

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

1. File Number: 8678	2. Status Change Date:	3. Change Num: C1	4. Field Office: 4	5. GMD: 3
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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: 1/23/2020
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8a. Applicant(s) New to system <input type="checkbox"/> Person ID 66389 Add Seq# _____ SOUTHWEST FARMS LLC 15857 BEAR MOUNTAIN BLVD BAKERSFIELD, CA 93311	8c. Landowner(s) New to system <input type="checkbox"/> Person ID _____ Add Seq# _____
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8b. Landowner(s) New to system <input type="checkbox"/> Person ID _____ Add Seq# _____ 8a	8d. WUC New to system <input type="checkbox"/> Person ID _____ Add Seq# _____ 8a
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9. Documents and Enclosure(s): DWR Meter(s) Date to Comply: **12/31/2020** N & P Date to Comply: **12/31/2021**

Anti-Reverse Meter Meter Seal Check Valve N & P Form Water Tube Driller Copy H & E Letter
 Conservation Plan Date Required: _____ Date Approved: _____ Date to Comply: _____

10. Use Made of Water From: _____ To: _____

Date Prepared: **1/24/2020** By: **AM**
 Date Entered: _____ By: _____

File No. **8678** 11. County: **HS** Basin: **ARKANSAS RIVER** Stream: _____ Formation Code: **2108330** Special Use: _____

12. Points of Diversion
 CHK
 MOD
 DEL PDIV
 ENT

Qualifier	S	T	R	ID	'N	'W	Comment (AKA Line)	Rate and Quantity				Additional Quantity
								Authorized	Rate	Quantity	Rate	
DEL	12246							1615	192	615	192	3386
ENT	NE SE SE	22	27S	33W	1076	402						

13. Storage: Rate _____ NF Quantity _____ ac/ft Additional Rate _____ NF Additional Quantity _____ ac/ft

14. Limitation: _____ af/yr at **1615** gpm (_____ cfs) when combined with file number(s) **3386**
 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
 CHK
 MOD
 DEL
 ENT PUSE S T R ID

Owner	Chg?	Overlap Files	NE 1/4			NW 1/4			SW 1/4			SE 1/4			Total
			NE 1/4	SW 1/4	SE 1/4	NW 1/4	NE 1/4	SW 1/4	SE 1/4	NW 1/4	NE 1/4	SW 1/4	SE 1/4		
			af	af	af	af	af	af	af	af	af	af	af		
8a	N	3386													

Base Acres: _____ Year: _____ Minimum Reasonable Quantity: _____
 Comments: _____

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

January 24, 2020

SOUTHWEST FARMS LLC
15857 BEAR MOUNTAIN BLVD
BAKERSFIELD, CA 93311

RE: Water Right, File Nos. 3386 & 8678

Dear Sir or Madam:

Enclosed are the orders executed by the designee of the Chief Engineer, Division of Water Resources, Kansas Department of Agriculture, approving the application for change under the above referenced file numbers.

Your attention is directed to the enclosures and to the terms, conditions, and limitations specified in these approvals for change. A condition of these approvals is that an acceptable water flow meter must be installed on the diversion works authorized under the referenced file numbers and meet current specifications. Please return the required notification of completion of the diversion works and installation of the required meter as soon as these actions are completed.

Since the order modifies the original document referred to above, it should be recorded with the Register of Deeds as other instruments affecting real estate.

Should you have any questions, please feel free contact this office. If you would prefer, you could arrange an appointment for additional assistance.

Sincerely,

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

Austin J. McColloch
Assistant Water Commissioner

AM:
enclosures

pc:
GROUNDWATER MANAGEMENT DISTRICT NO. 3

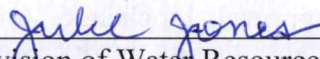
CERTIFICATE OF SERVICE

On this 24th day of January, 2020, I hereby certify that the foregoing Approval of Application for Change in Point of Diversion, Water Right, File Nos. 3,386 and 8,678 dated 24th day of January, 2020 was mailed postage prepaid, first class, US mail to the following:

SOUTHWEST FARMS LLC
15857 BEAR MOUNTAIN BLVD
BAKERSFIELD, CA 93311

Pc:

GROUNDWATER MANAGEMENT DISTRICT NO. 3



Division of Water Resources Staff

Submit completed application to:
 Kansas Department of Agriculture
 Division of Water Resources
 Field Office for your area.

Call for address:

Topeka -- (785) 296-5733
 Stafford -- (620) 234-5311
 Stockton -- (785) 425-6787
 Garden City -- (620) 276-2901
<http://agriculture.ks.gov/dwr>

DWR FIELD OFFICE APPLICATION FOR APPROVAL TO CHANGE THE PLACE OF USE AND/OR THE POINT OF DIVERSION



STATE OF KANSAS

Filing Fee Must Accompany the Application, K.S.A. 82a-708b(b), as amended.
 Fee Schedule is on the third page of this application form.

Paragraph Nos. 1, 2, 3 & 5 must be completed. Complete all other applicable portions. If change in point of diversion is greater than 100 feet, or if place of use will be changed, include a topographic map or detailed plat showing the authorized and proposed point(s) of diversion and/or place of use.

File No. 8678

RECEIVED
 9:11 AM
JAN 23 2020

1. Application is hereby made for approval of the Chief Engineer to change the (check one or both):

Place of Use Point of Diversion

under the water right which is the subject of this application in accordance with the conditions described below.

The source of supply is: Groundwater Surface water

Garden City Field Office
 DIVISION OF WATER RESOURCES

2. Name and address of Applicant: Southwest Cattle

960 Rd 50 Sublette, KS 67877

Phone Number: () _____

Email address: _____

Name and address of Water Use Correspondent: Southwest Farms LLC

15857 Bear Mountain Blvd Bakersfield, CA 93311

Phone Number: () _____

Email address: _____

3. The presently authorized place of use is:

Owner of Land --- NAME: Southwest Farms LLC

ADDRESS: _____

(If there is more than one landowner, attach supplemental sheets as necessary.)

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. 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: No Change

ADDRESS: _____

(If there is more than one landowner, attach supplemental sheets as necessary.)

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	

For Office Use Only: Code _____ Fee \$ 100.00 TR # _____ Receipt Date 1-23-20 Check # 1249

5. **Presently authorized point of diversion:**
 One in the N2 Quarter of the SE Quarter of the SE Quarter of Section 22, Township 27 South, Range 33 W, in Haskell County, Kansas, 977 feet North 660 feet West of Southeast corner of section.
 Authorized Rate 1000 Authorized Quantity 461 Depth of well _____ (feet)
 (DWR use only: Computer ID No. _____ GPS _____ feet North _____ feet West)
 This point will not be changed This point will be changed as follows: No change, point better described with GPS as follows:
Proposed point of diversion: (Complete only if change is requested or if existing point is better described by GPS)
 One in the _____ Quarter of the _____ Quarter of the SE Quarter of Section 22, Township 27 South, Range 33 W, in Haskell County, Kansas, 1076 feet North 402 feet West of Southeast corner of section.
 Proposed Rate 461 Proposed Quantity 1000 Proposed well depth (feet) 860
 This point is: Additional Well Geo Center List other water rights that will use this point _____

6. **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 _____ Depth of well _____ (feet)
 (DWR use only: Computer ID No. _____ GPS _____ feet North _____ feet West)
 This point will not be changed This point will be changed as follows: No change, point better described with GPS as follows:
Proposed point of diversion: (Complete only if change is requested or if existing point is better described by GPS)
 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 _____ Proposed well depth (feet) _____
 This point is: Additional Well Geo Center List other water rights that will use this point _____

7. The changes herein are desired for the following reasons?
 (please be specific) _____
Loss of production in current well

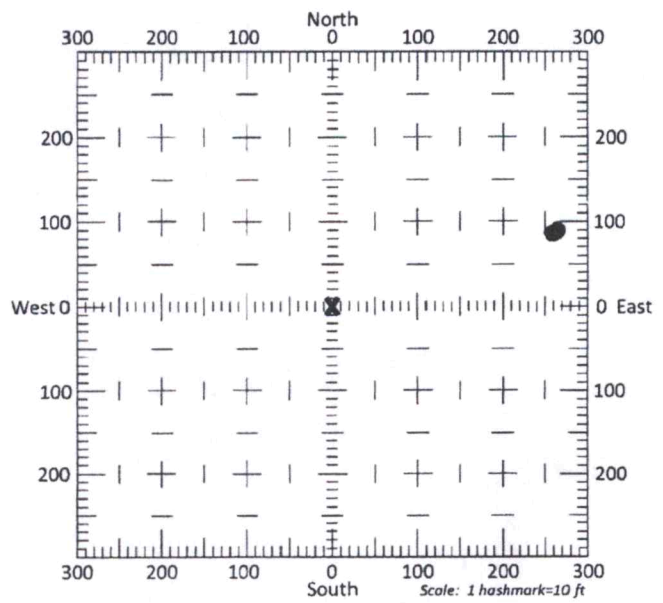
8. If a well, is the test hole log attached? Yes No

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

10. If the point of diversion is a well:
 (a) What are you going to do with the old well?
ABANDON / PLUG
 (b) When will this be done? FALL 2020

11. Groundwater Management District recommendation attached?
 Yes No

12. Assisted by CL/GMD3



13a. If the proposed point of diversion will be relocated more than 300 feet but within 2,640 feet of the existing point of diversion, attach a topographic map or aerial photograph. For groundwater sources, show all wells (including domestic) within one-half mile of the proposed point of diversion and the names and mailing addresses of the owners. For surface water sources, show the names and addresses of the landowner(s) one-half mile downstream and one-half mile upstream from your property lines

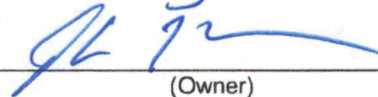
13b. If the proposed point of diversion will be relocated within 300 feet of the existing point of diversion, indicate its location on the diagram shown above in relation to the existing point of diversion. (PLEASE NOTE: The "X" in center of diagram above represents the presently authorized point of diversion.)

14. If the proposed groundwater point of diversion is 300 or fewer feet from the existing point of diversion, complete the following:
- (a) Does the undersigned represent all owners of the currently authorized place(s) of use identified in this application?
 Yes No (If no, all owners must sign this application.)
 - (b) Will the ownership interest of any owner of the currently authorized place(s) of use identified in this application be adversely affected if this application is approved as requested?
 Yes No (If yes, all owners must sign this application.)
 - (c) If this application is not approved expeditiously, will there be substantial damage to property, public health or safety?
 Yes No (If no, all owners must sign this application.)

If the application proposes a surface water change in point of diversion, a groundwater change in point of diversion greater than 300 feet, or a change in place of use, the application must be signed by all owners of the currently authorized place of use, or their duly authorized agent (attach notarized statement authorizing representation).

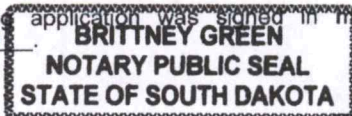
I hereby verify, being first duly sworn upon my oath or affirmation and under penalty of perjury, that I am of lawful age and the owner, the spouse of the owner, or a duly authorized agent of the owner(s) to make this application on their behalf, in regards to the water right(s) to which this application pertains. I further verify that the statements contained in this application are true, correct and complete.

Dated at Brookings, Kansas, this 22 day of Jan., 2020.

	
(Owner)	(Spouse)
<u>Josh McVelde</u>	
(Please Print)	(Please Print)
(Owner)	(Spouse)
(Please Print)	(Please Print)
(Owner)	(Spouse)
(Please Print)	(Please Print)

State of ⁵⁰ ~~Kansas~~ }
 County of Brookings } SS

I hereby certify that the foregoing application was signed in my presence and sworn to before me this 22 day of January, 2020.




 Notary Public

My Commission Expires 7/23/2021

ONLY COMPLETE APPLICATIONS WILL BE PROCESSED. To be complete, all of the applicable portions of the application form must be completed with accurate information; maps, if necessary, must be included; signatures of all the appropriate owners' must be affixed to the application and notarized; and the appropriate fee must be paid.

FEE SCHEDULE

Each application to change the place of use or the point of diversion under this section shall be accompanied by the application fee set forth in the schedule below: Make checks payable to: **Kansas Department of Agriculture**

(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

SUMMARY ORDER APPROVING APPLICATION FOR CHANGE AND IMPOSING CONDITIONS

This Summary Order is issued under authority of K.S.A. 82a-708b, as amended, and K.A.R. 5-5-1, *et seq.* and other applicable provisions of the *Kansas Water Appropriation Law, K.S.A. 82a-701 et seq.*, and rules and regulations promulgated thereunder. With the exception of those conditions expressly contained herein, this Summary Order does not change the terms, conditions and limitations of File No. 8678.

1. A change application was received on January 23, 2020 requesting that the place of use and / or point of diversion authorized under the above-referenced file number be changed as described in the application.
2. On and after the effective date of this summary order, the authorized place(s) of use shall be located substantially as shown on the topographic map accompanying the application to change the place of use. Applicable Not Applicable
3. The change in point of diversion shall not impair existing rights and shall be limited to the same source or sources of water as previously authorized. The point of diversion authorized by this summary order shall be located within a 50 foot radius of the authorized point(s) of diversion. Applicable Not Applicable
4. The point(s) of diversion described herein is administratively corrected to be more accurately described using the Global Positioning System (GPS), as described in the application. Applicable Not Applicable
5. The point(s) of diversion authorized herein shall not actually be located more than 300 feet from the previously authorized point(s) of diversion. Applicable Not Applicable
6. As required by K.A.R. 5-3-5d, if the works for diversion is a well with a diversion rate of 100 gallons per minute or more, a tube or other device suitable for making water level measurements shall be installed, operated and maintained in accordance with K.A.R. 5-6-13. Applicable Not Applicable
7. **The owner of the authorized place(s) of use shall properly install an acceptable water flow meter on or before December 31, 2020**, or before the first use of water, whichever occurs first. The water flow meter shall be installed, operated and maintained in accordance with K.A.R. 5-1-4 through 5-1-12. As required by K.S.A. 82a-732, as amended, and K.A.R. 5-3-5e, the owner shall maintain records and report the reading of the water flow meter and the total quantity of water diverted annually to the Chief Engineer by March 1 following the end of each calendar year. Applicable Not Applicable
8. **Installation of the works for diversion of water shall be completed on or before December 31, 2020**, or within any authorized extension of time. By March 1, 2020 the applicant shall notify the Chief Engineer that construction of the works for diversion has been completed, on the form provided by the Chief Engineer, as required by K.A.R. 5-8-4e. Applicable Not Applicable
9. **The completed well log shall be submitted with the required notice.** Applicable Not Applicable
10. All diversion works into which any type of chemical or other foreign substance will be injected into the water shall be equipped with an in-line, automatic, quick-closing check valve capable of preventing pollution of the source of the water supply. The check valve(s) shall be installed, operated and maintained in accordance with K.A.R. 5-3-5c. Applicable Not Applicable
11. Additional Conditions are attached. Yes No
12. In accordance with K.S.A. 82a-708a, as amended, and K.A.R. 5-5-14, all of the owners of the authorized place(s) of use of water appropriated under the above-referenced file number are responsible for compliance with its terms, conditions and limitations, as amended and/or supplemented by this Summary Order, and with applicable provisions of the *Kansas Water Appropriation Law* and the *Rules and Regulations* promulgated thereunder. Failure to comply with these provisions may result in civil penalties pursuant to K.S.A. 82a-737, as amended, and/or the suspension or revocation and dismissal of the water or appropriation right or any other enforcement actions authorized by law.

Administrative Appeal and Effective Date of Order

If you are aggrieved by this order, pursuant to K.S.A. 82a-1901, you may request an evidentiary hearing before the Chief Engineer or request administrative review by the Secretary of Agriculture. A request for hearing by the Chief Engineer must be filed within **15 days** of service of this Order and a request for administrative review by the Secretary must be filed within **30 days** pursuant to K.S.A. 77-531. Any request for administrative review must state a basis for review pursuant to K.S.A. 77-527. File any request with **Kansas Department of Agriculture, Legal Division, 1320 Research Park Drive, Manhattan, KS 66502**. Failure to timely request a hearing or review may preclude review under the Kansas Judicial Review Act.

For Use by Register of Deeds

FOR OFFICE USE ONLY

APPLICATION APPROVED AND SUMMARY ORDER ISSUED

By: Austin McCulloch
Duly Authorized Designee of the Chief Engineer

(Print Name): Austin McCulloch
Division of Water Resources - Kansas Department of Agriculture

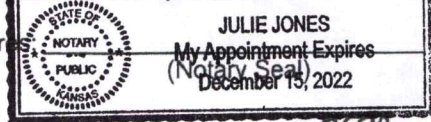
Date of Issuance: January 24, 2020

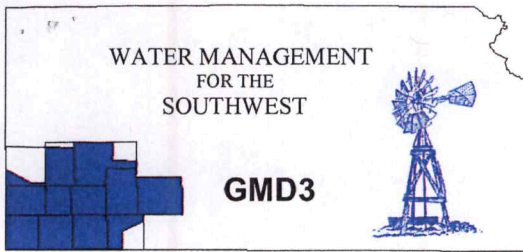
State of Kansas)

County of Linney) SS

Acknowledged before me on January 24, 2020
by Austin McCulloch

Signature: Julie Jones
Notary Public

My commission expires _____




**Southwest Kansas
Groundwater Management District**
2009 E. Spruce Street
Garden City, Kansas 67846-6158
(620) 275-7147 phone (620) 275-1431 fax
www.gmd3.org

January 21, 2020

Mike Meyer
Kansas Department of Agriculture
Division of Water Resources
4532 W Jones Ave Suite B
Garden City, KS 67846

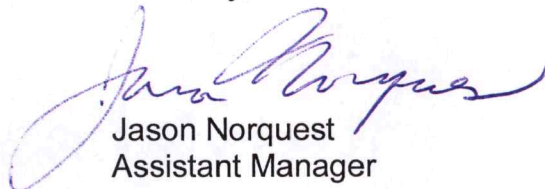
RE: Application for Change in Point of Diversion
Water Right File No. 3386 & 8678

Dear Mike,

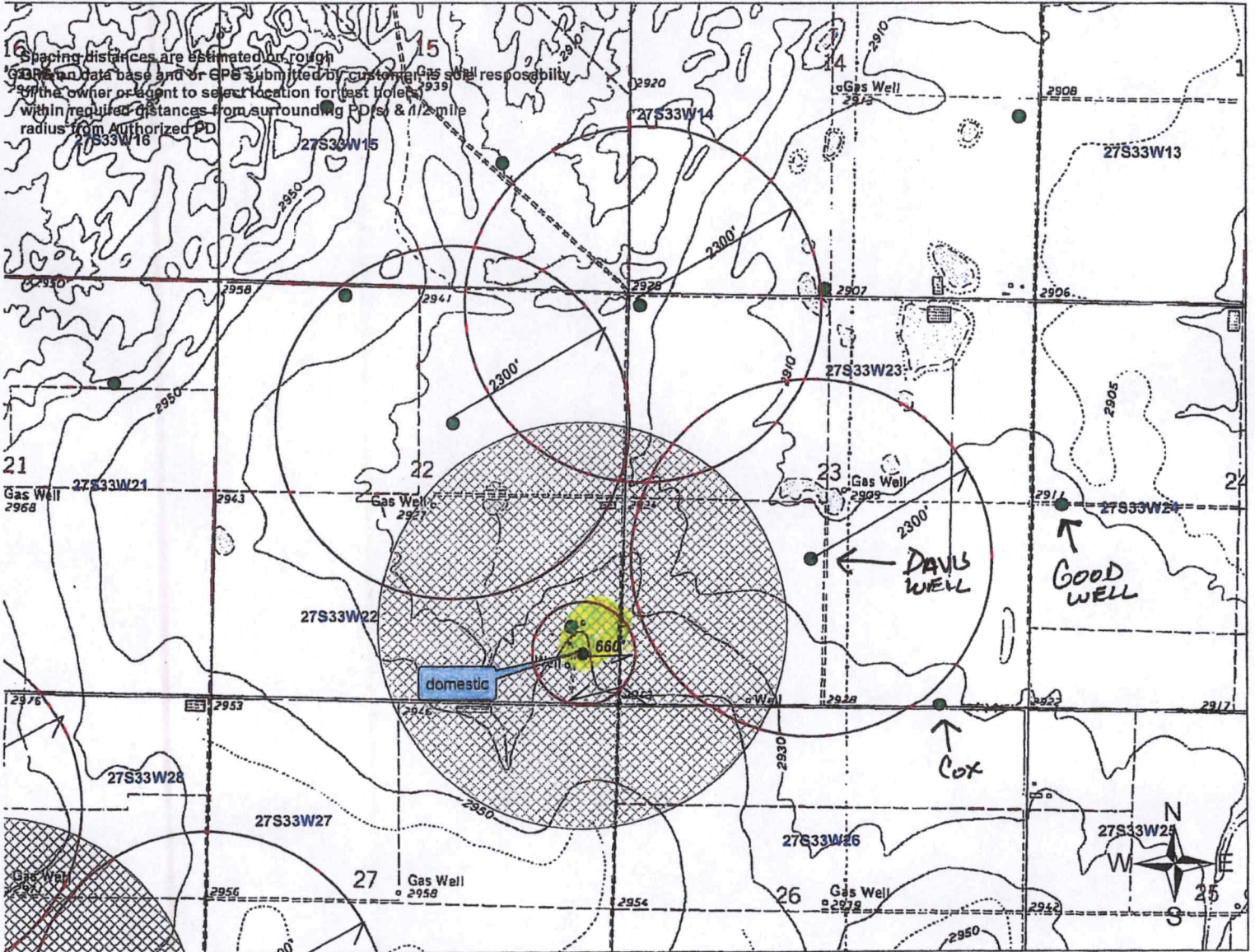
We have completed a review of the application for the above referenced water right. The proposal is not in conflict with the Management Program of the Southwest Kansas Groundwater Management District. The change in point of diversion is in accordance with K.A.R. 5-23-3(c)(1). It is therefore recommended that the application be approved at this time.



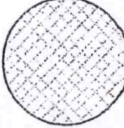
Thank you for the opportunity to review the application and to provide a recommendation. If you have any questions please don't hesitate to contact us.

Sincerely,


Jason Norquest
Assistant Manager

Spacing Map
WR 3386 & 8678
T27 R33W Section 22
Haskell County



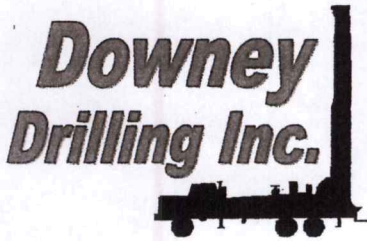
- Authorized PD
 - Requested PD
 - Point of Diversion
 -  Authorized PU
 -  Requested PU
 -  Half Mile Radius
- (2006 Scaled air photo)
 0 650 1,300 2,600 3,900 5,200 Feet

Applicant Signature

By signing this map the applicant is aware that no other wells (Irrigation, Domestic, Industrial etc) are within the 1/2 mile radius circle.

WELL LOG

DATE: 11/25/2019



DRILL WELL @ THIS LOCATION

CUSTOMER NAME: SOUTHWEST CATTLE

TEST HOLE #1

LEGAL: SE 22-27S-33W

COUNTY: HASKELL

URA 3386 + 8678

GPS: N 37.681416

W 100.908464

LOGGER:

DRILLER: DALE GUINN

WO: 19-1203

N	FROM	TO	TYPE	HARDNESS	COLOR	SPEED	PULL DOWN	OTHER / DRILLING ACTION
	0	20	SANDY CLAY		BROWN			SMOOTH
	20	25	FINE SAND					SMOOTH
	25	80	SANDY CLAY					SMOOTH
	80	180	FINE-MED-COARSE SAND, SMALL-MED-LARGE GRAVEL					CHATTER & CHOPPY
	180	246	FINE-MED-COARSE SAND, SMALL-MED GRAVEL					CHATTER
	246	309	CLAY		BROWN			SMOOTH
	309	338	FINE-MED-COARSE SAND, SMALL GRAVEL W/ MANY CLAY STRINGERS				<i>355'</i>	CHATTERY
	338	366	FINE-MED-COARSE SAND, SMALL GRAVEL					CHATTER
	366	376	SANDY CLAY			<i>80'</i>		SMOOTH
	376	397	FINE-MED-COARSE SAND, SMALL GRAVEL					CHATTERY
	397	429	FINE-MED-COARSE SAND W/ COUPLE CLAY LAYERS				<i>135'</i>	VIBRATIONS
	429	460	SANDY CLAY W/ FEW SAND LEDGES, STICKY IN PLACES		BROWN & WHITE	<i>40 .060</i>	<i>470'</i>	SMOOTH
	460	474	SANDY CLAY W/ SOME SAND STRIPS		TAN			SMOOTH & LITTLE VIBRATION
	474	481	FINE-MED-COARSE SAND W/ BROWN ROCK	LOOSE		<i>.050</i>		CHATTER
	481	486	SANDY CLAY & SOME FINE-MED-SAND MIXED					VIBRATIONS
	486	513	SOAPSTONE & SANDSTONE W/ BROWN ROCK	TIGHT	YELLOW & WHITE	<i>515'</i>	PULL DOWN	VIBRATIONS
	513	524	SHALE	LITTLE TIGHT	BLUEISH GRAY			VIBRATIONS
	524	548	SANDSTONE W/ FEW SOAPSTONE STRINGERS	LITTLE TIGHT		<i>555'</i>	<i>.060</i>	CHOPPY VIBRATION & CHOPPY
	548	589	SHALE	TIGHT	BLUEISH GRAY			SMOOTH & LITTLE CHOPPY
	589	611	SANDSTONE & SOME SHALE LEDGES	LITTLE TIGHT	BLUEISH GRAY	<i>.050</i>		VIBRATION & LITTLE CHOPPY
	611	634	SANDSTONE	FAIRLY LOOSE				VIBRATION
	634	655	SANDSTONE & SOME SHALE LEDGES	LITTLE TIGHT		<i>655'</i>		VIBRATION
	655	733	SHALE	TIGHT	BLUE		<i>SUMP</i>	SMOOTH
	733	746	SHALE W/ FEW SANDSTONE STRIPS	LITTLE TIGHT	BLUE			SMOOTH & LITTLE CHOPPY
	746	777	SHALE	TIGHT	BLUE			CHOPPY
	777	796	SHALE & FEW SANDSTONE STRIPS	LITTLE TIGHT	BLUE			SMOOTH LITTLE VIBRATION & CHOPPY
	796	813	SHALE	LITTLE TIGHT	BLUE			SMOOTH
	813	849	SHALE & STICKY	LITTLE TIGHT	BLUE			SMOOTH
	849	860	RED BED					
			QUIK GEL - 19					CHANGED TO PDC BIT @ 600'
			EZ MUD - 2 GALLONS					
			HOLE PLUG - 2					
			CASING SEAL - 1					
			WATER - 10,000 GALLONS					

SOUTHWEST CATTLE LLC

SE 22-27S-33W HASKELL CO.

Legend

TEST SITE SITE ELEV=2930'

DAVIS WELL ELEV=2915'

TH #1 LOCATION ELEV=2942'

IRR WELL ELEV=2946'

TEST HOLE SITE ELEV=2950'

Co Rd Kk

50

1000 ft



Google Earth

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