Kansas Department of Agriculture Division of Water Resources APPROVAL OF CHANGE APPLICATION WORKSHEET

1. File No.: 43333	2. Status Change Date:	7/2/2024	GMD: 0 :	Office: 04 - Garden City : 03 - Southwest :tures File No.:						
3. Package File No(s): STK 12332, 21974 41580, 41630, 41678 & 45387 IRR 22306, 26247, 40445, 41192, 41578 42708, 43082, 43105, 43220, 43333, 43	Filing/Pri	ority Date: 8/28/2 on Complete Date								
5a. Applicant Owner WU Address Change HIGH PLAINS PONDEROSA I 2042 V RD PLAINS, KS 67869	C Person ID 55887 Add Seq# 1	5b. Owner UWUC Person ID 2262 Address Change Add Seq# 1 CARL RAY & ZITA BOND 125 W 590 TH AVE GIRARD KS 66743-2380								
5c. Owner UWUC Address Change ORMISTON ROCK ORMISTON T 303 MAIN ST KISMET KS 67859-9612	Person ID 41327 Add Seq# RUST OF 1992	5d. Owner WUC Person ID 66143 Address Change Add Seq# ROCK A & STEPHANIE L ORMISTON II PO BOX 43 KISMET KS 67859-0043								
5e. Owner UWUC Address Change SOUTHWEST AGRI-CENTER ROCK ORMISTON 303 MAIN ST KISMET KS 67859-9612	Person ID 51897 Add Seq# R INC	5f. Owner Address ORMISTON ROCK ORM 303 MAIN ST KISMET KS	Change DESCEND ISTON T	Add ANTS TRUS	rson ID 62955 d Seq# T					
		5g. ⊠ Owner □ Address PARITY INV 303 MAIN ST KISMET KS	Change ESTMENT	S INC	rson ID 63023 d Seq#					
Previous UMW: MDS Gauge: Active Admin?	☐ UMW Reasonable Q: n/Expiration Date:	7	. Use of Wate ☑ Groundw: UMW: UMW: UMW:	_						
8. Action Trail GY C5 - CHAN 9. Special Conditions	GE APP PLACE OF USE A	PPROVED - Compli	ance: 12/31/20	024						
10. 5YR Allocation Type: Start Yea 11. Sand & Gravel Proj ID: 12. Waiver Rule ID: New D Applies: Rule No.: Rule T	Active Dredge ate Requested:	Base Acres: IND Evap Justification:	Comme Jr Evap	nt: Other Diversion	☐ Rpt on Sr					
Comments IRR PLACE OF USE MAINTAINS A COM 7-33 30W MEADE CO ARE REMOVED SEWARD CO & MOD ACRES IN NW SE	MPLETE OVERLAP. THE 1	THE S2 OF 12-33-3	31W	Processed LI 6/12/2024 Reviewed KAK 6/26/2024	Entered 7/12/2024 KAnderson					

	No. 43					3. Cou	•		sin: CIN	IARRO	ON RIV	ER S	Stream:	NA			Speci	ial Use	Area: I	NA					
14. F	4. Points of Diversion, Rates & Quantities															Oty			Rate		Sto	Storage Qty Storage Rate			
	PDIV	(Qualifi	ier	,	S T		R	ID	'N	ʻW	Con	nment (AKA Lii	ne)	Aut	h A	.dd	Auth	Add	Au	th Add	d Auth/A	√dd	Overlaps
	ı	10 (CHAI	NGE																				+	
15. Limitations Type: Quantity: AF Rate: gpm combined with file no(s): 1266 AF/YR COMW #22306, 41192, 42084 & 43880 NO CHANGE Type: Quantity: Rate: combined with file no(s):																									
16. Metering																									
17.	Place of						NE	≣1⁄4			NV	V1⁄4			SV	N¹/4			SE	1/4		Total	Owner(s)	Chg?	Overlaps
	PDIV	S	Т	R	ID	NE	NW	sw	SE	NE	NW	sw	SE	NE	NW	sw	SE	NE	NW	sw	SE				
DEL	68988	3 7	33	30W	3									40.0	L-3 38.22	L-4 21.38	22.40					122	5a		*
ENT	7182	1 12	33	31W											5.0	25.0		30.0	20.0	20.0	22.0	122	5a		*
СНК	14978	28	33	31	1													24.0	24.0	35.0	35.0	118	5e		*
СНК	34851	33	33	31W	1	33.0	33.0	30.5	30.5													127.0	8e		*
СНК	54686	24	33	31W	2	18.0	12.0	31.0	31.0													92	8c & 8e		*
СНК	4608	23	33	31W	1									32.5	32.5	32.5	32.5	32.5	32.5	32.5	32.5	260	5e		*
СНК	64203	35	33	31W	2									30.75	30.75	30.75	30.75					123	5g		*
СНК	52730	25	33	31W	3									30.75	30.75	30.75	30.75					123	5g		*
СНК	29418	36	33	31W	2	30.75	30.75	30.75	30.75													123	5g		*
СНК	32981	31	33	30W	1					30.75	L-1 30.75	L-2 30.75	30.75									123	5g		*
	CON	TIN	I UE	D																					
^ 12332, 21974, 24437, 25634, 30777, 40861, 41578 41579, 41580, 41630, 41678 &												430	82 43	3105 4	3220		43635	4388	0 442	48 4494	1 42084 4 15 44946				

ALL FILES MAINTAIN A COMPLETE PU OVERLAP

File No.	4333	3			13. Cou	nty: N	1E SW	I Bas	in: CI I	MARF	RON R	RIVER	Stre	am: N	Α								
Structures	s File	No:			Aquifer	Code	211									Spec	ial Us	e Area	: NA				
17. Place of Use CONTINUED				NE¼				NW¼				SW1/4				SE	Ξ1/4		Total	Owner(s)	Chg? Overlap		
PDIV S T R II		ID	NE	NW	sw	SE	NE	NW	sw	SE	NE	NW	sw	SE	NE	NW	sw	SE					
CHK 5198	1 34	33	31W	2					27.5	27.5	27.5	27.5								109	110	5g	_ *
CHK 5138	5 27	33	31W	1	31.5	31.5	31.5	31.5									31.5	31.5	31.5	31.5	251	5e	*
CHK 5138	6 27	33	31W	2									31.25	31.25	31.25	31.25					125	5g	*
CHK 5231	5 34	33	31W	3	30.75	30.75	30.75	30.75													123	5b	*
CHK 5272	9 35	33	31W	1	30.75	30.75	30.75	30.75	30.75	30.75	30.75	30.75									246	5g	<u></u> *
CHK 6540	6 31	33	30W	5									30.75	L-3 30.75	L-4 30.75	30.75					123	5a	*
CHK 3073	0 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	_ *
CHK 5034	9 24	33	31W	1					30.75	30.75	30.75	30.75									123	5e	_ *
CHK 4455	30	33	31W	1					30.75	L-1 30.75	L-2 30.75	30.75									123	5a	_ *
CHK 3479	2 13	33	31W	1						32.5	1	32.5					14.5	34.0	40.0	34.0	252.5	5f & 5c	_ *
CHK 4001	0 13	33	31W	2									34.0	14.5	34.0	40.0					122.5	5d	_ *
																							_ *
18. Point	of Di	vers	ion and	Pla	ace of U	se Ov	erlaps	;														-	
^ 1233 41678 & 4					634, 307 6 MAINT								427 452	08 4 95	3082	4310	5 432	20 43	333 4	3635		44248 44	84 42110 945 44946

KANSAS DEPARTMENT OF AGRICULTURE Division of Water Resources

<u>MEMORANDUM</u>

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 (SE¼ & SW¼) 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.

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

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

Leelie 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





KANSAS DEPARTMENT OF AGRICULTURE Mike Beam, Secretary of Agriculture

DIVISION OF WATER RESOURCESEarl D. Lewis Jr., Chief Engineer

APPROVAL OF APPLICATION FOR CHANGE IN PLACE OF USE WATER RIGHT, FILE NO. 43,333

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:

		_		NE	Ξ1/4			NV	V1/4			SV	V1/4						
Sec.	Iwp.	Range	NE1/4	NW1/4	SW1/4	SE1/4	TOTAL												
10		0.0144																	
19	33	30W	14.50	34.00	40.00	34.00	34.00	14.50	34.00	40.00	40.00	34.00	14.50	34.00	34.00	40.00	34.00	14.50	490.0
30	33	30W						Lot 1	Lot 2										
							30.75	30.75	30.75	30.75									123.0
31	33	30W						Lot 1	Lot 2			Lot 3	Lot 4						
		3000					30.75	30.75	30.75	30.75	30.75	30.75	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

File No. 43,333 Page 2 of 3

500	Turn	Dange		NE	=1/4			NV	V1/4			SV	V1/4						
Sec	. Twp.	Range	NE1/4	NW¼	SW1/4	SE1/4	NE1/4	NW1/4	SW1/4	SE1/4	NE1/4	NW1/4	SW1/4	SE1/4	NE1/4	NW1/4	SW1/4	SE1/4	TOTAL
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			
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					123.0
27	33	31W	31.50	31.50	31.50	31.50										31.25	31.25	31.25	
28	33	31W														24.00			
33	33	31W	33.00	33.00	30.50	30.50													127.0
34	33	31W				30.75		16.25	31.25	31.25									233.0
35	33	31W				30.75			14			30.75	30.75	30.75					369.0
36	33	31W				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.

File No. 43,333 Page 3 of 3

In all other respects, the Certificate of Appropriation issued pursuant to Approval of Application, File No. 43,333, for permit to appropriate water for beneficial use, is as stated and set forth in the Certificate of Appropriation dated June 29, 2004, as modified and amended by the aforementioned orders.

Ordered this 2 day of J_{ulg} , 2024, in Manhattan, Riley County, Kansas.

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 day of July , 2024, by Lane P. Letourneau, P.G., Water Appropriation Program Manager, Division of Water Resources, Kansas Department of Agriculture.

Notary Public

TONY JAY CONNORS My Appointment Expires May 18, 2027 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
Page 2 of 2

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

Kristena Baum

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 2 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

Carl Ray & Zita Bond 125 W 590 Ave Girard, KS 66743-2380 Rock A. & Stephanie L. Ormiston II PO Box 43 Kismet, KS 67859-0043

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

Division of Water Resources