

WATER RESOURCES
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15:16

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.

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. 22023 **22033**

2. Name of applicant: SOUTHWEST PLAINS DAIRY LLC Attn: RICHARD GEVEN

Address: 12701 SW CR 32

City, State and Zip: SYRACUSE, KS 67878-7816

Phone Number: () _____ E-mail address: _____

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

Name of water use correspondent: NO CHANGE

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 CREATE AN ADDITIONAL WELL FOR STOCKWATER USE FOR PLANNED EXPANSION AND BETTER MANAGEMENT

The change(s) (was) (will be) completed by 2024 (Date)

For Office Use Only:															
F.O.	<u>4</u>	GMD	<u>3</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>HM</u>	By	<u>KJN</u>	Date	<u>6/11/24</u>
Code	<u>CLT</u>	Fee \$	<u>100</u>	TR #		Receipt Date	<u>6-7-24</u>	Check #	<u>28608</u>						

6/11/2024
KAnderson

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4. The presently authorized place of use is:

Owner of Land — NAME: NO CHANGE

KS Dept. of Agriculture

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. _____

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: NO CHANGE

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. _____

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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12. The presently authorized use of water is for IRR KS Dept. of Agriculture 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.

KAR 5-5-10 PARTIAL CHANGE TO STK USE FROM THE IRR WELL. COVERTING 100 AF TO STK ADD WELL

WELL. IRR AUTH 228 AF, AFTER CALCULATION IRR WELL WILL BE REDUCED TO AF.

281 * 83%=233.23 AF. REQUEST OF 100 AF TO STK, 100 / 233.23 = 42% . 57% REMAINS FOR IRR =160 AF

(Please show any calculations here.)

14. It is requested that the maximum annual quantity of water be reduced to 260 (acre-feet or million gallons).

15. It is requested that the maximum rate of diversion of water be reduced to _____ gallons per minute (_____ c.f.s.).

16. The application must include either a topographic map or detailed plat. A U.S. Geological Survey Topographic Map, scale 1:24,000, is available through the Kansas Geological Survey, 1930 Constant Avenue, University of Kansas, Lawrence, Kansas 66047-3726 (www.usgs.gov). 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 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.
- 3) If the source of supply is surface water, the names and mailing addresses of all landowner(s) ½ mile downstream and ½ 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 LOCAL SOURCE OF SUPPLY OR SOURCE OF SUPPLY

FLOW TEST WILL BE SUPPLIED LATER

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.

NONE

ALL WELLS SPACING AND DISTANCE MOVED MEETS ALL RULES

IF MORE SPACE IS NEEDED, ATTACH ADDITIONAL SHEETS AS NECESSARY

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6. The presently authorized point(s) of diversion are ONE WELL (Provide description and number of points)

7. The proposed point(s) of diversion are TWO WELLS (Provide description and number of points)

List all presently authorized point(s) of diversion:

8. Presently authorized point of diversion: One in the SW Quarter of the SE Quarter of the NW Quarter of Section 3, Township 26 South, Range 43 W, in ST County, Kansas, 2678 feet North 3701 feet West of Southeast corner of section. Authorized Rate 890 GPM Authorized Quantity 281 AF (DWR use only: Computer ID No. 5 GPS feet North feet West) [] This point will not be changed [X] This point will be changed as follows: Proposed point of diversion: (Complete only if change is requested) One in the NE Quarter of the SW Quarter of the SE Quarter of Section 3, Township 26 South, Range 43 W, in ST County, Kansas, 1035 feet North 1809 feet West of Southeast corner of section. Proposed Rate GPM Proposed Quantity 32.585 MGY (100 AF TRANSFER) This point is: [X] Additional Well [] Geo Center List other water rights that will use this point 9921

9. Presently authorized point of diversion: One in the Quarter of the Quarter of the Quarter of Section Township South, Range 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 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

*waiting flow test

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 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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**STOCKWATER USE
SUPPLEMENTAL SHEET**

File No. 22033

Name of Applicant (Please Print): SOUTHWEST PLAINS DAIRY LLC, RICHARD GEVEM

1. Please indicate type of livestock (cattle, hogs, etc.): 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	0		
Last year	0		
Present Year	<u>NOV + Dec 5000</u>		<u>50</u>

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	<u>7000</u>		<u>50</u>
Year 2	<u>9000</u>		<u>50</u>
Year 3	<u>10000</u>		<u>50</u>
Year 4	<u>10000</u>		<u>50</u>
Year 5	<u>10000</u>		<u>50</u>

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	

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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.:

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 ----- gallons

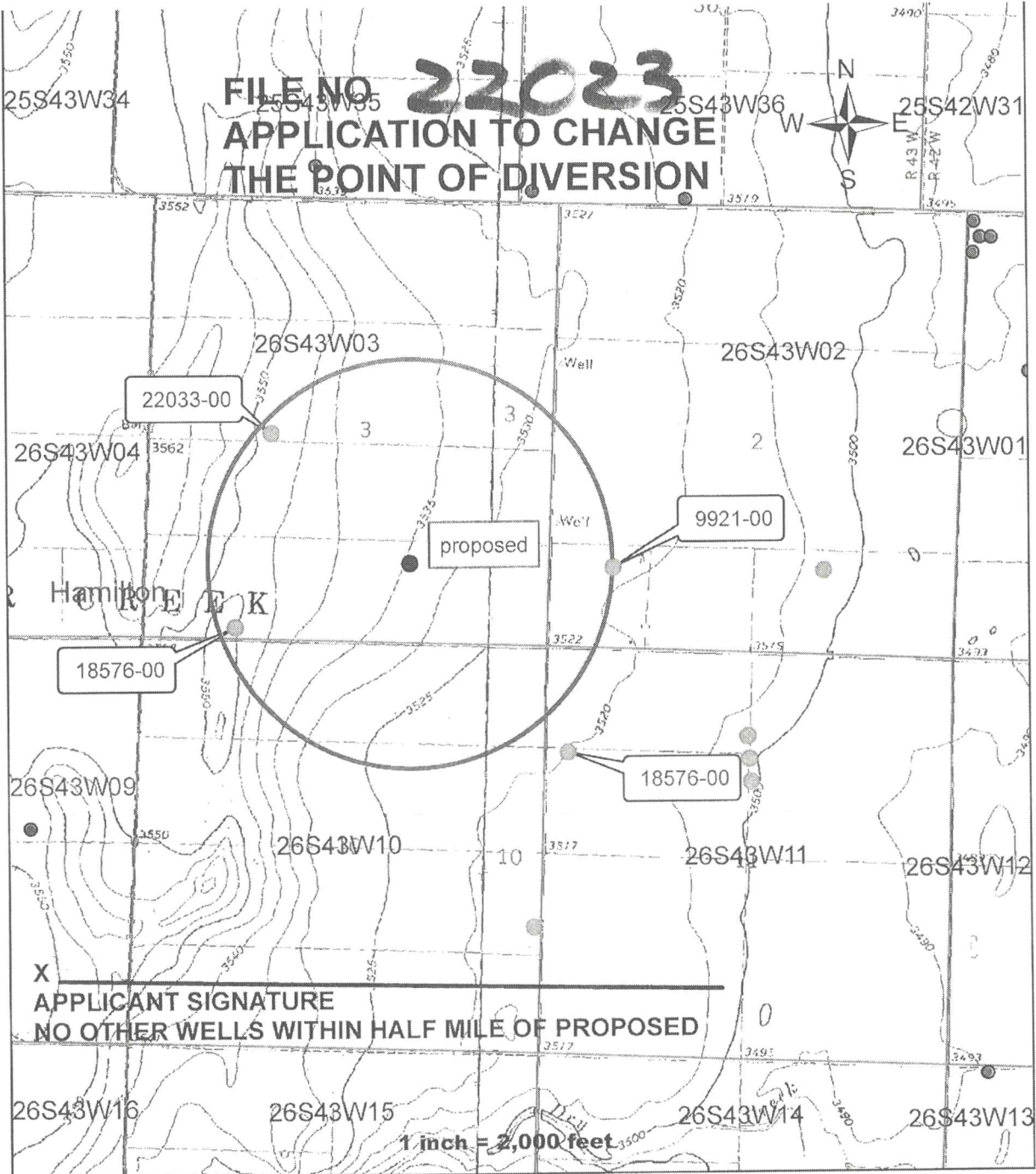
6. Show location of present and future location of confinement pens on your attached maps or photographs.

7. Total feed bunk space for cattle or livestock is _____ linear feet.

8. Total size of stock pens for confinement area of cattle, hogs, etc. is _____ 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.

FILE NO. 22023
APPLICATION TO CHANGE
THE POINT OF DIVERSION



X
APPLICANT SIGNATURE
NO OTHER WELLS WITHIN HALF MILE OF PROPOSED

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3795 W. Jones Ave.
Garden City, KS 67846
PH: 620-277-2389



Hydro
RESOURCES

KS Dept. of Agriculture

PO Box 639
Garden City, KS 67846
Fax: 620-277-0224

CELL 620-214-1446

RICHARD GREEN OFF 620-392-2012

Customer Name: Southwest Plains Dairy WO#: 26233 Date: 4-9-24
 Street Address: 12701 SW CR 32 Test #: 3 E LOG: _____
 City, State: SYRACUSE KS 67878 Driller: Dale Green
 County: Haskell Quarter: SE Section: 3 Township: 26 Range: 49
 Location: _____ GPS: N37.81387 W102.00408
 Rig #: 10002 Elevation: _____ Static WL: 375 FT Estimated? Yes
 Proposed Well Depth 796

REPLACEMENT SUPPLY WELL LOCATION INCLUDING 10' SUMP

%	Footage			Description of Strata
	From	Pay	To	
	0		2	Top Soil
	2		64	Brown Sandy Clay
	64		95	Sand Fine Med Course w/Few clay strips
	95		102	Brown Sandy Clay
	102		110	Sand Fine Med w/Some clay strips
	110		118	Sand Fine Med Course
	118		140	Brown Sandy Clay w/Few Fine Sand Strips
	140		154	Sand Fine Med Course
	154		215	Brown Sandy Clay
	215		265	Brown Sandy Clay w/Few Fine Sand Strips
	265		288	Sand Fine Med Course
	288		295	Sandstone + Couple Sandstone layers
	295		340	Sandstone + Sandstone
	340		371	Shale + Some Sandstone
20	371	54	429	Sandstone + Some White Dakota "Used Water Around 4-6' Mixed Brown"
10	429	32	461	Sandstone w/Few Shale layers
	461	(?)	468	Shale
3	468	17	485	Sandstone + Some Shale layers
10	485	21	506	Sandstone w/Few Shale layers
5	506	54	560	Sandstone "Drilled Tight + Fairly Loose In Places"
10	560	37	597	Sandstone w/Few Red Clay Strips "Used Little Water"
15	597	67	664	Sandstone "Fairly Loose"
20	664	90	754	Sandstone "Loose"
15	754	32	786	Sandstone "Fairly loose" w/Some Red Sandstone
	786		800	Red Bed
				Super Gal X -14
				Beam -2
				Cement -4
				Hub Plug -7
				Pressure Plug -1
				5/8" Ding Block -1

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Southwest Plains Dairy

Test Hole # 3 of 4-9-24

SE 3-26-43 HM

Replacement Supply well Location.

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Legend

 37.81389 N 102.00408 W



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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.

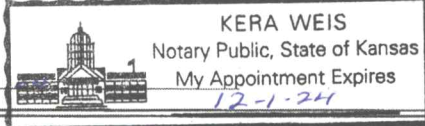
Dated at Syracuse, Kansas, this 3rd day of June, 20 24.

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

State of Kansas)
County of Hamilton) SS

I hereby certify that the foregoing application was signed in my presence and sworn to before me this 3rd day of June, 20 24.

My Commission Expires 12-1



[Signature]
Notary Public

FEE SCHEDULE

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

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

Make check payable to Kansas Department of Agriculture.

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 14, 2024

SOUTHWEST PLAINS DAIRY LLC
12701 SW CR 32
SYRACUSE KS 67878-7816

RE: File No(s). **22033**

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