

UNACCEPTABLE FOR PROCEEDING  
WATER RESOURCES RECEIVED  
JAN 29 2024  
KS Dept. of Agriculture



State of Kansas

Submit To: CHIEF ENGINEER  
Division of Water Resources  
Kansas Department of Agriculture  
1320 Research Park Drive  
Manhattan, Kansas 66502  
http://agriculture.ks.gov/dwr

**APPLICATION FOR APPROVAL TO  
CHANGE THE PLACE OF USE, THE  
POINT OF DIVERSION OR THE USE  
MADE OF THE WATER UNDER AN  
EXISTING WATER RIGHT**

**Filing Fee Must Accompany the Application**  
(Please refer to Fee Schedule on signature page of application form.)

Paragraph Nos. 1, 2, 3, 4 & 8 must be completed. Complete all other applicable portions. A topographic map or detailed plat showing the authorized and proposed points(s) of diversion and /or place of use must accompany this application.

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

- Place of Use
- (Check one or more)  Point of Diversion
- Use Made of Water

File No. 30254

2. Name of applicant: Skybound, LP

Address: 2450 Hwy. 86

City, State and Zip: Frona, TX 79035

Phone Number: ( 806 ) 265-3310 E-mail address: harryd@blueskyfarms.com

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

Name of water use correspondent: Skybound, LP

Address: 2450 Hwy. 86

City, State and Zip: Frona, TX 79035

Phone Number: ( 806 ) 265-3310 E-mail address: harryd@blueskyfarms.com

3. The change(s) proposed herein are desired for the following reasons (please be specific): Change in use made of water for dual use for stockwater and irrigation use to support new dairy and add dairy site as place of use.

The change(s) (was) (will be) completed by Upon approved of KDHE Livestock Waste Permit for Blue Sky Farms.  
(Date)

3/6/2024

KAnderson

For Office Use Only:															
F.O.	<u>2</u>	GMD	<u>5</u>	Meets K.A.R. 5-5-1	<input checked="" type="checkbox"/> YES / <input type="checkbox"/> NO	Use	<u>IRR</u>	Source	<input checked="" type="checkbox"/> G / <input type="checkbox"/> S	County	<u>ED</u>	By	<u>ALB</u>	Date	<u>3/4/24</u>
Code	<u>C-2</u>	Fee \$	<u>500</u>	TR #	<u>PY00109152</u>	Receipt Date	<u>3/1/24</u>	Check #							

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4. The presently authorized place of use is:

Owner of Land — NAME: Skybound, LP  
 ADDRESS: 2450 Hwy. 86, Friona, TX 79035

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	
30	25S	17W					40	30.7	30.6	40									141.3

List any other water rights that cover this place of use. \_\_\_\_\_

Owner of Land — NAME: \_\_\_\_\_  
 ADDRESS: \_\_\_\_\_

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

List any other water rights that cover this place of use. \_\_\_\_\_

(If there are more than two landowners, attach additional sheets as necessary.)

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5. It is proposed that the place of use be changed to:

Owner of Land — NAME: Skybound, LP  
 ADDRESS: 2450 Hwy. 86, Friona, TX 79035

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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	
30 (IRR)	25S	17W					40	30.7	30.6	40									141.3
18 (STK)	25S	17W	dairy to be located in Section 18																

List any other water rights that cover this place of use. for STK POU - 17726, 17727, 20114, 30699, 30700, 17730, 20113, 17728, 17729, 22824, 17725, 17731, 17732, 21391, 22822, 22823, 30254, 30698

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 MORE SPACE IS NEEDED, ATTACH ADDITIONAL SHEETS AS NECESSARY**

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- 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 - IRR/STK  
(Provide description and number of points)

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

8. **Presently authorized point of diversion:** AKA - Well 14  
 One in the SW Quarter of the NE Quarter of the NW Quarter of Section 30, Township 25 South, Range 17 (E/W), in Edwards County, Kansas, 4162 feet North 3622 feet West of Southeast corner of section.  
 Authorized Rate 710 g.p.m Authorized Quantity 180 ac-ft (for IRR only)  
 (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 SW Quarter of the NE Quarter of the NW Quarter of Section 30, Township 25 South, Range 17W (E/W), in Edwards County, Kansas, 4162 feet North 3622 feet West of Southeast corner of section.  
 Proposed Rate \_\_\_\_\_ Proposed Quantity limited to 150.12 ac-ft (for STK only)  
 This point is:  Additional Well     Geo Center    List other water rights that will use this point \_\_\_\_\_

9. **Presently authorized point of diversion:**  
 One in the \_\_\_\_\_ Quarter of the \_\_\_\_\_ Quarter of the \_\_\_\_\_ Quarter of Section \_\_\_\_\_, Township \_\_\_\_\_ South, Range \_\_\_\_\_ (E/W), in \_\_\_\_\_ County, Kansas, \_\_\_\_\_ feet North \_\_\_\_\_ feet West of Southeast corner of section.  
 Authorized Rate \_\_\_\_\_ Authorized Quantity \_\_\_\_\_  
 (DWR use only: Computer ID No. \_\_\_\_\_ GPS \_\_\_\_\_ feet North \_\_\_\_\_ feet West)  
 This point will not be changed     This point will be changed as follows:  
**Proposed point of diversion: (Complete only if change is requested)**  
 One in the \_\_\_\_\_ Quarter of the \_\_\_\_\_ Quarter of the \_\_\_\_\_ Quarter of Section \_\_\_\_\_, Township \_\_\_\_\_ South, Range \_\_\_\_\_ (E/W), in \_\_\_\_\_ County, Kansas, \_\_\_\_\_ feet North \_\_\_\_\_ feet West of Southeast corner of section.  
 Proposed Rate \_\_\_\_\_ Proposed Quantity \_\_\_\_\_  
 This point is:  Additional Well     Geo Center    List other water rights that will use this point \_\_\_\_\_

10. **Presently authorized point of diversion:**  
 One in the \_\_\_\_\_ Quarter of the \_\_\_\_\_ Quarter of the \_\_\_\_\_ Quarter of Section \_\_\_\_\_, Township \_\_\_\_\_ South, Range \_\_\_\_\_ (E/W), in \_\_\_\_\_ County, Kansas, \_\_\_\_\_ feet North \_\_\_\_\_ feet West of Southeast corner of section.  
 Authorized Rate \_\_\_\_\_ Authorized Quantity \_\_\_\_\_  
 (DWR use only: Computer ID No. \_\_\_\_\_ GPS \_\_\_\_\_ feet North \_\_\_\_\_ feet West)  
 This point will not be changed     This point will be changed as follows:  
**Proposed point of diversion: (Complete only if change is requested)**  
 One in the \_\_\_\_\_ Quarter of the \_\_\_\_\_ Quarter of the \_\_\_\_\_ Quarter of Section \_\_\_\_\_, Township \_\_\_\_\_ South, Range \_\_\_\_\_ (E/W), in \_\_\_\_\_ County, Kansas, \_\_\_\_\_ feet North \_\_\_\_\_ feet West of Southeast corner of section.  
 Proposed Rate \_\_\_\_\_ Proposed Quantity \_\_\_\_\_  
 This point is:  Additional Well     Geo Center    List other water rights that will use this point \_\_\_\_\_

11. Describe the current condition of and future plans for any point(s) of diversion which will no longer be used. \_\_\_\_\_

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

13. If changing the place of use and/or use made of water, describe how the consumptive use will not be increased.  
As per KAR 5-5-9, 83.4% consumptive use percentage for Edwards County  
IRR to STK > 180 ac-ft \* 83.4% = 150.12 ac-ft or 48.917 MGY STK or IRR to be authorized  
Should a future request for change in use made of water be filed for IRR, then the limited amount will go away and the authorized quantity be retained at 180 ac-ft for IRR. No reduction in total acres as majority of the operation of this water right will continue as irrigation use and the effluent will return to the irrigated land. Therefore, no increase  
(Please show any calculations here.) in consumptive use with same net acres.

14. It is requested that the maximum annual quantity of water be reduced to N/A (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.

No change in source of supply or local source of supply proposed.  
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18. If the proposed change(s) does not meet all applicable rules and regulations of the Kansas Water Appropriation Act, please identify the rules and regulations for which you request a waiver. State the reason why a waiver is needed and why the request should be granted. Attach documentation showing that granting the request will not impair existing water rights and will not prejudicially and unreasonably affect the public interest.

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

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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 Amarillo, Texas, this 12 day of December, 2023.

<u>[Signature]</u> (Owner)	_____	(Spouse)
Skybound, LP, by Harry DeWit, President of its GP	_____	(Please Print)
(Please Print)	_____	(Please Print)
_____	_____	(Spouse)
(Owner)	_____	(Please Print)
(Please Print)	_____	(Please Print)
_____	_____	(Spouse)
(Owner)	_____	(Please Print)
(Please Print)	_____	(Please Print)

Texas  
State of Kansas  
County of Randall } SS

AMY L. PEOPLES  
Notary Public, State of Texas  
Notary ID #13419429-0  
My Commission Expires 02-09-2027

I hereby certify that the foregoing application was signed in my presence and sworn to before me this 12 day of December, 2023.

[Signature]  
Notary Public

My Commission Expires 02-09-2027.

FEE SCHEDULE

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

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

Make check payable to Kansas Department of Agriculture.

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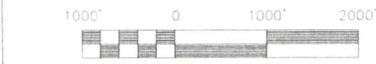
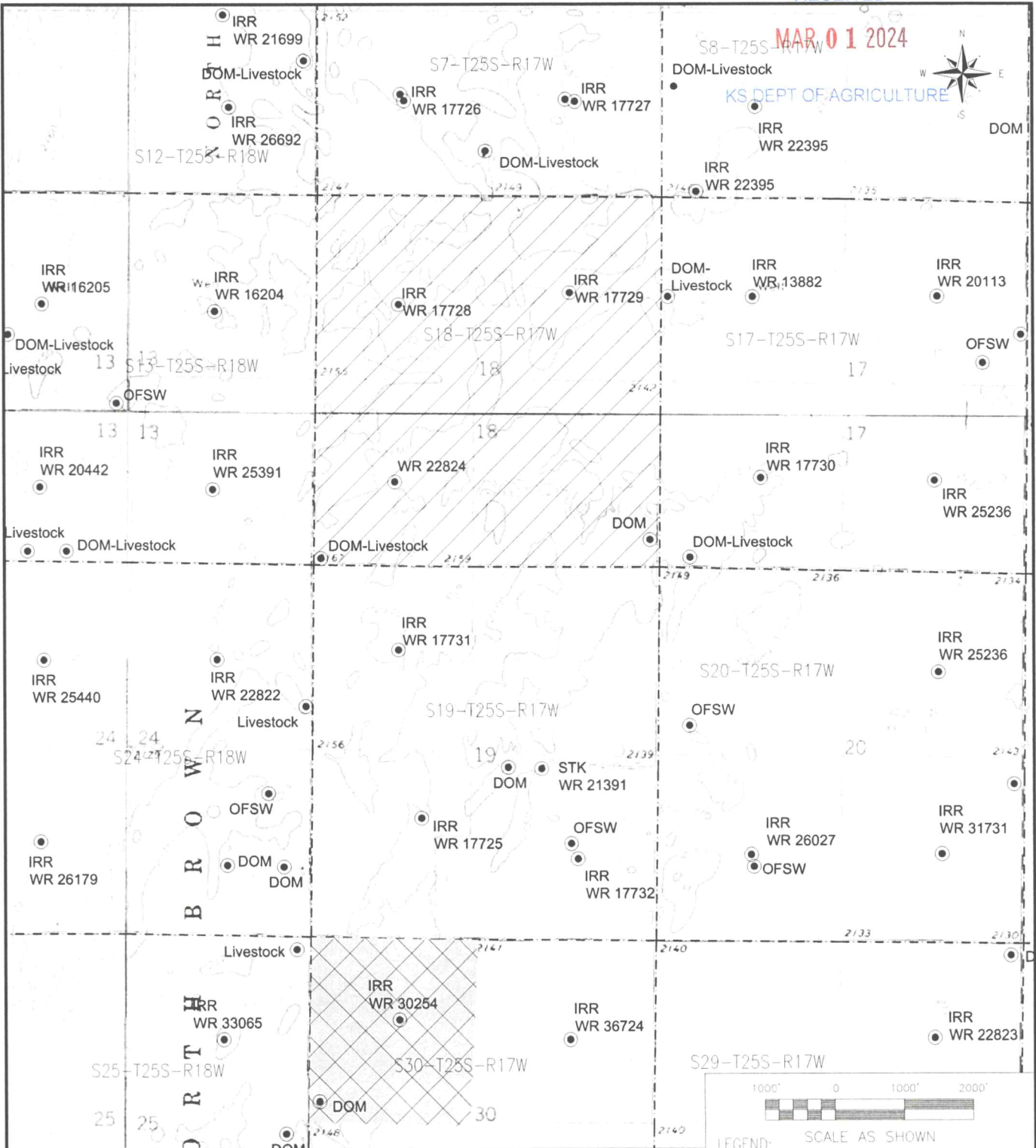
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- LEGEND:
- Denotes Sections/Section Corners
  - Denotes Approved Place of Use
  - Denotes Requested Place of Use
  - Denotes Well

- Wells off the subject properties are shown based on KGS Interactive Map – Kansas Water Wells WWC5.
  - Change in Place of Use under Files: 30254
  - Proposed Dual Use IRR/STK. Stock use requested for Section 18–Proposed Dairy Location.
- Source: USDA–NRCS. Geospatial Data Gateway. Available at: <http://datagateway.nrcs.usda.gov/>. Digital Raster Graphic County Mosaic by NRCS – Accessed 03/2022. from download document the source scale denominator is 24,000.

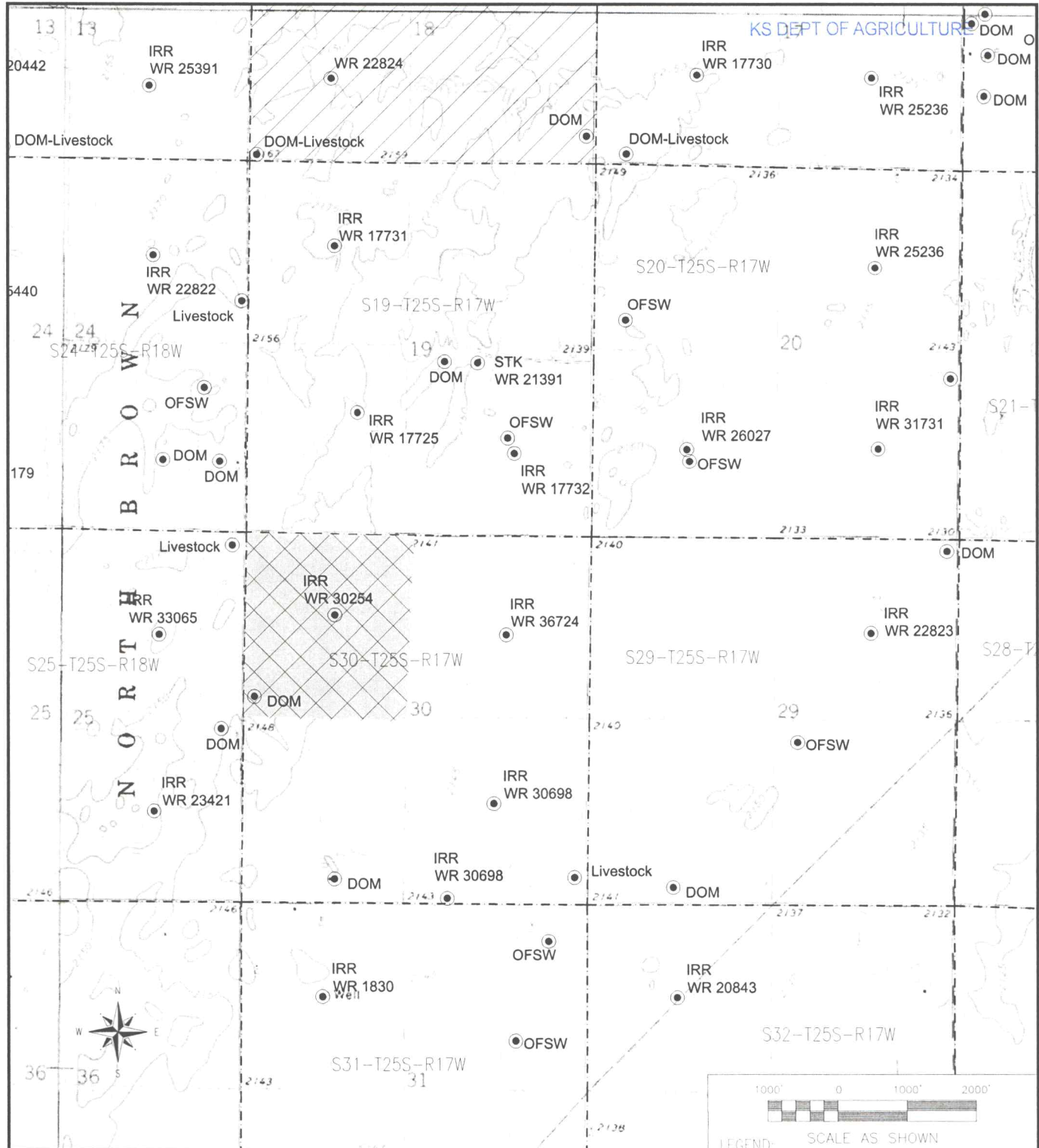
Skybound, LP  
Lewis, KS  
Edwards County

DWR Change Application WR 30254  
Figure 1a  
Date: Oct. 2023

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

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- Wells off the subject properties are shown based on KGS Interactive Map – Kansas Water Wells WWC5.
- Change in Place of Use under Files: 30254
- Proposed Dual Use IRR/STK. Stock use requested for Section 18–Proposed Dairy Location.

Source: USDA–NRCS. Geospatial Data Gateway. Available at: <http://datagateway.nrcs.usda.gov/>. Digital Raster Graphic County Mosaic by NRCS – Accessed 03/2022. from download document the source scale denominator is 24,000.

LEGEND:

- Denotes Sections/Section Corners
- /// Denotes Approved Place of Use
- ▨ Denotes Requested Place of Use
- Denotes Well

SCALE AS SHOWN

Skybound, LP  
Lewis, KS  
Edwards County

DWR Change Application-WR 30254  
Figure 1b  
Date: Oct. 2023

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

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WELL ID/PDIV ID	COUNTY	TOWNSHIP	TWN DIR	RANGE	RANGE DIR	SECTION	SPOT	LONGITUDE	LATITUDE	OWNER*	ADDRESS*	WELL USE
483790	Edwards	25	S	17	W	19	C SE	-99.22799	37.8581038	Allen Drilling Co.	1926 Main Great Bend, KS 67530	Oil Field Water Supply
531916	Edwards	25	S	17	W	19	SW NE SW	-99.2355	37.8590522	Skybound, LP	2450 Hwy 86, Friona, TX 79035	Irrigation
35855	Edwards	25	S	17	W	19	SE-NW-NW-NE	-99.23014	37.8614355	Skybound, LP	2450 Hwy 86, Friona, TX 79035	Stockwater
38023	Edwards	25	S	17	W	19	SE-NW-NW	-99.2312	37.8608844	Skybound, LP	2450 Hwy 86, Friona, TX 79035	Domestic
25700	Edwards	25	S	17	W	19	SE-SW-NE-NE	-99.2282	37.8576852	Skybound, LP	2450 Hwy 86, Friona, TX 79035	Irrigation
14042	Edwards	25	S	18	W	24	NW SE SE	-99.24428	37.8572228	Nelson, Troy	1641 180th Ave, Lewis, KS 67552	Domestic
14043	Edwards	25	S	18	W	24	NE SE SE	-99.24201	37.857237	Huff, Mrs. Elmer	Mull Land & Cattle 23495 49th Ave, Haviland, KS 67059	Domestic
14039	Edwards	25	S	18	W	24	C NE SE	-99.24314	37.8599822	Sterling Drilling Co.	PO Box 1006, Pratt, KS 67124	Oil Field Water Supply
424113	Edwards	25	S	18	W	25	NE NE NE	-99.24202	37.853577	Butler, Marlin	1641 180th Ave, Lewis, KS 67552	Feedlot/Livestock/Windmill
6603	Edwards	25	S	18	W	25	NE NC	-99.24584	37.85085	Butler Family Trust	1641 180th Ave, Lewis, KS 67552	Irrigation
19876	Edwards	25	S	18	W	25	SE NC	-99.24551	37.8435466	Butler Family Trust	1641 180th Ave, Lewis, KS 67552	Irrigation
14049	Edwards	25	S	18	W	25	NE NE SE	-99.24209	37.8462973	Butler, Marlin	1641 180th Ave, Lewis, KS 67552	Domestic
111663	Edwards	25	S	17	W	30	SW SE SW	-99.23563	37.840834	Newsom, Derek	701 Sunnyside Dr PO Box 231, Lewis, KS 67552	Domestic
38824	Edwards	25	S	17	W	30	NE SE NW	-99.22878	37.85073	Russell 2A LLC	Attn: Winter, Diane 2018 N Clear Creek, Wichita, KS 67230	Irrigation
8580	Edwards	25	S	17	W	30	SE NC	-99.22872	37.84361	Skybound, LP	2450 Hwy 86, Friona, TX 79035	Irrigation
73770	Edwards	25	S	17	W	30	SE NW SE	-99.22879	37.84368	Skybound, LP	2450 Hwy 86, Friona, TX 79035	Irrigation
74014	Edwards	25	S	17	W	30	SE NW SE	-99.22891	37.84361	Skybound, LP	2450 Hwy 86, Friona, TX 79035	Irrigation
87971	Edwards	25	S	17	W	30	SE SW SW	-99.23137	37.84008	Skybound, LP	2450 Hwy 86, Friona, TX 79035	Irrigation
25205	Edwards	25	S	17	W	30	NW NE SW- C NW	-99.23662	37.8508366	Skybound, LP	2450 Hwy 86, Friona, TX 79035	Irrigation
402731	Edwards	25	S	17	W	30	SE	-99.22809	37.8435431	Skybound, LP	2450 Hwy 86, Friona, TX 79035	LIVESTOCK
483796	Edwards	25	S	17	W	30	NW NW NW-SW SW NW	-99.23981	37.8535776	Skybound, LP	2450 Hwy 86, Friona, TX 79035	Domestic

Data obtained from the WWCS Water Well Database Query and WIMAS Water Rights Database (<https://kgs.ku.edu/water-resources-and-geohydrology/>).

\*Well Owner as noted on WWCS database and Addresses obtained from the Open Records for Kansas Appraisers - Edwards County (<https://www.kansasgis.org/orka/map.cfm>) OR from the well log obtained from WWCS Database Query (<https://www.kgs.ku.edu/Magellan/WaterWell/index.html>)

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**VIA USPS**

January 19, 2024

Chief Engineer Earl Lewis, P.E.  
Division of Water Resources  
Kansas Department of Agriculture  
1320 Research Park Drive  
Manhattan, KS 66502

Re: applications (**Change Applications**) for approval to change the place of use, the point of diversion, or the use made of the water existing under an existing water right submitted on behalf of Skybound, LP (**Applicant**)

Dear Chief Engineer Lewis:

Enclosed please find the following:

- the Change Applications submitted on behalf of the Applicant;
- Applicant's stockwater use supplemental sheet;
- draft form of memo to file; and
- check for filing fee.

Discussions with Division staff have indicated that there may be some challenges approving proposed stockwater uses for water rights with points of diversion in sec. 18- T25S- R18W. In particular, the proposed places of use for the additional beneficial use may overlap with the places of use for the existing irrigation uses. Because we were unable to resolve questions raised by Division staff prior to this submission, I ask that you please hold the Change Applications for the water rights associated with Section 18 pending further discussions with Division staff and additional submissions from the Applicant. K.S.A. 82a-708b; K.A.R. 5-3-4c(b). Please contact me if you have any questions or concerns.

Sincerely yours,  
**Mid Kansas Agri, Co.**

By Micah Schwalb  
consultant for Skybound, LP  
[mschwalb@leeschwalb.com](mailto:mschwalb@leeschwalb.com)  
720-773-0970

WATER RESOURCES  
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JAN 29 2024

KS Dept. of Agriculture

KANSAS DEPARTMENT OF AGRICULTURE  
DIVISION OF WATER RESOURCES

MEMORANDUM

To: Files

Date: [], 2024

From: [Leslie Ireland]

Re: Water Right File Nos. 17725, 17726, 17727,  
17728, 17729, 17730, 17731, 17732, 20113,  
20114, 21391, 22822, 22823, 22824, 30254,  
30698, 30699, 30700

Skybound, LP filed applications to change the place of use and add stockwatering as a beneficial use for all of the above-referenced water right files other than Water Right No. 21391. The Division received the change applications on January [#], 2024 and determined that a portion of the proposed place of use for stockwatering was already authorized for irrigation; namely, those water rights with a place of use in Section 18 of Township 25, Range 17W. [The owners changed the irrigated place of use for the corresponding water right files (17728, 17729, 22824) to other locations.]

The change applications are for the operation of a dairy and use the referenced files as dual use for irrigation and stockwatering. The requested changes in points of diversion are to existing points of diversion.

The water rights comply with K.S.A. 82a-718 and K.S.A. 82a-732. The applications comply with K.A.R 5-5-2a and K.S.A. 82a-1906, as notices were sent to well owners within one-half (½) mile of the points of diversion referenced in the change applications other than those for wells owned by the current owners.

Seventeen (17) of the water right files are presently authorized to divert up to 2,933 acre-feet per year (AFY) for irrigation use on 2089 acres in Edwards County, while one file is presently authorized to divert up to 50.422 AFY for stockwater use. [Other particulars] The requested changes in beneficial use made of water is for dual use as allowed by K.A.R. 5-5-9 (Criteria for the approval of an application for a change in the use made of water from irrigation to any other type of beneficial use of water). K.A.R. 5-5-9 affords 83.4% of allocated irrigation water to be used for another use, a limitation that would permit total diversions under the above-referenced water rights to a 2,496.54 AFY for stockwater use.

The proposed added stockwatering uses are for a new dairy to be located in Section 18, Township 25, Range 17 West, Edwards County, with a herd size of approximately 25,200 head.

The submitted *Stockwater Use Supplemental Sheet*, separately listed 20,000 cows, 5,000 heifers, and 200 calves, with a total of [###.##] AFY, equating to an average of 30.6 gallons per head per day for drinking water. The summary listed [###.##] AFY (###.# million gallons) per year for sanitation and cooling, equating to approximately ##.# gallons per head per day at maximum capacity. K.A.R 5-3-22 (Maximum reasonable quantity of water for livestock and poultry) allows 35 gallons per head per day or ###.## million gallons (#####.# AFY) at the proposed maximum capacity for drinking. The regulation further allows 100 gallons per head per day in confined building capacity equating to ##### million gallons (#####AFY). A total of #,###.## million gallons per year (#####.# AFY) for this type of stockwatering operation is allowed per

File Nos. 17725, 17726, 17727, 17728, 17729, 17730, 17731, 17732, 20113, 20114, 21391, 22822, 22823, 22824, 30254, 30698, 30699, 30700

K.A.R. 5-3-22. Dual stockwatering use permits under the referenced files will supply a limited additional ###.## mgy (####.#AFY) to be added to the ###.# mgy (###.# AF) a total of ###.## mgy (####.# AFY) for stockwatering use.

The owner has requested to utilize effluent as supplemental irrigation to maintain the currently authorized irrigated place of use. As a portion of the stockwatering use will be utilized for cooling and sanitation the request appears to be justified, approximately 672.086 AFY will be available as wastewater, resulting in only a ##% reduction in water available for irrigation. The 1421.21 AFY available results in an overall irrigation ratio of 0.##AF per acre, only slightly less than the current ratio of 0.## represented by the 17 water rights presently listing only irrigation as a beneficial use.

The authorized wells have been designated undifferentiated Kansan/Nebraskan (Code 180). The changes in place of use will not alter the local source of supply; additionally it appears the change in point of diversion complies with K.A.R. 5-25-2 (Well Spacing) and 5-25-4 (Sustainable Yield). The WRIS database indicates the nearest nondomestic well is [##] feet away. There are a limited number of domestic wells in the area.

In a letter dated [##], 2024, copies of the applications were sent to the Manager of Big Bend Groundwater Management District No. 5 (GMD5) along with a request for a recommendation concerning approval of the applications. In a letter dated [##], 2024, GMD5 indicated the proposal is not in conflict with their management plan and recommended approval of the applications.

Jeff Lanterman, Water Commissioner of the Stafford Field Office, indicated that he is not opposed to approval of the applications per correspondence dated [##], 2024.

Water flowmeters are required for each use at the point of diversions authorized both irrigation and stockwatering use. Check valves are required if any chemical or foreign substance is injected into the water through the diversion works. A notice of completion will be required for the requested change in point of diversion for File No[s]. [##]. The transmittal letter should also include the well plugging wording for File No. [##]. Term permit File No. 20239083 to overlap the point of diversion with File No[s]. (17728, 17729, 22824), is underway.

A condition of the approvals will be the requirement of flow meters pursuant to K.S.A. 82a-706c and K.A.R. 5-25-5. A check valve will be required if there will be any chemigation, but would be prudent for this type of stockwatering facility that will water dairy cattle.

Based on the above discussion, that the changes are reasonable, consumptive use will not increase, impairment of existing water rights is unlikely, and that no change in the local source of supply will occur, it is recommended that the referenced applications for change be approved.

Leslie Ireland  
Environmental Scientist  
Water Appropriation Program

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JAN 29 2024

**STOCKWATER USE  
SUPPLEMENTAL SHEET**

KS Dept. of Agriculture

Multiple Files - 17726, 17727, 20114, 30699, 30700,  
File No. 17730, 20113, 17728, 17729, 22824, 17725, 17731,  
17732, 21391, 22822, 22823, 30254, 30698

Name of Applicant (Please Print): Skybound, LP

1. Please indicate type of livestock (cattle, hogs, etc.): Dairy Cattle

2. Please complete the following table showing past and present water requirements:

**PAST NUMBER OF HEAD AND WATER DIVERTED, IF APPLICABLE**

LAST 5 YEARS	NUMBER OF HEAD	WATER DIVERTED (GALLONS)	GALLONS PER HEAD PER DAY
5 years ago			
Last year			
Present Year			

3. Please complete the following table showing estimated future water requirements:

**ESTIMATED FUTURE NUMBER OF HEAD AND WATER DIVERTED**

NEXT 5 YEARS	NUMBER OF HEAD	WATER TO BE DIVERTED (GALLONS)	GALLONS PER HEAD PER DAY
Year 1	25,200	745,321,916	81.03
Year 2	same expected for Years 2-5		
Year 3			
Year 4			
Year 5			

Please attach any additional information, tables, or curves showing past, present and estimated future water requirements to substantiate the amount of water requested.

4. Please designate the legal description of the location where the water is to be used. Show in the space provided below the Section (S), Township (T), and Range (R), and the number of acres in each forty acre tract or fractional portion thereof.

S	T	R	NE¼				NW¼				SW¼				SE¼				TOTAL
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
18	25S	17W	x	x	x	x	x	x	x	x	x	x	x	x	x	x	x	601	

JAN 29 2024

KS Dept of Agriculture

5. Show quantities of water used and all associated water uses at the feedlot such as water used in feed mills, cooling of animals, washing, flushing of wastes, etc.: **See Attached**

**DRINKING**

\_\_\_\_\_ head of \_\_\_\_\_ x \_\_\_\_\_ gallons/head (avg.) x \_\_\_\_\_ days = \_\_\_\_\_ gallons

\_\_\_\_\_ head of \_\_\_\_\_ x \_\_\_\_\_ gallons/head (avg.) x \_\_\_\_\_ days = \_\_\_\_\_ gallons

\_\_\_\_\_ head of \_\_\_\_\_ x \_\_\_\_\_ gallons/head (avg.) x \_\_\_\_\_ days = \_\_\_\_\_ gallons

**COOLING**

\_\_\_\_\_ gallons/hour x \_\_\_\_\_ hour/day x \_\_\_\_\_ days = \_\_\_\_\_ gallons

**SANITATION**

\_\_\_\_\_ g.p.m. x 60 min/hr x \_\_\_\_\_ hr/wk x \_\_\_\_\_ wks/yr = \_\_\_\_\_ gallons

**OTHER USE** (Explain) \_\_\_\_\_ = \_\_\_\_\_ gallons

**TOTAL** ----- 788,371,916 gallons  
2,419.42 ac-ft/year

6. Show location of present and future location of confinement pens on your attached maps or photographs.  
**See attached dairy location map and proposed construction site plan.**

7. Total feed bunk space for cattle or livestock is 33,649 linear feet.

8. Total size of stock pens for confinement area of cattle, hogs, etc. is 2,308,420 square feet.

You may attach any additional information you believe will assist in informing the Division of Water Resources of the need for your request.

**Blue Sky Farms - Lewis, KS - Stockwater Usage Estimations**

Date: 10/30/2023

Head Count-Basis	Type	# of Head
	Milking	20,000
	Dry	4,000
	Maternity	1,000
	Calves	200
		<u>25,200</u>

Drinking Water				
45	900,000	328,500,000.00		
15	60,000	21,900,000.00		
25	25,000	9,125,000.00		31,025,000.00
3	600	219,000.00		
	<u>985,600</u>			
	Gallons/year-->		<b>359,744,000</b>	

**Cooling-Sprinkler/Soakers/Misters**

Days per year--> 100 mid-May through mid-Sept

**Hold Pen(s)**

23750 pen size-ft2
47500 # of pens
16 sq-ft/cow
2968.75 cows per pen
5937.5 lbs>2 lbs of water per cycle per 16 ft2-cow space
711.0778443 gals/cycle
17000 cycles (based on weather data for Lewis KS)
12088323.35 gals
37.09770218 ac-ft
5.09 gals/cow/day

**Barn-Feed Line**

17 feed space/cow (inches)
23752 number of cows
24 feed space width (inches)
33649 total feed line-bunk-cow stand (ft)
16824.5 feed spaces
4029.820359 gals/cycle
13400 cycles
53999592.81 gals
165.7186653 ac-ft*
22.73 gals/cow/day

Gallons/year--> **66,087,916**

**Parlor Sanitation**

Estimate of 15 gal/cow/day - 21,000 cows

Gallons/day	Gallons/year
315,000	<b>114,975,000</b>

**Other Uses:**

**Water Trough Overflow during Winter Months**

estimated at 4.5 to 5 months continuous overflow  
Troughs in Barns 1&2-130 each & Barns 3&4- 50 each

Troughs	hrs/day	gpm	days flowing	Gallons/year
360	24	0.25	150	<b>19,440,000</b>

**Plate Cooler - Cooling of the Milk**

gals milk	
3650 produced/yr/hd*	*Assumption - Plate cooler is 3x the milk flow and then recycled in system where applicable.
gals milk	
73,000,000 produced/yr	

Gallons/year **219,000,000**

**Commodity Barn-Water uses for dairy feed rations.**

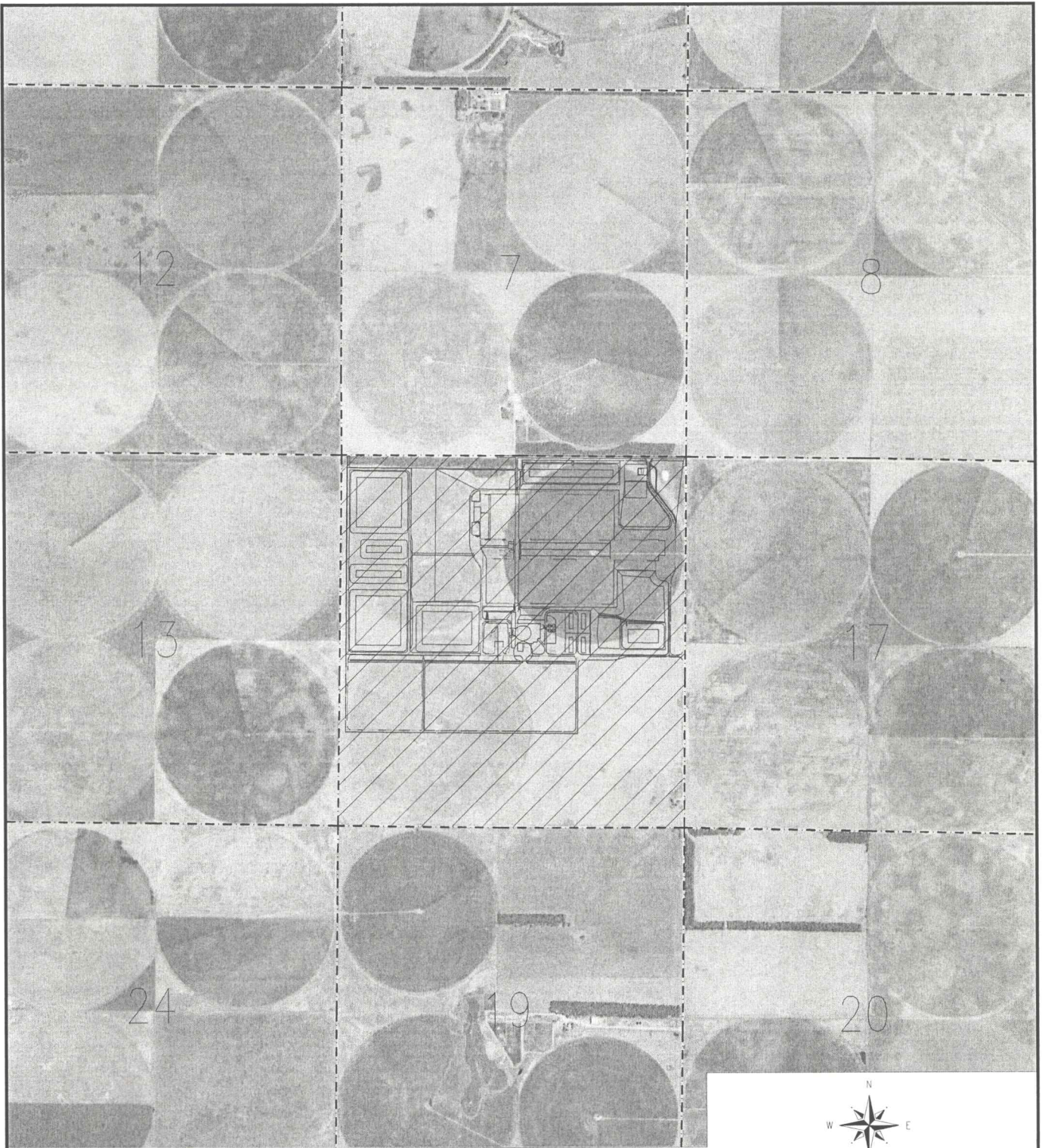
Estimated at 1 gal/cow/day **9,125,000**

	Annual Gallons	Annual Acre Feet
<b>Grand Total</b>	<b>788,371,916</b>	<b>2,419.42</b>
	31,284.60 <gals/hd/yr	
	85.71123246 <gals/hd/day	

WATER RESOURCES  
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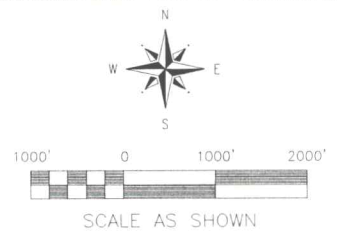
JAN 29 2024

KS Dept. of Agriculture



- Proposed Dual Use IRR/STK. Stock use requested for Section 18, T25S, R17W –Proposed Dairy Location.
- For specifics on proposed dairy, please refer to the Construction Plans–Site Plan Drawing attached to the application packet.

Source: USDA–NRCS. Geospatial Data Gateway. Available at: <http://datagateway.nrcs.usda.gov/>.  
 2021 Edwards Co National Ag. Imagery Program Mosaic – Accessed 03/2022.



Skybound, LP - Blue Sky Farms  
 Lewis, KS  
 Edwards County

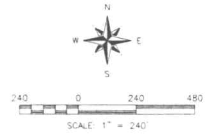
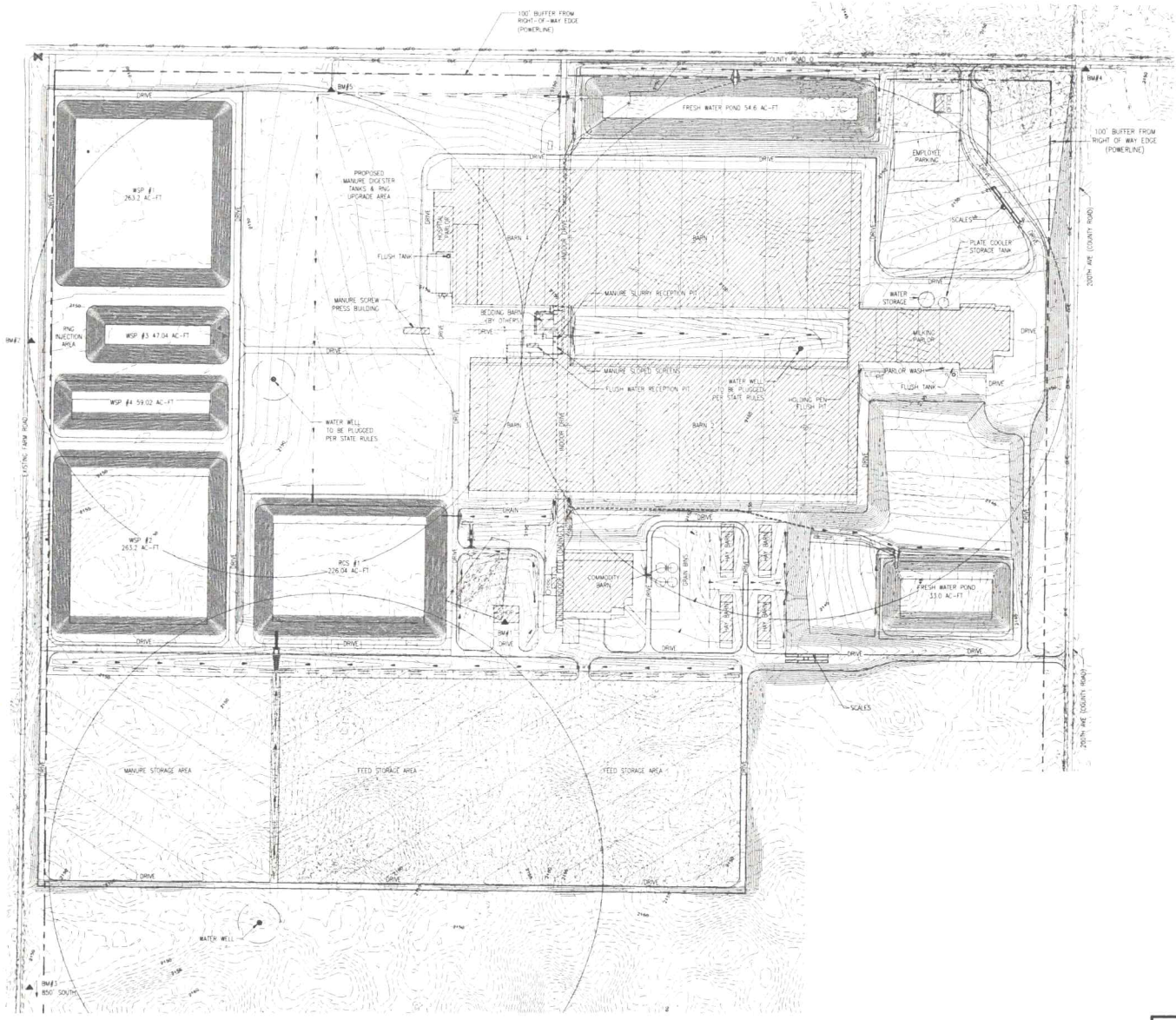
Proposed Dairy  
 Location Map  
 Date: Oct. 2023

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**ENVIRO-AG**  
**ENGINEERING, INC.**

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

JAN 29 2024

REVISIONS				
ZONE	REV	DESCRIPTION	DATE	APPROVED
-	-	INITIAL RELEASE	09/15/23	



NOTE: IF THIS SHEET IS NOT 24" x 36", THEN IT IS A REDUCED SIZED PLOT USE GRAPHIC SCALE ACCORDINGLY.

WATER RESOURCES  
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 KS Dept. of Agriculture

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PROJECT: BLUE SKY FARMS, LLC  
 CONSTRUCTION PLANS  
 LEWIS, EDWARDS COUNTY, KANSAS

SHEET DESCRIPTION: SITE PLAN

ENVIRO-AG  
**EAE** ENVIRO-AG ENGINEERING, INC.  
 ENGINEERING CONSULTANTS

3404 Arroyo Blvd  
 Amarillo, Texas  
 79118  
 TEL: (806) 353-8133  
 FAX: (806) 353-8132

DESIGNED BY: DATE: 09/2023  
 CHECKED BY: ENGINEER: DATE: 09/14/23  
 DRAWN BY:

PROFILE	SCALE
HORIZONTAL	N/A
VERTICAL	N/A

SCALE	DWG	SHEET
AS SHOWN	D	1 OF 1

NOTE:  
 THIS DOCUMENT IS RELEASED FOR THE PURPOSE OF REVIEW UNDER THE AUTHORITY OF BRAD J. WIECK, P.E. 16000 ON 09/15/2023. THIS DOCUMENT SHALL NOT BE USED FOR CONSTRUCTION OR PERMITTING PURPOSES.

BLUE SKY FARMS, LLC (2023)



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

March 8, 2024

SKYBOUND LP  
2450 HWY 86  
FRIONA TX 79035

RE: File No(s). **30254**

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](http://agriculture.ks.gov/divisions-programs/dwr). If you have any other questions, please contact our office at 785-564-6640 or your local Stafford Field Office at 620-234-5311. 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