

# NOTICE

This scan only represents the application as filed. The information contained herein meets the requirements of K.A.R. 5-3-1 or K.A.R. 5-5-1, and has been found acceptable for filing in the office of the Chief Engineer. The application should not be considered to be a complete application as per K.A.R. 5-3-1b or K.A.R. 5-5-2a.

MAY 23 2023

1203

KS DEPT OF AGRICULTURE



State of Kansas

Submit To: CHIEF ENGINEER
Division of Water Resources
Kansas Department of Agriculture
1320 Research Park Drive
Manhattan, Kansas 66502
http://agriculture.ks.gov/dwr

APPLICATION FOR APPROVAL TO CHANGE THE PLACE OF USE, THE POINT OF DIVERSION OR THE USE MADE OF THE WATER UNDER AN EXISTING WATER RIGHT

Filing Fee Must Accompany the Application
(Please refer to Fee Schedule on signature page of application form.)

Paragraph Nos. 1, 2, 3, 4 & 8 must be completed. Complete all other applicable portions. A topographic map or detailed plat showing the authorized and proposed points(s) of diversion and /or place of use must accompany this application.

1. Application is hereby made for approval of the Chief Engineer to change the

- Place of Use
Point of Diversion
Use Made of Water

File No. 10,626

2. Name of applicant: Syracuse Dairy, LLC

Address: 751 SE CR 36

City, State and Zip: Syracuse, KS 67878

Phone Number: ( 620 ) 492-2525 E-mail address: jay@syracusedairy.com

What is your relationship to the water right; owner tenant agent other? If other, please explain.
Owner of place of use designated for stockwatering.

Name of water use correspondent: Syracuse Dairy, LLC

Address: 751 SE CR 36

City, State and Zip: Syracuse, KS 67878

Phone Number: ( 620 ) 492-2525 E-mail address: jay@syracusedairy.com

3. The change(s) proposed herein are desired for the following reasons (please be specific): To change the place of use and use made of water to allow stockwatering use at Syracuse Dairy - Morton County Location and irrigation use on land owned by Alfalfa Farms. A change to this dual use is needed to provide a sufficient water supply for the dairy.

The change(s) was (will be) completed by expiration of the term permit that allows stockwatering use at the dairy.

For Office Use Only:
F.O. 4 GMD 3 Meets K.A.R. 5-5-1 (YES) NO Use IRR Source G/S County MT By ALB Date 5/23/23
Code C-2 Fee \$ 500 TR # Receipt Date 5/23/23 Check # 91146

MAY 23 2023 File No. 10,626

4. The presently authorized place of use is:

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Owner of Land — NAME: Alfalfa Farms

ADDRESS: 322 N Gates Street, Syracuse, KS 67878

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	
21	32S	42W	38.5	38.5	40.0	40.0													157.0

List any other water rights that cover this place of use. None.

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: Alfalfa Farms

ADDRESS: 322 N Gates Street, Syracuse, KS 67878

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	
21	32S	42W	38.5	38.5	40.0	40.0													157.0

List any other water rights that cover this place of use. None.

Owner of Land — NAME: Syracuse Dairy, LLC

ADDRESS: 751 SE CR 36, Syracuse, KS 67878

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		
33	32S	42W	Dairy in NE 1/4																	

List any other water rights that cover this place of use. File Nos. 2,161 & 28,128.

**IF MORE SPACE IS NEEDED, ATTACH ADDITIONAL SHEETS AS NECESSARY**

6. The presently authorized point(s) of diversion (is) (are) one well, pump and appurtenances  
(Provide description and number of points)
7. The proposed point(s) of diversion (is) (are) one well, pump and appurtenances  
(Provide description and number of points)

**List all presently authorized point(s) of diversion:**

8. **Presently authorized point of diversion:**  
 One in the SE Quarter of the SW Quarter of the NE Quarter of Section 21, Township 32 South, Range 42W (E/W), in Morton County, Kansas, 2690 feet North 1450 feet West of Southeast corner of section. Authorized Rate 400 gpm Authorized Quantity 314 acre-feet (AF)  
 (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 SE Quarter of the SW Quarter of the NE Quarter of Section 21, Township 32 South, Range 42W (E/W), in Morton County, Kansas, 2690 feet North 1450 feet West of Southeast corner of section. Proposed Rate 400 gpm Proposed Quantity 277.3 AF for STK use; limit IRR to 314 AF; see Sections 13 & 17  
 This point is:  Additional Well  Geo Center List other water rights that will use this point None

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. Not applicable.

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12. The presently authorized use of water is for irrigation purposes.  
It is proposed that the use be changed to irrigation and stockwatering purposes.

13. If changing the place of use and/or use made of water, describe how the consumptive use will not be increased.  
Authorized quantity will be reduced to the consumptive use level according to the provisions of K.A.R. 5-5-9.  
Stockwatering use will be based upon the maximum reasonable quantity for the current livestock capacity of the dairy. Please refer to the attached calculations and supporting documentation for more detailed information.

(Please show any calculations here.)

14. It is requested that the maximum annual quantity of water be reduced to - See Sec. 17 below - (acre-feet or million gallons).

15. It is requested that the maximum rate of diversion of water be reduced to - No Reduction - 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](http://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.

Please refer to the attached calculations and supporting documentation for more detailed information. Total annual stockwatering use will be limited to 277.3 AF for the duration of the dual use irrigation/stockwatering authorization. Applicant requests that the current authorized quantity of 314 AF for irrigation use be restored if stockwatering use ceases.

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.

No waiver is requested.

**IF MORE SPACE IS NEEDED, ATTACH ADDITIONAL SHEETS AS NECESSARY**

Any use of water that is not as authorized by the water right or permit to authorize water **before** the chief engineer approves this application is a violation of the Kansas Water Appropriation Act for which criminal or civil penalties may be assessed. Such violation is a class C misdemeanor, punishable by a fine not to exceed \$500 and/or a term of confinement not to exceed one month in the county jail. K.S.A. 82a-728(b). Civil penalties shall be not less than \$100 nor more than \$1,000 per violation. In the case of a continuing violation, each day such violation continues may be deemed a separate violation. In addition to these penalties the water right may be modified or suspended. K.S.A. 82a-737, as amended.

**The application must be signed by all owners of the place of use authorized under the water right and his or her spouse, if married. Please indicate if there is no spouse.** If land is being purchased under contract, the seller must sign as landowner until such time as the contract is completed.

In the event that all applicants cannot appear before one notary public, they may as necessary sign separate copies of the application before any notary public conveniently available to them. All copies signed in this manner shall be considered to be valid parts of the application.

If the request is signed on behalf of any Owner by someone with legal authority to do so (for example, an agent, one who has power of attorney, or an executor, executrix, conservator), it will be necessary to attach proper documents showing such authority.

**I declare that I am an owner of the currently authorized place of use as identified herein, or that I represent all such owners and am authorized to make this application on their behalf, and declare further that the statements contained herein are true, correct, and complete. By filing this application I authorize the chief engineer to permanently reduce the quantity of water and/or rate of diversion as specified in sections 14 and 15 of this application.**

Dated at Syracuse, Kansas, this 19th day of May, 2023.

[Signature]  
(Owner)

\_\_\_\_\_  
(Spouse)

Jay Houtsma, Member, Syracuse Dairy, LLC  
(Please Print)

\_\_\_\_\_  
(Please Print)

Natasha te Velde  
(Owner)

\_\_\_\_\_  
(Spouse)

Natasha te Velde, Partner, Alfalfa Farms  
(Please Print)

\_\_\_\_\_  
(Please Print)

\_\_\_\_\_  
(Owner)

\_\_\_\_\_  
(Spouse)

\_\_\_\_\_  
(Please Print)

\_\_\_\_\_  
(Please Print)

State of Kansas }  
County of Hamilton } SS



**Diego M. Enriquez**  
Notary Public  
State of Kansas  
My Appt. Expires 05/26/2025

I hereby certify that the foregoing application was signed in my presence and sworn to before me this 19th day of May, 2023.

[Signature]  
Notary Public

My Commission Expires 05/26/2025

**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

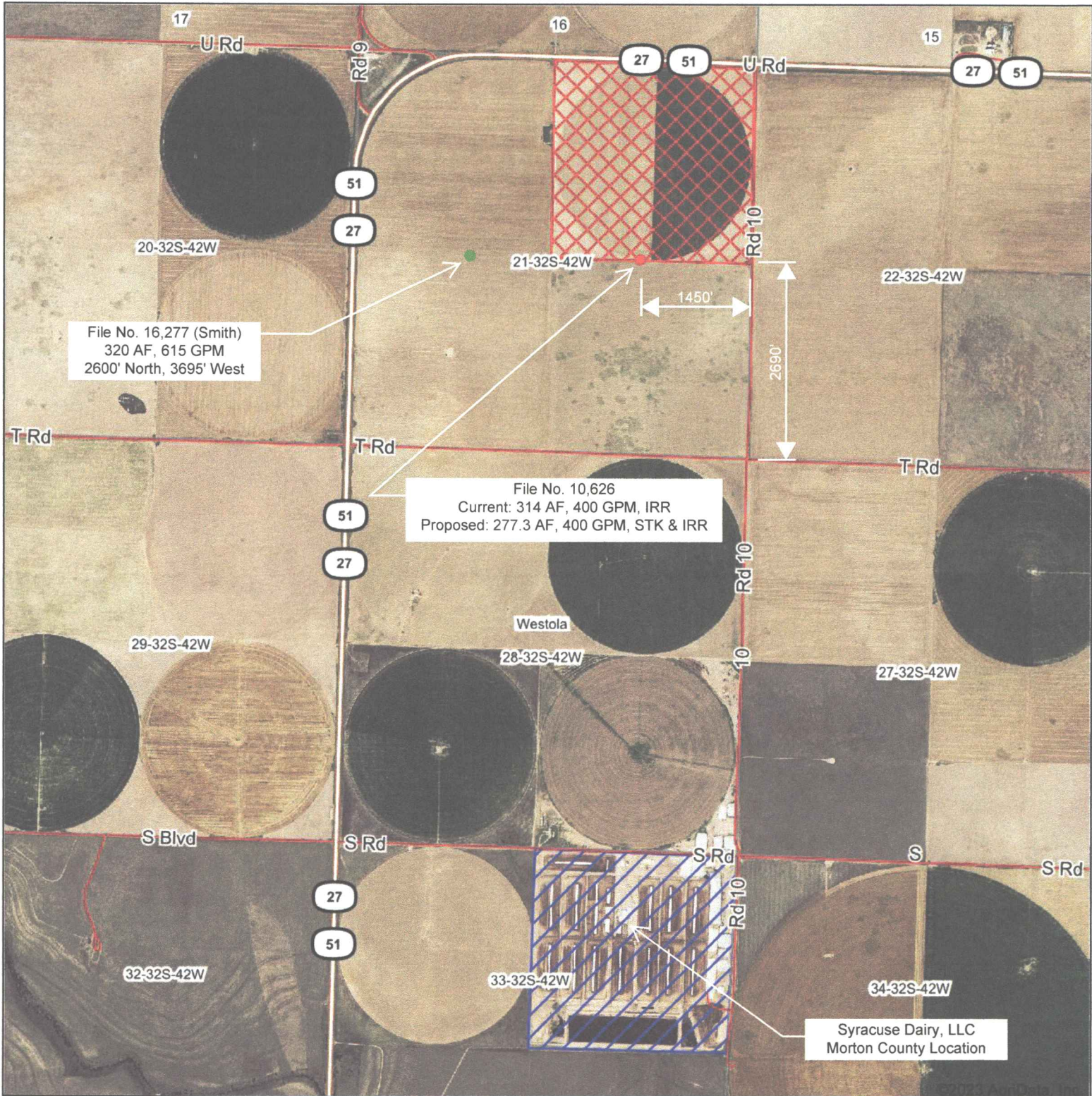
Make check payable to **Kansas Department of Agriculture.**

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# Aerial Map



Map Center: 37° 14' 23.98, -101° 53' 27.42

Map Scale: 1: 24000



- Current Place of Use (IRR)
- Current Place of Use (STK)
- Proposed Place of Use (IRR)
- Proposed Place of Use (STK)



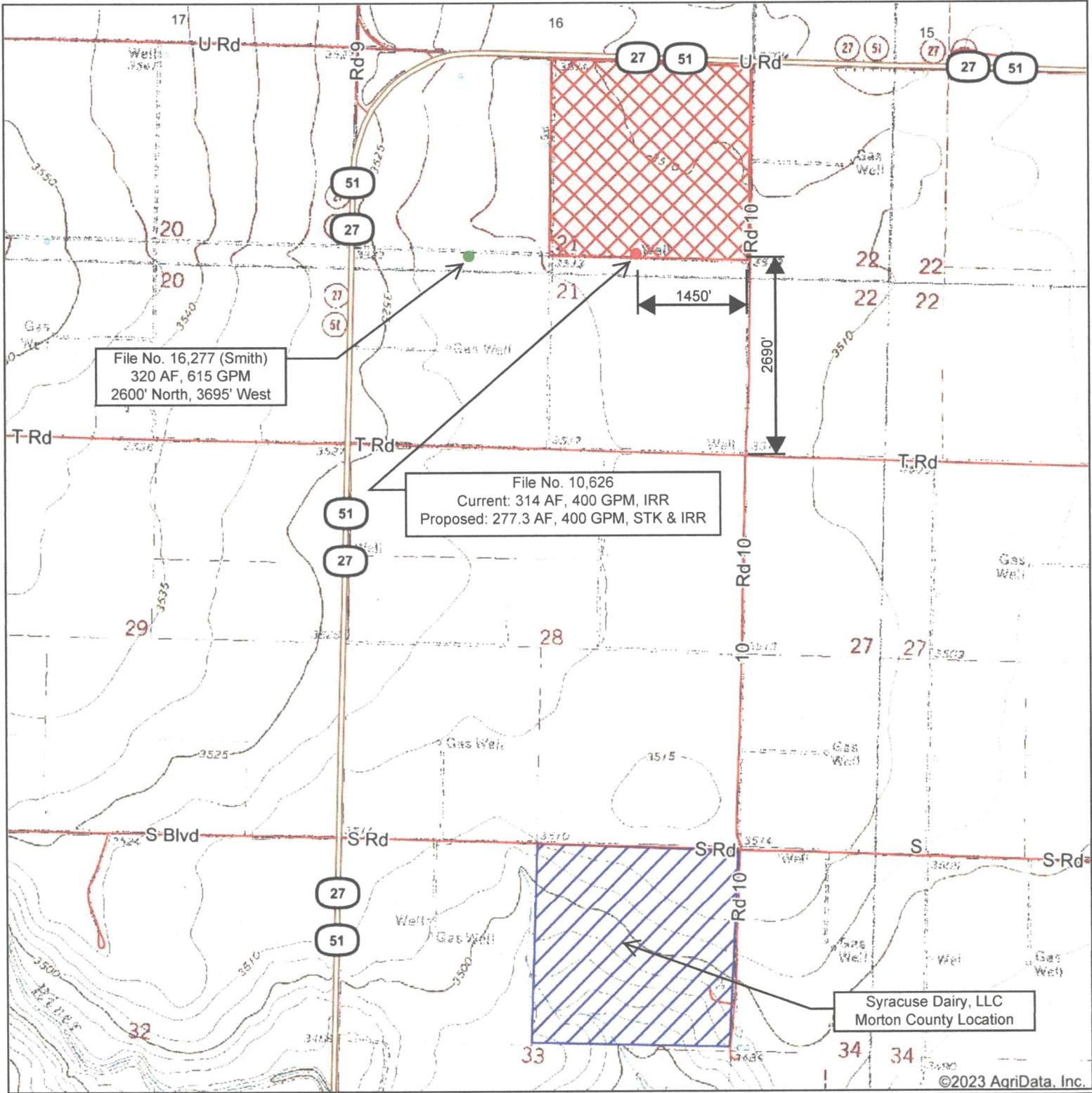
- Point of Diversion (STK)
- Point of Diversion (IRR)
- Point of Diversion (Neighbor)



**File No. 10,626**  
**Application to Change**  
**Place of Use and**  
**Use Made of Water**

**MAY 23 2023**

# Topographic Map



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Map Center: 37° 14' 23.98, -101° 53' 27.42

Map Scale: 1: 24000

0ft 2087ft 4173ft



All wells within 1/2 mile of Applicant's well are shown.

X *Jid*  
5-19-23

Current Place of Use (IRR)



Current Place of Use (STK)



Proposed Place of Use (IRR)



Proposed Place of Use (STK)



Point of Diversion (STK)



Point of Diversion (IRR)



Point of Diversion (Neighbor)



**File No. 10,626**  
**Application to Change**  
**Place of Use and**  
**Use Made of Water**

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DISTANCE BETWEEN WELLS IN SECTION 21 T32S R42W, MORTON COUNTY, KANSAS

OWNER	FILE NO.	DISTANCE OF POINT OF DIVERSION FROM SE CORNER OF SECTION	
		NORTH	WEST
HOWARD C. SMITH ETAL	16,277	2,600 FT.	3,695 FT.
ALFALFA FARMS	10,626	2,690 FT.	1,450 FT.
DIFFERENCE =		-90 FT.	2,245 FT.

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$$\begin{aligned} \rightarrow \text{DISTANCE BETWEEN POINTS OF DIVERSION} &= [(\text{NORTH DIFF.})^2 + (\text{WEST DIFF.})^2]^{0.5} \\ &= 2,247 \text{ FT.} \end{aligned}$$

NOTE: NO WATER USE HAS BEEN REPORTED FOR FILE NO. 16,277 SINCE 2003.

MINIMUM WELL SPACING REQUIREMENT

FILE NO.	AUTHORIZED QUANTITY (ACRE-FEET)
16,277	320
10,626	314

→ K.A.R. 5-23-3: MINIMUM WELL SPACING = 1,900 FT.

→ ACTUAL WELL SPACING EXCEEDS WELL SPACING REQUIREMENT

FCM  
05/11/2023

PROJECT: **FILE NO. 10,626 CHANGE APPLICATION**LOCATION: **NE 1/4 SECTION 21 & NE 1/4 SECTION 33 T32S R42W, MORTON COUNTY, KANSAS**BY: FCM  
DATE: 5/10/2023CHECKED BY: FCM  
DATE: 5/17/2023WATER RESOURCES  
RECEIVED**MAY 23 2023****CONSUMPTIVE USE CALCULATION PERTAINING TO FILE NO. 10,626  
FOR DUAL USE OF WATER FOR IRRIGATION AND STOCKWATERING**

**File No. 10,626:** Authorized Quantity = **314 AF**  
 Authorized Rate = **400 GPM**  
 Authorized Place of Use: **157 acres** in **NE 1/4 Sec. 21 T32S R42W**

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Proposal: Use up to 277.3 AF for stockwatering at Syracuse Dairy, LLC - Morton County Dairy (NE 1/4 Sec. 33 T32S R42W) and/or irrigation at the current place of use (NE 1/4 Sec. 21 T32S R42W). The stockwatering quantity is based on the consumptive use level for the water right. Total annual water use (IRR + STK) will not exceed 277.3 AF.

Apply consumptive use factor from "Consumptive Use Percentages in Kansas, by County" as contained in K.A.R. 5-5-9(a) (1):

→ For Morton County, the factor = 88.3%

$$\begin{aligned} \rightarrow \text{Consumptive Use} &= (314 \text{ AF}) \times (88.3\%) \\ &= (314 \text{ AF}) \times (0.883) = 277.3 \text{ AF} \end{aligned}$$

Rate: Authorized rate will not be exceeded. A pipeline will convey water from the existing irrigation well to the dairy. The capacity of the pipeline is sufficient to convey the required quantity of water. Irrigation and stockwatering operations will not be conducted simultaneously.

Check reasonable use for stockwatering quantity (K.A.R. 5-3-22):

LIVESTOCK TYPE	NUMBER <sup>1</sup>	TYPE OF USE	UNIT RATE (GAL/H/D) <sup>2</sup>	DAYS PER YEAR	ANNUAL USE (GALLONS)
Lactating Cows	5,300	Drinking	35	365	67,707,500
Lactating Cows	5,300	Sanitation (cbc) <sup>3</sup>	45	365	87,052,500
Dry Cows	700	Drinking <sup>4</sup>	15	365	3,832,500
<b>TOTAL ANNUAL USE =</b>					<b>158,592,500</b>

Notes:

<sup>1</sup> Maximum permitted capacity is 6,000 head of mature dairy cows. Approximately 12% are dry cows on average.

<sup>2</sup> GAL/H/D = gallons/head/day

<sup>3</sup> Maximum reasonable quantity for confined building capacity (cbc) is 100 GAL/HD/D.  
 Typical quantity is 35 - 45 GAL/HD/D.

<sup>4</sup> Typical consumption rate for dry cows.

**TOTAL ANNUAL USE DIVIDED BY 325,851 GALLONS / ACRE-FOOT = 486.7 ACRE-FEET**

**DAILY EQUIVALENT RATE = 72.42 GAL./HEAD/DAY**

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Available stockwatering quantity:

FILE NO.	QUANTITY (AC.-FT.)
2,161	127.0
28,128	77.8
10,626	277.3
<b>TOTAL =</b>	<b>482.1</b>

← Proposed maximum annual quantity

→ **Total stockwatering quantity is 99% of the estimated reasonable quantity. Therefore, the requested quantity for stockwatering use is reasonable. This includes the situation where 100% of the proposed quantity is diverted for stockwatering use.**

Irrigation review:

Authorized place of use for File No. 10,626 = 157 acres

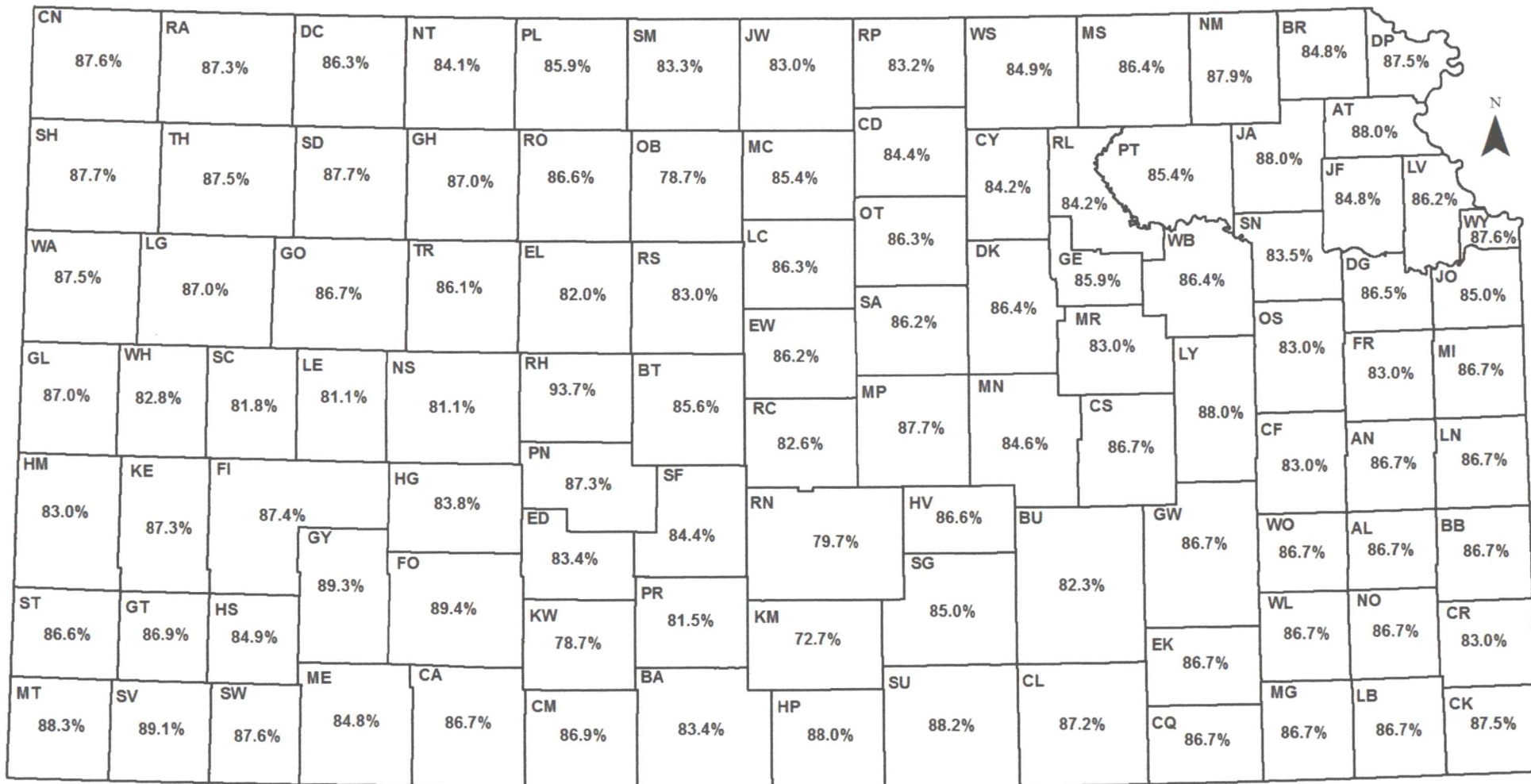
K.A.R. 5-5-12: 80% chance NIR for Morton County = 1.43 feet

→ Sufficient irrigation quantity = (Authorized Acres) x (80% chance NIR)/0.85 = 264 AF

→ The consumptive use quantity of 277.3 AF is sufficient to support irrigation. Wastewater from the dairy is also available to provide a supplemental supply for irrigation.

# Consumptive Use Percentages in Kansas, by County

based on area-weighted average irrigation return flow



Example: A 150 acre-foot irrigation water right is purchased in Gove (GO) County for use in a dairy operation.

Applying the consumptive use factor from the map (86.7%), the amount of water that the dairy could convert to stockwater use with this water right is:

$$150 \times 86.7\% = 150 \times 0.867 = 130 \text{ acre-feet}$$

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Kansas Department of Agriculture  
Division of Water Resources  
August 3, 2017

Kansas Department of Health & Environment

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Division of Environment  
Bureau of Water



KS DEPT OF AGRICULTURE  
Topeka, Kansas 66612-1367  
Telephone: (785) 296-6432

Kansas Permit No.: **A-CIMT-D001**  
Federal Permit No.: **KS0101010**

KANSAS WATER POLLUTION CONTROL PERMIT FOR AGRICULTURAL AND RELATED WASTES  
AND AUTHORIZATION TO DISCHARGE UNDER THE  
NATIONAL POLLUTANT DISCHARGE ELIMINATION SYSTEM

Pursuant to provisions of Kansas Statutes Annotated 65-164 and 65-165 et seq. and the Federal Water Pollution Control Act as amended, (33 U.S.C. 1251 et seq.; the "Act"),

Permittee: **Syracuse Dairy, LLC  
Jay Houtsma, Member**

Permittee's Address: **751 SE CR 36  
Syracuse, KS 67878**

Facility Name: **Syracuse Dairy, LLC - Morton County Location**

Facility Location: **NE ¼, Section 33, Township 32S, Range 42W  
Morton County, Kansas**

River Basin: **Cimarron River Basin**

is authorized to operate, as a pollutant discharge elimination system, water pollution control facilities to collect, retain, and dispose of precipitation induced runoff and/or dry weather wastewater accumulations containing livestock and related agricultural wastes in accordance with requirements as set forth herein.

This permit is effective June 7, 2021, supersedes the previously issued water pollution control permit A-CIMT-D001, and expires June 6, 2026.

Facility Summary

The existing facility has a maximum capacity of 6,000 head (8,400 animal units) of mature dairy cows. This facility consists of one milking parlor, one hospital barn, one maternity barn and approximately 140 acres of open lot pens, feed roads and alleys, a commodities storage area, and other associated areas. The waste management system includes two milking parlor sediment basins, six collection channels, two runoff sediment basins, and one earthen retention control structure.

Secretary, Kansas Department of Health and Environment

June 7, 2021  
Date

MAY 23 2023

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**K.A.R. 5-3-22. Maximum reasonable quantity of water for livestock and poultry.**

(a) The following quantities shall be deemed the maximum quantity of water reasonable for nondomestic livestock and poultry water use:

Livestock/Poultry	Drinking Water (gallons per head per day)	Additional quantities for servicing/flushing (gallons per head per day)
Cattle, beef	15	0 (open lot) 100 [confined building capacity (cbc)]
Cattle, dairy	35	100 (cbc)
Swine		
finishing	5	15 (cbc)
nursery	1	4 (cbc)
sow and litter	8	35 (cbc)
gestating sow	6	25 (cbc)
Sheep	2	0 (open lot) 15 (cbc)
Horses	12	0 (open lot) 100 (cbc)
Poultry		
chickens (100 layers)	9	200 (cbc)
turkeys (100)	30	400 (cbc)

(b) The maximum reasonable quantity of water that may be approved for nondomestic livestock and poultry use for applications approved on or after the effective date of this regulation shall be limited as set forth in subsection (a) above. The quantities set forth in subsection (a) may be exceeded only if the applicant demonstrates both of the following to the chief engineer:

(1) The requested quantity is reasonable for the intended use.

(2) This quantity not wasteful and will not otherwise prejudicially and unreasonably affect the public interest.

(c) For all other types of nondomestic livestock, poultry, birds, and animals, the maximum quantity of water approved for beneficial use shall be reasonable.

(d) The maximum reasonable quantity of water that may be perfected for nondomestic livestock or poultry use shall not exceed the quantities set forth in subsections (a), (b) and (c) above, unless the water right owner demonstrates both of the following to the chief engineer:

(1) A larger quantity of water was actually applied to beneficial use within the terms, conditions, and limitations of the permit within the perfection period.

(2) The quantity used was not wasted. (Authorized by K.S.A. 82a-706a; implementing K.S.A. 82a-707(e), K.S.A. 1999 Supp. 82a-711, K.S.A. 82a-712, and K.S.A. 1999 Supp. 82a-714; effective Sept. 22, 2000.)

**K.A.R. 5-3-23. Maximum reasonable annual quantity approvable for irrigation use for an application for change in place of use and a request to reduce a water right;**

**exceptions.** (a) Except as provided in subsections (c), (d), and (e), for water rights with a priority date before September 22, 2000, the maximum reasonable annual quantity of water that may be approved for either of the following shall be that quantity of water reasonably necessary to

MAY 23 2023

**STOCKWATER USE  
SUPPLEMENTAL SHEET**

File No. 10,626

Name of Applicant (Please Print): Syracuse Dairy, LLC

1. Please indicate type of livestock (cattle, hogs, etc.): mature dairy cattle.

2. Please complete the following table showing past and present water requirements:

**PAST NUMBER OF HEAD AND WATER DIVERTED, IF APPLICABLE**

LAST 5 YEARS	NUMBER OF HEAD	WATER DIVERTED (GALLONS)	GALLONS PER HEAD PER DAY
2018 WUR 5 years ago	5,479	77,304,000	38.66
2022 WUR Last year	5,833	74,584,000	35.03
Present Year	Not Applicable		

3. Please complete the following table showing estimated future water requirements:

**ESTIMATED FUTURE NUMBER OF HEAD AND WATER DIVERTED**

NEXT 5 YEARS	NUMBER OF HEAD	WATER TO BE DIVERTED (GALLONS)	GALLONS PER HEAD PER DAY
Year 1	6,000	158,592,500	72.42
Year 2	6,000	158,592,500	72.42
Year 3	6,000	158,592,500	72.42
Year 4	6,000	158,592,500	72.42
Year 5	6,000	158,592,500	72.42

Please attach any additional information, tables, or curves showing past, present and estimated future water requirements to substantiate the amount of water requested.

4. Please designate the legal description of the location where the water is to be used. Show in the space provided below the Section (S), Township (T), and Range (R), and the number of acres in each forty acre tract or fractional portion thereof.

S	T	R	NE¼				NW¼				SW¼				SE¼				TOTAL
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
33	32S	42W	40	40	40	40													160

5. Show quantities of water used and all associated water uses at the feedlot such as water used in feed mills, cooling of animals, washing, flushing of wastes, etc.:

**DRINKING**

5,300 head of lactating cows x 35 gallons/head (avg.) x 365 days = 67,707,500 gallons

700 head of dry cows x 15 gallons/head (avg.) x 365 days = 3,832,500 gallons

\_\_\_\_\_ head of \_\_\_\_\_ x \_\_\_\_\_ gallons/head (avg.) x \_\_\_\_\_ days = \_\_\_\_\_ gallons

**COOLING**

\_\_\_\_\_ gallons/hour x \_\_\_\_\_ hour/day x \_\_\_\_\_ days = \_\_\_\_\_ gallons

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**SANITATION**

\_\_\_\_\_ g.p.m. x 60 min/hr x \_\_\_\_\_ hr/wk x \_\_\_\_\_ wks/yr = \_\_\_\_\_ gallons

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**OTHER USE** (Explain) Sanitation & Flushing = 87,052,500 gallons

-- **SEE ATTACHED SPREADSHEET FOR DETAILED CALCULATIONS AND EXPLANATION** --

**TOTAL** ----- **158,592,500 gallons**  
**= 486.7 acre-feet**

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

7. Total feed bunk space for cattle or livestock is 6,464 linear feet.

8. Total size of stock pens for confinement area of cattle, hogs, etc. is 4,033,656 square feet.  
Equivalent to 92.6 acres of livestock confinement area, exclusive of areas used for feed storage and the waste management system.

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



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**FEED LANE LENGTHS**

FEATURE	LENGTH (FEET)	NO.	TOTAL (FEET)
DRY COW PEN	970	1	970
NORTH MATERNITY PEN	422	1	422
SOUTH MATERNITY PEN	272	1	272
MILK COW PENS	400	12	4,800
TOTAL =			<b>6,464</b>

**CONFINEMENT AREA**

PENS & MILK BARN: 92.60 ACRES  
= 4,033,656 SQ FT

DATA DERIVED FROM MEASUREMENTS TAKEN FROM MAPS AND AERIAL  
PHOTOS OF SYRCUSE DAIRY, LLC - MORTON COUNTY LOCATION.

FCM  
05/11/2023

Entered in Transfer Record in my office on  
7/19/2022.

*Gina Shores*

County Clerk - Gina Shores



Morton County, Kansas  
Stephanie Sinclair, Register of Deeds

**Book: 210 Page: 343**

Receipt #: 38564

Recording Fee: \$38.00

Pages Recorded: 2

*Stephanie Sinclair*

**Date Recorded: 7/19/2022 4:01:02 PM**

[ELECTRONICALLY FILED]

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## GENERAL WARRANTY DEED

File No. 22-0482

THIS INDENTURE, made this 8th day of July, 2022, by and between,

**Wesley C. Nelson and Sharon M. Nelson, husband and wife, as GRANTOR,**

and

**Alfalfa Farms, a Kansas General Partnership, as GRANTEE;**

WITNESSETH: THAT SAID GRANTOR, in consideration of the sum of Ten Dollars and other good and valuable consideration, the receipt and sufficiency which is hereby acknowledged by GRANTOR, does hereby **grant, bargain and sell, convey and confirm**, unto the said GRANTEE, and unto Grantee's heirs and assigns forever, the following described real property situated in the **County of Morton, State of Kansas** to-wit:

**Surface and Water rights only, in and to:**

**The Northeast Quarter (NE/4) of Section Twenty-one (21), Township Thirty-two (32) South, Range Forty-two (42) West of the Sixth Principal Meridian, Morton County, Kansas.**

**Surface and Water rights only, in and to:**

**The Southeast Quarter (SE/4) of Section Twenty-eight (28), Township Thirty-two (32) South, Range Forty-two (42) West of the Sixth Principal Meridian, Morton County, Kansas.**

Subject to all easements, restrictions and reservations, if any, now of record, and all the taxes and assessments that may be levied, imposed or become payable hereafter.

TO HAVE AND TO HOLD, the premises aforesaid, with all and singular the rights, privileges, appurtenances and immunities thereto belonging or in anywise appertaining, unto the said GRANTEE and unto Grantee's heirs and assigns forever, the said GRANTOR hereby covenanting that it is lawfully seized of an indefeasible estate in fee in the premises herein conveyed; that it has good right to convey the same; that the said premises are free and clear from any encumbrance done or suffered by it or those under whom it claims; except as stated above and except for all taxes and assessments, general and special, not now due and payable; and that it will warrant and defend the title of the said premises unto the said GRANTEE, and unto Grantee's heirs and assigns forever, against the lawful claims and demands of all persons whomsoever.

If two or more persons constitute either GRANTOR or GRANTEE, the words GRANTOR and GRANTEE shall be construed to read GRANTORS or GRANTEES, whenever the sense of this Deed requires.

IN WITNESS WHEREOF, the said GRANTOR has executed this instrument the day and year first above written.

Wesley C. Nelson  
Wesley C. Nelson

Sharon M. Nelson  
Sharon M. Nelson

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State of Kansas

County of Stanton

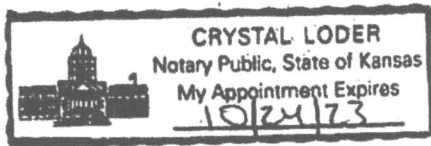
On this 8th day of July, 2022, before me personally appeared **Wesley C. Nelson and Sharon M. Nelson**, to me known to be the person(s) described in and who executed the foregoing instrument, and acknowledged that he/she/they executed the same as his/her/their free act and deed.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my notarial seal in said County and State, the day and year last above written.

My commission expires: 10/24/23

Crystal Loder  
Notary Public

Printed Name: Crystal Loder



When recorded return to:  
Frazee Abstract & Title, Inc  
301 North Main, PO Box 413  
Syracuse, KS 67878

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**WATER USE CORRESPONDENT CHANGE FORM**

ATTENTION LANDOWNER(S): COMPLETE ONLY IF A NON-OWNER IS TO REPORT WATER USE FOR USE OF AGRICULTURE

To: Kansas Department of Agriculture  
Division of Water Resources  
1320 Research Park Drive  
Manhattan, Kansas 66502  
<http://agriculture.ks.gov/dwr>

Re: Water Use Correspondent for  
File No(s) 10,626

I am aware that Kansas law (K.S.A. 82a-732) requires the owner of a water right or permit to appropriate water for beneficial use, except for domestic use, to file an annual water use report with the Division of Water Resources, Kansas Department of Agriculture on or before March 1 following the end of the previous calendar year. I understand that the law provides that failure to file the report or submission of an incomplete or inaccurate report could subject me, as owner (or part owner) of the above file number(s) to a civil penalty not to exceed \$1,000 and that any person falsifying the report could be charged with a class C misdemeanor.

I further understand that as water use correspondent my designee will be the only person who will receive an annual water use report from the Division of Water Resources concerning my water use reporting requirement.

Information of the new water use correspondent:

Name: Syracuse Dairy, LLC

Address: 751 SE CR 36

City, State, Zip: Syracuse, KS 67878

E-mail: frank@syracusedairy.com

Telephone: (785) 820-6093

I designate the above as the water use correspondent for the above file number(s) until I rescind this authority in writing.

*Natasha te Velde*

Natasha te Velde, Partner, Alfalfa Farms

Owner/Agent Signature

Print Name

322 N Gates Street

620 4510496

Address

Telephone

Syracuse, KS 67878

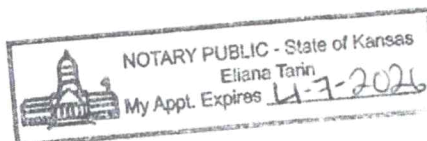
City, State, Zip

State of Kansas )  
County of Hamilton )

I hereby certify that the foregoing instrument was signed in my presence and sworn to before me this  
7th day of September, 2022.

*Eliana Jain*  
Notary (Public)

My Commission Expires:



DWR Initials

# Property Details for PID: 0650752100000001000

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Shareable link to Property Information : <https://www.kansasgis.org/orka/permalinkprop.cfm?parcelid=0650752100000001000>

Shareable link to Map: <https://www.kansasgis.org/orka/permalink.cfm?parcelid=0650752100000001000>

QuickRef ID : R953

Owner Name : ALFALFA FARMS, A KS GEN PTSH

Location:

Abbreviated Boundary Description: S21, T32, R42W, ACRES 155.9, NE LESS ROW

### Owner Information:

Owner ALFALFA FARMS, A KS GEN PTSH

Mailing Address 740 SE CR 36 SYRACUSE, KS 67878

### Property Information:

Type Agricultural Use

Status Active

Taxing Unit 020 WESTOLA TOWNSHIP

Neighborhood Code 420.0

### Secondary Address Details

Address 00000, Richfield, KS 67953

**Market Land Details:**

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Actual Width: 0

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Eff. Width 0

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Eff. Depth 0

Acres 0

Square Feet 0

**No Permit Details found**

**Deed Book Page Details**

Book Page

210 343

**Additional Deed Book Page Details**

Deed Book/Page 0056/0150 0133/0096 0154/0362

**Value Details**

Year 2022

Land \$66,340.00

**Current Final Value (Agricultural)**

Building \$0.00

Total \$66,340.00

**No Dwelling Details found**

---

**No Manufactured Home Details found**

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**No Additional Dwelling Details found**

---

**No Other Improvements found**

---

**No Commercial Building Details found**

---

**No Commercial Building Section Details found**

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**Ag Land Details**

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Acre Type :	No Acres :	Map Unit :	Irrig :	Well Depth :
Dry Land - DR	26.00	1761		
Dry Land - DR	6.90	1856		
Irrigated Land - IR	120.00	1761	C	300
Irrigated Land - IR	3.00	1856	C	300
<b>Total Acres :</b>	<b>155.90</b>			

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**No Ag Building Details found**

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# Property Details for PID: 0650783300000001000

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Shareable link to Property Information : <https://www.kansasgis.org/orka/permalinkprop.cfm?parcelid=0650783300000001000>

Shareable link to Map: <https://www.kansasgis.org/orka/permalink.cfm?parcelid=0650783300000001000>

QuickRef ID : R1005

Owner Name : SYRACUSE DAIRY, LLC

Location: 00975 BLVD S, Richfield, KS 67953

Abbreviated Boundary Description: S33, T32, R42W, ACRES 162.9, NE

### Owner Information:

Owner SYRACUSE DAIRY, LLC

Mailing Address 751 SE CR 36 SYRACUSE, KS 67878

### Property Information:

Type Agricultural Use

Status Active

Taxing Unit 020 WESTOLA TOWNSHIP

Neighborhood Code 420.0

No Secondary Address Details found

### Market Land Details:



Actual Width:	0	WATER RESOURCES RECEIVED
Eff. Width	0	MAY 23 2023
Eff. Depth	0	KS DEPT OF AGRICULTURE
Acres	163	
Square Feet	7,095,924	

**Permit Details**

Number	Date	Amount	Purpose
Dairy - Partial Complete			New Dairy Farm bldg and primary site for 2016

**Deed Book Page Details**

Book	Page
172	405
172	452
181	139
181	165
182	697
183	459

**Additional Deed Book Page Details**

Deed Book/Page 0040/0559 0040/0561 PROB/9630

### Value Details

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	Year	2022
<b>Current Final Value (Agricultural)</b>	Land	\$0.00
	Building	\$3,036,640.00
	Total	\$3,036,640.00

	Year	2022
<b>Current Final Value (Residential)</b>	Land	\$98,620.00
	Building	\$0.00
	Total	\$98,620.00

No Dwelling Details found

No Manufactured Home Details found

No Additional Dwelling Details found

No Other Improvements found

No Commercial Building Details found

No Commercial Building Section Details found

No Ag Land Details found

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**Ag Building Details**

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Type	Quantity	Size	Year Built	Grade	Condition
Farm Utility Building		100X100	2018	AV	AV
Farm Sun Shade Shelter		25X150	2018	AV	AV
Farm Sun Shade Shelter		25X500	2018	AV	AV
Farm Sun Shade Shelter		25X600	2018	AV	AV
Farm Sun Shade Shelter		50X180	2018	AV	AV
Loafing Shed		60X80	2016	AV+	AV
Site Improvements		0X0	2016	AV	AV
Site Improvements		0X0	2015	AV	AV
Farm Sun Shade Shelter		25X690	2018	AV	AV
Farm Sun Shade Shelter		25X150	2018	AV	AV
Farm Sun Shade Shelter		45X120	2018	AV	AV
Storage Warehouse		40X80	2015	AV	AV
Milkhouse		0X0	2016	GD	GD
Commodity Warehouse		40X80	2016	GD	AV

# Property Details for PID: 0650752100000003000

Shareable link to Property Information : <https://www.kansasgis.org/orka/permalinkprop.cfm?parcelid=0650752100000003000>

Shareable link to Map: <https://www.kansasgis.org/orka/permalink.cfm?parcelId=0650752100000003000>

QuickRef ID : R955

Owner Name : SMITH, HOWARD C, ETAL

Location:

Abbreviated Boundary Description: S21, T32, R42W, ACRES 158.6, SW LESS ROW

### Owner Information:

Owner SMITH, HOWARD C, ETAL

Mailing Address P O BOX 1350 ELKHART, KS 67950

### Property Information:

Type Agricultural Use

Status Active

Taxing Unit 020 WESTOLA TOWNSHIP

Neighborhood Code 420.0

### Secondary Address Details

Address 00000, Richfield, KS 67953

**Market Land Details:**

Actual Width:	0
Eff. Width	0
Eff. Depth	0
Acres	0
Square Feet	0

**No Permit Details found**

**Deed Book Page Details**

Book	Page
206	453

**Additional Deed Book Page Details**

Deed Book/Page 0046/0333 0059/0329 0083/0121 0132/0530

**Value Details**

	Year	2022
<b>Current Final Value (Agricultural)</b>	Land	\$3,130.00
	Building	\$0.00
	<b>Total</b>	<b>\$3,130.00</b>

**No Dwelling Details found**

---

**No Manufactured Home Details found**

---

**No Additional Dwelling Details found**

---

**No Other Improvements found**

---

**No Commercial Building Details found**

---

**No Commercial Building Section Details found**

---

**Ag Land Details**

---

Acre Type :	No Acres :	Map Unit :	Irrig :	Well Depth :
Dry Land - DR	70.81	1761		
Dry Land - DR	15.41	1856		
Dry Land - DR	71.12	1995		
<b>Total Acres :</b>	<b>157.34</b>			

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**No Ag Building Details found**

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**FILE No. 10,626**

**APPLICATION TO CHANGE PLACE OF USE AND USE MADE OF WATER**

**AND**

**TERM PERMIT APPLICATION**

**MORTON COUNTY, KANSAS**

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751 SE CR 36  
Syracuse, KS 67878  
(620) 492-2525

May 19, 2023

Earl Lewis, P.E., Chief Engineer  
Division of Water Resources  
Kansas Department of Agriculture  
1320 Research Park Drive  
Manhattan, KS 66502

Subject: File No. 10,626, Application to Change Place of Use and Use Made of Water, Morton County

Dear Mr. Lewis:

Term Permit 20189038 was approved in 2018 to provide a sufficient supply of water for Syracuse Dairy, LLC – Morton County Location (Morton County Dairy). The period of this term permit was five years, ending on June 30, 2023. The five-year period was authorized with the understanding that Syracuse Dairy, LLC would ultimately implement a long-term solution that would provide an adequate quantity of water for the dairy.

Term Permit 20189038 relates to a point of diversion (well) associated with File No. 10,626. This water right is authorized for irrigation use. Alfalfa Farms acquired the land associated with the point of diversion and irrigation place of use pertaining to File No. 10,626 in 2022. Alfalfa Farms has entered into an agreement with Syracuse Dairy, LLC to provide water for stockwatering use at Morton County Dairy. The enclosed change application proposes to make this agreement permanent and thus provide an adequate quantity of water to operate the dairy. The applicants request that a change to dual use for irrigation and stockwatering be approved. The authorized quantity would be reduced to the consumptive use level as long as dual use is authorized. Both Syracuse Dairy, LLC and Alfalfa Farms have signed the enclosed application.



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We understand that staffing issues have increased the time needed to review and approve change applications. It is unlikely that this change application can be approved by the expiration of Term Permit 20189038. We have also included an application for another term permit. The requested period runs from July 1, 2023 to June 30, 2024. The rate and quantity requested are consistent with the expiring term permit and the change application. We are requesting this authorization so that we can continue to divert water from File No. 10,626 to Morton County Dairy for stockwatering use.

We have included calculations that establish the required annual stockwatering quantity. These calculations are based on our experience and reasonable use values included in K.A.R. 5-3-22. This quantity is significantly greater than the apparent stockwatering use in previous years. We noted that Morton County Dairy appeared to use less water on a unit basis than our other dairies. We assumed that the issue related to the flowmeters and we had them repaired in September 2020. Meter repair reports were submitted as required. Lower use continued to be observed and we requested that the flowmeters be checked by DWR staff in 2021 and 2022. A detailed check was eventually performed in April of this year. The results indicated that the meters were satisfactory, but the configuration of the discharge piping and valves was causing turbulence that interfered with the function of the meters. We have developed a plan to modify the configuration of the piping and valves in consultation with the Garden City Field Office. We expect to have this work done in the next 30 days. We will notify the Field Office when the work is complete and request another test to verify compliance. We expect that this will resolve the issue. It is imperative, however, that the quantity requested in our application be approved on the basis of reasonable use, rather than past historical use.

Please contact me if you have any questions concerning the enclosed applications and supporting documentation. Thank you for your consideration of this matter.

Respectfully,



Frank C. Mercurio, P.E.

Enclosures