

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

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JUL 14 2021
11:51
KS DEPT OF AGRICULTURE

File No. 16882

2. Name of applicant: SATANTA FARMS LLC

Address: 500 SOUTH TAYLOR SUITE 601

City, State and Zip: AMARILLO TX 79101

Phone Number: 817-215-7755 E-mail address: wgraham@windwardcapitalassets.com

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): _____

TO ACCOMMODATE A FEEDLOT OPERATION. THIS CHANGE WILL CONVERT AN IRRIGATION RIGHT TO A DUAL USE IRRIGATION / STOCKWATERING PERMIT. IN ADDITION, THIS APPLICATION WILL CHANGE THE AUTHORIZED PLACE OF USE TO COVER THE FEEDLOT.

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 7/14/21
Code C-2 Fee \$ 500 TR # _____ Receipt Date 7-14-21 Check # 50066579

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JUL 09 2021

Assisted by: _____ AM / GCFO

7/19/2021
LMoody

Garden City Field Office
Division of Water Resources

4. The presently authorized place of use is:

Owner of Land — NAME: SATANTA FARMS LLC

ADDRESS: 500 SOUTH TAYLOR SUITE 601 AMARILLO TX 79101

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				
9	28S	33W	40	40	40	40												40	40	40	27.66	307.66

List any other water rights that cover this place of use. 16882; 18659; 23409; 23410; 31093

Owner of Land — NAME: F & E COX FARMS INC - KENNETH M COX PRES

ADDRESS: 1111 RD 90 SUBLETTE KS 67877-8033

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				
8	28S	33W	40	40	40	40	40	40	40	40	40	40	40	40	40	40	40	40	40	40	32.88	632.88

List any other water rights that cover this place of use. 16882; 18659; 23409; 23410; 31093

(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: SATANTA FARMS LLC

ADDRESS: 500 SOUTH TAYLOR SUITE 601 AMARILLO TX 79101

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				
9	28S	33W	40	40	40	40												40	40	40	27.66	307.66

List any other water rights that cover this place of use. 16882; 18659; 23409; 23410; 31093

Owner of Land — NAME: F & E COX FARMS INC - KENNETH M COX PRES

ADDRESS: 1111 RD 90 SUBLETTE KS 67877-8033

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				
8	28S	33W	40	40	40	40	40	40	40	40	40	40	40	40	40	40	40	40	40	40	32.88	632.88

List any other water rights that cover this place of use. 16882; 18659; 23409; 23410; 31093

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IF MORE SPACE IS NEEDED, ATTACH ADDITIONAL SHEETS AS NECESSARY JUL 14 2021

- 6. The presently authorized point(s) of diversion (is) (are) ONE IRRIGATION WELL
(Provide description and number of points)
- 7. The proposed point(s) of diversion (is) (are) ONE IRRIGATION / STOCKWATERING WELL
(Provide description and number of points)

List all presently authorized point(s) of diversion:

8. **Presently authorized point of diversion:**
 One in the NW Quarter of the NW Quarter of the NE Quarter of Section 9, Township 28 South, Range 33 (W), in HASKELL County, Kansas, 5120 feet North 2040 feet West of Southeast corner of section.
 Authorized Rate 1275 GPM Authorized Quantity 412 AF
(DWR use only: Computer ID No. 03 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 NW Quarter of the NW Quarter of the NE Quarter of Section 9, Township 28 South, Range 33 (W), in HASKELL County, Kansas, 5120 feet North 2040 feet West of Southeast corner of section.
 Proposed Rate 1275 GPM Proposed Quantity STK: 349.788 AF IRR: 412 AF LIMITED (SEE ITEM 13 & 17)
 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. _____

IF MORE SPACE IS NEEDED, ATTACH ADDITIONAL SHEETS AS NECESSARY

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12. The presently authorized use of water is for IRRIGATION purposes.
It is proposed that the use be changed to IRRIGATION / STOCKWATERING purposes.

13. If changing the place of use and/or use made of water, describe how the consumptive use will not be increased.
THIS REQUEST PROPOSED TO CONVERT THE WATER RIGHT INTO BOTH IRRIGATION AND STOCKWATERING
USE FOR A DUAL USE PERMIT. THE PROPOSED STOCKWATERING AUTHORIZED QUANTITY IS BASED ON A
CONSUMPTIVE USE CONVERSION OF 84.9% IN HASKELL COUNTY (K.A.R. 5-5-9)
CURRENT AUTHORIZED = 412 AF * 84.9% = 349.788 AF

(Please show any calculations here.)

14. It is requested that the maximum annual quantity of water be reduced to SEE ITEM 17 (acre-feet or million gallons).

15. It is requested that the maximum rate of diversion of water be reduced to N / A 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.

THE APPLICANT REQUESTS THAT THEY RETAIN THE ORIGINAL 412 AF FOR IRRIGATION, BUT WILL LIMIT THE
TOTAL ANNUAL USE TO 349.788 AF IN ANY YEAR WHEN WATER IS USED FOR STOCKWATERING DURING THE
DURATION OF THE DUAL USE IRRIGATION/STOCKWATERING PERMIT. SHOULD THE STOCKWATERING USE
EVER CEASE, THE APPLICANT WILL REQUEST TO REVERT BACK TO IRRIGATION FOR THE ORIGINAL QUANTITY.

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.

N / A

IF MORE SPACE IS NEEDED, ATTACH ADDITIONAL SHEETS AS NECESSARY

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KS DEPT OF AGRICULTURE

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 Dallas, Texas, this 23RD day of June, 2021.

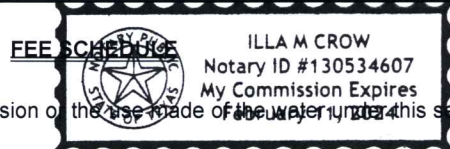
<u>[Signature]</u> (Owner)	_____ (Spouse)
_____ (Please Print)	_____ (Please Print)
_____ (Owner)	_____ (Spouse)
_____ (Please Print)	_____ (Please Print)
_____ (Owner)	_____ (Spouse)
_____ (Please Print)	_____ (Please Print)

State of Texas }
County of Dallas } SS

I hereby certify that the foregoing application was signed in my presence and sworn to before me this 23RD day of June, 2021.

[Signature]
Notary Public

My Commission Expires 2-11-24



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
JUL 14 2021
KS DEPT OF AGRICULTURE

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 Potter County, Texas, this 29 day of June, 2021.

<u>[Signature]</u> (Owner)	_____	(Spouse)
<u>DONALD GILES</u> (Please Print)	_____	(Please Print)
_____	_____	(Spouse)
_____	_____	(Please Print)
_____	_____	(Spouse)
_____	_____	(Please Print)

State of Texas)
County of Potter) SS

I hereby certify that the foregoing application was signed in my presence and sworn to before me this 29th day of June, 2021.

Tyra Rodriguez
Notary Public

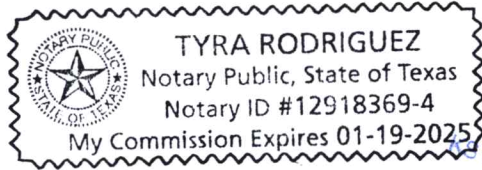
My Commission Expires 1-19-2025

FEE SCHEDULE

Each application to change the place of use, the point of diversion or the use made of the water under this section shall be accompanied by the application fee set forth in the schedule below:

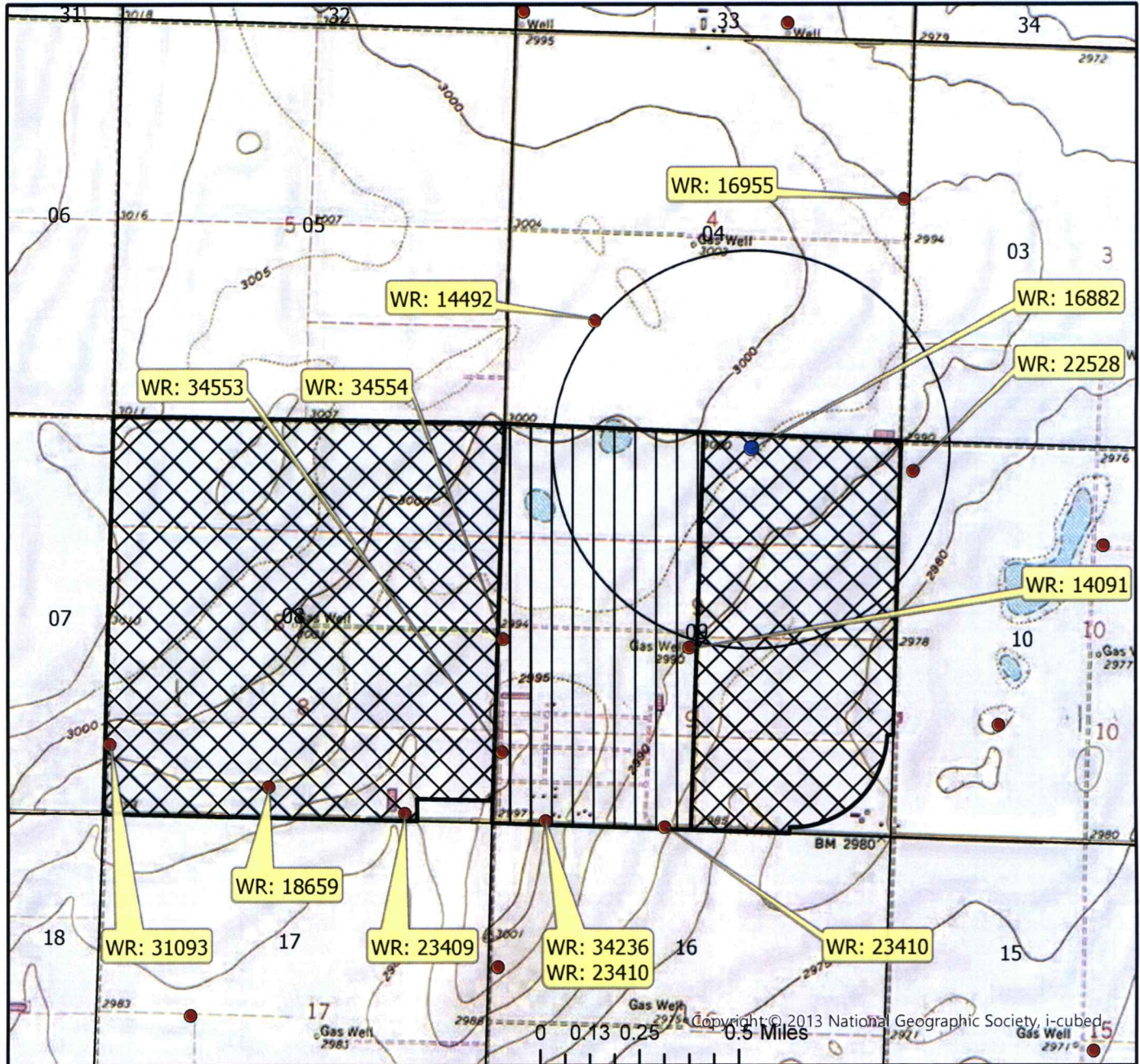
- (1) Application to change a point of diversion 300 feet or less \$100
- (2) Application to change a point of diversion more than 300 feet \$200
- (3) Application to change the place of use \$200
- (4) Application to change the use made of the water \$300

Make check payable to Kansas Department of Agriculture.



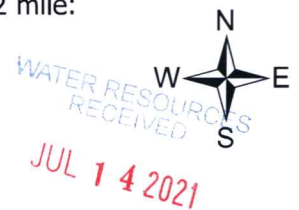
CHANGE IN PU / UMW WATER RIGHT, FILE NO. 16882

Township 28 South Range 33 West Haskell County



	Authorized Point of Diversion
	Permitted Water Right
	Authorized PU - IRR
	Proposed PU - IRR
	Proposed PU - STK

List of owner name and addresses within 1/2 mile:



By signing below I agree that all wells, including domestic, and owners names and addresses within 1/2 mile of the proposed point of diversion have been shown on the map

(Signature)

Date

AM/GCFO
1:24,000 Scale

APPLICATION FOR APPROVAL TO CHANGE
THE PLACE OF USE
SUPPLEMENTAL SHEET
FILE NO. 16882
MAKE ADDITIONAL COPIES AS NECESSARY

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

Owner of Land ---- NAME: _____
ADDRESS: _____

Sec.	Twp.	Range	NE¼				NW¼				SW¼				SE¼				TOTAL ACRES
			NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	

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

Owner of Land ---- NAME: **FRIONA INDUSTRIES LP - KANSAS FEEDLOTS**
ADDRESS: **1174 EMPIRE CIR SANTANTA KS 67870**

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	
9	28S	33W					FEEDLOT (W2)												

List any other water rights that cover this place of use. 14091; 16955; 23410; 34236; 34553; 34554; 14492 (PENDING)

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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

July 21, 2021

SATANTA FARMS LLC
500 SOUTH TAYLOR SUITE 601
AMARILLO TX 79101

RE: File No(s). **16882**

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,

Kristen Baum
New Applications and Changes Supervisor
Water Appropriation Program

From: Meyer, Mike [KDA]
Sent: Fri 7/30/2021 9:36 AM
To: Ireland, Leslie [KDA]
Subject: 16882

Leslie, this file needs a redrill asap, I can do that, but they are wanting to add the old well when redrilled on as stockwater. so I think I will leave that on your application and we can amend it at that time.

I don't think I can approve a standby well, correct?!

so if we do a field office change in pd, we will let you know so you can amend your application.

I assume you have not started this application?

Mike

Garden City Field Office
4532 W. Jones, Suite B
Garden City, KS 67846



Phone: 620-276-2901
Fax: 620-276-9315
www.agriculture.ks.gov

Mike Beam, Secretary

Laura Kelly, Governor

February 21, 2022

KENNETH COX TRUST
1111 RD 90
SUBLETTE, KS 67877

RE: Application for Change
Water Right, File No. 16882

Dear Mr. Cox:

This is to advise you that Satanta Farms LLC has filed an Application to Change the Place of Use and the Use Made of Water for Water Right, File No. 16,882. The change will authorize both irrigation use and stockwatering use.

The applicant proposes to change the use made of water and place of use to irrigation use for 940.54 acres in Sections 8 and 9, both in Township 28 South, Range 33 West, Haskell County, Kansas. The applicant also proposes to change the use made of water and place of use to stockwatering use at the facility located in the West Half of Section 9, in Township 28 South, Range 33 West, Haskell County, Kansas. The change will authorize 349.788 acre-feet of water for both uses.

You can find the complete applications posted by water right file number as referenced above at: www.Agriculture.ks.gov/DWRNotices

You are notified on this proposed change in the place of use so that you may furnish this office with any comments or other information you want to submit. Such comments or other information must be received in this office within 15 days from the date of this letter.

Should you have any questions, please feel free contact this office. If you would prefer, you could arrange an appointment for additional assistance. Please refer to the file number when you contact us if you wish to discuss a specific file.

Sincerely,

A handwritten signature in blue ink that reads "Austin J. McCulloch".

Austin J. McCulloch
Assistant Water Commissioner

AM:
enclosures

pc:
GROUNDWATER MANAGEMENT DISTRICT NO. 3