





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

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

**TO:** Files

**DATE:** June 29, 2023

**FROM:** Leslie Ireland

**RE:** Water Right, File No. 37,654

Phil Moreman, General Manager, Syracuse Feedyard owner of the referenced water right authorized for stockwater use, filed an application for approval to change the point of diversion which proposes to correct the location of a new well that was approved in October 2017. The application received on November 9, 2022, is located in the Arkansas River Basin, Ark River IGUCA

The referenced water right appears not to be abandoned as per K.S.A. 82a-718, and is in compliance with K.S.A. 82a-732. The application appears to be complete per K.A.R. 5-5-2a, *Complete change application*. As required by K.S.A. 82a -1906, the nearby landowners who were indicated to own a well within one-half (½) mile were contacted by letter dated April 7, 2023. No comments were received.

The approval will correct the point of diversion per K.A.R. 5-5-6, *Failure to construct diversion works at authorized location*.

The referenced file authorizes one (1) well with no overlaps in the point of diversion. It appears the 2017 approved point of diversion was completed 718 feet to the South of the authorized location. The application proposes to authorize the actual location of 467 feet North and 3,997 feet West of the Southeast corner of Section 10, Township 24 South, Range 40 West, Hamilton County, not the authorized of 885 feet North and 4,020 feet West. The approval will correct the qualifiers to the Southeast Quarter of the Southwest Quarter of the Southwest Quarter (SE¼ SW¼ SW¼).

The previously authorized approval being corrected moved the well away from the Arkansas River. The corrected location is closer to the river, but still less than the originally authorized point of diversion that was located 100 feet North and 3,380 feet West . The correction appears to comply with the Ark River IGUCA requirement of not moving closer to the river.

Review of the well logs for this confined Dakota (Code 340) sourced well completed in 2018 found the newer well to be completed approximately 100 feet deeper than the originally authorized well. The new well has clay and clay with shale from 401 to 440 feet, however comparison of the well logs indicates the same local source of supply. The owner submitted the required log with the 2020 notice of completion.

The water right is subject to K.A.R. 5-4-4; *Well spacing* which indicates that the minimum well spacing requirement to other non-temporary and non-domestic wells for the wells in the confined Dakota is four (4) miles and one-half (½) mile to domestic wells. A review of a four (4) mile area around the proposed well found the well under File No. 37,653 located approximately 1,200 feet to the Northeast is also classified as confined Dakota (Code 340) source of supply and has been historically waived. It was initially thought a waiver of K.A.R. 5-4-4 was needed, thus requested and processed as such, but later review indicates the change complies with part (d)(2) of K.A.R. 5-4-4 with the currently completed well being less than that 300 feet from the originally authorized. The change actually improves the distance to the other Dakota wells, that are under the same ownership and serving the same livestock facility. It appears a waiver is not required per K.A.R. 5-4-4(d)(2).

There are two(2) domestic wells and two (2) stockwater wells utilized for by the feedlot use located within one-half ( $\frac{1}{2}$ ) mile. There are six(6) water rights that authorize a total of ten (10) wells within the four mile area, all of which are authorized for stockwater use and owned by the applicant. As the domestic wells are close to the well under File No. 22,076, and not very deep, they would be classified as being in the Ark River IGUCA and considered alluvium. The review of the domestic well logs found they were completed to 191 feet, at gray shale. The corrected well and the existing wells under the senior rights, File Nos. 32,061 & 37,653, have never meet the maximum well to well spacing and will not meet the spacing after the approval, but the owner has operated them as such for thirty years.

Michael Meyer, Water Commissioner of the Garden City Field Office has reviewed the proposed change. He recommended approval of the proposal and supported the waiver of K.A.R. 5-4-4 if needed per his e-mail dated April 21, 2023. As it appears the waiver is not needed it would appear he still recommends the application be approved.

The well has a flow meter installed and a water level measuring tube. A check valve will be required on if the systems will be chemigating. The owner will be informed by letter that the old well is to be plugged in accordance with KDHE regulations. A well log will not be a condition of the approval as a log was submitted with the notice of completion. This correction will not require a notice of completion in 2023 as it appears to have been submitted and the well is complete.

The proposed change to correct the well location appears to comply with the IGUCA, is reasonable, and the source of supply will remain unchanged. It appears impairment is not an issue in this area and it is recommended by DWR staff the application be approved.



Leslie Ireland  
Environmental Scientist  
Water Appropriation Program

## Ireland, Leslie [KDA]

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**From:** Meyer, Mike [KDA]  
**Sent:** Friday, April 21, 2023 11:57 AM  
**To:** Ireland, Leslie [KDA]  
**Subject:** RE: Review and Recommendation Change in PD File No. 37654 Syracuse

Yes I recommend approval as this is to correct the location of an existing well and support the waiver.

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**From:** Ireland, Leslie [KDA] <Leslie.Ireland@ks.gov>  
**Sent:** Friday, April 21, 2023 11:48 AM  
**To:** Meyer, Mike [KDA] <Mike.Meyer@ks.gov>  
**Subject:** Review and Recommendation Change in PD File No. 37654 Syracuse

Mike,

Correction of Syracuse Confined Dakota well

The well has a flow meter installed and a water level measuring tube. A check valve will be required on if the systems will be chemigating. The owner will be informed by letter that the old well is to be plugged in accordance with KDHE regulations. A well log will not be a condition of the approval as a log was submitted with the notice of completion. This correction will not require a notice of completion in 2023 as it appears to have been submitted and the well is complete.

Leslie Ireland  
Environmental Scientist  
Change Application Unit  
Division of Water Resources



THE STATE  OF KANSAS

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

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

**APPROVAL OF APPLICATION  
FOR  
CHANGE IN POINT OF DIVERSION  
WATER RIGHT  
FILE NO. 37,654**

The Chief Engineer, Division of Water Resources, Kansas Department of Agriculture, after due consideration of the written application of Phil Moreman, General Manager, Syracuse Feedyard, PO Box 1226, Syracuse, Kansas 67878, received in the Office of the Chief Engineer on November 9, 2022, for approval of a change in the location of the point of diversion under the certificate of appropriation issued pursuant to the application for permit to appropriate water for beneficial use, as modified and amended by the Order of the Chief Engineer dated October 31, 2017, approving the application to change the point of diversion, finds that the change is reasonable and will not impair existing rights, that the change relates to the same local source of supply and that the application should be and is hereby approved.

The effective date of the change shall be the date this order is executed by the Chief Engineer, after which the authorized location of the point of diversion shall be:

one (1) well located in the Southeast Quarter of the Southwest Quarter of the Southwest Quarter (SE $\frac{1}{4}$  SW $\frac{1}{4}$  SW $\frac{1}{4}$ ), of Section 10, more particularly described as being near a point 467 feet North and 3,997 feet West of the Southeast corner of said section, in Township 24 South, Range 40 West, Hamilton County, Kansas,

located substantially as shown on the topographic map accompanying the application to change the point of diversion.

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

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

In all other respects, the Certificate of Appropriation issued pursuant to Approval of Application, File No. 37,654, for permit to appropriate water for beneficial use, is as stated and set forth in the Certificate of Appropriation dated June 17, 1993, as modified, and amended by the aforementioned order.

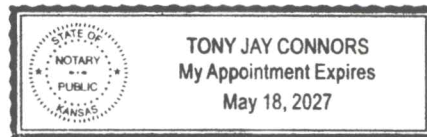
Ordered this 29 day of June, 2023, in Manhattan, Riley County, Kansas.

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

State of Kansas )  
                          )     SS  
County of Riley )

The foregoing instrument was acknowledged before me this 29 day of June, 2023, by Lane P. Letourneau, P.G., Program Manager, Division of Water Resources, Kansas Department of Agriculture.

Tony Jay Connors  
Notary Public



1320 Research Park Drive  
Manhattan, KS 66502  
785-564-6700  
www. agriculture.ks.gov



900 SW Jackson, Room 456  
Topeka, KS 66612  
785-296-3556

Mike Beam, Secretary

Laura Kelly, Governor

July 5, 2023

SYRACUSE FEEDYARD  
PHIL MOREMAN GEN MGER  
PO BOX 1226  
SYRACUSE, KS 67878

RE: Water Right, File No. 37,654

Dear Mr. Moreman:

Enclosed is the order executed by the Chief Engineer, Division of Water Resources, Kansas Department of Agriculture approval of the application for change under the referenced file.

Your attention is directed to the enclosures and to the terms, conditions, and limitations specified in the approval for change. A condition of the approval is that a water flowmeter meeting 5-1-4 through 5-1-12 must be installed on the diversion works authorized under the referenced files. It appears a meter is installed, however if it has been recently replaced, please contact our staff at the Garden City Field Office, their phone number is 620-276-2901.

Any abandoned water wells 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.

Since this order modifies the original document referred to above, it should be recorded with the Register of Deeds as other instruments affecting real estate.

If you have any questions regarding the enclosed documents, please contact us at 785-564-6640. 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 blue ink that reads "Kristen A. Baum". The signature is written in a cursive style.

Kristen A. Baum  
New Application and Change Unit Supervisor  
Water Appropriation Program

KAB:LI:li

Enclosures  
pc: Garden City Field Office



## RIGHT TO A HEARING AND TO ADMINISTRATIVE REVIEW

If you are aggrieved by this Order, then pursuant to K.S.A. 82a-1901, you may request an evidentiary hearing before the Chief Engineer or request administrative review by the Secretary of Agriculture. Failure to request an evidentiary hearing before the Chief Engineer does not preclude your right to administrative review by the Secretary.

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

If you do not file a request for an evidentiary hearing before the Chief Engineer, you may petition for administrative review of the Order by the Secretary of Agriculture. A petition for review shall be in writing and state the basis for requesting administrative review. The request for review may be denied if the request fails to clearly establish factual or legal issues for review. See K.S.A. 77-527. The petition must be filed within 30 days after service of this Order as provided in K.S.A. 77-531 (**i.e., within a total of 33 days after this Order was mailed to you**), and be filed with the Secretary of Agriculture, Attn: Legal Division, Kansas Department of Agriculture, 1320 Research Park Drive, Manhattan, Kansas 66502, or by 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 5 day of July, 2023, I hereby certify that the attached Approval of Application for the Change in Point of Diversion, Water Right, File No. 37,654, dated June 29 was mailed postage prepaid, first class, US mail to the following:

SYRACUSE FEEDYARD  
PO BOX 1226  
SYRACUSE, KS 67878  
With photocopies to:

Garden City Field Office

  
Division of Water Resources