

File No. 40445	13. County: ME Basin: CIMARRON RIVER Stream: NA
Structures File No:	Aquifer Code: 211 Special Use Area: NA

14. Points of Diversion, Rates & Quantities													
PDIV	Qualifier	S	T	R	ID	'N	'W	Comment (AKA Line)	Qty	Rate	Storage Qty	Storage Rate	Overlaps
									Auth	Add	Auth	Add	Auth/Add
NO CHANGE													+

15. Limitations Type:	Quantity: AF	Rate: gpm	combined with file no(s): 398AF/YR @ 1290GPM COM/W #22306 & 41192 NO CHANGE
Type:	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						
DEL	68988	7	33	30W	3									40.0	L-3 38.22	L-4 21.38	22.40					122	5a	<input type="checkbox"/>	*		
ENT	71821	12	33	31W											5.0	25.0		30.0	20.0	20.0	22.0	122	5a	<input type="checkbox"/>	*		
CHK	14978	28	33	31	1													24.0	24.0	35.0	35.0	118	5e	<input type="checkbox"/>	*		
CHK	34851	33	33	31W	1	33.0	33.0	30.5	30.5													127.0	8e	<input type="checkbox"/>	*		
CHK	54686	24	33	31W	2	18.0	12.0	31.0	31.0													92	8c & 8e	<input type="checkbox"/>	*		
CHK	4608	23	33	31W	1									32.5	32.5	32.5	32.5	32.5	32.5	32.5	32.5	260	5e	<input type="checkbox"/>	*		
CHK	64203	35	33	31W	2									30.75	30.75	30.75	30.75					123	5g	<input type="checkbox"/>	*		
CHK	52730	25	33	31W	3									30.75	30.75	30.75	30.75					123	5g	<input type="checkbox"/>	*		
CHK	29418	36	33	31W	2	30.75	30.75	30.75	30.75													123	5g	<input type="checkbox"/>	*		
CHK	32981	31	33	30W	1					30.75	L-1 30.75	L-2 30.75	30.75									123	5g	<input type="checkbox"/>	*		
CON TIN UED																											

18. Point of Diversion and Place of Use Overlaps	<p>* 22306 26247 40445 41192 41578 41579 41580 41581 42084 42110 42708 43082 43105 43220 43333 43635 43880 44248 44945 44946 45295 ALL FILES MAINTAIN A COMPLETE PU OVERLAP</p>
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File No. 40445		13. County: ME SW Basin: CIMARRON RIVER Stream: NA																							
Structures File No:		Aquifer Code: 211								Special Use Area: NA															
17. Place of Use CONTINUED		NE¼				NW¼				SW¼				SE¼				Total	Owner(s)	Chg?	Overlap				
PDIV	S	T	R	ID	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE					
MOD	51981	34	33	31W 2					31.25	16.25	31.25	31.25									109	110	5g	<input type="checkbox"/>	*
CHK	51385	27	33	31W 1	31.5	31.5	31.5	31.5									31.5	31.5	31.5	31.5		251	5e	<input type="checkbox"/>	*
CHK	51386	27	33	31W 2									31.25	31.25	31.25	31.25						125	5g	<input type="checkbox"/>	*
CHK	52315	34	33	31W 3	30.75	30.75	30.75	30.75														123	5b	<input type="checkbox"/>	*
CHK	52729	35	33	31W 1	30.75	30.75	30.75	30.75	30.75	30.75	30.75	30.75										246	5g	<input type="checkbox"/>	*
CHK	65406	31	33	30W 5									30.75	L-3 30.75	L-4 30.75	30.75						123	5a	<input type="checkbox"/>	*
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	5a	<input type="checkbox"/>	*
CHK	50349	24	33	31W 1					30.75	30.75	30.75	30.75										123	5e	<input type="checkbox"/>	*
CHK	4455	30	33	31W 1					30.75	L-1 30.75	L-2 30.75	30.75										123	5a	<input type="checkbox"/>	*
CHK	34792	13	33	31W 1					32.5	32.5	32.5	32.5					14.5	34.0	40.0	34.0		252.5	5f & 5c	<input type="checkbox"/>	*
CHK	40010	13	33	31W 2									34.0	14.5	34.0	40.0						122.5	5d	<input type="checkbox"/>	*
																							<input type="checkbox"/>	*	
18. Point of Diversion and Place of Use Overlaps													<p>* 22306 26247 40445 41192 41578 41579 41580 41581 42084 42110 42708 43082 43105 43220 43333 43635 43880 44248 44945 44946 45295 ALL FILES MAINTAIN A COMPLETE IRR PU OVERLAP</p>												

KANSAS DEPARTMENT OF AGRICULTURE
Division of Water Resources

M E M O R A N D U M

TO: File

DATE: June 17, 2024

FROM: Leslie Ireland

RE: Water Right, File Nos. 22,306; 26,247; 40,445; 41,192; 41,578; 41,579; 41,580; 41,581; 42,084; 42,110; 42,708; 43,082; 43,105; 43,220; 43,333; 43,635; 43,880; 44,248; 44,945; 44,946 & 45,295

Greg Bethard on behalf of High Plains Ponderosa Dairy LLC and Rock Ormiston on behalf of Southwest Agri-Center Inc.; Parity Investments Inc.; Ormiston Trust of 1992; The Ormiston Decedents Trust et al., and Rock Alan & Stephanie L. Ormiston II, along with Carl Ray & Zita Bond as owners submitted applications on August 28, 2023, to change the irrigated place of use. The applications were requested to move an irrigated quarter to a new location to afford the expansion of the stockwatering use at the dairy. The project is located in the Crooked Creek Basin, Meade and Seward Counties.

The referenced files were submitted with the proposed changes to the existing stockwater facility located in Section 18, expanding to add Section 7, both in Township 33 South, Range 30 West, and proposed to overlap with the facility located in Section 12, in Township 33 South, Range 31 West. The proposed changes to the stockwater use only, File Nos. 21,974 30,777 & 40,861 (previously Dekalb Swine) File Nos. 12,332 & 45,387 with dual irrigation-stock uses authorized or proposed under File Nos. 24,437 25,634; 41,630; 41,578; 41,579; 41,580 & 41,678 will be summarized by a separate memo.

The referenced water rights appear to be in compliance with K.S.A. 82a-732. Notice per K.S.A. 82a-1906 does not appear to be needed as the wells within one-half mile are all owned by the applicants.

The referenced files are authorized to irrigate a place of use comprised of 3,300 irrigated acres is located in Township 33, and in Range 30 West, Meade County to 31 West, Seward County. The place of use change is two modifications. The first change in place of use will remove the 122 acres in Section 7, Meade County. These acres will be move and utilized to irrigate the area around the livestock facility located in the Southwest and Southeast Quarters (SE $\frac{1}{4}$ & SW $\frac{1}{4}$) Section 12, Seward County. The second place of use change is for a small livestock facility resulting in the rearrangement of acres in the Northwest corner of the Northwest Quarter of Section 34, Township 33, Range 31 West, Seward County. This rearrangement of will remain at 110 acres going to a pie setup and a slight circumference enlargement. The place of use acres, comprised of 21 files, total authorized acres will not increase or decrease. The 3,300 authorized and proposed complies with part (b) of K.A.R. 5-5-11, *Applications for change in place of use for irrigation purposes*. No increase in the consumptive should occur thus complying with K.A.R. 5-5-3, *Change in consumptive use*.

File Nos. 41,578; 41,579 & 41,580 are authorized for dual use with both the irrigation and stockwater places of use changing. The stockwater use will be summarized by a separate memo.

The actual location of the wells authorized under File Nos. 41,579; 41,581; 42,708;, have been determined by GPS protocol during Compliance Investigations. The updated locations were found to be within 300 feet of the authorized locations and will be updated by the approvals.

In a letter dated May 2, 2024, Jason Norquest, Assistant Manager, Southwest Kansas Groundwater Management District No. 3, recommend approval of the applications.

RE: Water Right, File Nos. 22,306; 26,247; 40,445; 41,192; 41,578;
41,579; 41,580; 41,581; 42,084; 42,110; 42,708; 43,082; 43,105;
43,220; 43,333; 43,635; 43,880; 44,248; 44,945; 44,946 & 45,295

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Michael Meyer, Water Commissioner of the Garden City Field Office area reviewed the proposed applications. In an email dated June 17, 2024, he recommended approval of the change applications.

Water flowmeters will be required for the change approvals as new acres will be irrigated. The water use correspondent will remain Parity Investments Inc., for all of the referenced files. A check valve will be required, if chemigating. As no new wells will be drilled a water level measurement tube and WWC-5 will not be a condition of the approvals.

Based on the above discussion, that the change to the place of use authorized by all of the referenced files will maintain the complete overlap with no increase in the historical consumptive use with no impairment to existing water rights and no change in the local source of supply will occur, it is recommended that the referenced applications be approved.



Leslie Ireland
Environmental Scientist
Water Appropriation Program

Ireland, Leslie [KDA]

From: Meyer, Mike [KDA]
Sent: Monday, June 17, 2024 9:59 AM
To: Ireland, Leslie [KDA]
Subject: RE: Changes In Stock PU 2,332; 21,974; 24,437; 25,634; 30,777; 40,861; 41,578; 41,579; 41,580; 41,630; 41,678 & 45,387

Looks good to me. Thanks!

Please proceed with approvals.

From: Ireland, Leslie [KDA] <Leslie.Ireland@ks.gov>
Sent: Monday, June 17, 2024 9:54 AM
To: Meyer, Mike [KDA] <Mike.Meyer@ks.gov>
Subject: Changes In Stock PU 2,332; 21,974; 24,437; 25,634; 30,777; 40,861; 41,578; 41,579; 41,580; 41,630; 41,678 & 45,387

Mike,

I rewrote this memo about the stockwater expansion per your request.

The use and total values are the same it is mainly to summarize more about File Nos. 21,974; 30,777 & 40,861 that started the project.

Please let me know if you'd recommend this version. As always comments and concerns are welcome.

Also any suggestions to wrangle this huge project.

I do have the orders and worksheets done for IRR PU N & S & stockwater...whew.. lots of orders..

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 PLACE OF USE WATER RIGHT, FILE NO. 40,445

The Chief Engineer, Division of Water Resources, Kansas Department of Agriculture, after due consideration of the written application of Greg Bethard 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 L. Ormiston II, PO Box 43, Kismet, Kansas 67859-0043, received in the office of the Chief Engineer on August 28, 2023, 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 effective date of the change shall be the date this order is executed by the Chief Engineer, after which the authorized location of the place of use shall be:

Sec. Twp. Range	NE¼				NW¼				SW¼				SE¼				TOTAL	
	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼		
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	Lot 3 14.50	Lot 4 34.00	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	30.75	Lot 3 30.75	Lot 4 30.75	30.75					246.0

a total of 859 acres in Sections 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		
12 33 31W										5.00	25.00			30.00	20.00	20.00	22.00	122.0
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	31.25	16.25	31.25	31.25										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 2,441 acres in Sections 12, 13, 23, 24, 25, 27, 28, 33, 34, 35 and 36, all in Township 33 South, Range 31 West, Seward County, Kansas,

located substantially as shown on the topographic map accompanying the application to change the 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 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. 40,445, for permit to appropriate water for beneficial use, is as stated and set forth in the Certificate of Appropriation dated August 7, 2000, as modified and amended by the aforementioned orders.

Ordered this 2 day of July, 2024, in Manhattan, Riley County, Kansas.

Lane P. Letourneau

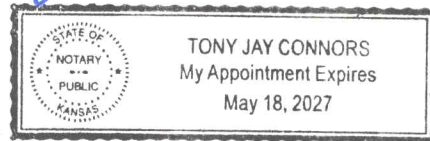
Lane P. Letourneau, P.G.
Water Appropriation Program Manager
Division of Water Resources
Kansas Department of Agriculture

State of Kansas)
) SS
County of Riley)

The foregoing instrument was acknowledged before me this 2 day of July, 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

July 12, 2024

GREG BETHARD
HIGH PLAINS PONDEROSA DAIRY LLC
2042 V RD
PLAINS KS 67869

RE: Water Right
File Nos. 22,306; 26,247; 40,445; 41,192; 41,578;
41,579; 41,580; 41,581; 42,084; 42,110; 42,708;
43,082; 43,105; 43,220; 43,333; 43,635; 43,880;
44,248; 44,945; 44,946 & 45,295

Dear Mr. Bethard:

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 file numbers.

Your attention is directed to the enclosures and to the terms, conditions, and limitations specified in these approvals. The additional existing limitations on the referenced files remain as detailed in the certificate and previous orders. A condition of the approvals is that an acceptable water flowmeter must be installed on the diversion works authorized under the referenced files. Records in this office indicate that meters are installed on the authorized points of diversion.

If a meter has been repaired or replaced, please complete, and submit the information found at our web site <http://agriculture.ks.gov> or you must contact our staff at the Garden City Field Office at 620-276-2901.

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.

An annual water use report must be filed with the Chief Engineer by March 1, following the end of each calendar year. If a complete annual water use report is not received by the deadline, then a fine may be assessed and all water use under such permit or right may be suspended. Reports submitted in paper form will be assessed a \$20 per file number paper filing fee. In order to avoid this filing fee, you may submit your reports online at www.kswaterusereport.org.

HIGH PLAINS PONDEROSA DAIRY LLC

File Nos. 22,306; 26,247; 40,445; 41,192; 41,578; 41,579; 41,580; 41,581; 42,084; 42,110; 42,708; 43,082; 43,105; 43,220; 43,333; 43,635; 43,880; 44,248; 44,945; 44,946 & 45,295

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If you have any questions, please contact us at 785-564-6640, or our staff at the Garden City Field Office at 620-279-2901. 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 Application and Change Unit Supervisor
Water Appropriation Program

KAB:kak:li

Enclosures

pc: Garden City Field Office
Groundwater Management District No. 3
Carl Ray & Zita Bond
Rock Ormiston
Rock A & Stephanie L Ormiston II

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 12 day July, 2024, I hereby certify that the attached Approval of Applications for Change under Water Right, File Nos. 22,306; 26,247; 40,445; 41,192; 41,578; 41,579; 41,580; 41,581; 42,084; 42,110; 42,708; 43,082; 43,105; 43,220; 43,333; 43,635; 43,880; 44,248; 44,945; 44,946 & 45,295 dated, July 2, 2024, were mailed postage prepaid, first class, US mail to the following:

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

With true and correct copies to:

Rock Ormiston
303 Main St
Kismet, KS 67859

Rock A. & Stephanie L. Ormiston II
PO Box 43
Kismet, KS 67859-0043

Carl Ray & Zita Bond
125 W 590 Ave
Girard, KS 66743-2380

With photocopies sent to:
KDA-DWR Garden City Field Office
Groundwater Management District No. 3


Division of Water Resources