



File No. **4451Error!**  
**Reference source not found.**  
 Structures File No: \_\_\_\_\_

13. County: **HS** Basin: **ARKANSAS RIVER** Stream: \_\_\_\_\_  
 Aquifer Code: **OGALLALA FORMATION** Special Use Area: **N/A**

14. Points of Diversion, Rates & Quantities

PDIV	Qualifier	S	T	R	ID	'N	'W	Comment (AKA Line)	Qty AF/mgy		Rate gpm		Storage Qty AF		Storage Rate	Overlaps
									Auth	Add	Auth	Add	Auth	Add	Auth/Add	
<b>DEL</b>	<b>85372 NC NW</b>	<b>28</b>	<b>27</b>	<b>33W</b>	<b>6</b>	<b>3787</b>	<b>4037</b>	<b>IRR USE</b>	<b>29 AF</b>	<b>29 AF</b>	<b>1405</b>	<b>1405</b>				<b>+</b>
<b>MOD</b>	<b>85372 NE SW NW</b>	<b>28</b>	<b>27</b>	<b>33W</b>	<b>6</b>	<b>3787</b>	<b>4037</b>	<b>PRIMARY WELL STK</b>	<b>96 mgy</b>	<b>96.00</b>	<b>300</b>	<b>300</b>				<b>+</b>
<b>MOD</b>	<b>24929 NW SE NW</b>	<b>28</b>	<b>27</b>	<b>33W</b>	<b>1</b>	<b>3776</b>	<b>3936</b>	<b>STANDBY WELL STK</b>								<b>++</b>
<b>MOD</b>	<b>83240 NW SW SE</b>	<b>28</b>	<b>27</b>	<b>33W</b>	<b>3</b>	<b>954</b>	<b>2616</b>	<b>STANDBY WELL STK</b>								<b>#</b>

15. Limitations **NEW** Type: \_\_\_\_\_ Quantity: **AF** Rate: **gpm** combined with file no(s): **STANDBY WELLS - STK USE NO CHANGE**  
**NEW** Type: \_\_\_\_\_ Quantity: **AF** Rate: **gpm** combined with file no(s): \_\_\_\_\_

16. Metering  Metering Required  Anti-Reverse Required  Seal Required Compliance Date: **12/31/2025**

17. Place of Use

PUSE	S	T	R	ID	NE¼				NW¼				SW¼				SE¼				Total	Owner(s)	Chg?	Overlaps			
					NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE							
<b>DEL</b>	<b>12617</b>	<b>28</b>	<b>27</b>	<b>33W</b>	<b>1</b>																			<b>5a</b>	<input type="checkbox"/>	<b>*</b>	
																										<input type="checkbox"/>	<b>*</b>
																										<input type="checkbox"/>	
																										<input type="checkbox"/>	
<b>MOD</b>	<b>60073</b>	<b>28</b>	<b>27</b>	<b>33W</b>	<b>3</b>	<b>FEEDLOT (N2 &amp; SE4)</b>																	<b>5a</b>	<input type="checkbox"/>	<b>^</b>		
																								<input type="checkbox"/>	<b>^</b>		

18. Point of Diversion and Place of Use Overlaps

* <b>4451 27670</b>	**
+ <b>NONE (IRR USE WILL BE DELETED)</b>	++ <b>NONE</b>
# <b>27607 STK ONLY NOTE: 27607 IRR USE WILL BE DELETED</b>	##
^ <b>3386 4451 27607</b>	^^

**KANSAS DEPARTMENT OF AGRICULTURE**  
**Division of Water Resources**

**M E M O R A N D U M**

**TO:** Files

**DATE:** December 10, 2024

**FROM:** Leslie Ireland

**RE:** Water Right,  
File Nos. 3,386; 4,451 & 27,607

Josh TeVelde on behalf of Southwest Farms, LLC, a cattle operation of young calves, filed an application for approval to change the place of use under File No. 3,386, with proposed changes in use made of water and place of use change submitted under File Nos. 4,451 & 27,607. All of the applications were received on May 10, 2024, are located in the Arkansas River Basin, Haskell County, and Groundwater Management District No. 3. They are not located in a special use area.

These water rights appear not be abandoned as per K.S.A. 82a-718, and in compliance with K.S.A. 82-732. It does appear the location of the points of diversion will be updated due to better information. As none of the wells are physically moving the source of supply will remain as authorized for the referenced files. Notice per K.S.A. 82-1906, does not appear to be required as there are no wells within one-half ( $\frac{1}{2}$ ) mile of the wells authorized.

File No. 3,386

This file authorizes irrigation and stockwater uses with a rate of 604 gallons per minute (GPM) to divert 284.34 acre-feet (AF) for irrigation use and 100 GPM to divert 48.88 million gallons per year (MGY) (150 AF) for stockwater use. The irrigation portion overlaps in point of diversion and place of use with File No. 8,678, that will remain as authorized. The stockwater quantity is diverted from an additional well that has no overlap. The irrigation portion will remain as authorized. The stockwater portion will remain as authorized except the stockwater place of use will be changed with the proposed stockwater changes to File Nos. 4,451 & 27,607. The expansion of the existing stockwater place of use is to add the West Half of the Northwest Quarter ( $W\frac{1}{2} NW\frac{1}{4}$ ) and the South Half of the Southeast Quarter ( $S\frac{1}{2} SE\frac{1}{4}$ ).

The three referenced files propose to authorize stockwater use in the North Half ( $N\frac{1}{2}$ ) and the Southeast Quarter ( $SE\frac{1}{4}$ ) of Section 28, Township 27 South, Range 33 West, Haskell County, Kansas (28-27-33W).

The proposed change in use made of water under File Nos. 4,451 & 27,607, is to authorize all of the irrigation quantity for stockwater use as allowed by K.A.R. 5-5-9, *Approval of application for a change in the use made of water from irrigation to any other type of beneficial use of water*. The 160 acres authorized by both of these files in the West Half of the Northwest Quarter ( $W\frac{1}{2} NW\frac{1}{4}$ ) and South Half of the Southeast Quarter ( $S\frac{1}{2} SE\frac{1}{4}$ ) of Section 28, all in Township 27 South, Range 33 West, Haskell County will be eliminated to authorize the livestock expansion as required by the definition of stockwatering.

File No. 4,451

This file authorizes irrigation use and stockwater use. This irrigation quantity is 29 AF at 1,405 GPM and the stockwater use is 87.98 MGY (270 AF) to be diverted at 300 GPM, both from the same well located near the center of the Northwest Quarter ( $NW\frac{1}{4}$ ) of Section 28. This file also has two(2) standby wells authorized for stockwater use. The change in use made of water per K.A.R. 5-5-9, has a consumptive use factor of 84.9% for Haskell County. This affords 24.62AF (8.02 MGY) of the 29 AF authorized to be changed to the new use. This results in a total of 96.00 MGY (294.62 AF) to be authorized for stockwater use, from the primary well or either standby well should they be needed. The owner has reduced the rate of diversion to 300 GPM, that will divert the stockwater in 223 days.

File No. 27,607

This file has irrigation and stockwater uses that authorize 1,265 GPM to divert 229 AF for irrigation use and 800 GPM to divert 48.88 MGY (150 AF) for stockwater use. The change to convert the 229 AF of irrigation water to stockwatering use only utilizing the 84.9% consumptive use factor affords 194.42 AF (63.35 MGY) to be changed to a new use. This results in a total of 112.23 MGY (344.4 AF) to be authorized for stockwater use. The owner has reduced the rate of diversion to 500 GPM, that will divert the stockwater in 156 days.

Together File Nos. 4,451 (96.00 MGY) & 27,607 (112.23 MGY) will be authorized only for stockwater uses to divert a combined total of 208.23 MGY. This quantity when added to the 48.88 MGY of stockwater by File No. 3,386, results in a total of 257.11MGY (789 AF) authorized for stockwater use.

Review of the new quantity by K.A.R. 5-3-22, *Maximum reasonable quantity of water for livestock and poultry*, the 257.11MGY (789 AF) that is proposed to be changed to stockwatering use would support a herd of approximately 46,960 head of beef feeder cattle at the 15 gallons per head per day (GHD) for drinking. This would appear to be for a feedlot operation not a calf and young stock operation. The owner submitted *Stockwatering Supplemental Sheet*, indicated the historical population of 35,851 head would be expanded to 72,500 head. The operation of this facility was indicated to include milk mixing, sanitation and trough overflow utilizing a combined total of 257,096,439 gallons per year (257.11 MGY). It would appear that the requirements of K.A.R. 5-3-22, has been met and the quantity appears reasonable for the proposed change with the full quantity justified for the intended stockwater use.

Only File No. 3,386 will have an irrigated place of use. Its irrigation quantity and acres are not changing.

None of the points of diversion will be moved however, Compliance Investigations indicate the actual location of the points of diversion could be updated under the referenced files per K.A.R. 5-5-6c, *Authorized point of diversion or place of use*.

In a letter dated December 6, 2024, Jason Norquest, Assistant Manager, GMD No. 3, recommended that the applications be approved.

In an e-mail dated December 10, 2024, Mike Meyer, Water Commissioner, Garden City Field Office, stated that he had no objections to the approval of the applications for change the use made of water to facilitate the increase in the quantity of water available for stockwatering and the reductions in the irrigated place of use.

Water flowmeters will be required on all wells and should be installed for each use at each authorized point of diversion. A check valve will be required if any chemical or foreign substance is injected into the water through the diversion works.

Based on the above discussion, that the change is reasonable, that impairment to existing water rights is unlikely, that there should be no increase in the consumptive use, and that no change in the local source of supply will occur, it is recommended that the referenced applications be approved.



Leslie Ireland  
Environmental Scientist  
Water Appropriation Program

## Ireland, Leslie [KDA]

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**From:** Meyer, Mike [KDA]  
**Sent:** Tuesday, December 10, 2024 3:50 PM  
**To:** Ireland, Leslie [KDA]  
**Subject:** RE: Review and Recommendation Change in PU File No. 3386 and UMW, File Nos. 4451 & 27607

I agree and recommend approval

Thank you

Mike

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**From:** Ireland, Leslie [KDA] <Leslie.Ireland@ks.gov>  
**Sent:** Tuesday, December 10, 2024 3:38 PM  
**To:** Meyer, Mike [KDA] <Mike.Meyer@ks.gov>  
**Subject:** Review and Recommendation Change in PU File No. 3386 and UMW, File Nos. 4451 & 27607

Mike,

Please let me know if you'd recommend these changes.

As always comments and concerns are welcome.

Leslie Ireland  
Environmental Scientist  
Change Application Unit  
Division of Water Resources



THE STATE  OF KANSAS

**KANSAS DEPARTMENT OF AGRICULTURE**  
Mike Beam, Secretary of Agriculture

**DIVISION OF WATER RESOURCES**  
Earl D. Lewis Jr., Chief Engineer

**APPROVAL OF APPLICATION  
FOR  
CHANGE IN USE MADE OF WATER AND PLACE OF USE  
AND  
ORDER IN THE MATTER OF THE AUTHORIZED POINT OF DIVERSION  
WATER RIGHT, FILE NO. 4,451**

The Chief Engineer, Division of Water Resources, Kansas Department of Agriculture, after due consideration of the written application of Josh TeVelde, on behalf of Southwest Farms, LLC, 126 Main Avenue, Suite 104, Brookings, South Dakota 57006, received in the office of the Chief Engineer on May 10, 2024, for approval of a change in the place of use under the certificate of appropriation issued pursuant to the application for permit to appropriate water for beneficial use, as modified and amended by the Order of the Chief Engineer, dated October 27, 2008, approving the application to change the place of use and use made of water, and in the matter of the authorized points of diversion, and the Orders of the Chief Engineer, dated February 25, 2009 and July 10, 2014, approving the applications to change the points of diversion, and by the Order of the of the Chief Engineer, dated December 29, 2015 approving the applications to change the place of use and points of diversion, and by the Correctional Order of the Chief Engineer, dated February 24, 2016, correcting the location of the authorized points of diversion, and by the Order of the Chief Engineer, dated June 16, 2016, approving the application to change the points of diversion, and by the Order of the Chief Engineer, dated February 18, 2019, approving the application to change the place of use, finds that the change is reasonable and will not impair existing rights, and that the application should be and is hereby approved

This order effectively reduces the total authorized quantity of water to 96.0 million gallons (294.61 acre-feet) per calendar year, to be diverted a rate not in excess of 300 gallons per minute (0.67 c.f.s.) in accordance with the Application for Approval to Change the Use Made of Water and Place of Use received in this office on May 10, 2024.

The effective date of the change shall be the date this order is executed by the Chief Engineer, after which the authorized use made of water shall be:

stockwatering use,

and the authorized location of the place of use shall be:

the North Half (N $\frac{1}{2}$ ) and the Southeast Quarter (SE $\frac{1}{4}$ ), of Section 28, Township 27 South, Range 33 West, Haskell County, Kansas,

located substantially as shown on the topographic map accompanying the application to change the place of use and the use made of water.

The Chief Engineer finds that the points of diversion authorized would more accurately be defined as:

one (1) primary well located in the Northeast Quarter of the Southwest Quarter of the Northwest Quarter (NE¼ SW¼ NW¼) of Section 28, more particularly described as being near a point 3,787 ft North and 4,037 feet West of the Southeast corner of said section,

one (1) standby well located in the Northwest Quarter of the Southeast Quarter of the Northwest Quarter (NW¼ SE¼ NW¼) of Section 28, more particularly described as being near a point 3,776 ft North and 3,936 feet West of the Southeast corner of said section,

one (1) standby well located in the Northwest Quarter of the Southwest Quarter of the Southeast Quarter (NW¼ SW¼ SE¼) of Section 28, more particularly described as being near a point 954 ft North and 2,616 feet West of the Southeast corner of said section,

all in Township 27 South, Range 33 West, Haskell County, Kansas.

All diversion works into which any type of chemical or other foreign substance will be injected into the water pumped from the diversion works shall be equipped with an in-line, automatic, quick-closing check valve capable of preventing pollution of the source of the water supply. The type of valve installed shall meet specifications adopted by the Chief Engineer and shall be maintained in an operating condition satisfactory to the Chief Engineer.

The water right owner shall properly install an acceptable water meter on the diversion works authorized under this water right, prior to the use of water, in strict accordance with the Kansas Administrative Regulations 5-1-4 through 5-1-12 adopted by the Chief Engineer. The water right owner shall notify the Chief Engineer when installation of the water meter has been completed. The water right owner shall maintain the water meter in an operating condition satisfactory to the Chief Engineer, at all times during diversion of water and shall maintain records from which the total quantity of water diverted may be determined. The water right owner shall also report the reading of said water meter and the total quantity of water diverted annually to the Chief Engineer. Such records shall be furnished to the Chief Engineer by March 1 following the end of each calendar year.

In all other respects, the Certificate of Appropriation issued pursuant to Approval of Application, File No. 4,451, for permit to appropriate water for beneficial use, is as stated and set forth in the Certificate of Appropriation, dated March 20, 1985, as modified and amended by the aforementioned orders.

Ordered this 17 day of December, 2024, in Manhattan, Riley County, Kansas.

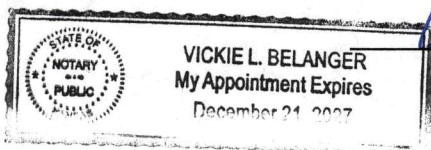
*Lane P. Letourneau*

Lane P. Letourneau, P.G.  
Water Appropriation Program Manager  
Division of Water Resources  
Kansas Department of Agriculture

State of Kansas )  
                                  ) SS  
County of Riley )

The foregoing instrument was acknowledged before me this 17 day of December, 2024, by Lane P. Letourneau, P.G., Water Appropriation Program Manager, Division of Water Resources, Kansas Department of Agriculture.

*Vickie Belanger*  
Notary Public



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

December 26, 2024

JOSH TEVELDE  
SOUTHWEST FARMS LLC  
126 MAIN AVE SUITE 104  
BROOKINGS, SD 57006

RE: Water Right,  
File Nos. 3,386, 4,451 and 27,607

Dear Mr. TeVelde:

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

Your attention is directed to the enclosures and to the terms, conditions, and limitations specified in the approvals for change. A condition of the approvals is the requirement of the installation of water flowmeters prior to the diversion of water. Records in this office indicate meters are installed, however if a meter has been replaced or repaired, please follow the instructions at our web site, <http://agriculture.ks.gov> or contact your area field office.

Since these orders modify the Certificates of Appropriation for the above referenced water rights, they should be recorded with the Register of Deeds as other instruments affecting real estate.

If you have any questions or need assistance with any of these requirements, 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,

A handwritten signature in blue ink that reads "Kristen A. Baum". The signature is written in a cursive style.

Kristen A. Baum  
New Application Unit Supervisor  
Division of Water Resources

KAB:kak:li  
Enclosure(s)

pc: Garden City Field Office  
Southwest Kansas GMD No. 3



## RIGHT TO A HEARING AND TO ADMINISTRATIVE REVIEW

If you are aggrieved by this Order, then 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. Failure to request an evidentiary hearing before the Chief Engineer does not preclude your right to administrative review by the Secretary.

To obtain an evidentiary hearing before the Chief Engineer, a written request for hearing must be filed within 15 days after service of this Order as provided in K.S.A. 77-531 (**i.e., within a total of 18 days after this Order was mailed to you**), with: Kansas Department of Agriculture, Attn: Legal Division, 1320 Research Park Drive, Manhattan, Kansas 66502, FAX 785-564-6777.

If you do not file a request for an evidentiary hearing before the Chief Engineer, you may petition for administrative review of the Order by the Secretary of Agriculture. A petition for review shall be in writing and state the basis for requesting administrative review. The request for review may be denied if the request fails to clearly establish factual or legal issues for review. See K.S.A. 77-527. The petition must be filed within 30 days after service of this Order as provided in K.S.A. 77-531 (**i.e., within a total of 33 days after this Order was mailed to you**), and be filed with: Secretary of Agriculture, Attn: Legal Division, Kansas Department of Agriculture, 1320 Research Park Drive, Manhattan, Kansas 66502, FAX 785-564-6777.

If neither a request for an evidentiary hearing nor a petition for administrative review is filed as set forth above, then this Order shall be effective and become a final agency action as defined in K.S.A. 77-607(b). Failure to timely request either an evidentiary hearing or administrative review may preclude further judicial review under the Kansas Judicial Review Act.

## CERTIFICATE OF SERVICE

On this 26 day of December, 2024, I hereby certify that the attached Approval of Applications for Change, File Nos. 3,386, 4,451 and 27,607, dated December 17, 2024, were mailed postage prepaid, first class, US mail to the following:

SOUTHWEST FARMS LLC  
126 MAIN AVE SUITE 104  
BROOKINGS SD 57006

With a copy to:

KDA-DWR Garden City Field Office

Southwest Kansas GMD No. 3

  
Division of Water Resources