

Kansas Department of Agriculture
Division of Water Resources

CHANGE: P/D (BETTER DESCRIBED) P/U UMW WORKSHEET DUAL USE IRR STK & NAME & WUC UPDATE

1. File Number: 41579	2. Status Change Date: 7/9/19	3. Change Num: C4	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: 2/25/2019
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<p>8a. Applicant & Landowner Person ID <u>55887</u> New to system <input type="checkbox"/> Add Seq# _____</p> <p>HIGH PLAINS PONDEROSA DAIRY LLC 2042 V RD PLAINS KS 67869-9190</p>	<p>8d. Landowner(s) Person ID <u>41327</u> New to system <input type="checkbox"/> Add Seq# _____</p> <p>ORMISTON TRUST OF 1992 ROCK ORMISTON 303 MAIN ST KISMET KS 67859-9612</p>
<p>8b. Landowner(s) Person ID <u>22628</u> New to system <input type="checkbox"/> Add Seq# _____</p> <p>CARL RAY & ZITA BOND 125 W 590 TH AVE GIRARD KS 66743-2380 Address update</p>	<p>8e. Landowner(s) Person ID <u>51897</u> New to system <input type="checkbox"/> Add Seq# _____</p> <p>SOUTHWEST AGRI-CENTER INC ROCK ORMISTON 303 MAIN ST KISMET KS 67859-9612</p>

<p>8c. Landowner(s) Person ID <u>66143</u> New to system <input type="checkbox"/> Add Seq# _____</p> <p>ROCK A & STEPHANIE K ORMISTON II PO BOX 43 KISMET KS 67859-0043 Please update Stephanie L to Stephanie K</p>	<p>8f. WUC & owner Person ID <u>55887</u> New to system <input type="checkbox"/> Add Seq# _____</p> <p>HIGH PLAINS PONDEROSA DAIRY LLC 2042 V RD PLAINS KS 67869</p>
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9. Documents and Enclosure(s): DWR Meter(s) Date to Comply: **12/31/2019** N & P Date to Comply: **12/31/2019**

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: **IRRIGATION** To: **IRRIGATION & STOCKWATERING (DUAL USE)**

<p>8g. Landowner(s) Person ID <u>62955</u> New to system Add Seq# _____</p> <p>ORMISTON DESCENDANTS TRUST ROCK ORMISTON KISMET KS 67859-9612</p>	<p>8h. Landowner(s) Person ID <u>63023</u> New to system Add Seq# _____</p> <p>PARITY INVESTMENTS INC 303 MAIN KISMET KS 67859-9612</p>	<p>Date Prepared: 6/13/2019 By: LI</p> <p>Date Entered: 7/15/2019 By: UM</p>
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File No. **41579** 11. County: ME Basin: **CIMMARON RIVER** Stream: **NA** Formation Code: 211 Special Use: NA

12. Points of Diversion
 Rate and Quantity
 Authorized Additional
 Rate Quantity Rate Quantity
 gpm af/mgy gpm af/mgy Overlap PD Files

MOD	PDIV	Qualifier	S	T	R	ID	N	W	Comment (AKA Line)	Rate gpm	Quantity af/mgy	Rate gpm	Quantity af/mgy	Overlap PD Files
GPS UPDATE FOR MOD														
MOD	32936	LOT 2 SW NE	30	33	30W	1	2840	5160	STK	1400 498	498 AF 437.61 mgy	1400 418	498 AF 437.61	NONE
									IRR	422.30	422.30 AF	422.30	422.30 AF	NONE

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

14. Limitation: **422.61 AF (137.61 mgy) af/yr** at _____ gpm (_____ cfs) when combined with file number(s) **DUAL USE IRR/STK**
 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	NE¼				NW¼				SW¼				SE¼				Total	Owner	Chg?	Overlap Files													
						NE ¼	NW ¼	SW ¼	SE ¼	NE ¼	NW ¼	SW ¼	SE ¼	NE ¼	NW ¼	SW ¼	SE ¼	NE ¼	NW ¼	SW ¼	SE ¼																	
ENT	54211	18	33	30W	3	DAIRY (W2) & (SE)																	8a	NO	12332; 45387, 41579 & 45780													
CHK	68988	7	33	30	W	3																	40.0	L-3 38.22	L-4 21.38	22.40						122	8a	NO	***			
CHK	14978	28	33	31W	1																														118	8e	NO	***
CHK	34851	33	33	31W	1																		33.0	33.0	30.5	30.5									127	8e	NO	***
CHK	54686	24	33	31W	2																		18	12	31	31									92	8c & 8e	NO	***
CHK	4608	23	33	31W	1																														260	8e	NO	***
CHK	64203	35	33	31W	2																														123	8h	NO	***

Base Acres: _____ Year: _____ Minimum Reasonable Quantity: _____ Comments: *****ALL IRR FILES MAINTAIN THE COMPLETE PU OVERLAP NO ACRE MODIFICATIONS 22306 26247 40445 41192 41578 41579 41580 41581 42084 42110 42708 43082 43105 43220 43333 43635 43880 44248 44945 44946 45295 QUANTITY TO SHOW:: TEMPORARY REDUCED QUANTITY- YES & MAIN ACTION TRAIL ENTRY: KAR 5-5-10 DUAL USE QUANTITY LIMITATION**

File No. 41579	11. County: SW	Basin: CIMARRON RIVER	Stream:	Formation Code: 211	Special Use:
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16. Place of Use CHK MOD DEL ENT	PUSE	S	T	R	ID	NE%				NW%				SW%				SE%				Total	Owner	Chg?	Overlap Files
						NE %	NW %	SW %	SE %	NE %	NW %	SW %	SE %	NE %	NW %	SW %	SE %	NE %	NW %	SW %	SE %				
CHK 52730	25	33	31W	3										30.75	30.75	30.75	30.75					123	8h	NO	***
CHK 29418	36	33	31W	2		30.75	30.75	30.75	30.75													123	8h	NO	***
CHK 32981	31	33	30W	1					30.75	L-1 30.75	L-2 30.75	30.75										123	8h	NO	***
CHK 51981	34	33	31W	2					27.5	27.5	27.5	27.5										110	8h	NO	***
CHK 51385	27	33	31W	1		31.5	31.5	31.5	31.5							31.25	31.25	31.25	31.25			251	8e	NO	***
CHK 51386	27	33	31W	2										31.25	31.25	31.25	31.25					125	8h	NO	***
CHK 52315	34	33	31W	3		30.75	30.75	30.75	30.75													123	8b	NO	***
CHK 52729	35	33	31W	1		30.75	30.75	30.75	30.75	30.75	30.75	30.75	30.75									246	8h	NO	***
CHK 65406	31	33	30W	5										30.75	L-3 30.75	L-4 30.75	30.75					123	8a	NO	***
CHK 30730	19	33	30W	1		14.5	34.0	40.0	34.0	34.0	L-1 14.5	L-2 34.0	40.0	40.0	L-3 34.0	L-4 14.5	34.0	34.0	40.0	34.0	14.5	490	8a	NO	***
CHK 50349	24	33	31W	1					30.75	30.75	30.75	30.75										123	8h	NO	***
CHK 4455	30	33	30W	1					30.75	L-1 30.75	L-2 30.75	30.75										123	8a	NO	***
CHK 34792	13	33	31W	1					32.5	32.5	32.5	32.5					14.5	34.0	40.0	34.0	252.5	8g & 8d	NO	***	
CHK 40010	13	33	31W	2										34.0	14.5	34.0	40.0					122.5	8c	NO	***

KANSAS DEPARTMENT OF AGRICULTURE
Division of Water Resources

M E M O R A N D U M

TO: Files

DATE: June 27, 2019

FROM: Leslie Ireland

RE: Water Right, File Nos. 41,578; 41,579 &
41,580

David Clawson on behalf of High Plains Ponderosa Dairy, LLC, filed applications for approval to change the place of use authorized for stockwatering use. The applications for change were received in the Office of the Chief Engineer on June 26, 2017. It was determined toward the end of the processing a portion of the proposed stockwatering place of use is authorized for irrigation. The owners decided to change the irrigated place of use and applications for change were received on February 25, 2019, with the processing delayed for signatures.

The change in place of use is to expand the dairy and utilize the referenced files as dual use for irrigation and stockwatering. The requested change in point of diversion is to an exiting point of diversion.

The rights appear to be in compliance with K.S.A. 82a-718 with K.S.A. 82a-732. The applications are in compliance with K.A.R 5-5-2a, and appear to comply with K.S.A. 82a-1906, without any sent notifications as there are no well owners within one-half (½) mile of the wells authorized or proposed other than of the owners.

The referenced files are part of twenty-one (21) files authorized a limited 3,080 acre-feet (AF) for only irrigation use on 3,300 acres in Seward County and Meade County. File Nos. 41,578, 41,579 & 41,580, each authorize three (3) separate wells with File No. 41,580 further limited to 1,260 acre-feet, with File Nos. 41,578 & 41,579. The referenced files are also included in additional limitation on File No. 44,946, not to exceed 2,039.3 AF/YR at 2,000GPM. This limitation will remain on File No. 44,946. The requested change in use made of water is for dual use as allowed by K.A.R. 5-5-9, *Criteria for the approval of an application for a change in the use made of water from irrigation to any other type of beneficial use of water*. The regulation affords 84.8% of the permitted water to change to another use. This would limit the quantity to a total of 1,069 acre-feet (348 million gallons per year (mgy)) to be changed.

The proposed stockwatering use is an existing dairy located in the West Half (W½) and the Southeast Quarter (SE¼) of Section 18, Township 30, Range 33 West, Meade County, with a heard size of approximately 20,088 head. The dairy is currently authorized 223.5 million gallons (685.9AF) per year under File Nos. 12,332 and 45,387. The proposal is to expand to 30,000 head within the currently authorized place of use.

The submitted *Stockwatering Use Supplemental Sheet*, separately listed 14,500 cows and 13,000 heifers, with an annual total of 941.1 AF, equating to an average of 30.6 gallons per head per day for drinking water. The summary listed 592.6 AF (193.1 million gallons) per year for sanitation and cooling, equating to approximately 17.6 gallons per head per day at maximum capacity. K.A.R 5-3-22, *Maximum reasonable quantity of water for livestock and poultry* allows 35 gallons per head per day or 383.25 million gallons (1,176.15 AF) at the proposed maximum capacity for drinking. The regulation further allows 100 gallons per head per day in confined building capacity equating to 1,095 million gallons (3,360AF). A total of 1,478.11 million gallons per year (4,536.15 AF) for this type of stockwatering operation per K.A.R. 5-3-22. The dual stockwatering use permits under the referenced files will supply a limited additional 348.17 mgy (1,068.5 AF) to be added to the 223.5 mgy (685.9 AF) a total of 571.67 mgy (1,754.4 AF) for stockwatering use.

The owners have requested to utilize effluent as supplemental irrigation to maintain the currently authorized irrigated place of use. As a portion of the stockwatering use will be utilized for cooling and sanitation the request appears to be justified, approximately 593 AF will be available as waste water, resulting in only a 15% reduction in water available for the irrigation of 3,300 acres. The 2,604 AF available results in an overall irrigation ratio of 0.79AF per acre only slightly less than the current ratio of 0.93 represented by 21 water rights.

The requested change in point of diversion for File No. 41,578, proposes to move the 141 AF, irrigation use or 119.6 AF, stockwatering use, to be diverted at a rate of 410 gallons per minute to one(1) of the two(2) existing wells authorized under File No. 45,387. The proposed existing well is located approximately 2,124 feet to the Northwest and described as being located in the Northeast Quarter of the Southwest Quarter of the Northwest Quarter (NE $\frac{1}{4}$ SW $\frac{1}{4}$ NW $\frac{1}{4}$) approximately 3,378 feet North and 4,550 feet West of the Southeast corner of Section 19, in Township 33 South, Range 31 West, Meade County. The authorized and proposed wells have been designated Ogallala Formation, (Code 211). The change in point of diversion will not alter the local source of supply, additionally it appears the change in point of diversion complies with part (b) of K.A.R. 5-23-3, *Minimum well spacing requirements: high plains aquifer*. The change proposes the well under File Nos. 41,578 & 45,387 authorize a maximum 539.96 AF. This quantity requires 2,300 feet of spacing per part (a) of K.A.R. 5-23-3. The WRIS database indicates the nearest nondomestic well is 2,355 feet away, File No. 44,946, and is owned by one of the applicants. There do not appear to be any domestic wells in the area.

In a letter dated May 24, 2019, copies of the applications were sent to Mark Rude, Manager of Southwest Kansas Groundwater Management District No. 3 (GMD 3) along with a request to make a recommendation. In a letter dated June 11, 2019, Jason Norquest, Assistant Manager of GMD 3, indicated the proposal is not in conflict with their management plan and recommended approval of the applications.

Mike Meyer, Water Commissioner of the Garden City Field Office, indicated that he is not opposed to approval of the applications, per his email dated June 27, 2019.

Water flowmeters are required for each use at the point of diversions authorized both irrigation and stockwatering use. Check valves are required if any chemical or foreign substance is injected into the water through the diversion works. A notice of completion will be required for the requested change in point of diversion for File No. 41,578. The transmittal letter should also include the well plugging wording for File No. 41,578. It appears the term permit File No. 20199034 to overlap the point of diversion with File No. 41,579, is in the process of being worked.

A condition of the approvals will be the requirement of flow meters pursuant to K.S.A. 82a-706c. A check valve will be required if there will be any chemigation, but would be prudent for this type of stockwatering facility that will water dairy cattle.

Based on the above discussion, that the changes are reasonable, consumptive use will not increase, impairment of existing water rights is unlikely, and that no change in the local source of supply will occur, it is recommended that the referenced applications for change be approved.



Leslie Ireland
Environmental Scientist
Water Appropriation Program

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

July 17, 2019

HIGH PLAINS PONDEROSA DAIRY LLC
DAVID CLAWSON
2042 V RD
PLAINS KS 67869

FILE COPY

RE: Water Right, File Nos. 41,578; 41,579 & 41,580

Dear Mr. Clawson:

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 files.

Your attention is directed to the enclosures and to the terms, conditions, and limitations specified in the approvals for change. A condition of each approval is the requirement that an acceptable water flowmeter must be installed so both irrigation and stockwatering uses can be metered independent of each other, from each of the diversion works prior to the diversion of water. Please return the required and enclosed form *Notification of Completion of the Diversion Works and/or Installation of the Required Meters* as soon as these actions are completed.

Any well abandoned by these approvals must be plugged in accordance with the requirements of Article 30 of the Rules and Regulations as adopted by the Kansas Department of Health and Environment.

Additionally, the approval under File No. 41,580, further limits the quantity authorized for stockwatering use to 1,069 acre feet (348.33 million gallons) per calendar year when combined with the stockwatering use under File Nos. 41,578 & 41,579.

Since these orders modify the original documents referred to above, they should be recorded with the Register of Deeds as other instruments affecting real estate.

If you have any questions, please contact Leslie Ireland, Environmental Scientist, at (785) 564-6633. Inquiries about the metering please contact our staff at the Garden City Field Office, (620) 276-2901. If you wish to discuss a specific file, please have the file number ready so that we may help you more efficiently.

Sincerely,

A handwritten signature in cursive script, appearing to read "Brent A. Turney". The signature is written in black ink and is positioned above the printed name and title.

Brent A. Turney, P.G.
Change Application Unit Supervisor

BAT:LI:li
Enclosures

pc: Garden City Field Office
Groundwater Management District No. 3

THE STATE OF KANSAS

KANSAS DEPARTMENT OF AGRICULTURE
Mike Beam, Secretary of Agriculture

DIVISION OF WATER RESOURCES
David W. Barfield, Chief Engineer

**APPROVAL OF APPLICATION
FOR
CHANGE IN USE MADE OF WATER,
PLACE OF USE
AND
ORDER IN THE MATTER OF THE AUTHORIZED QUANTITY OF WATER
AND
ORDER IN THE MATTER OF THE AUTHORIZED POINT OF DIVERSION
WATER RIGHT, FILE NO. 41,579**

The Chief Engineer, Division of Water Resources, Kansas Department of Agriculture, after due consideration of the written application of David Clawson on behalf of High Plains Ponderosa Dairy LLC, 2042 V Road, Plains, Kansas 67869, Rock Ormiston on behalf of Ormiston Trust of 1992, The Ormiston Decedents Trust et al, Southwest Agri-Center Incorporated, and Parity Investments Incorporated, all of 303 Main Street, Kismet, Kansas 67859, Carl Ray and Zita Bond, 125 W 590 Avenue, Girard, Kansas 66743-2380, Rock A. and Stephanie K. Ormiston II, PO Box 43, Kismet, Kansas 67859-0043, received in the office of the Chief Engineer on February 20, 2019, for approval of a change in the location of the place of use under the certificate of appropriation issued pursuant to the permit to appropriate water for beneficial use, as modified and amended by the Orders of the Chief Engineer dated December 31, 2012; November 27, 2013 and July 10, 2018, approving the applications 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.

The authorized quantity of water under this right will remain 498 acre-feet (162.27 million gallons). This order effectively limits the authorized quantity of water to 422.3 acre-feet (137.61 million gallons) per calendar year for both stockwatering and irrigation uses combined. That the limitation on the quantity of water shall exist until such a time that the quantity of water for stockwatering use authorized by this approval is no longer required.

The effective date of the change shall be the date this order is executed by the Chief Engineer, after which the portion retained for irrigation use shall be authorized on the following described property:

Sec. Twp. Range	NE¼				NW¼				SW¼				SE¼				TOTAL
	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	
7 33 30W									40.00	Lot 3 38.22	Lot 4 21.38	22.40					122.0
19 33 30W	14.50	34.00	40.00	34.00	34.00	Lot 1 14.50	Lot 2 34.00	40.00	40.00	Lot 3 34.00	Lot 4 14.50	34.00	34.00	40.00	34.00	14.50	490.0
30 33 30W					30.75	Lot 1 30.75	Lot 2 30.75	30.75									123.0
31 33 30W					30.75	Lot 1 30.75	Lot 2 30.75	30.75	30.75	Lot 3 30.75	Lot 4 30.75	30.75					246.0

a total of 981 acres in Sections 7, 19, 30, and 31, all in Township 33 South, Range 30 West, Meade County, Kansas, and

Sec. Twp. Range	NE¼				NW¼				SW¼				SE¼				TOTAL
	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	
13 33 31W					32.50	32.50	32.50	32.50	34.00	14.50	34.00	40.00	14.50	34.00	40.00	34.00	375.0
23 33 31W									32.50	32.50	32.50	32.50	32.50	32.50	32.50	32.50	260.0
24 33 31W	18.00	12.00	31.00	31.00	30.75	30.75	30.75	30.75									215.0
25 33 31W									30.75	30.75	30.75	30.75					123.0
27 33 31W	31.50	31.50	31.50	31.50					31.25	31.25	31.25	31.25	31.25	31.25	31.25	31.25	376.0
28 33 31W													24.00	24.00	35.00	35.00	118.0
33 33 31W	33.00	33.00	30.50	30.50													127.0
34 33 31W	30.75	30.75	30.75	30.75	27.50	27.50	27.50	27.50									233.0
35 33 31W	30.75	30.75	30.75	30.75	30.75	30.75	30.75	30.75	30.75	30.75	30.75	30.75					369.0
36 33 31W	30.75	30.75	30.75	30.75													123.0

a total of 2,319 acres in Sections 13, 23, 24, 25, 27, 28, 33, 34, 35 and 36, all in Township 33 South, Range 31 West, Seward County, Kansas,

and the portion changed to stockwatering shall authorize the place of use at the location described as being:

a dairy located in the West Half (W½) and in the Southeast Quarter (SE¼) of Section 18, in Township 33 South, Range 30 West, Meade County, Kansas,

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

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.

That information in the office of the Chief Engineer finds that the point of diversion authorized would more accurately be defined as:

one (1) well located in Lot 2 (SW¼ NE¼) of Section 30, more particularly described as being near a point 2,840 feet North and 5,160 feet West of the Southeast corner of said section, in Township 33 South, Range 30 West, Meade County, Kansas.

The water right owner shall properly install a separate acceptable water meter for each use made of water for 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 meters has been completed. The water right owner shall maintain the water meters 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 for stockwatering and irrigation use may be determined. The water right owner shall also report the reading of said water meters 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. 41,579, for permit to appropriate water for beneficial use, is as stated and set forth in the Certificate of Appropriation dated June 10, 2009, as modified and amended by the aforementioned orders.

Ordered this 9th day of July, 2019, in Manhattan, Riley County, Kansas.

Lane P. Letourneau
Lane P. Letourneau, P.G.
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 9th day of July, 2019, by Lane P. Letourneau, P.G., Program Manager, Division of Water Resources, Kansas Department of Agriculture.



Danielle Wilson
Notary Public

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:

- 1) request an evidentiary hearing before the Chief Engineer, or
- 2) 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 Section, 1320 Research Park Drive, Manhattan, KS 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 hearing 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, KS 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.

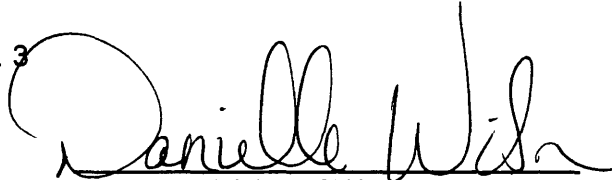
CERTIFICATE OF SERVICE

On this 17th day July, 2019, I hereby certify that the attached Approval of Application for Change in Use Made of Water, Place of Use and Orders, Water Right, File No. 41,579 dated, July 9th, 2019 was mailed postage prepaid, first class, US mail to the following:

High Plains Ponderosa Dairy LLC
David Clawson
2042 V Rd
Plains, KS 67869

With photocopies sent to:

Garden City Field Office
Groundwater Management District No. 3


Daniell Wish
Division of Water Resources

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

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 *DUAL USE CUG**

** PD UPDATE - FOR GPS **

File No. 41579

Water Resources
Received

FEB 25 2019

1:51
KS Dept Of Agriculture

2. Name of applicant: HIGH PLAINS PONDEROSA DAIRY LLC

Address: 2042 V RD

City, State and Zip: PLAINS KS 67869

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: _____

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 CHANGE THE USE MADE OF WATER FOR DUAL USE FOR STOCKWATER AND IRRIGATION USE TO SUPPORT DIARY AND TO ADD THE PLACE DAIRY AS A PLACE OF USE.

The change(s) (was) (will be) completed by 2018

(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 ME By KSN Date 2/26/19
Code _____ Fee \$ 500 TR # _____ Receipt Date _____ Check # 48763

* LP/DWR

APPLICATION COMPLETE

6/12/19
Reviewer LS

Assisted by: LI

SCANNED

4. The presently authorized place of use is:

Owner of Land — NAME: PARITY INVESTMENTS INC

ADDRESS: 303 MAIN, KISMET KS 67859

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	
31	33	30W					30.75	Lot 1 30.75	Lot 2 30.75	30.75									123.0
23	33	31W									32.50	32.50	32.50	32.50	32.50	32.50	32.50	32.50	260.0
24	33	31W					30.75	30.75	30.75	30.75									123.0
25	33	31W									30.75	30.75	30.75	30.75					123.0
34	33	31W					27.50	27.50	27.50	27.50									110.0
35	33	31W	30.75	30.75	30.75	30.75	30.75	30.75	30.75	30.75									246.0
36	33	31W	30.75	30.75	30.75	30.75													123.0

List any other water rights that cover this place of use. 22306 26247 40445 41192 41578 41580 41581 42084 42110 42708 43082 43105 43220 43333 43635 43880 44248 44945 44946 45295

Owner of Land — NAME: SOUTHWEST AGRI-CENTER INC.

ADDRESS: 303 MAIN, KISMET KS 67859

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	
27	33	31W	31.50	31.50	31.50	31.50					31.25	31.25	31.25	31.25	31.25	31.25	31.25	31.25	376.0
28	33	31W													24.0	24.0	35.0	35.0	118.0
33	33	31W	33.0	33.0	30.5	30.5													127.0

List any other water rights that cover this place of use. 22306 26247 40445 41192 41578 41580 41581 42084 42110 42708 43082 43105 43220 43333 43635 43880 44248 44945 44946 45295

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

Owner of Land — NAME: PARITY INVESTMENTS INC

ADDRESS: 303 MAIN, KISMET KS 67859

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	
31	33	30W					30.75	Lot 1 30.75	Lot 2 30.75	30.75									123.0
23	33	31W									32.50	32.50	32.50	32.50	32.50	32.50	32.50	32.50	260.0
24	33	31W					30.75	30.75	30.75	30.75									123.0
25	33	31W									30.75	30.75	30.75	30.75					123.0
34	33	31W					27.50	27.50	27.50	27.50									110.0
35	33	31W	30.75	30.75	30.75	30.75	30.75	30.75	30.75	30.75									246.0
36	33	31W	30.75	30.75	30.75	30.75													123.0

List any other water rights that cover this place of use. 22306 26247 40445 41192 41578 41580 41581 42084 42110 42708 43082 43105 43220 43333 43635 43880 44248 44945 44946 45295

SEE ADDITIONAL LISTINGS ON SUPPLEMENTAL SHEET

FEB 25 2019

SUPPLEMENTAL SHEET

APPLICATION FOR APPROVAL TO CHANGE
THE PLACE OF USE AND/OR POINT OF DIVERSION
SUPPLEMENTAL SHEET

FILE NO. 41579

MAKE ADDITIONAL COPIES AS NECESSARY

4. Continued: The presently authorized place of use is:

Owner of Land --- NAME: a) **ROCK & STEPHANIE ORMISTON II** b) **SOUTHWEST AGRI-CENTER INC.**
ADDRESS: a) **PO BOX 43, KISMET KS 67859** b) **303 MAIN, KISMET KS 67859**

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	
24	33	31W	18.00	12.00	31.00	31.00													92.0

List any other water rights that cover this place of use. 22306 26247 40445 41192 41578 41580 41581 42084 42110 42708 43082 43105 43220 43333 43635 43880 44248 44945 44946 45295

Owner of Land --- NAME: a) **ORMISTON TRUST OF 1992** b) **ORMISTON DESCENDANTS TRUST**
ADDRESS: a) **303 MAIN ST KISMET KS 67859** b) **SAME AS a)**

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	
13	33	31W					32.50	32.50	32.50	32.50					14.50	34.00	40.00	34.0	252.0

List any other water rights that cover this place of use. 22306 22306 26247 40445 41192 41578 41580 41581 42084 42110 42708 43082 43105 43220 43333 43635 43880 44248 44945 44946 45295

Owner of Land --- NAME: **ROCK & STEPHANIE ORMISTON II**
ADDRESS: **PO BOX 43, KISMET KS 67859**

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	
13	33	31W													34.00	14.50	34.00	40.00	122.5

List any other water rights that cover this place of use. 22306 26247 40445 41192 41578 41580 41581 42084 42110 42708 43082 43105 43220 43333 43635 43880 44248 44945 44946 45295

Owner of Land --- NAME: a) **OLETA A LEPPER ESTATE & ZITA BOND - DPOA** b) **CARL RAY & ZITA BOND**
ADDRESS: a) **PO BOX 265, GIRARD KS 66743** b) **SAME AS a)**

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	
34	33	31W	30.75	30.75	30.75	30.75													123.0

List any other water rights that cover this place of use. 22306 26247 40445 41192 41578 41580 41581 42084 42110 42708 43082 43105 43220 43333 43635 43880 44248 44945 44946 45295

Owner of Land --- NAME: **HIGH PLAINS PONDEROSA DAIRY LLC**
ADDRESS: **2042 V RD, PLAINS KS 67869**

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	
7	33	30W								40	LOT 3 38.22	LOT 4 21.38	22.4						122.0
19	33	30W	14.50	34.00	40.00	34.00	34.00	Lot 1 14.50	Lot 2 34.00	40.00	40.00	34.00	14.50	34.00	34.00	40.00	34.00	14.50	490.0
30	33	30W					30.75	Lot 1 30.75	Lot 2 30.75	30.75									123.0
31	33	30W								30.75	30.75	30.75	30.75						123.0
35	33	31W								30.75	30.75	30.75	30.75						123.0

List any other water rights that cover this place of use. 22306 26247 40445 41192 41578 41580 41581 42084 42110 42708 43082 43105 43220 43333 43635 43880 44248 44945 44946 45295

Water Resources
Received

SCANNED FEB 25 2019

5. Continued: 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: SOUTHWEST AGRI-CENTER INC
 ADDRESS: 303 MAIN, KISMET KS 67859

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	
27	33	31W	31.50	31.50	31.50	31.50					31.50	31.50	31.50	31.50	31.50	31.50	31.50	31.50	376.0
28	33	31W													24.0	24.0	35.0	35.0	118.0
33	33	31W	33.0	33.0	30.5	30.5													127.0

List any other water rights that cover this place of use. 22306 26247 40445 41192 41578 41580 41581 42084 42110 42708 43082 43105 43220 43333 43635 43880 44248 44945 44946 45295

Owner of Land ----NAME: a) ROCK & STEPHANIE ORMISTON II b) SOUTHWEST AGRI-CENTER INC.
 ADDRESS: a) PO BOX 43, KISMET KS 67859 b) 303 MAIN, KISMET KS 67859

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	
24	33	31W	18.00	12.00	31.00	31.00													92.0

List any other water rights that cover this place of use. 22306 26247 40445 41192 41578 41580 41581 42084 42110 42708 43082 43105 43220 43333 43635 43880 44248 44945 44946 45295

Owner of Land ---- NAME: a) ORMISTON TRUST OF 1992 b) ORMISTON DESCENDANTS TRUST
 ADDRESS: a) 303 MAIN ST KISMET KS 67859 b) SAME AS a)

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	
13	33	31W					32.50	32.50	32.50	32.50					14.50	34.00	40.00	34.00	252.0

List any other water rights that cover this place of use. 22306 26247 40445 41192 41578 41580 41581 42084 42110 42708 43082 43105 43220 43333 43635 43880 44248 44945 44946 45295

Owner of Land ---- NAME: a) ROCK & STEPHANIE ORMISTON II
 ADDRESS: 303 MAIN ST KISMET KS 67859

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	
13	33	31W									34.00	14.50	34.00	40.00					122.5

List any other water rights that cover this place of use. 22306 26247 40445 41192 41578 41580 41581 42084 42110 42708 43082 43105 43220 43333 43635 43880 44248 44945 44946 45295

Owner of Land ---- NAME: a) OLETA A LEPPER ESTATE & ZITA BOND - DPOA b) CARL RAY & ZITA BOND
 ADDRESS: a) PO BOX 265, GIRARD KS 66743 b) SAME AS a)

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	
34	33	31W	30.75	30.75	30.75	30.75													123.0

List any other water rights that cover this place of use. 22306 26247 40445 41192 41578 41580 41581 42084 42110 42708 43082 43105 43220 43333 43635 43880 44248 44945 44946 45295

Owner of Land ---- NAME: HIGH PLAINS PONDEROSA DAIRY LLC
 ADDRESS: 2042 V RD, PLAINS KS 67869

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	
7	33	30W									40.00	38.22	21.38	22.40					122.0
19	33	30W	14.50	34.00	40.00	34.00	34.00	Lot 1 14.50	Lot 2 34.00	40.00	40.00	34.00	14.50	34.00	34.00	40.00	34.00	14.50	490.0
30	33	30W					30.75	Lot 1 30.75	Lot 2 30.75	30.75									123.0
31	33	30W									30.75	30.75	30.75	30.75					123.0
35	33	31W									30.75	30.75	30.75	30.75					123.0

List any other water rights that cover this place of use. 22306 26247 40445 41192 41578 41580 41581 42084 42110 42708 43082 43105 43220 43333 43635 43880 44248 44945 44946 45295

Water Resources
 Received
 FEB 25 2010
 KS Dept of Agriculture

SCANNED

SUPPLEMENTAL SHEET

APPLICATION FOR APPROVAL TO CHANGE
THE PLACE OF USE AND/OR POINT OF DIVERSION
SUPPLEMENTAL SHEET

FILE NO. 41579

MAKE ADDITIONAL COPIES AS NECESSARY

4. Continued: The presently authorized place of use is:

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		

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		

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		

4. Continued: 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: HIGH PLAINS PONDEROSA DAIRY LLC
ADDRESS: 2042 V RD, PLAINS KS 67869

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		
18	33	30w	diary	in	W2	AND	SE													

Owner of Land ---- NAME: _____
ADDRESS: _____
*(STOCK WATER USE) *OVERLAP WITH 12,332 & 45387
41,578 | 41,579 & 41,580.*

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		

Owner of Land ---- NAME: _____
ADDRESS: _____

FEB 25 2019

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					

KS Dept. Of Agriculture

x-LEDW **SCANNED**

6. The presently authorized point(s) of diversion (is) (are) AS AUTHORIZED, NO CHANGE GPS UPDATE
(Provide description and number of points)
7. The proposed point(s) of diversion (is) (are) no change
(Provide description and number of points)

List all presently authorized point(s) of diversion:

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

One in the LOT 2 Quarter of the SW Quarter of the NE Quarter of Section 30, Township 33 South, Range 30 W (E/W), in MEADE County, Kansas, 2820 feet North 5240 feet West of Southeast corner of section.

Authorized Rate _____ Authorized Quantity _____
 (DWR use only: Computer ID No. 1 GPS 2840 feet North 5160 feet West)

This point will not be changed This point will be changed as follows: COMPLIANCE INSPECTION 7/26/18

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 _____

IF MORE SPACE IS NEEDED, ATTACH ADDITIONAL SHEETS AS NECESSARY

KS Dept Of Agriculture

LI/awh SCANNED
FROM WMS

FEB 25 2019

Water Resources
Received

12. The presently authorized use of water is for IRRIGATION USE purposes.
It is proposed that the use be changed to IRRIGATION AND STOCKWATER purposes.
13. If changing the place of use and/or use made of water, describe how the consumptive use will not be increased.
KAR 5-5-9, CONVERT THE ENTIRE RIGHT TO CONSUMPTIVE USE UNDER THE REGULATIONS. (84.8% OF CURRENT AUTHORIZED QUANTITY. THE NEW QUANTITY OF 422.304 AF OR 137.609 mgy WILL BE LIMITED AS LONG AS STOCKWATER IS AUTHORIZED. IF A REQUEST TO CHANGE THE USE MADE OF WATER IS FILED IN THE FUTURE BACK TO 100% IRRIGATION, THE LIMITED QUANTITY WILL GO AWAY AND THE AUTHORIZED QUANTITY WILL BE RETAINED AT 498 AF FOR IRRIGATION.
No reduction in total acres as majority of the operation of this water right will continue as irrigation use, and effluent will be returned to irrigate land. Therefore, no increase in consumptive use with same net acres.
(Please show any calculations here.)
14. It is requested that the maximum annual quantity of water be reduced to NA (acre-feet or million gallons).
15. It is requested that the maximum rate of diversion of water be reduced to NA gallons per minute (NA 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.

Water Resources

Received

FEB 25 2019

KS Dept Of Agriculture

IF MORE SPACE IS NEEDED, ATTACH ADDITIONAL SHEETS AS NECESSARY

SCANNED

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 _____, Kansas, this _____ day of _____, 20_____.

Southwest Agri Center
Rock Quirt, Pres.
(Owner)
ROCK ORMISTON, Pres
(Please Print)
Paucity Grass
Rock Quirt, Pres.
(Owner)
ROCK ORMISTON, Pres.
(Please Print)
Ormiston Trust of 92
ROCK ORMISTON Trustee
(Owner)
Rock Quirt
(Please Print)

[Signature]
(Spouse) owner
Rock Ormiston II
(Please Print)
High Plains Ponderosa Dairy
(Spouse) owner
David Clawson
(Please Print)
(Spouse)
(Please Print)

State of Kansas }
County of Meade } SS

I hereby certify that the foregoing application was signed in my presence and sworn to before me this 20th day of February, 2019.

RYAN REIMER
Notary Public - State of Kansas
My Appt. Expires 5-19-2020

[Signature]
Notary Public

My Commission Expires 5-19-2020

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.

Water Resources
Received

FEB 25 2019

SCANNED

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 Girard, Kansas, this 14 day of March, 2019.

Carl Ray Bond
(Owner)

Carl Ray Bond
(Please Print)

(Owner)

(Please Print)

(Owner)

(Please Print)

Zita Bond
(Spouse)

Zita Bond
(Please Print)

(Spouse)

(Please Print)

(Spouse)

(Please Print)

Water Resources
Received

MAR 18 2019

KS Dept Of Agriculture

State of Kansas }
County of Crawford } SS



I hereby certify that the foregoing application was signed in my presence and sworn to before me this 14 day of March, 2019.

My Commission Expires 8/2/2022

Janet Bennett
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.

WATER RESOURCES
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MAR 18 2019

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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 _____, Kansas, this 7 day of May, 2019.

[Signature]

(Owner)

[Signature]

(Spouse)

Rock Ormiston II
(Please Print)

Stephanie K Ormiston
(Please Print)

(Owner)

(Spouse)

(Please Print)

(Please Print)

(Owner)

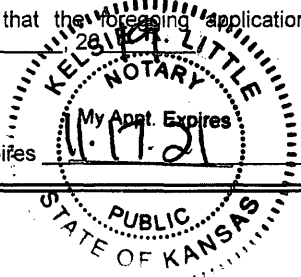
(Spouse)

(Please Print)

(Please Print)

State of Seward }
County of _____ } SS

I hereby certify that the foregoing application was signed in my presence and sworn to before me this 7th day of May, 2019.



[Signature]

Notary Public

My Commission Expires _____

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
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Make check payable to Kansas Department of Agriculture.

WATER RESOURCES
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MAY 20 2019

KS DEPT OF AGRICULTURE

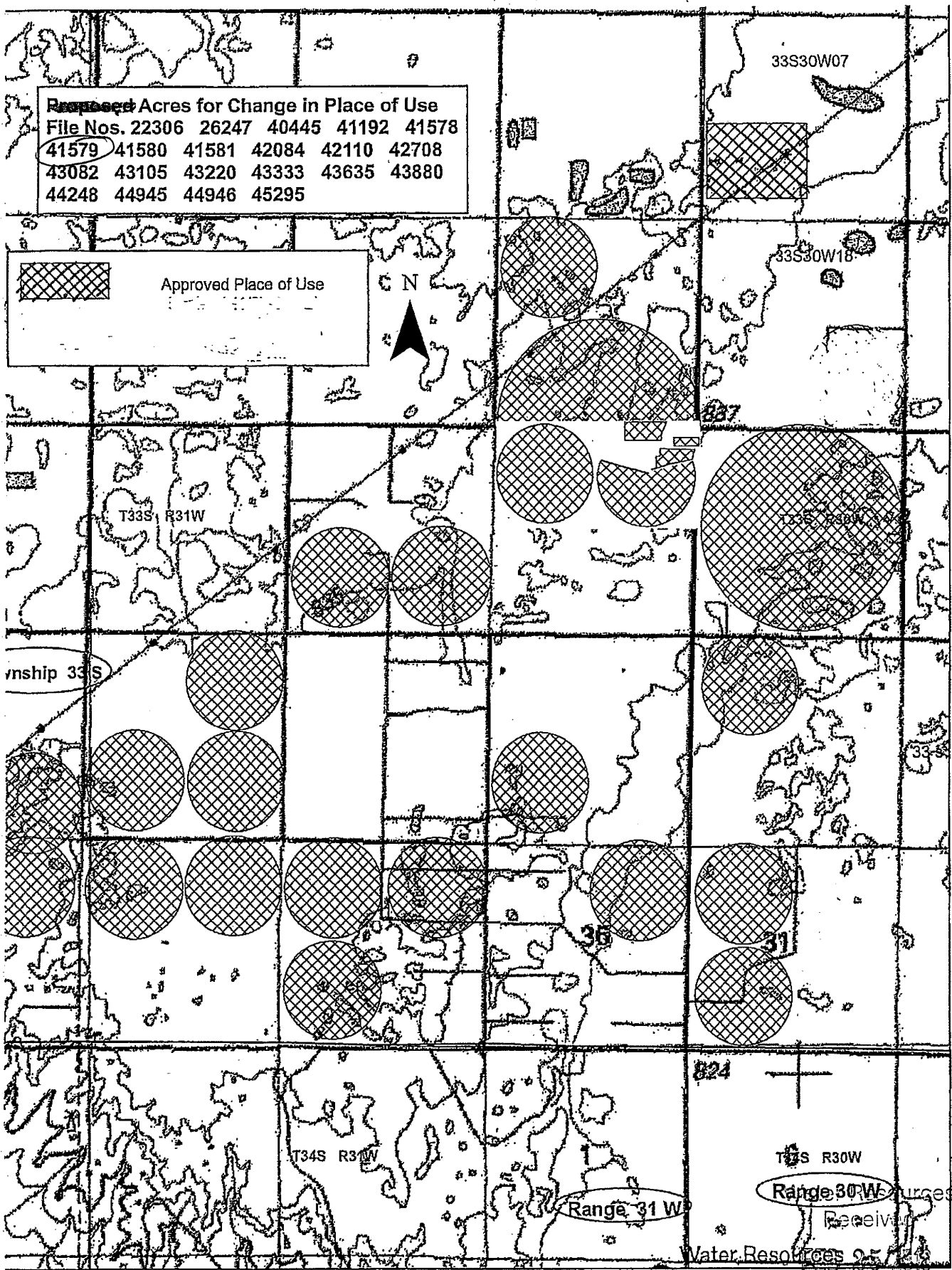
SCANNED

Reservoir Acres for Change in Place of Use						
File Nos. 22306 26247 40445 41192 41578						
41579	41580	41581	42084	42110	42708	
43082	43105	43220	43333	43635	43880	
44248	44945	44946	45295			



Approved Place of Use

N



R
R30W
R31W
T
33
S

Water Resources
Received

KS Dept Of Agriculture

IRRIGATION PLACE OF USE

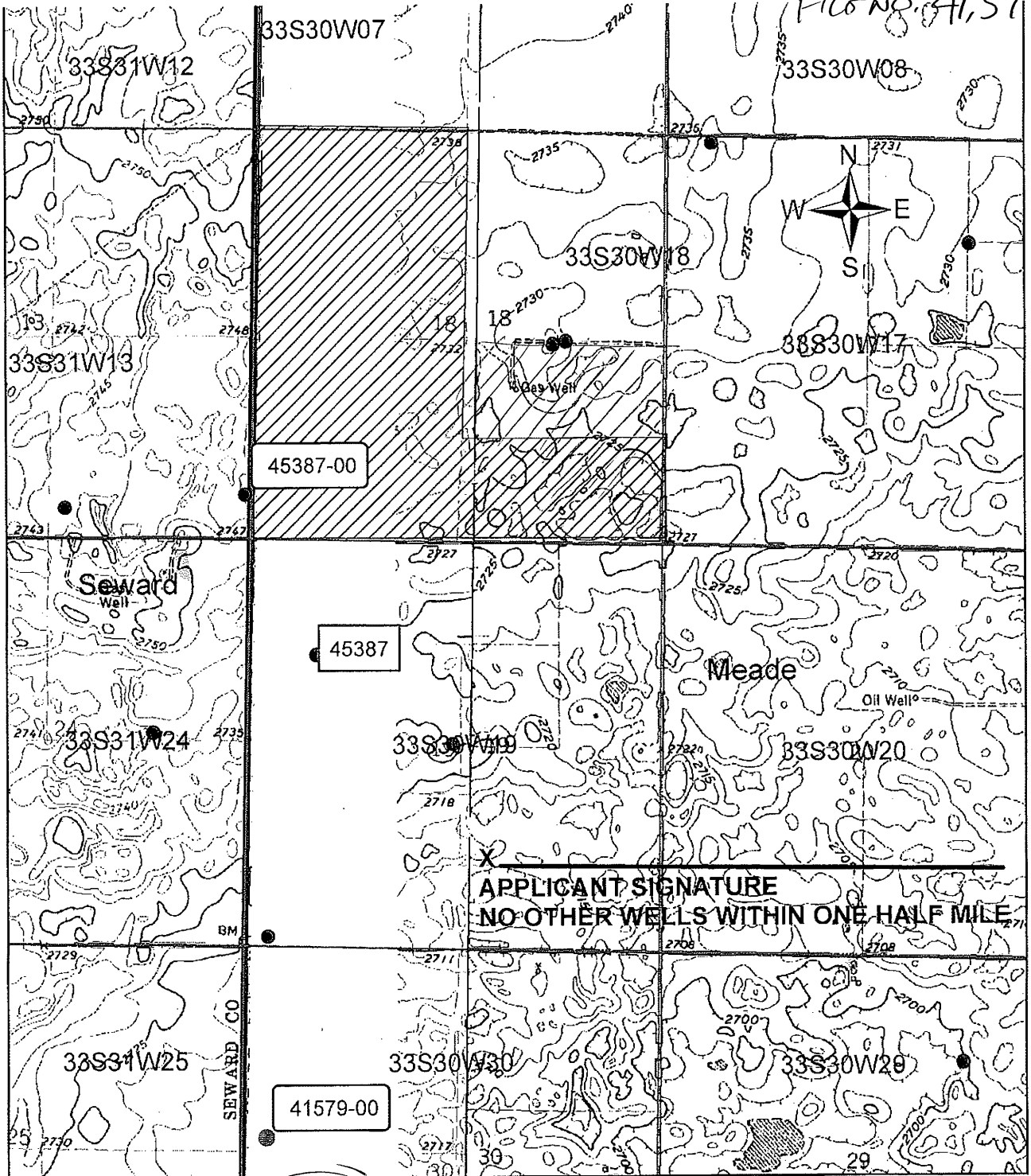
KS Dept Of Agriculture

* L. D. Owen

SCANNED

FILE NO. 41,579

R31W



33
S

FILE NO. 41579

SCALE = 1:24000

APPLICATION TO CHANGE THE USE MADE OF WATER

Water Resources
Received

FEB 25 2019

KS Dept Of Agriculture

STOCKWATER PLACE OF USE

SCANNED

Ireland, Leslie [KDA]

From: Meyer, Mike [KDA]
Sent: Thursday, June 27, 2019 11:05 AM
To: Ireland, Leslie [KDA]
Subject: RE: Recommendation for Change in UMW PU & PD, File Nos. 41578 41579 41580 dual use

approve

Mike

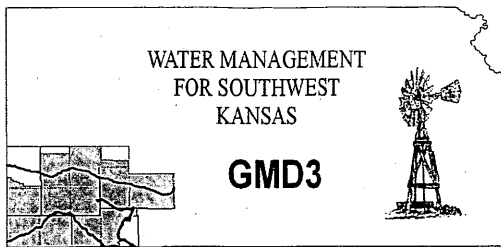
From: Ireland, Leslie [KDA]
Sent: Thursday, June 27, 2019 10:56 AM
To: Meyer, Mike [KDA] <Mike.Meyer@ks.gov>
Subject: Recommendation for Change in UMW PU & PD, File Nos. 41578 41579 41580 dual use

Mike,

Please let me know if you could recommend these changes. I think Austin is getting close on the term permit.

As always comments and concerns are welcome.

Leslie Ireland, Environmental Scientist
Kansas Department of Agriculture
Division of Water Resources - Change Unit
(785) 564-6633
Leslie.Ireland@ks.gov
www.agriculture.ks.gov



Southwest Kansas
Groundwater Management District No. 3
2009 E. Spruce Street
Garden City, Kansas 67846
(620) 275-7147 phone (620) 275-1431 fax
www.gmd3.org

June 11, 2019

Leslie Ireland
Kansas Department of Ag
Division of Water Resources
1320 Research Park Drive
Manhattan, Kansas 66502

RE: Application for Change in Point of Diversion
Change in Place of Use
Change in Use Made of Water (Dual)
Water Right, File Nos. 41578, 41579 & 41580

Dear Leslie:

We have completed a review of the applications for the above referenced water rights. The proposed change in place of use is making a complete overlap in acres and covering the additional stock use follows criteria set forth in K.A.R. 5-5-11. The proposed change in used made of water to create a dual use for the water rights is in accordance with K.A.R. 5-5-9, in which the wells can now supply the dairy and maintain some irrigation with a limit on the water rights as long as stock water is needed. The proposed change in point of diversion is in accordance with current area rules, K.A.R. 5-23-3, as it pertains to distance moved and minimum spacing to neighboring wells. Well analysis for the change in point of diversion are discussed below.

Well evaluations were conducted to estimate possible effects of the proposal on the supply of other wells with water rights prior to the proposal per K.S.A. 82a-708b, and the draft revised management program. Under K.S.A. 82a-708b, an applicant requesting a change in point of diversion must demonstrate to the chief engineer that any proposed change is reasonable and will not impair. The enclosed report is an analysis performed by the GMD on behalf of our membership. Under this analysis, the proposed change is considered to be reasonable and unlikely to impair if either the net in-season well-to-well effect of the proposed change is less than a strict maximum allowable threshold (4.0 ft in cases where saturated thickness is greater than 200 ft), or if no well with a net well-to-well effect exceeding the threshold is identified as critical. Critical wells are identified as wells that are expected to either lose or greatly diminish water supply over the next 25 years. The attached review information is based on a Theis analysis using inputs from the GMD3 aquifer model, which is considered to be the best information on well and aquifer data readily and easily available to the public. If either the applicant or the neighbors believe they have better data that might change the result of the analysis, they should contact GMD3. Conclusions of the well analysis may change if better information on well and aquifer data can be made available.

Every neighboring well within 1 mile of the proposed move was evaluated. Evaluations showed that in no case did the net effect on neighboring wells exceed the 4.0 ft maximum allowable threshold. It appears that all neighboring wells are in some way a part of the overall operating system of those that signed the applications. Therefore, GMD3 sees this move as reasonable and unlikely to impair neighboring wells. It should also be noted that the calculations is based on maximum annual quantity and rate. All other aspects of the applications also meets current area rules. It is therefore recommended that the applications be approved.

FILE COPY

WATER RESOURCES
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JUN 14 2019

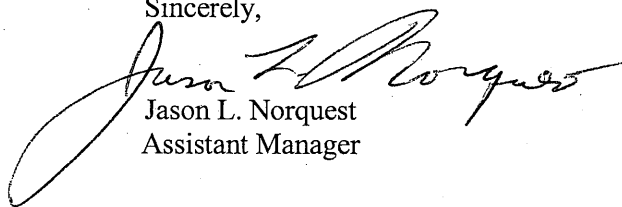
Working Water Conservation Every Day Since 1976

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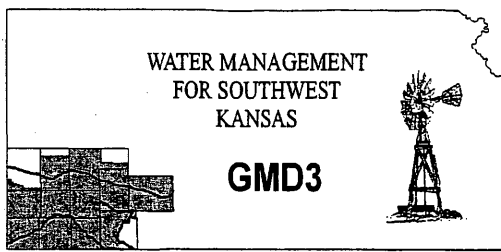
SCANNED

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

Sincerely,

A handwritten signature in black ink, appearing to read "Jason L. Norquest". The signature is fluid and cursive, with a large loop at the beginning and end.

Jason L. Norquest
Assistant Manager



Southwest Kansas
Groundwater Management District No. 3
2009 E. Spruce Street
Garden City, Kansas 67846
(620) 275-7147 phone (620) 275-1431 fax
www.gmd3.org

June 11, 2019

Leslie Ireland
Kansas Department of Ag
Division of Water Resources
1320 Research Park Drive
Manhattan, Kansas 66502

RE: Application for Change in Point of Diversion
Change in Place of Use
Change in Use Made of Water (Dual)
Water Right, File Nos. 41578, 41579 & 41580

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WATER RESOURCES
RECEIVED

JUN 14 2019

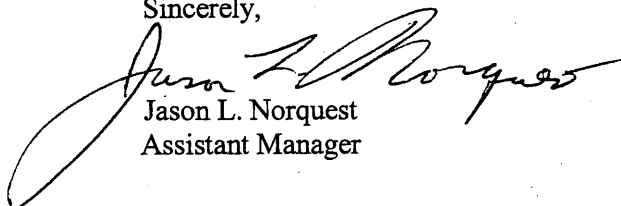
Working Water Conservation Every Day Since 1976

KS DEPT OF AGRICULTURE

SCANNED

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

Sincerely,

A handwritten signature in black ink, appearing to read "Jason L. Norquest". The signature is fluid and cursive, with a large loop at the beginning and a long horizontal stroke at the end.

Jason L. Norquest
Assistant Manager

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

May 24, 2019

FILE COPY

SOUTHWEST KANSAS GROUNDWATER
MANAGEMENT DISTRICT NO 3
ATTN MARK RUDE
2009 E SPRUCE
GARDEN CITY KS 67846

Re: Change Applications,
Water Right, File Nos. 41,578; 41,579 & 41,580

Dear Mr. Rude:

We are enclosing copies of applications for change under the referenced files which appear to be in proper form.

We are delaying any further action for a period of 15 days from the date of this letter to allow you time to submit your recommendations concerning the applications.

Please submit your recommendations within the allotted time, or any authorized extension of time thereof.

Sincerely,

Leslie Ireland
Environmental Scientist
Water Appropriation Program

LI:li
Enclosures

pc: Garden City Field Office
Jeanne Clawson, High Plains Ponderosa Dairy, LLC

SCANNED

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, Interim Secretary

Laura Kelly, Governor

HIGH PLAINS PONDEROSA DAIRY LLC
2042 V RD
PLAINS, KS 67869

February 26, 2019

RE: File No 41579

Dear Sir or Madam:

An application for approval of the Chief Engineer to change the following condition or conditions of the file number referred to above has been received:

- place of use PU/UMW
- point of diversion
- use made of water

As a matter of record, the Division of Water Resources has on hand a large number of applications awaiting processing. Therefore, to be fair to all concerned, and so that we can process those applications on hand in the order they were received, we intend to concentrate on the backlog of applications until the issue is resolved. You will be contacted regarding this application as soon as it has been examined.

In accordance with the provisions of the Kansas Water Appropriation Act, a portion of which is included below, the use of water prior to approval of the application is unlawful. You should not proceed and divert water as indicated by your plans in your application for a change for this file until you receive approval for this change from the Chief Engineer. Once approved, compliance with the terms, conditions and limitations of the permit is necessary. Conservation of the water resources of Kansas is required.

Section 82a-728 of the Kansas Water Appropriation Act, provides (a) except for the appropriation of water for the purpose of domestic use, . . . it shall be unlawful for any person to appropriate or threaten to appropriate water from any source without first applying for and obtaining a permit to appropriate water in accordance with the provisions of the Water Appropriation Act or for any person to violate any condition of a vested right, appropriation right or an approved application for a permit to appropriate water for beneficial use.

(b) (1) The violation of any provision of this section by any person is a class C misdemeanor...

A class C misdemeanor is punishable by a fine not to exceed \$500 and/or a term of confinement not to exceed one month in the county jail. Each day that the violation occurs constitutes a separate offense.

If you have any questions, please contact me at (785) 564-6645. If you wish to discuss a specific file, please have the file number ready so that we may help you more efficiently.

Sincerely,

Brent Tournay, L.G.
Change Applications Unit Supervisor
Water Appropriation Program

BAT: DLW

SCANNED