

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**



State of Kansas
WATER RESOURCES
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APR 24 2024

13:23

KS Dept. of Agriculture

*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. 36724

2. Name of applicant: Skybound, LP

Address: 2450 Hwy 86

City, State and Zip: Friona, 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: Friona, 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 construction of dairy that has been approved of KDHE Livestock Waste Permit for Blue Sky Farms. (Date)

For Office Use Only:

F.O. 2 GMD 5 Meets K.A.R. 5-5-1 (YES/NO) Use IRR Source S County ED By KJN Date 4/29/24
Code C-2 Fee \$ 500 TR # _____ Receipt Date 4-24-24 Check # 16149

PDIV: 38824

5/1/2024
KAnderson

APR 24 2024

File No. 36724

4. The presently authorized place of use is:

Owner of Land — NAME: Skybound, LP

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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	40	40	40													160

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: 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 (IRR)	25S	17W	40	40	40	40													160
18 (STK)	25S	17W	X	X	X	X	X	X	X	X	X				X				
			(N/2, N/2 OF SW¼ AND NW/PT OF SE/4)																

List any other water rights that cover this place of use. for STK POU - 13882, 17726, 17727, 20114, 30699, 30700, 17730, 20113, 17728, 17729, 22824, 17725, 17731, 17732, 21391, 22822, 22823, 30254, 30698, 36724

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

- 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)

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List all presently authorized point(s) of diversion:

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8. **Presently authorized point of diversion:**

One in the NW Quarter of the SE Quarter of the NE Quarter of Section 30 , Township County, 25 South, Range 17 (E/W), in Edwards Kansas, 3930 feet North 1295 feet West of Southeast corner of section.
 Authorized Rate 8 5 0 g p m Authorized Quantity 195 ac-ft
 (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:**

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 > 195 ac-ft * 83.4% = 162.63 ac-ft or 52.993 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 195 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.

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

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File No. 36724

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, TX, Kansas, this 28 day of March, 2024.

(Owner) _____ (Spouse) _____

Skybound, LP, by Harry Dewit, Pres. of its GP
(Please Print) _____ (Please Print) _____

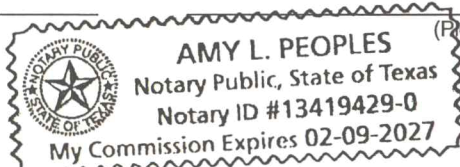
(Owner) _____ (Spouse) _____

(Please Print) _____ (Please Print) _____

(Owner) _____ (Spouse) _____

(Please Print) _____ (Please Print) _____

State of Texas }
County of Randall } SS



I hereby certify that the foregoing application was signed in my presence and sworn to before me this 28 day of March, 2024.

Amy L Peoples
Notary Public

My Commission Expires 02-09-2027.

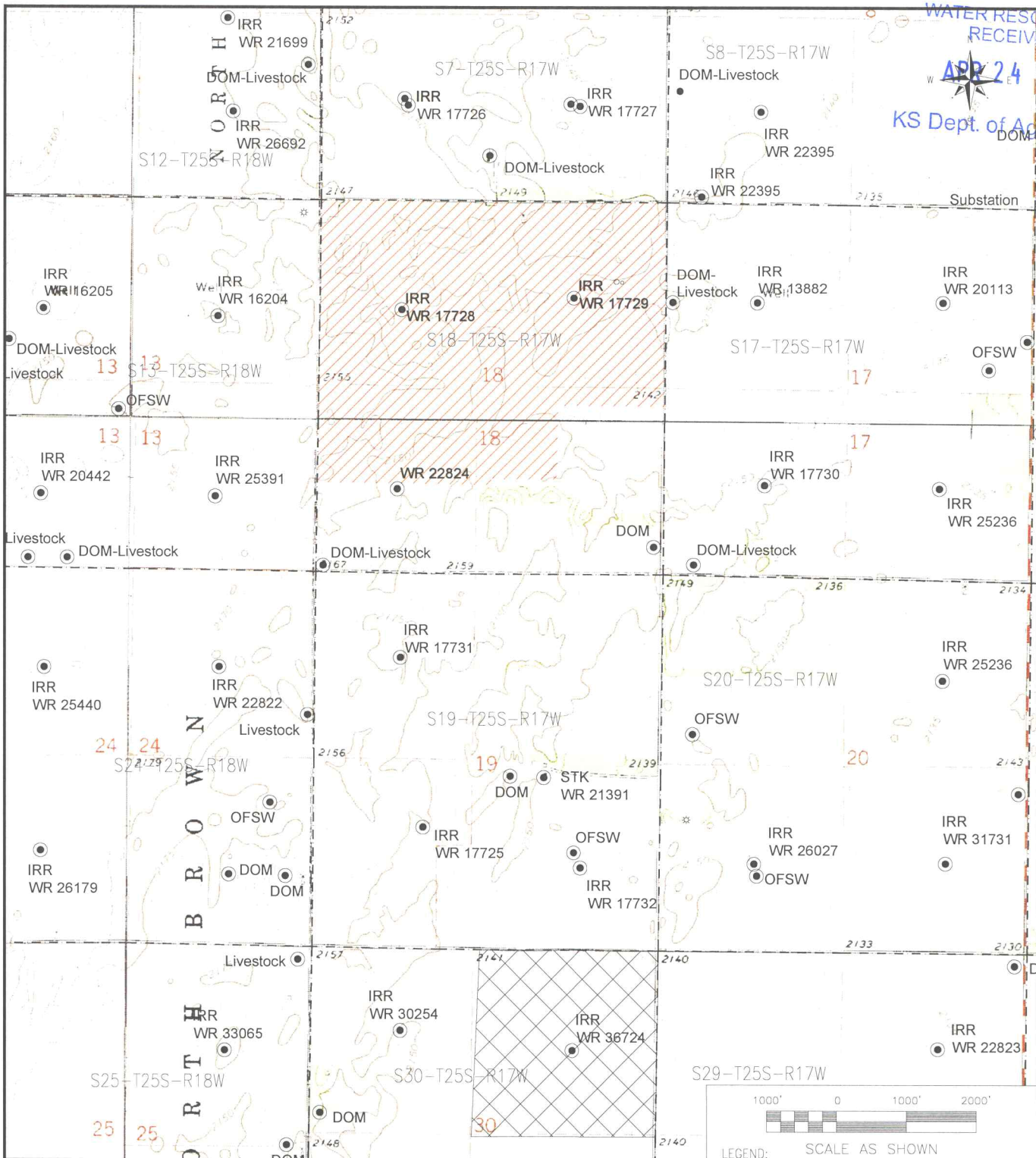
FEE SCHEDULE

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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- Wells off the subject properties are shown based on KGS Interactive Map – Kansas Water Wells WWC5.
- Change in Place of Use under Files: 36724
- 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.

1000' 0 1000' 2000'

LEGEND: SCALE AS SHOWN

- [- - -] Denotes Sections/Section Corners
- [Diagonal Lines] Denotes Approved Place of Use
- [Cross-hatch] Denotes Requested Place of Use for STK
- [Diagonal Lines] Denotes Requested Place of Use for IRR
- [Circle with Dot] Denotes Well

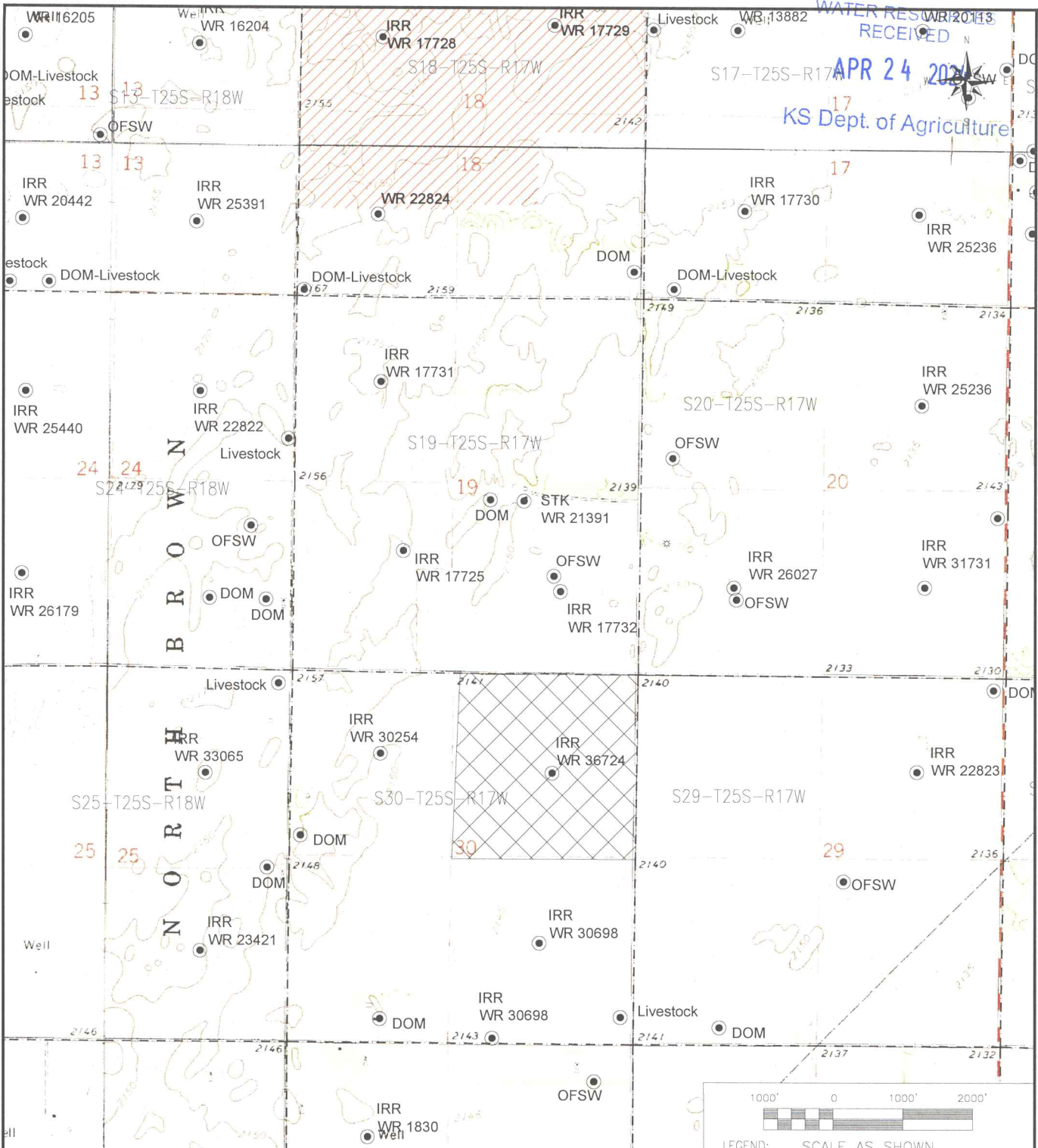
Skybound, LP
 Lewis, KS
 Edwards County

DWR Change Application-WR 36724
 Figure 1a
 Date: Mar. 2024

ENVIRO-AG
EAE
 ENGINEERING, INC.

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: 36724
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1000' 0 1000' 2000'

LEGEND: SCALE AS SHOWN

- Denotes Sections/Section Corners
- /// Denotes Approved Place of Use
- /// Denotes Requested Place of Use for STK
- /// Denotes Requested Place of Use for IRR
- Denotes Well

Skybound, LP
 Lewis, KS
 Edwards County

DWR Change Application-WR 36724
 Figure 1b
 Date: Mar. 2024

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 AMARILLO, TEXAS 79118
 TEL (806) 353-6123 FAX (806) 353-4132

<u>WELL_ID/PDIV</u>		<u>TOWNSHIP</u>	<u>TWN_DIR</u>	<u>RANGE</u>	<u>RANGE_DIR</u>	<u>SECTION</u>	<u>SPOT</u>	<u>LONGITUDE</u>	<u>LATITUDE</u>	<u>OWNER*</u>	<u>ADDRESS*</u>	<u>WELL USE</u>
<u>ID</u>	<u>COUNTY</u>											
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
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
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
13924	Edwards	25	S	17	W	29	NW NW SE	-99.21352	37.8462874	Sterling Drilling Co./Eugene Smith	PO Box 1006, Pratt,KS 67124	Oil Field Water Supply
13923	Edwards	25	S	17	W	29	SE SW SW	-99.22039	37.8408308	Ketterl, Mark	2256 S RD LEWIS, KS 67552	Domestic
13884	Edwards	25	S	17	W	20	C SW NW	-99.22139	37.8635784	Big Springs Drilling/Frank Walters	1566 210th Ave, Lewis, KS 67552	Oil Field Water Supply
13883	Edwards	25	S	17	W	20	C SW	-99.21914	37.8580762	Ramco Drilling Co.	1566 210th Ave, Lewis, KS 67552	Oil Field Water Supply
18868	Edwards	25	S	17	W	20	C SW	-99.21947	37.85798	Nelson Circles, Inc	1566 210th Ave, Lewis, KS 67552	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 - Edwards County (<https://www.kansasgis.org/orka/map.cfm>) OR
 from the well log obtained from WWC5 Database Query (<https://www.kgs.ku.edu/Magellan/WaterWell/index.html>)

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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

April 19, 2024

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

WATER RESOURCES
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KS Dept. of Agriculture

Re: Application for Approval to Change the Place of Use and Use Made of
Water for Water Right File Nos. 13882 and 36724 – Edwards County, KS

Dear Chief Engineer,
Attached are applications for approval to change the place of use and use
made of water to dual use for irrigation and stock for the above referenced Water
Right Files. 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: Skybound, LP