

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.

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
 Use Made of Water

WATER RESOURCES
RECEIVED

JUN 04 2020

10:57

KS DEPT OF AGRICULTURE

File No. 3386

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): Drill a new point of diversion for stock water with supporting change the place of use for an existing livestock facility located in 28-27S-33W.

The change(s) (was) (will be) completed by Upon approval. (Date)

For Office Use Only:

F.O. 4 GMD 3 Meets K.A.R. 5-5-1 (YES / NO) Use IRR Source G/S County HS By BMM Date 6/4/20
Code C-3 Fee \$ 700 TR # _____ Receipt Date 6-4-2020 Check # 013064

6/4/2020
LMoody

JUN 04 2020

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	
22-27S	33W										40	40	40	40	40	40	40	40	320

List any other water rights that cover this place of use. 8678 IRR

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: 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	
22-27S	33W										40	40	40	40	40	40	40	40	320

List any other water rights that cover this place of use. 8678 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	X									N/A

*STK Use in the NE¼, NW¼ and the N/2 of the SE¼ of S28.

STK PU void see 8/2820 revision *

List any other water rights that cover this place of use. 4451 IRR/STK and 27607 IRR/STK

IF MORE SPACE IS NEEDED, ATTACH ADDITIONAL SHEETS AS NECESSARY

* LI/DWR 8/28/2020

JUN 04 2020

File No. 3386

6. The presently authorized point(s) of diversion (is) (are) 1 Well (IRR)
(Provide description and number of points)
7. The proposed point(s) of diversion (is) (are) 1 Well (STK) and the existing 1 Well (IRR)
(Provide description and number of points)

List all presently authorized point(s) of diversion:

8. **Presently authorized point of diversion:** POD #1
 One in the N/2 ~~NE/4~~ Quarter of the SE/4 Quarter of the SE/4 Quarter of Section 22, Township 27 South, Range 33W (E/W), in Haskell County, Kansas, 977 ~~1076~~ feet North 660 ~~402~~ * feet West of Southeast corner of section. Authorized Rate 1000 gpm Authorized Quantity 461 AF 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 N/2 ~~NE/4~~ Quarter of the SE/4 Quarter of the SE/4 Quarter of Section 22, Township 27 South, Range 33W (E/W), in Haskell County, Kansas, 1076 ~~977~~ feet North 660 ~~402~~ * feet West of Southeast corner of section. Proposed Rate 600 gpm Proposed Quantity 284.34 AF IRR **per Jan 24, 2020 PD Change Approval ***
 This point is: Additional Well Geo Center List other water rights that will use this point 8678

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) Proposed POD #2
 One in the SE/4 Quarter of the SE/4 Quarter of the SW/4 Quarter of Section 22, Township 27 South, Range 33W (E/W), in Haskell County, Kansas, 250 feet North 2640 feet West of Southeast corner of section. Proposed Rate 100 gpm Proposed Quantity 150 AF STK **or 48.88 mgd ***
 This point is: Additional Well Geo Center List other water rights that will use this point 4451, 27607 **PU overlaps**
None, no pd overlaps per WRIS *

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

IF MORE SPACE IS NEEDED, ATTACH ADDITIONAL SHEETS AS NECESSARY

* & * LI/DWR 8/14/2020

JUN 04 2020

File No. 3386

12. DEPT OF AGRICULTURE

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.

There will be no increase in the consumptive use. The additional well to be drilled will be used for STK purposes. Authorized amount of 461 AF will be reduced to 150 AF for STK and 284.34 AF for IRR. (461 AF less 84.9% consumptive use for Haskell Co=391.39 AF, with 150 AF proposed for STK, remaining percentage of 61.7% for IRR to be 284.34 AF)

(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 100 (STK), 600 (IRR) 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.

No proposed changes to the existing water rights, other than a change in source of supply.

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.

IF MORE SPACE IS NEEDED, ATTACH ADDITIONAL SHEETS AS NECESSARY

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.

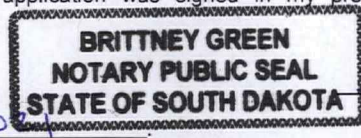
I declare that I am an owner of the currently authorized place of use as identified herein, or that I represent all such owners and am authorized to make this application on their behalf, and declare further that the statements contained herein are true, correct, and complete. By filing this application 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 Brookings, ^{SD} Kansas, this 28th day of May, 2020.

<u>[Signature]</u> (Owner) <u>Josh L. Velle</u> (Please Print)	_____ (Spouse) _____ (Please Print)
_____ (Owner) _____ (Please Print)	_____ (Spouse) _____ (Please Print)
_____ (Owner) _____ (Please Print)	_____ (Spouse) _____ (Please Print)

State of South Dakota }
County of Brookings } SS

I hereby certify that the foregoing application was signed in my presence and sworn to before me this 28th day of May, 2020.



[Signature]
Notary Public

My Commission Expires 7/23/20

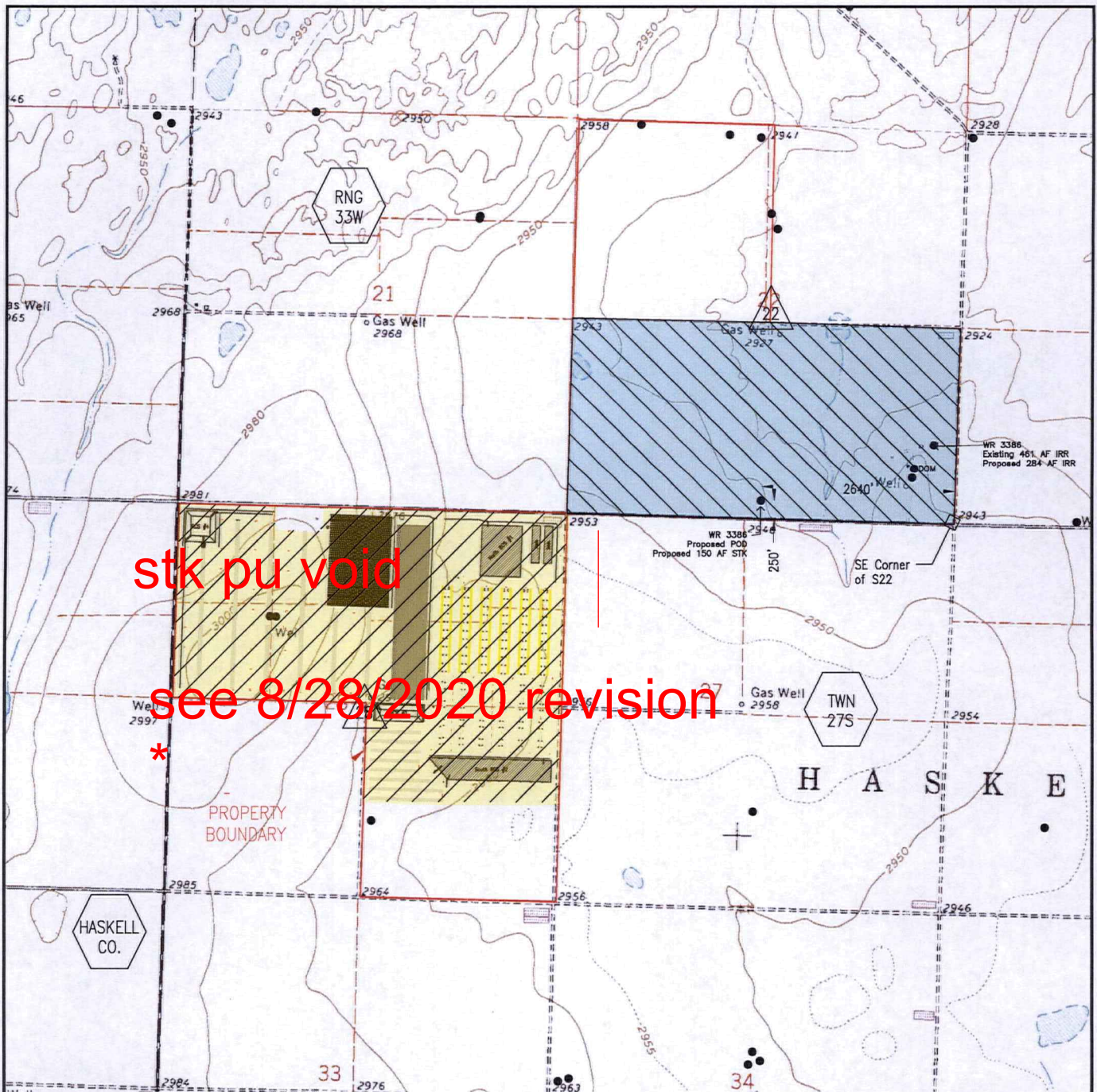
FEE SCHEDULE

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
JUN 04 2020
KS DEPT OF AGRICULTURE





stk pu void
 see 8/28/2020 revision

AUTHORIZED:

-  Stockwater Place of Use
-  Irrigated Place of Use

PROPOSED:

-  Stockwater Place of Use
(NE/4, NW/4, N/2-SE/4 of S28-T27S-R33W, HSCo)
-  Irrigated Place of Use

WATER RESOURCES RECEIVED

JUN 04 2020

KS DEPT OF AGRICULTURE



SCALE AS SHOWN

WR File Nos: 3386/8678

* LI/DWR 8/28/2020

SOUTHWEST CATTLE, LLC
 SUBLETTE, KS
 HASKELL COUNTY

PROPOSED DWR
 CHANGE APPLICATION
 DATE: MAY 2020



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



WATER RESOURCES RECEIVED
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KS DEPT OF AGRICULTURE

SOUTHWEST CATTLE, LLC
 SUBLETTE, KS
 HASKELL COUNTY

7.5-MIN. USGS QUADRANGLE MAP
 DWR CHANGE APPLICATION
 WR 3386

WATER RESOURCES
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JUN 04 2020

KS DEPT OF AGRICULTURE

File No. 3386

Name of Applicant – Southwest Farms, LLC

15. It is requested that the maximum rate of diversion of water be reduced to 100 (STK) and 600 (IRR) gallons per minute (c.f.s.).

The Southwest Kansas Groundwater Management District Field Director, Chris Law, performed a flow test on the well replacement for WR 3386 on May 6, 2020. Based on the field limitations and the size of the discharge pipe, an alternative flow test at each of the pivots was performed and resulted in 279.4 gpm and 308.6 gpm for a total of 588 gpm. The installed flowmeter was timed at 679.2 gpm. There could be multiple variables that account for this difference.

Downey Drilling Inc. performed test pumping records and noted the well could handle 700 gpm without issue. The test pumping record is attached.

WATER RESOURCES
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KS DEPT OF AGRICULTURE

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

File No. 3386

Name of Applicant – Southwest Farms, LLC

16.a. If a change in the location of the point(s) of diversion is proposed, show:

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.

All wells within ½-mile of the proposed POD are owned by applicant.

1. DOM – Southwest Farms, LLC, 15857 Bear Mountain Blvd, Bakersfield, CA 93311
2. IRR - Southwest Farms, LLC, 15857 Bear Mountain Blvd, Bakersfield, CA 93311



Corporate Office:
3404 Airway Blvd.
Amarillo TX 79118

Central Texas:
9855 FM 847
Dublin TX 76446

New Mexico:
203 East Main Street
Artesia NM 88210

June 2, 2020

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

Re: Application for Approval to Change the Place of Use for Water Right File No. 3386,
Southwest Farms, LLC in Haskell County, KS

Dear Chief Engineer,
Attached is an application for approval to change the place of use, add a new point of
diversion and change in use made of water for the above referenced Water Right File.

If you have any questions or require additional information, please give me a call at
806/350-5463 or email me at mshoemaker@enviroag.com.

Sincerely,

Marsha Shoemaker

Marsha Shoemaker
Enviro-Ag Engineering, Inc.

Enclosures

Cc: Southwest Farms, LLC
Kansas Department of Agriculture, DWR, Garden City, KS

WATER RESOURCES
RECEIVED

JUN 04 2020

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, Secretary

Laura Kelly, Governor

June 4, 2020

SOUTHWEST FARMS, LLC
15857 BEAR MOUNTAIN BLVD
BAKERSFIELD CA 93311

RE: File No(s). **3386**

Dear Sir or Madam:

The Division of Water Resources (Division) has received your application(s) to change the place of use, point of diversion or use made of water for the file number(s) referenced above. Please be aware that the Division may have a large number of pending applications on hand at times and makes every attempt to process them in the order in which they are received. You will be contacted if additional information is required.

Please note, this letter only acknowledges receipt of your application(s) and does not guarantee approval. In accordance with the provisions of the Kansas Water Appropriation(s) Act, the use of water as proposed prior to approval of the application(s) is unlawful.

Additional information about the process may be found on our website at agriculture.ks.gov/divisions-programs/dwr. If you have any other questions, please contact our office at 785-564-6640 or your local Garden City Field Office at 620-276-2901. If you call, please reference the file number so we can help you more efficiently.

Sincerely,

Richelle Krueger
Change Unit Lead
Water Appropriation Program

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	
22-27S	33W										40	40	40	40	40	40	40	40	320

List any other water rights that cover this place of use. 8678 IRR

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: 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	
22-27S	33W										40	40	40	40	40	40	40	40	320

List any other water rights that cover this place of use. 8678 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	X			N/A

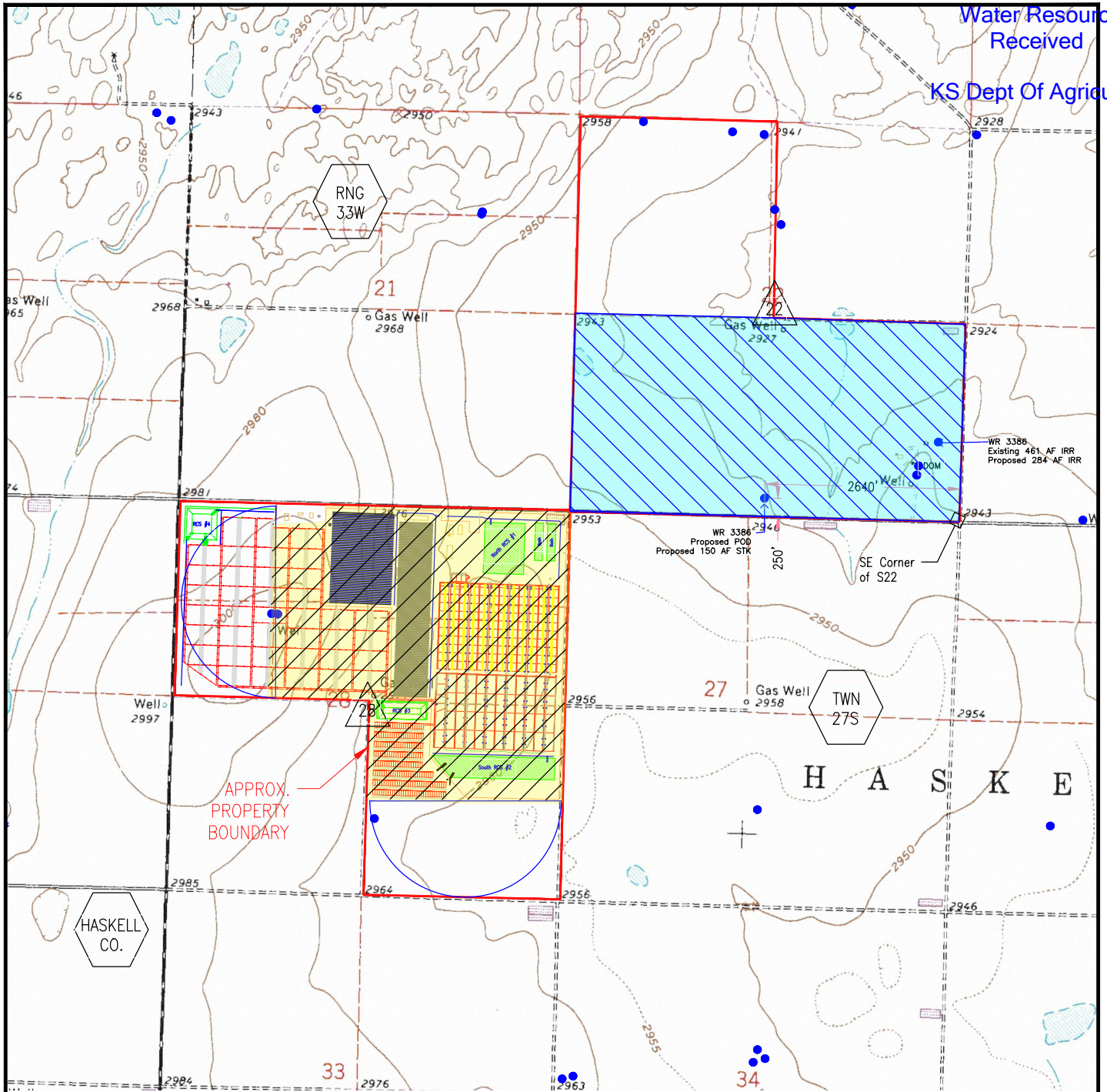
*STK Use in the NE¼, E/2 of NW¼ and the N/2 of the SE¼ of S28.

List any other water rights that cover this place of use. 4451 IRR/STK and 27607 IRR/STK



IF MORE SPACE IS NEEDED, ATTACH ADDITIONAL SHEETS AS NECESSARY

Water Resources Received



KS Dept Of Agriculture

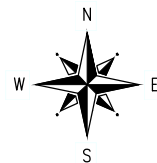


AUTHORIZED:

-  Stockwater Place of Use
-  Irrigated Place of Use

PROPOSED:

-  Stockwater Place of Use
(NE/4, NW/4, N/2-SE/4 of S28-T27S-R33W, HSCo)
-  Irrigated Place of Use



1000' 0 1000' 2000'

SCALE AS SHOWN

WR File Nos: 3386/8678

SOUTHWEST CATTLE, LLC
 SUBLETTE, KS
 HASKELL COUNTY

PROPOSED DWR
 CHANGE APPLICATION
 DATE: MAY 2020-Revised



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