

| | | | |
|-----------------------|---|-------------------|--|
| File No. 10626 | 13. County: MT Basin: N F CIMARRON RIVER Stream: | | |
| Structures File No: | Aquifer Code: 211 331 | Special Use Area: | |

| 14. Points of Diversion, Rates & Quantities | | | | | | | | | | Qty AF | | Rate | | Storage Qty | | Storage Rate | |
|---|--------------|-----------------|-----------|-----------|------------|----------|-------------|--------------------|------------|------------|------------|------------|------|-------------|----------|--------------|--|
| PDIV | Qualifier | S | T | R | ID | 'N | 'W | Comment (AKA Line) | Auth | Add | Auth | Add | Auth | Add | Auth/Add | Overlaps | |
| CHK | 12366 | SE SW NE | 21 | 32 | 42W | 3 | 2690 | 1450 | 314 | 314 | 400 | 400 | | | | + | |
| DEL | | | | | | | | | | | | | | | | # | |
| ENT | | | | | | | | | | | | | | | | | |

15. Limitations Type: **DUAL USE IRR STK** Quantity: **277.3 AF** Rate: **gpm** combined with file no(s): **NONE**
 Type: **Other** Quantity: Rate: combined with file no(s):

16. Metering Metering Required Anti-Reverse Required Seal Required Compliance Date: 12/31/2024

| 17. Place of Use | | | | | | NE¼ | | | | NW¼ | | | | SW¼ | | | | SE¼ | | | | Total | Owner(s) | Chg? | Overlaps | | |
|------------------|--------------|-----------|-----------|------------|----------|---------------------------------------|--------------|-------------|-------------|-----|----|----|----|-----|----|----|----|-----|----|----|----|-------|------------|--------------------------|--------------------------|--------------------------|------------|
| PDIV | S | T | R | ID | | NE | NW | SW | SE | NE | NW | SW | SE | NE | NW | SW | SE | NE | NW | SW | SE | | | | | | |
| CHK | 1927 | 21 | 32 | 42W | 4 | 38.50 | 38.50 | 40.0 | 40.0 | | | | | | | | | | | | | | 157 | 5b | <input type="checkbox"/> | * | |
| | | | | | | | | | | | | | | | | | | | | | | | | | | <input type="checkbox"/> | ** |
| | | | | | | | | | | | | | | | | | | | | | | | | | | <input type="checkbox"/> | *** |
| | | | | | | | | | | | | | | | | | | | | | | | | | | <input type="checkbox"/> | |
| ENT | 67623 | 33 | 32 | 42W | 4 | DAIRY (NE) MORTON COUNTY DAIRY | | | | | | | | | | | | | | | | | 5a | <input type="checkbox"/> | ^ | | |
| | | | | | | | | | | | | | | | | | | | | | | | | <input type="checkbox"/> | ^^ | | |

| | |
|--|--|
| 18. Point of Diversion and Place of Use Overlaps + NONE ++ # ^ 2161 28128 20189038 20239044 20189011 | * ** *** ^^ |
|--|--|

This approval should help with the peak demands and provides another point of diversion for stockwater use. The application indicated the facility is permitted for 6,000 head of mature dairy milking cows. It would appear they are located in open lots. The facility also has a herd of 700 dry cows. Together with facility sanitation has an estimated allowance per regulation of 158.59 million gallons. This quantity is just slightly more than the new combined total if all diverted for stockwater use. The information provided indicates the change complies K.A.R 5-3-22, *Maximum reasonable quantity of water for livestock and poultry*.

The proposed change to authorize an additional 277.3 AF (90.35 mgy) that could be diverted for use at the dairy when combined with the existing quantity a maximum total of 157.08 mgy (482 AF) under File Nos. 2,161; 10,626 & 28,128 will be authorized for stockwater use if all diverted as such. The submitted justification of 158.59 mgy for the dairy and the proposed 277.3 AF (90.35 mgy) may not be diverted 100% for stockwater use, instead as dual use. No additional limitation on the quantity will be added by this approval.

The irrigation portion will now authorize a limited 277.3 AF on the 157 acres (A) resulting in an irrigation ratio of 1.77 AF/A if solely operated as irrigation use. While slightly more than the 1.43 AF/A per K.A.R. 5-5-12, *Net irrigation* at the 80% chance that would afford the irrigation of 157 maximum acres at an 85% efficiency. The 50% chance value is 1.28 AF equating to 201 AF of water needed for irrigation at a lesser chance of rain.

A 2018 Compliance Investigation completed by DWR Staff, determined the location of the well under the referenced file to be approximately 98 feet South of the authorized 2,690 feet North and 1,450 feet West to approximately 2,633 feet North and 1,529 feet West of the Southeast corner of Section 21. The information would move the well from the Northeast Quarter (NE $\frac{1}{4}$) of to the Southeast Quarter (SE $\frac{1}{4}$) Section 33, Township 32 South, Range 42 West, Morton County. Due to the Southeast Quarter (SE $\frac{1}{4}$) being under different ownership and the Compliance Investigation being 6 years old, the data will not be utilized to update the well location as it appears an official survey may be needed by the landowner.

The review of the change application identified the one(1) well, File No. 16,277 within one-half ($\frac{1}{2}$) mile of the well proposing to change. The well to well spacing of these wells is approximately 2,247 feet. As no wells are moving and the annual quantity diverted will be reduced it would appear well to well spacing is not an issue. As the proposed well for change has operated under term permits for many years it would indicate no impairment would be anticipated.

In a letter dated March 8, 2024, from Jason Norquest, Manager of Southwest Kansas Groundwater Management District No. 3, stated the application was recommended for approval.

Mike Meyer, Water Commissioner of the Garden City Field Office, indicated that he recommended approval of the application and operation as dual use, by email April 1, 2024.

A condition of the approval will be the requirement of a flow meter for each use authorized, pursuant to K.S.A. 82a-706c. A check valve will be required if chemigation occurs. The water use correspondent will remain as designated.

Based on the above discussion, that the change is 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 application for change be approved.



Leslie Ireland
Environmental Scientist
Water Appropriation Program

Ireland, Leslie [KDA]

From: Meyer, Mike [KDA]
Sent: Monday, April 1, 2024 2:39 PM
To: Ireland, Leslie [KDA]
Subject: RE: Review and Recommendation, Change PU UMW File No. 10262 - Syracuse

I think we are all good with this proposal. All quantities are reasonable. It appears the term permit will soon expire after this approved.

I recommend approval

thanks

From: Ireland, Leslie [KDA] <Leslie.Ireland@ks.gov>
Sent: Monday, April 1, 2024 2:24 PM
To: Meyer, Mike [KDA] <Mike.Meyer@ks.gov>
Subject: Review and Recommendation, Change PU UMW File No. 10262 - Syracuse

Mike,

Please let me know if you'd recommend the change to replace the term permits. I didn't receive any calls on the nearby notice letter.

The GPS update would put the well on another well owners land so I said an official survey would be needed to update and pd would stay as authorized.

As always comments and concerns are welcome.

Leslie Ireland
Environmental Scientist
Change Application Unit
Division of Water Resources



THE STATE OF KANSAS



KANSAS DEPARTMENT OF AGRICULTURE
Mike Beam, Secretary of Agriculture

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

**APPROVAL OF APPLICATION
FOR
CHANGE IN USE MADE OF WATER
PLACE OF USE
AND
ORDER IN THE MATTER OF THE AUTHORIZED QUANTITY OF WATER
WATER RIGHT
FILE NO. 10,626**

The Chief Engineer, Division of Water Resources, Kansas Department of Agriculture, after due consideration of the written application of Natasha teVelde on behalf of Alfalfa Farms, 322 North Gates Street, Syracuse, Kansas 67878, along with Jay Houtsma on behalf of Syracuse Dairy LLC, 751 Sotheast County Road 36, Syracuse, Kansas 67878, received in the office of the Chief Engineer on May 23, 2023, for approval of a change in the location of the place of use and use made of water, under the certificate of appropriation issued pursuant to the permit to appropriate water for beneficial 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 314 acre-feet (102.32 million gallons). This order effectively limits the authorized quantity of water to 277.3 acre-feet (90.35 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 a maximum quantity not to exceed 277.3 acre-feet (90.35 million gallons) of groundwater per calendar year, for irrigation use 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 | |
| 21 - 32S - 42W | 38.5 | 38.5 | 40.0 | 40.0 | | | | | | | | | | | | | 157.0 |

a total of 157.0 acres in Section 21, Township 32 South, Range 42 West, Morton County, Kansas.

The portion changed to stockwatering use shall be authorized a quantity not to exceed 90.35 million gallons (277.3 acre-feet) of groundwater per calendar year for use at the location described as being:

a dairy located in the Northeast Quarter (NE¼) of Section 33, Township 32 South, Range 42 West, Morton 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.

The water right owner shall properly install a separate acceptable water meter for each use made of water from 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 for each authorized use 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. 10,626, for permit to appropriate water for beneficial use, is as stated and set forth in the Certificate of Appropriation dated December 12, 1984.

Ordered this 9 day of April, 2024, in Manhattan, Riley County, Kansas.

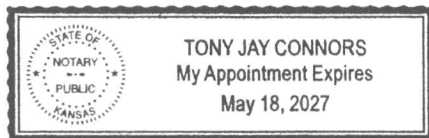
Lane P. Letourneau

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

State of Kansas)
) SS
County of Riley)

The foregoing instrument was acknowledged before me this 9 day of April, 2024, by Lane P. Letourneau, P.G., Water Appropriation 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

April 11, 2024

FRANK C MERCURIO
SYRACUSE DAIRY LLC
751 SE CR 36
SYRACUSE, KS 67878-7822

RE: Water Right
File No. 10,626

Dear Mr. Mercurio:

Enclosed is the order executed by the Chief Engineer, Division of Water Resources, Kansas Department of Agriculture, approving the applications 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 an acceptable water flowmeter must be installed on the diversion works authorized. The approval requires an acceptable water flowmeter to be installed so that both irrigation and stockwatering uses will be metered independent of each other from the well authorized. Please return the required notification of installation of the meters as soon as this action is completed.

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

If you have any questions regarding the enclosed documents, please contact our office at 785-564-6640. Inquiries about metering requirements should be directed to our staff at the Garden City Field Office, which can be contacted at 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,

Kristen A. Baum
New Applications and Changes Supervisor
Division of Water Resources

Enclosures

pc: Garden City Field Office
Groundwater Management District No. 3
Natasha te Velde, Alfalfa Farms

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.

Any request for hearing or petition for administrative review shall be in writing and shall be submitted to the attention of: Chief Legal Counsel, Kansas Department of Agriculture, 1320 Research Park Drive, Manhattan, Kansas 66502, Fax: (785) 564 - 6777.

CERTIFICATE OF SERVICE

On this 11 day of April, 2024, I hereby certify that the attached original Approval of Application for Change under Water Right, File No. 10,626 dated April 9, 2024, was mailed postage prepaid, first class, US mail to the following:

SYRACUSE DAIRY LLC
751 SE CR 36
SYRACUSE KS 67878-7822

With a true & correct copy sent to:

ALFALFA FARMS
NATASHA TE VELDE
322 N GATES ST
SYRACUSE KS 67878

With photocopies to:

KDA-DWR Garden City Field Office

Southwest Kansas GMD No. 3



Staff