCK)

**VOID**

Water Resources  
 Received

**OCT 31 2018**



KS Dept Of Agriculture



SCALE AS SHOWN

SOUTHWEST CATTLE, LLC  
 SUBLETTE, KS  
 HASKELL COUNTY

PROPOSED SITE LAYOUT  
 DWR CHANGE APPLICATION  
 DATE: OCT. 2018



Enviro-Ag Engineering, Inc.  
 ENGINEERING CONSULTANTS  
 3404 Airway Boulevard  
 AMARILLO, TEXAS 79118  
 TEL (808) 353-6123 FAX (806) 353-4132

**SCANNED**

4. The presently authorized place of use is:

Owner of Land — NAME: Southwest Farms, LLC - Irrigation Use

ADDRESS: 15857 Bear Mountain Blvd, Bakersfield, CA 93311

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	
28-27S-33W							31.33	31.33	31.33							20.00	31.00	31.00	175.99

List any other water rights that cover this place of use. 4451 IRR

Owner of Land — NAME: Southwest Farms, LLC - Stockwater Use

ADDRESS: 15857 Bear Mountain Blvd, Bakersfield, CA 93311

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		
28-27S-33W			X	X	X	X	X*									X*	X*		N/A	
							*(E/2 NE¼ NW¼)									*(NE¼ SE¼ and E/2 E/2 NW¼ SE¼)				

List any other water rights that cover this place of use. 4451 STOCK

(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: Southwest Farms, LLC - Irrigation Use

ADDRESS: 15857 Bear Mountain Blvd, Bakersfield, CA 93311

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	
28-27S-33W							31.33	31.33									31.00	31.00	124.66

SEE 1/24/19 REVISION

List any other water rights that cover this place of use. 4451 IRR

Owner of Land — NAME: Southwest Farms, LLC - Stockwater Use

ADDRESS: 15857 Bear Mountain Blvd, Bakersfield, CA 93311

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	
28-27S-33W			X	X	X	X	X									X	X		N/A
			* STOCKWATERING IN THE NORTHEAST QUARTER (NE¼), THE EAST HALF OF THE NORTHWEST QUARTER (E½ NW¼) AND THE NORTH HALF OF THE SOUTHEAST QUARTER (N½ SE¼)																

List any other water rights that cover this place of use. 4451 STOCK

Water Resources  
Received

IF MORE SPACE IS NEEDED, ATTACH ADDITIONAL SHEETS AS NECESSARY

OCT 31 2018

SEE 1/24/19 REVISION  
LL/aw

KS Dept Of Agriculture  
SCANNED

INITIAL

DATE

**Ireland, Leslie [KDA]**

---

**From:** Meyer, Mike [KDA]  
**Sent:** Thursday, January 31, 2019 7:51 AM  
**To:** Ireland, Leslie [KDA]  
**Subject:** RE: Recommendation for Change in Place of Use, File No. 4451\_ 27607, Southwest Farms LLC

Approve and thank you

*Mike*

---

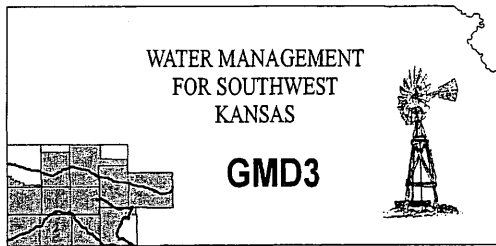
**From:** Ireland, Leslie [KDA]  
**Sent:** Wednesday, January 30, 2019 4:07 PM  
**To:** Meyer, Mike [KDA] <Mike.Meyer@ks.gov>  
**Subject:** Recommendation for Change in Place of Use, File No. 4451\_ 27607, Southwest Farms LLC

Mike,

Please let me know if you could recommend this pkg to increase the feedlot with the irrigated acres reduced and changed. The approval under File No. 4,451 will also update the points per the 2017 compliance investigation.

As always comments and concerns are welcome.

Leslie Ireland, Environmental Scientist  
Kansas Department of Agriculture  
Division of Water Resources - Change Unit  
(785) 564-6633  
[Leslie.Ireland@ks.gov](mailto:Leslie.Ireland@ks.gov)  
[www.agriculture.ks.gov](http://www.agriculture.ks.gov)



**Southwest Kansas**  
**Groundwater Management District No. 3**  
2009 E. Spruce Street  
Garden City, Kansas 67846  
(620) 275-7147 phone (620) 275-1431 fax  
www.gmd3.org

January 28, 2019

Leslie Ireland  
Kansas Department of Ag  
Division of Water Resources  
1320 Research Park Drive  
Manhattan, Kansas 66502

Water Resources  
Received

FEB 01 2019

KS Dept Of Agriculture

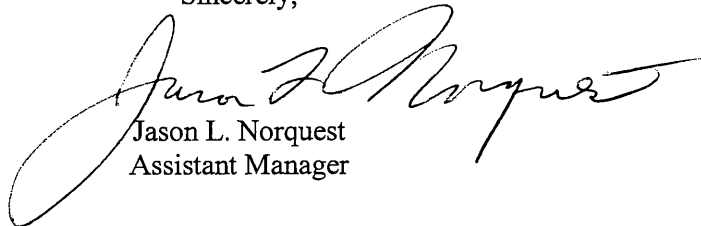
RE: Applications for Change in Place of Use  
Water Right, File Nos. 4451 & 27607

Dear Leslie:

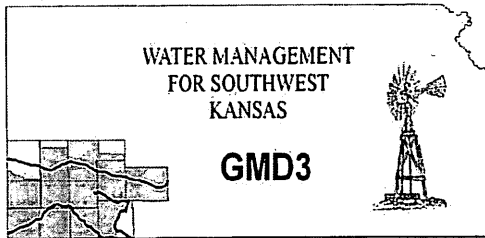
We have completed a review of the applications for the above referenced water rights. The proposals are not in conflict with the Management Program of the Southwest Kansas Groundwater Management District No. 3 (GMD3). The request for change in place of use will cover the proposed expansion at the feedyard and meets the criteria set for in K.A.R. 5-5-11. With the expansion in place of use for STK, the applicant requests reduction in IRR acres to correctly identify the acres that will remain under irrigation. It is therefore recommended that the applications and reduction requests be approved at this time.

Thank you for the opportunity to review the applications and to provide a recommendation. If you have any questions, please don't hesitate to contact us.

Sincerely,



Jason L. Norquest  
Assistant Manager



**Southwest Kansas**  
**Groundwater Management District No. 3**  
2009 E. Spruce Street  
Garden City, Kansas 67846  
(620) 275-7147 phone (620) 275-1431 fax  
www.gmd3.org

January 28, 2019

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Division of Water Resources  
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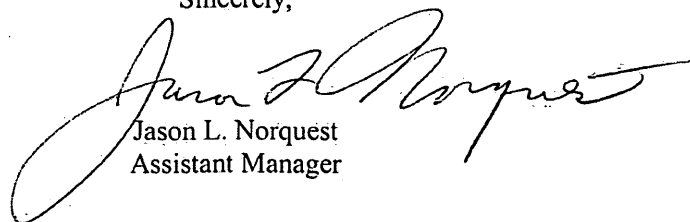
RE: Applications for Change in Place of Use  
Water Right, File Nos. 4451 & 27607

Dear Leslie:

We have completed a review of the applications for the above referenced water rights. The proposals are not in conflict with the Management Program of the Southwest Kansas Groundwater Management District No. 3 (GMD3). The request for change in place of use will cover the proposed expansion at the feedyard and meets the criteria set for in K.A.R. 5-5-11. With the expansion in place of use for STK, the applicant requests reduction in IRR acres to correctly identify the acres that will remain under irrigation. It is therefore recommended that the applications and reduction requests be approved at this time.

Thank you for the opportunity to review the applications and to provide a recommendation. If you have any questions, please don't hesitate to contact us.

Sincerely,



Jason L. Norquest  
Assistant Manager

Water Resources  
Received

JAN 29 2019

KS Dept Of Agriculture

## GMD3 Change Review

File No(s): 4451 & 27607.

DWR office: HQ.

App filed to change: PU.

Is Landowner(s) correct in WRIS: Yes.

If NO, is documentation included?

Is Water Use Correspondent correct in WRIS? Yes.

If NO, is documentation included?

Regulation(s) Reviewed: KAR 5-5-11

Point of diversion ID No(s)    being changed.

	ft. North	ft. West			
Authorized PD					
Proposed PD					
Difference	0	0			
a2 + b2 = c2	0	0	0		

GPS for proposed PD: Lat:    Long:   .

Is proposed PD stacking on existing WRs?   .

Is Proposed PU overlapping existing WRs? PU applied for to cover the expansion of the feedyard and take out some of the irrigation.

Land Owner(s) notified:   .

Name    Name   .

Address    Address   .

Zip    Zip   .

Neighboring certified well(s) notified:   .

Name    Name   .

Address    Address   .

Zip    Zip   .

Domestic well(s) notified:   .

Name    Name   .

Address    Address   .

Zip    Zip   .

Base Acres:   .

Perfected Acres:   .

Irr. Return-Flow   %

**Application is only to convert the place of use on some of the land from IRR to STK. This well cover the proposed expansion to the feedyard pens and at the same time reduce the IRR acres. The water rights already show dual use and consumption will not be increased from the changes.**


Is a waiver needed: No.

Final Recommendation: After review of all available information, it appears that the current area rules are met. Staff therefore recommends approval of the applications.

Water Resources  
Received

JAN 29 2010

KS Dept Of Agriculture



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, Interim Secretary

Laura Kelly, Governor

January 25, 2019

SOUTHWEST KANSAS GROUNDWATER  
MANAGEMENT DISTRICT NO 3  
ATTN MARK RUDE  
2009 E SPRUCE  
GARDEN CITY KS 67846

Re: Applications for Change,  
Water Right, File Nos. 4,451 & 27,607

Dear Mr. Rude:

We are enclosing a copy of each of the applications referred to above which appear to be in proper form.

We are delaying any further action for a period of 15 days from the date of this letter to allow you time to submit a recommendation concerning the applications referenced above.

Please submit your recommendation within the allotted time, or any authorized extension of time thereof. If you wish to refer to a specific file, please reference it when you contact our office.

Sincerely,

A handwritten signature in cursive script that reads "Leslie Ireland".

Leslie Ireland  
Environmental Scientist  
Water Appropriation Program

LI:li  
Enclosures

pc: Garden City Field Office  
Brent Stanley, Southwest Farms LLC  
Marsha Shoemaker, Envio-AG Engineering, Inc.

FILE COPY

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, Interim Secretary

Laura Kelly, Governor

January 25, 2019

NATHAN & VANCE KELLS  
842 ROAD 60  
SATANTA KS 67870-7010

RE: Water Right, File Nos. 4,451 & 27,607

Dear Sirs:

This letter is to **provide notice** as required by K.S.A. 82a-1906, which became effective on July 1, 2016. This notice is to inform you that the owners of the referenced appropriations of water have filed applications for approval of the Chief Engineer, Division of Water Resources, Kansas Department of Agriculture.

The applications propose a change in the authorized place of use to expand the feedlot with a reduction in the irrigated acres all authorized and proposed in Section 28, Township 27 South, Range 33 West, Haskell County, Kansas. Enclosed please find a map that shows the requested change in place of use for the referenced files.

If you have any questions, please contact our office, my desk phone is (785) 564-6633. If you wish to discuss a specific file, please have the file numbers ready so that we may help you more efficiently.

Sincerely,

Leslie Ireland  
Environmental Scientist  
Water Appropriation Program

LI:li

Enclosure

pc: Garden City Field Office  
Groundwater Management District No. 3

FILE COPY



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, Interim Secretary

Laura Kelly, Governor

January 25, 2019

COX LAND  
1111 RD 90  
SUBLETTE KS 67877

RE: Water Right, File Nos. 4,451 & 27,607

Dear Sir or Madam:

This letter is to **provide notice** as required by K.S.A. 82a-1906, which became effective on July 1, 2016. This notice is to inform you that the owners of the referenced appropriations of water have filed applications for approval of the Chief Engineer, Division of Water Resources, Kansas Department of Agriculture.

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Sincerely,

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Leslie Ireland  
Environmental Scientist  
Water Appropriation Program

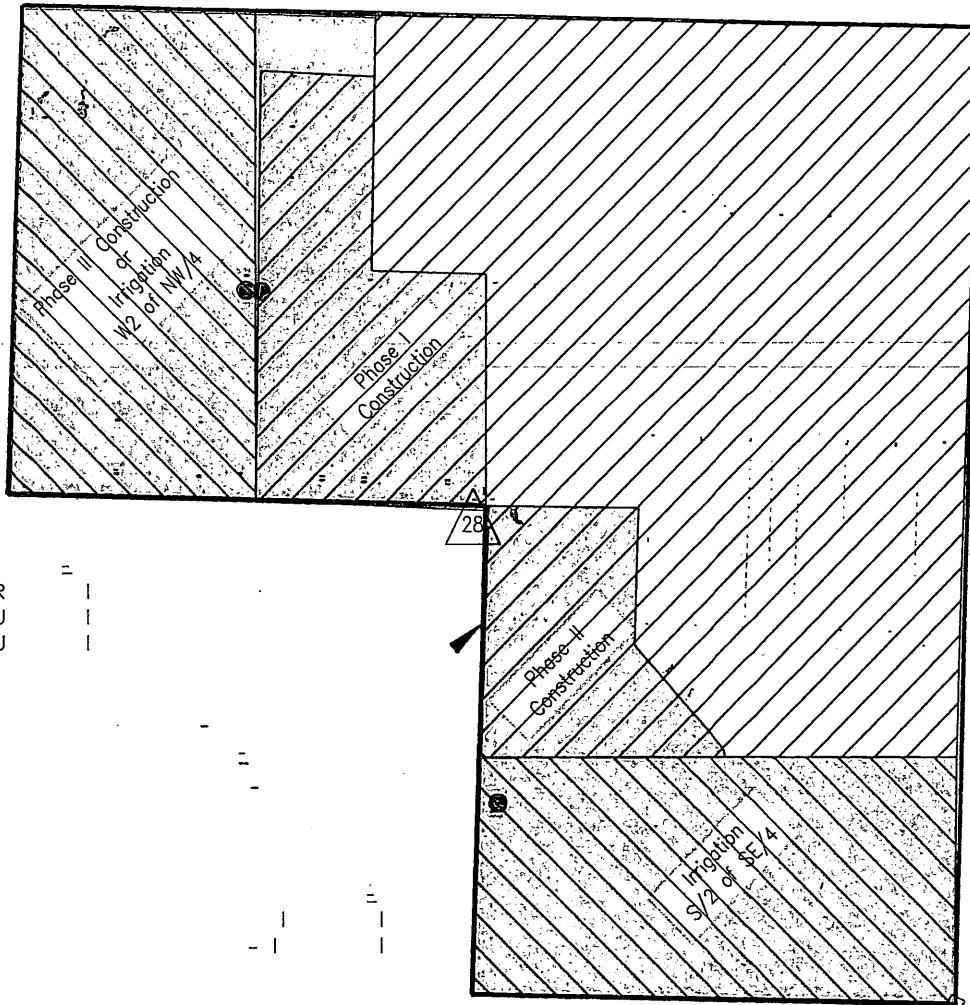
FILE COPY

LI:li

Enclosure

pc: Garden City Field Office  
Groundwater Management District No. 3

RNG  
33W



TWN  
27S

4155 (PRIM IR) = |  
 4155 (BACKU) |  
 27607 (BACKU) |



HASKELL  
CO.

WATER RESOURCES  
RECEIVED



JAN 24 2019

KS DEPT OF AGRICULTURE

**AUTHORIZED:**

-  Stockwater Place of Use
-  Irrigated Place of Use

**PROPOSED:**

-  Stockwater Place of Use  
(NE/4, E/2-NW/4, N/2-SE/4 of S26-T27S-R33W, HSCo)
-  Irrigated Place of Use



SCALE AS SHOWN

WR File Nos: 4451 & 27607

COPIED FROM  
THE ORIGINAL

FILE COPY

SOUTHWEST CATTLE, LLC  
 SUBLETTE, KS  
 HASKELL COUNTY

PROPOSED DWR  
 CHANGE APPLICATION  
 DATE: OCT. 2018-Revised



Enviro-Ag Engineering, Inc.  
 ENGINEERING CONSULTANTS  
 3404 Airway Boulevard  
 AMARILLO, TEXAS 79118  
 TEL (806) 353-6123 FAX (806) 353-4132

Ireland, Leslie [KDA]

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**From:** Marsha Shoemaker <mshoemaker@enviroag.com>  
**Sent:** Thursday, January 24, 2019 1:57 PM  
**To:** Ireland, Leslie [KDA]  
**Cc:** Brent Stanley; josh\_tevelde@yahoo.com; Brad Wieck  
**Subject:** FW: Water Right File Nos. 4451 & 27,607 Change in Place of Use  
**Attachments:** WR Change in Point of Use Revisions\_4451 and 27607.pdf; SouthwestCattle DWR Change ApplicationMap\_R1.pdf

**EXTERNAL:** This email originated from outside of the organization. Do not click any links or open any attachments unless you trust the sender and know the content is safe.

Leslie-

Attached please find the revisions requested for Water Right File Nos. 4451 and 27607. Should you require any additional information, please don't hesitate to give me a call at 806-350-5463.

Thanks,  
Marsha



WATER RESOURCES  
RECEIVED

JAN 24 2019

KS DEPT OF AGRICULTURE

*Enviro-Ag Engineering, Inc. is a progressive consulting firm offering a unique blend of talent and engineering experience. EAE is centrally located to serve a client base covering much of the United States. This email and any files transmitted with it are confidential and intended solely for the use of the individual or entity to whom they are addressed. If you have received this email in error please notify the sender and delete this message. For more information, [please visit our website](#) or give us a call at 800-753-6525.*

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**From:** Josh Tevelde <josh\_tevelde@yahoo.com>  
**Sent:** Thursday, January 17, 2019 7:38 PM  
**To:** Marsha Shoemaker <mshoemaker@enviroag.com>  
**Subject:** Fwd: Water Right File Nos. 4451 & 27,607 Change in Place of Use

Begin forwarded message:

**From:** Brent Stanley <brent@makinmilk.com>  
**Date:** January 17, 2019 at 7:03:03 PM CST  
**To:** "josh tevelde@yahoo.com" <josh\_tevelde@yahoo.com>  
**Subject:** FW: Water Right File Nos. 4451 & 27,607 Change in Place of Use

Thanks!

**Brent W. Stanley**

**Bos Family of Companies**

15857 Bear Mountain Blvd.  
Bakersfield, CA 93311  
661-396-9600  
661-396-9626 FAX  
[brent@makinmilk.com](mailto:brent@makinmilk.com)

---

**From:** Ireland, Leslie [KDA] <[Leslie.Ireland@ks.gov](mailto:Leslie.Ireland@ks.gov)>  
**Sent:** Thursday, January 17, 2019 2:04 PM  
**To:** Brent Stanley <[brent@makinmilk.com](mailto:brent@makinmilk.com)>  
**Subject:** Water Right File Nos. 4451 & 27,607 Change in Place of Use

Brent,

The review of the requested changes will reduce the irrigated place of use from 175.99 to 124.66 acres. The 258 acre-feet authorized for the irrigation use results in an irrigation ratio of 2.0696 acre-feet per acre. This does not comply with the regulation K.A.R. 5-3-23. To comply the irrigated acres should be increased to a minimum of 129 acres. My review of the history of these files found the maximum acres that could be authorized per K.A.R. 5-5-11(b)2(B)(ii) per the use made of water completed in 2015 as 160.07 maximum acres.

The rules may be found at on our web site at [https://agriculture.ks.gov/docs/default-source/statues-water/kwaa\\_rules\\_regs57C3ADA8D515.pdf?sfvrsn=fb12aac1\\_20](https://agriculture.ks.gov/docs/default-source/statues-water/kwaa_rules_regs57C3ADA8D515.pdf?sfvrsn=fb12aac1_20)

The modification to the proposed changes to comply with K.A.R. 5-3-23 may be completed by email. Attached are the portions of the documents needing the modification. The application table in part 5, listing the individual quarter acres and total acres to be irrigated should be updated. The map should show the modified acres as listed in the table. A legend has been added to the map to show the proposed irrigated acres as cross hatched lines.

The description of the stockwatering place of use in table 5 has been updated to our standard form and shown on the map.

Your updated/modified documents should be initialed and dated by you, the signer of the proposed applications for change.

Please don't hesitate to contact me at 785-564-6633 between 8 AM to 4 PM central standard time after Tuesday January 22, should you have any questions.

Leslie Ireland, Environmental Scientist  
Kansas Department of Agriculture  
Division of Water Resources - Change Unit  
(785) 564-6633  
[Leslie.Ireland@ks.gov](mailto:Leslie.Ireland@ks.gov)  
[www.agriculture.ks.gov](http://www.agriculture.ks.gov)

**Business Entity Search**

Date: 01/17/2019

Be advised the business information on this page is for summary informational purposes only. It is not an official filing with the Secretary of State's office and should not be relied on as such. Please view actual documents filed by customers with the secretary of State's office to ensure accurate information. When filing a Uniform Commercial Code statement on an entity, consult with your attorney to ensure the correct debtor name.

**Business Summary****Current Entity Name**

SOUTHWEST FARMS, LLC

**Business Entity ID Number**

9004300

Current Mailing Address: Brent Stanley - 15857 Bear Mountain Blvd, BAKERSFIELD, CA 93311

Business Entity Type: KANSAS LTD LIABILITY COMPANY

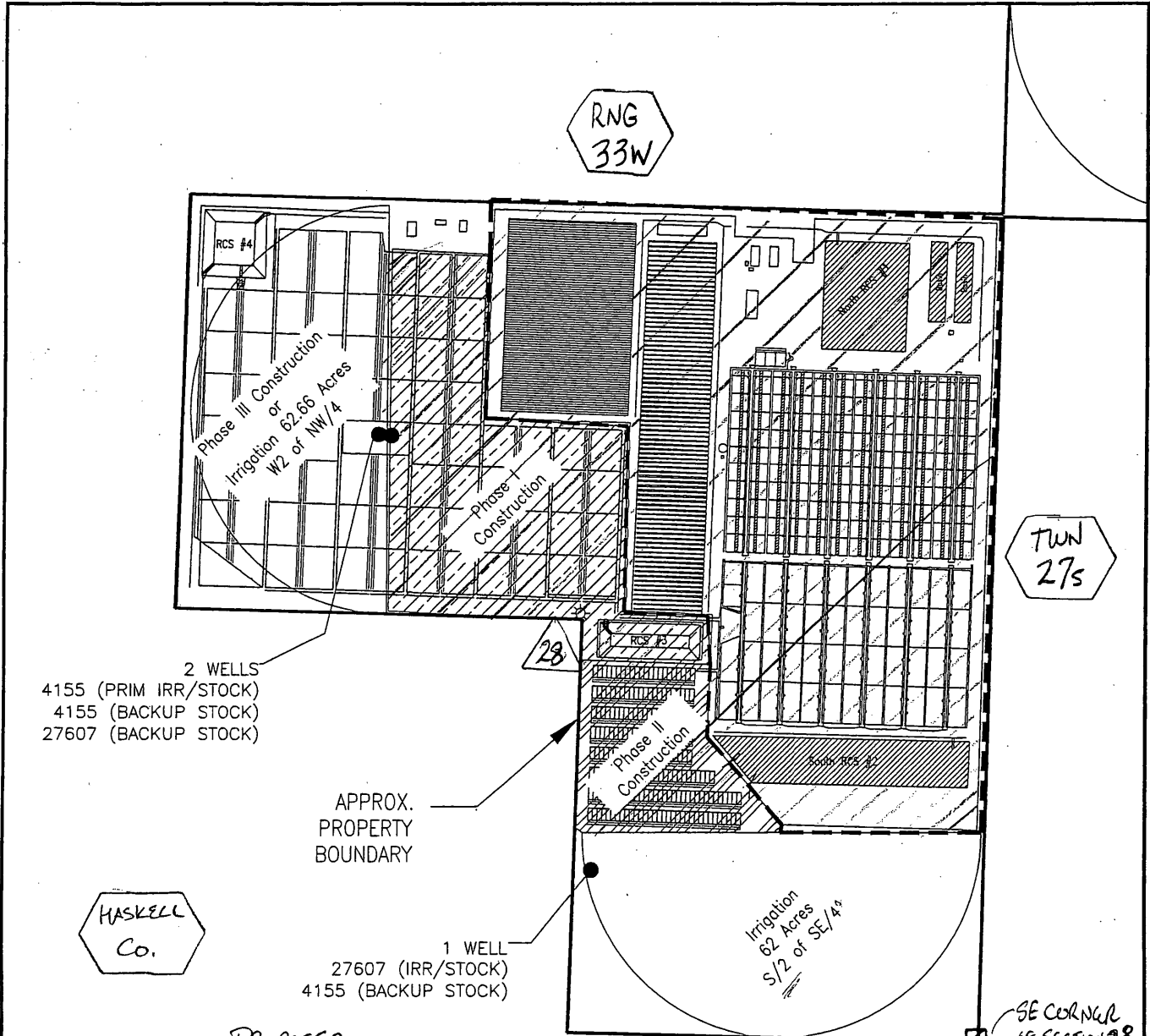
Date of Formation in Kansas: 04/19/2018

State of Organization: KS

Current Status: ACTIVE AND IN GOOD STANDING

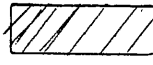
# PU CHANGE APPLICATION

FILE NOS 4451 & 27,607

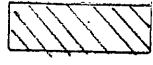


HASKELL Co.

**PROPOSED**



STOCKWATERING PLACE OF USE  
NE $\frac{1}{4}$ , E $\frac{1}{2}$  NW $\frac{1}{4}$ , N $\frac{1}{2}$  SE $\frac{1}{4}$  SEC 26, TWN 27s, RNG 33W, HASKELL Co.



IRRIGATED PLACE OF USE

Water Resources Received

OCT 31 2018



KS Dept Of Agriculture

LI/DWR 1/17/19  
APP MAP -



SCALE AS SHOWN

SOUTHWEST CATTLE, LLC  
SUBLETTE, KS  
HASKELL COUNTY

PROPOSED SITE LAYOUT  
DWR CHANGE APPLICATION  
DATE: OCT. 2018



Enviro-Ag Engineering, Inc.  
ENGINEERING CONSULTANTS  
3404 Alway Boulevard  
AMARILLO, TEXAS 79118  
TEL (806) 353-6123 FAX (806) 353-4132

SCANNED

# STATE OF KANSAS

DEPARTMENT OF AGRICULTURE  
1320 RESEARCH PARK DRIVE  
MANHATTAN, KS 66502  
PHONE: (785) 564-6700  
FAX: (785) 564-6777



900 SW JACKSON, ROOM 456  
TOPEKA, KS 66612  
PHONE: (785) 296-3556  
www.agriculture.ks.gov

GOVERNOR JEFF COLYER, M.D.  
JACKIE McCLASKEY, SECRETARY OF AGRICULTURE

SOUTHWEST FARMS, LLC  
15857 BEAR MOUNTAIN BLVD  
BAKERSFIELD, CA 93311

November 1, 2018

RE: File No 27607

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
- 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,

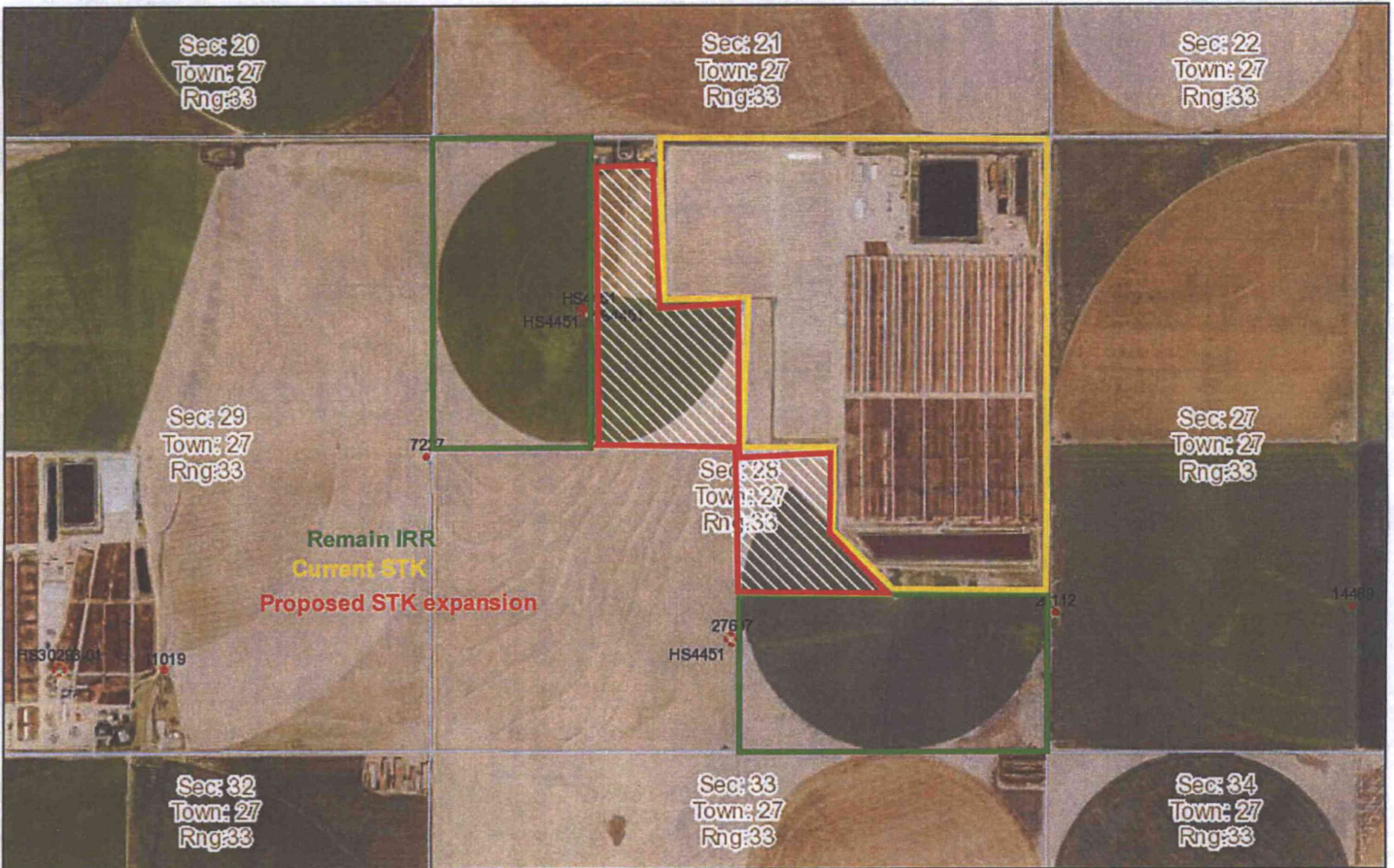
Brent Tourney, L.G.  
Change Applications Unit Supervisor  
Water Appropriation Program

BAT: DLW  
pc: GARDEN CITY Field Office GMD3

SCANNED

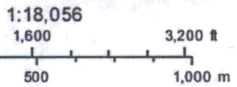


# Change Apps PU: 4451 & 27607



January 28, 2019  
15:00 PM

DISCLAIMER: This map is not intended for conveyances, nor is it a legal survey. The information is presented on a best-efforts basis, and should not be relied upon for making financial, survey, legal or other commitments.



<b>Wells</b>	+	CON	•	FPR	▲	MUN	⚡	THX	
?	Other	⊗	DEW	⊕	HYD	⚑	REC	?	Empty
•	IRR	⚓	DOM	★	IND	⊗	STK	□	Sections

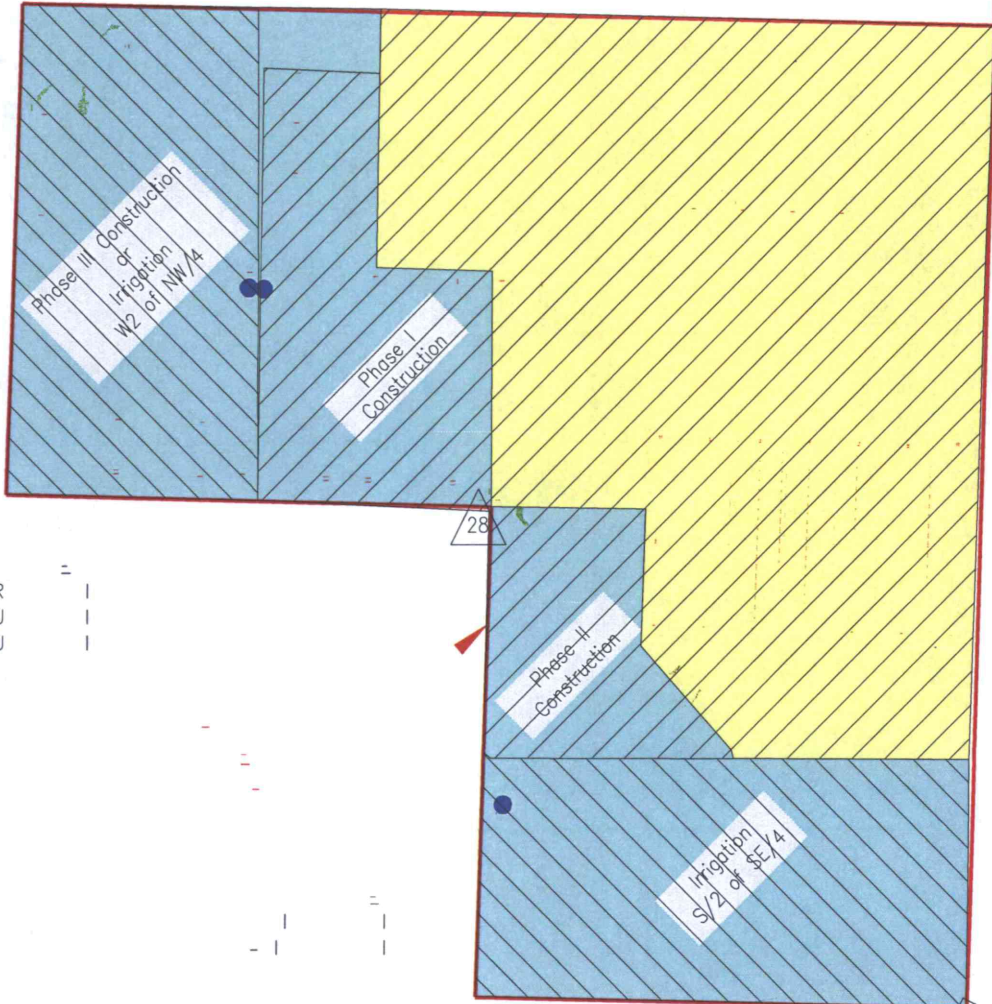
jason  
gWorks.

Water Resources  
Received  
**JAN 29 2019**

KS Dept Of Agriculture



RNG  
33W



TWN  
27S

4155 (PRIM IR) = |  
 4155 (BACKU) |  
 27607 (BACKU) |

HASKELL  
CO.

WATER RESOURCES  
RECEIVED

JAN 24 2019

KS DEPT OF AGRICULTURE





SCALE AS SHOWN

AUTHORIZED:

-  Stockwater Place of Use
-  Irrigated Place of Use

PROPOSED:

-  Stockwater Place of Use  
(NE/4, E/2-NW/4, N/2-SE/4 of S26-T27S-R33W, HSCo)
-  Irrigated Place of Use

WR File Nos: 4451 & 27607

SOUTHWEST CATTLE, LLC  
 SUBLETTE, KS  
 HASKELL COUNTY

PROPOSED DWR  
 CHANGE APPLICATION  
 DATE: OCT. 2018-Revised



Enviro-Ag Engineering, Inc.  
 ENGINEERING CONSULTANTS  
 3404 Airway Boulevard  
 AMARILLO, TEXAS 79118  
 TEL (806) 353-6123 FAX (806) 353-4132