

WATER RESOURCES
RECEIVED

MAY 10 2024

13:52

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. 3386

2. Name of applicant: Southwest Farms, LLC

Address: 126 Main Avenue, Suite 104

City, State and Zip: Brookings SD 57006

Phone Number: (559) 805-3271 E-mail address: josh_tevelde@yahoo.com

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

Name of water use correspondent: Southwest Farms, LLC-Josh TeVelde

Address: See above

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 change the place of use and make of use to support expansion of facility.

The change(s) (was) (will be) completed by Upon approval and final construction of expansion.

(Date)

For Office Use Only:

F.O. 4 GMD 3 Meets K.A.R. 5-5-1 YES / NO Use IRR/STK Source G / S County HS By KJN Date 5/13/24
Code CP4 Fee \$ 200 TR # _____ Receipt Date 5-10-24 Check # 16177

5/17/2024
KAnderson

MAY 10 2024

File No. 3386

4. The presently authorized place of use is:

KS Dept. of Agriculture

Owner of Land — NAME: Southwest Farms, LLC – Irrigation use

ADDRESS: 126 Main Avenue, Suite 104 Brookings SD 57006

Sec.	Twp.	Range	NE¼				NW¼				SW¼				SE¼				TOTAL ACRES
			NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	
22-27S	33W									40	40	40	40	40	40	40	40	320	

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

Owner of Land — NAME: Southwest Farms, LLC – Stockwater use

ADDRESS: 126 Main Avenue, Suite 104 Brookings SD 57006

Sec.	Twp.	Range	NE¼				NW¼				SW¼				SE¼				TOTAL ACRES
			NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	
28-27S	33W		X	X	X	X	X	X	X					X	X				
			NE/4,	NW/4,	& N/2	SE/4 –													
					of	STK													
						Use													

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

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

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

Owner of Land — NAME: Southwest Farms, LLC – Irrigation use

ADDRESS: 126 Main Avenue, Suite 104 Brookings SD 57006

Sec.	Twp.	Range	NE¼				NW¼				SW¼				SE¼				TOTAL ACRES
			NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	
22-27S	33W									40	40	40	40	40	40	40	40	320	

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

Owner of Land — NAME: Southwest Farms, LLC – Stock use

ADDRESS: 126 Main Avenue, Suite 104 Brookings SD 57006

Sec.	Twp.	Range	NE¼				NW¼				SW¼				SE¼				TOTAL ACRES
			NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	
28-27S	33W		X	X	X	X	X	X	X					X	X	X	X		
			NE/4,	NW/4,	& SE/4														
					– STK														
					Use														

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

IF MORE SPACE IS NEEDED, ATTACH ADDITIONAL SHEETS AS NECESSARY

- 6. The presently authorized point(s) of diversion (is) (are) 1-Well Stock and 1-Well Irrigation
(Provide description and number of points)
- 7. The proposed point(s) of diversion (is) (are) No change in Point of Diversion
(Provide description and number of points)

WATER RESOURCES RECEIVED

MAY 10 2024

List all presently authorized point(s) of diversion:

8. **Presently authorized point of diversion: POD#1**

One in the NE/4 Quarter of the SE/4 Quarter of the SE/4 Quarter of Section 22, Township 27 South, Range 33W (E/W), in Haskell County, Kansas, 1076 feet North 402 feet West of Southeast corner of section. Authorized Rate 604 gpm Authorized Quantity 284.34 Ac/Ft - irrigation
(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 _____

9. **Presently authorized point of diversion: POD #2**

One in the _____ Quarter of the _____ Quarter of the CS Quarter of Section 22, Township 27 South, Range 33W (E/W), in Haskell County, Kansas, 250 feet North 2640 feet West of Southeast corner of section. Authorized Rate 100 gpm Authorized Quantity 150 Ac/Ft - Stock
(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

MAY 10 2024

KS Dept. of Agriculture

- 12. The presently authorized use of water is for Irrigation/Stock purposes.
It is proposed that the use be changed to no changes proposed purposes.
- 13. If changing the place of use and/or use made of water, describe how the consumptive use will not be increased.
There will be no increase or changes in use made of water. Place of use is changed to include all of the NW/4, NE/4 and SE/4 of Section 28-T27S-R33W.
(Please show any calculations here.)
- 14. It is requested that the maximum annual quantity of water be reduced to no changes acre-feet or million gallons).
- 15. It is requested that the maximum rate of diversion of water be reduced to no changes 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.

- 18. If the proposed change(s) does not meet all applicable rules and regulations of the Kansas Water Appropriation Act, please identify the rules and regulations for which you request a waiver. State the reason why a waiver is needed and why the request should be granted. Attach documentation showing that granting the request will not impair existing water rights and will not prejudicially and unreasonably affect the public interest.

IF MORE SPACE IS NEEDED, ATTACH ADDITIONAL SHEETS AS NECESSARY

MAY 10 2024

File No 3386

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 Brookings, SD, Kansas, this 26 day of Apr. 1, 2024

[Signature]
(Owner)
Josh McVold
(Please Print)

(Spouse)
(Please Print)

(Owner)
(Please Print)

(Spouse)
(Please Print)

(Owner)
(Please Print)

(Spouse)
(Please Print)

State of Kansas South Dakota }
County of Brookings } SS

I hereby certify that the foregoing application was signed in my presence and sworn to before me this 26th day of April, 2024.

[Signature] Sarah M. Hesser
Notary Public

My Commission Expires May 5, 2027

FEE SCHEDULE

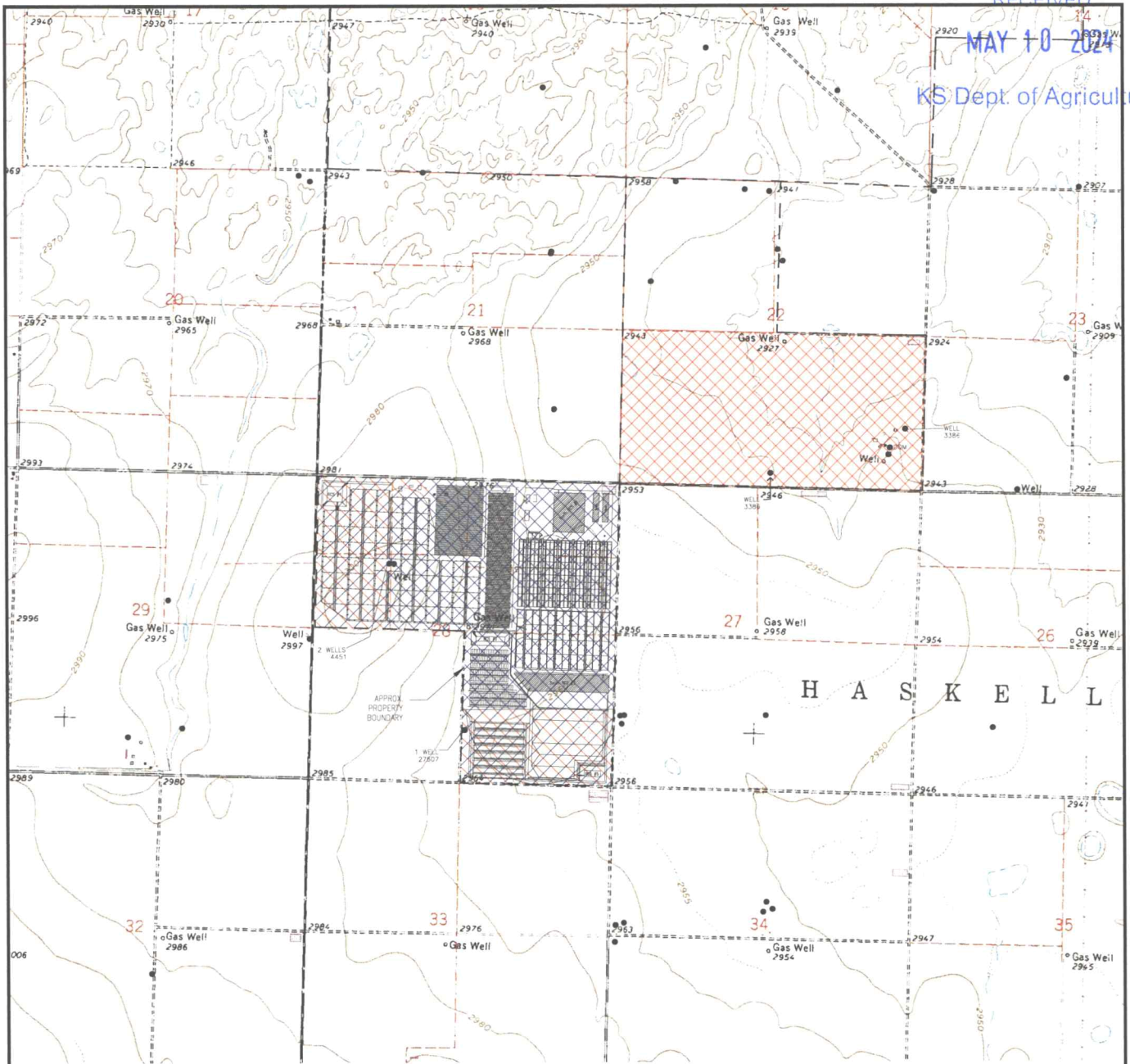
Each application to change the place of use, the point of diversion or the use made of the water under this section shall be accompanied by the application fee set forth in the schedule below:

- (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.

MAY 10 2024

KS Dept. of Agriculture



LEGEND:

AUTHORIZED:

Stockwater Place of Use

Irrigated Place of Use

Well

PROPOSED:

Stockwater Place of Use

(NE/4, NW/4, SE/4 of S28-T27S-R33W, HSCo)

Irrigated Place of Use



1320' 0 1320' 2640'



SCALE AS SHOWN

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.

- Wells off the subject properties are shown based on KGS Interactive Map - Kansas Water Wells WWC5.
- Change in Place of Use under Files: 3386/8678

SOUTHWEST CATTLE, LLC
 SUBLETTE, KS
 HASKELL COUNTY

PROPOSED DWR
 CHANGE APPLICATION
 DATE: APRIL 2024



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

WELL_ID	PDIV	LATITUDE	LONGITUDE	COUNTY	TWN	TWN_D	RANGE	RANGE	SECTION	OWNER*	ADDRESS*	WELL_USE	
ID						IR	DIR	DIR					
1040164985		37.6621874	-100.929914	Haskell	27	S	33	W	21	SE	CIRCLE BAR LAND HOLDING LLC	842 RD 60 SATANTA, KS 67870	Irrigation
1051996232		37.6791719	-100.9170806	Haskell	27	S	33	W	22	SW SE SE SE	SOUTHWEST FARMS LLC	126 MAIN AVE STE 104 BROOKINGS, SD 57001	Stockwater
1040165007		37.6670725	-100.9253145	Haskell	27	S	33	W	27	SW SW NW NW	COX LAND	1111 RD 90 SUBLETTE, KS 67877	Irrigation
1041770872		37.6674268	-100.9165074	Haskell	27	S	33	W	27	SW SE NE NE	1111 RD 90 SUBLETTE, KS 67877	1111 RD 90 SUBLETTE, KS 67877	Irrigation
1040166036		37.6649406	-100.9517604	Haskell	27	S	33	W	28	SE SW SW	CIRCLE BAR PROPERTIES LLC	842 RD 60 SATANTA, KS 67870	Domestic
1040377971		37.6660028	-100.952121	Haskell	27	S	33	W	28	SE SW NW SW	CIRCLE BAR PROPERTIES LLC	842 RD 60 SATANTA, KS 67870	Irrigation
1041770874		37.6721898	-100.9525429	Haskell	27	S	33	W	28	NE SW SW SW	DARCY KELLS FAMILY TRUST	842 RD 60 SATANTA, KS 67870	Irrigation
1041770875		37.6710022	-100.944544	Haskell	27	S	33	W	28	SE NE NE NE	DARCY KELLS FAMILY TRUST	842 RD 60 SATANTA, KS 67870	Irrigation
1041770894		37.6578085	-100.9251498	Haskell	27	S	33	W	34	NW SW SW NW	WOODFORD-O'BRATE INC	1325 HINEMAN DR GARDEN CITY, KS 67846	Irrigation
1041770895		37.6589427	-100.9167393	Haskell	27	S	33	W	34	NW SE NE SE	WOODFORD-O'BRATE INC	1325 HINEMAN DR GARDEN CITY, KS 67846	Irrigation
1044093653		37.6577233	-100.9251395	Haskell	27	S	33	W	34	NW SW SW NW	WOODFORD-O'BRATE INC	1325 HINEMAN DR GARDEN CITY, KS 67846	Irrigation

Data obtained from the WWC5 Water Well Database Query and WIMAS Water Rights Database (<https://kgs.ku.edu/water-resources-and-geohydrology/>).

*Well Owner as noted on WWC5 database and Addresses obtained from the Open Records for Kansas Appraisers - Haskell County (<https://www.kansasgis.org/or/ka/map.cfm>) OR from the well log obtained from WWC5 Database Query (<https://www.kgs.ku.edu/MagellanWaterWell/index.html>)

WATER RESOURCES
RECEIVED
MAY 10 2024
KS Dept. of Agriculture

WATER RESOURCE
RECEIVED

MAY 10 2024

KS Dept. of Agriculture

**STOCKWATER USE
SUPPLEMENTAL SHEET**

File No. 27607/4451 3386/8678

Name of Applicant (Please Print): Southwest Farms, LLC

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
2017 5 years ago	35,753	80,485,197	6.13 gals/hd/day
2023 Last year	35,851	136,716,887	10.5 gals/hd/day
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	72,500	257,096,439	9.7 gals/hd/day
Year 2	72,500	257,096,439	9.7 gals/hd/day
Year 3	72,500	257,096,439	9.7 gals/hd/day
Year 4	72,500	257,096,439	9.7 gals/hd/day
Year 5	72,500	257,096,439	9.7 gals/hd/day

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	
28	27S	33W	X	X	X	X	X	X	X	X					X	X	X	X	

MAY 10 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.:

DRINKING

$$72,500 \text{ head of calves, young stock} \times 9.3 \text{ gallons/head (avg.)} \times 365 \text{ days} = 245,212,689 \text{ gallons}$$

$$\text{_____ head of _____} \times \text{_____ gallons/head (avg.)} \times \text{_____ days} = \text{_____ gallons}$$

$$\text{_____ head of _____} \times \text{_____ gallons/head (avg.)} \times \text{_____ days} = \text{_____ gallons}$$

COOLING n/a

$$\text{_____ gallons/hour} \times \text{_____ hour/day} \times \text{_____ days} = \text{_____ gallons}$$

SANITATION

Milk Mixing Operations-Sanitation

$$\text{_____ g.p.m.} \times 60 \text{ min/hr} \times \text{_____ hr/wk} \times \text{_____ wks/yr} = 6000 \text{ gals/day} \times 365 \text{ days/ry} = 2.19\text{M} \text{ gallons}$$

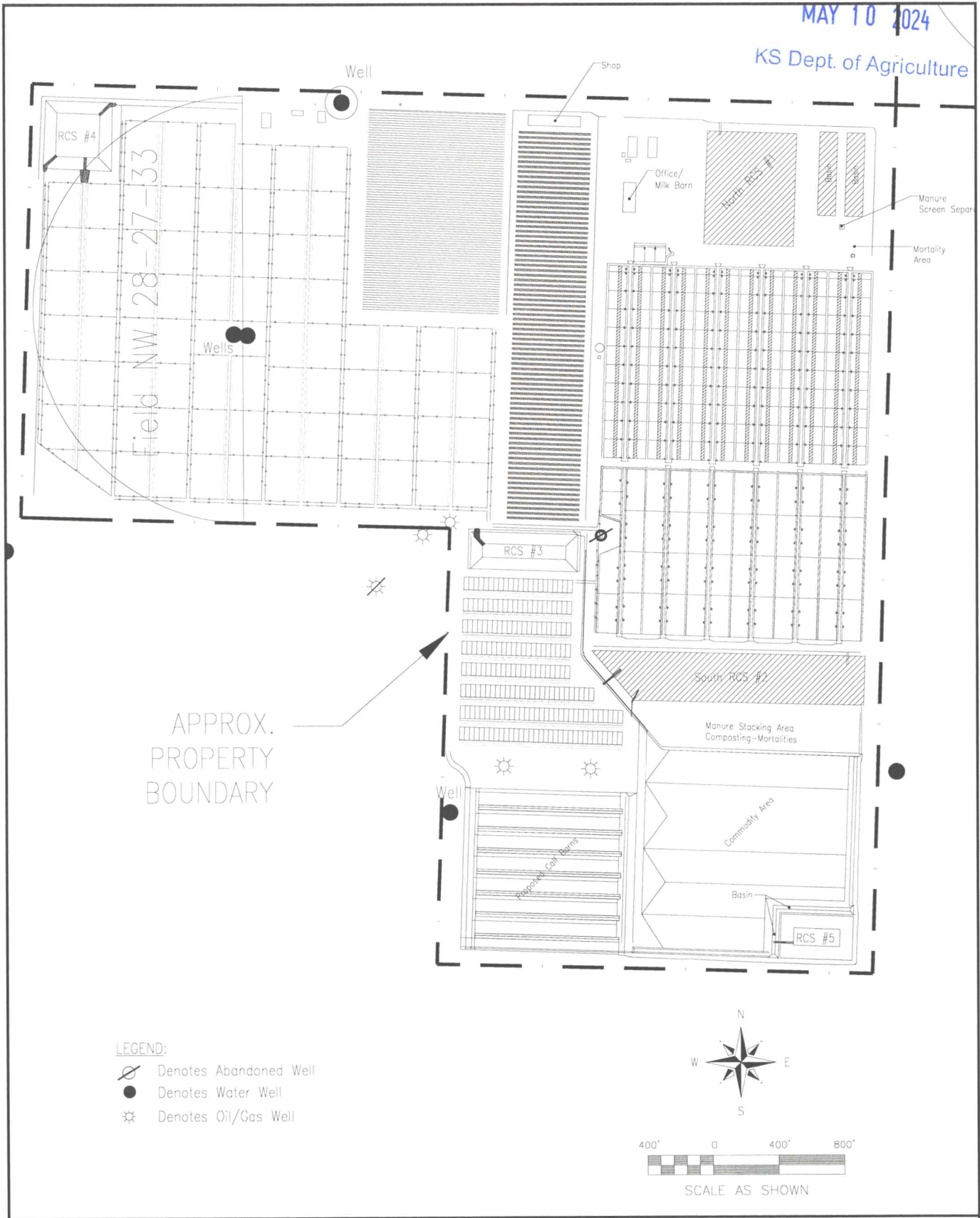
OTHER USE (Explain) _____ Milk mixing _____ = 6.844Mgallons

Overflow Water Troughs 2.85 M gals

TOTAL ----- 257,096,439 gallons

- 6. Show location of present and future location of confinement pens on your attached maps or photographs.
Refer to attached Proposed Site Map.
- 7. Total feed bunk space for cattle or livestock is 53,342 linear feet.
- 8. Total size of stock pens for confinement area of cattle, hogs, etc. is 2,182,356 hutchessquare feet.
8,343,858 open lot pens

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



APPROX. PROPERTY BOUNDARY

LEGEND:

- ⊗ Denotes Abandoned Well
- Denotes Water Well
- ☼ Denotes Oil/Gas Well



SCALE AS SHOWN

SOUTHWEST CATTLE, LLC
 SUBLETTE, KS
 HASKELL COUNTY

PROPOSED SITE MAP
 FIGURE 1.3
 March 2024



Enviro-Ag Engineering, Inc.
 ENGINEERING CONSULTANTS
 3404 Airway Boulevard
 AMARILLO, TEXAS 79118
 TEL (806) 353-8123 FAX (806) 353-4132



Corporate Office:
3404 Airway Blvd.
Amarillo TX 79118

Central Texas:
9855 FM 847
Dublin TX 76446

New Mexico:
110 East Mill Road
Artesia NM 88210

May 3, 2024

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

WATER RESOURCES
RECEIVED
MAY 10 2024
KS Dept. of Agriculture

Re: Application for Approval to Change the Place of Use and Use Made of
Water for Water Right File Nos. 3386, 4451 and 27607 – Haskell County, KS

Dear Chief Engineer,
Attached are applications for approval to change the place of use and use
made of water for the above referenced Water Right Files at Southwest Farms,
LLC. The appropriate application fees are attached.

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

Sincerely,

Marsha Shoemaker

Marsha Shoemaker
Enviro-Ag Engineering, Inc.

Enclosures

Cc: Southwest Farms