

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

1. File No.: 2071	2. Status Change Date: 2/25/2025	4. Field Office: 04 - Garden City GMD: 03 - Southwest Structures File No.: Filing/Priority Date: 22-JUL-24 Application Complete Date:	
3. Package File No(s): 2071			
5a. <input checked="" type="checkbox"/> Applicant <input type="checkbox"/> Owner <input type="checkbox"/> WUC <input type="checkbox"/> Address Change SYRACUSE DAIRY FRANK MERCURIO PE 751 SE CR 36 SYRACUSE KS 67878	5b. <input checked="" type="checkbox"/> Owner <input type="checkbox"/> WUC <input type="checkbox"/> Address Change SYRACUSE DAIRY LLC SYRACUSE DAIRY & TIMELINE DAIRY 751 SE CR 36 SYRACUSE, KS 67878-7822	Person ID Add Seq#	Person ID 40486 Add Seq# 1
5c. <input type="checkbox"/> Owner <input checked="" type="checkbox"/> WUC <input type="checkbox"/> Address Change SYRACUSE DAIRY LLC Attn: FLOYD TRUSTS 751 SE CR 36 SYRACUSE, KS 67878-7822	5d. <input type="checkbox"/> Owner <input checked="" type="checkbox"/> WUC <input type="checkbox"/> Address Change	Person ID 40486 Add Seq# 6	Person ID Add Seq#
6. Change No.: C3 <input checked="" type="checkbox"/> PD <input type="checkbox"/> PU <input type="checkbox"/> UMW Base Acres: Year: Min Reasonable Q: Previous UMW: Not changing MDS Gauge: Active Admin? <input type="checkbox"/> Completion/Start Date: 12/31/2025 Perfection/Expiration Date:		7. Use of Water <input checked="" type="checkbox"/> Groundwater <input type="checkbox"/> Surface Water UMW: IRR-Irrigation & UMW: STK-Stockwatering DUAL USE UMW: STK-Stockwatering	
8. Action Trail <div style="text-align: center;">GX C3- CHANGE APP POINT OF DIVERSION APPROVED - Compliance: 12/31/2025</div>			
9. Special Conditions			
11. Sand & Gravel Proj ID: <input type="checkbox"/> Active <input type="checkbox"/> Dredge <input type="checkbox"/> IND Evap <input type="checkbox"/> Jr Evap <input type="checkbox"/> Other Diversion <input type="checkbox"/> Rpt on Sr			
12. Waiver Rule ID: <input type="checkbox"/> New Date Requested: Applies: Rule No.: Justification: Rule Type: Rule SubType:			
Comments ADDING OLD EXISTING WELL AS STANDBY FOR STOCKWATER USE		Processed LI 2/18/2025	Entered 3/4/2025 KAnderson
		Reviewed kak 2/20/2025	

File No. 2071		13. County: ST Basin: BEAR CREEK Stream: NA																							
Structures File No:		Aquifer Code: 331 DAKOTA FORMATION 211										Special Use Area:													
14. Points of Diversion, Rates & Quantities																									
PDIV		Qualifier		S	T	R	ID	'N	'W	Comment (AKA Line)		Qty mgd/AF		Rate gpm		Storage Qty		Storage Rate		Overlaps					
												Auth Add		Auth Add		Auth Add		Auth/Add							
MOD 16945		SW SW NE		9	28	40W	5	3231	2550	STK ONLY		27.370	27.370	55	55					+					
ENT 12703		SW SW NE		9	28	40W	1	2875	2550	STANDBY STK USE ONLY										+					
CHK 90366		SW SW NW		9	28	40W	6	2875	5150	DUAL IRR/STK		480	480	330	330					+					
																				^					
																				**					
																				++					
15. Limitations																									
Type:		Quantity:		AF		Rate:		gpm combined with file no(s): 415.7 AF/YR (135.456 MGY) DUAL IRR/STK USE (P/D 90366) NO CHANGE																	
Type: Other		Quantity:				Rate:		combined with file no(s):																	
16. Metering																									
<input checked="" type="checkbox"/> Metering Required		<input type="checkbox"/> Anti-Reverse Required		<input type="checkbox"/> Seal Required		Compliance Date: 12/31/2025																			
17. Place of Use																									
PDIV		S	T	R	ID	NE¼				NW¼				SW¼				SE¼				Total	Owner(s)	Chg?	Overlaps
						NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE				
NC																							+	<input type="checkbox"/>	+
																							+	<input type="checkbox"/>	+
																								<input type="checkbox"/>	#
																								<input type="checkbox"/>	^
																							<input type="checkbox"/>	**	
																							<input type="checkbox"/>	**	
18. Point of Diversion and Place of Use Overlaps																									
* NONE																		**							
																		++							
																		##							
																		^^							

MEMORANDUM TO FILE

Division of Water Resources, Water Appropriation Program

Date: February 18, 2025

From: Leslie Ireland, Environmental Scientist

Re: Change in Point of Diversion, File No. 2,071—Syracuse Feedyard

Summary

John te Velde, Member, Syracuse Dairy LLC, owner, filed the above referenced application to add an **existing well as a standby well for stockwater use to the two wells currently authorized**. The referenced file is authorized as dual use affording a maximum of 415.7 acre-feet (AF) of groundwater at a rate of 330 gallons per minute (gpm) to be diverted from the point of diversion described as one(1) well in the Southwest Quarter of the Southwest Quarter of the Northwest Quarter (SW¼ SW¼ NW¼) of Section 9, more particularly described as being near a point 2,875 feet North and 5,150 feet West of the Southeast corner. The second authorized well is authorized only stockwater use from the well located in the (SW¼ SW¼ NE¼) of Section 9 approximately 3,231 feet North and 2,550 feet West, of the Southeast corner. Both wells in Township 28 South, Range 40 West, Stanton County. There are no overlaps in point of diversion. The places of use will remain as authorized. This project is approximately 5.5 miles Northeast of Johnson City in the Bear Creek Basin, it is not located in a special use area. It is located with Southwest Kansas Groundwater Management District No. 3. 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*.

Source of Supply

The proposed well was authorized by this file for the dual use as listed above prior to the 2023 change approval. It is located in the (SW¼ SW¼ NE¼) of Section 9, approximately 2,875 feet North and 2,550 feet West of the Southeast corner. The source of supply for these wells is referenced in WRIS as the Dakota Formation (Unconfined) (Code 331). The local source of supply will remain as determined as the proposed well was previously authorized by this file.

Spacing and Nearby Water Rights

As required by K.S.A. 82a 1906, any nearby landowners would be notified, but there are no nonaffiliated owned wells within one-half (½) mile of the proposed standby well. No notice appears to be needed.

The primary well authorized for dual use is approximately 2,600 to the West well and the primary stockwater well is 354 feet to the East well. There are 1,990 feet between the proposed well and the owner's stockwater well under File No. 38,606, authorized 25.0 AF.

As the proposed standby well is considered a temporary use well, spacing requirements per Part(a)(1) of K.A.R. 5-23-3, *Minimum well spacing requirements: high plains aquifer*, to the all of the owner's wells is met, with the exception of the currently authorized stockwater well, but as the standby well is considered to be a temporary use well it would appear to be exempted by the GMD well spacing regulation wording.

Reasonable Rate and Quantity

These will not be modified, but the total quantity diverted by the standby well for stockwater use, should not exceed to total of the primary stockwater well and dual use well stockwater quantity which total 162.826 mgd while authorized for dual use. The application does indicate the proposed standby well would be for stockwater use. If the dual use is eliminated the standby well would not exceed an annual quantity of 27.37 million gallons at a rate of 55 gallons per minute. The 84 acre-feet (27.370 million gallons) per calendar year authorized for stockwater use would water the 6,500 head of cattle for 280 days at the standard 15 gallons per head per day.

Well Conditions

The standby well will be required to meet the conditions as detailed in K.A.R. 5-1-2, *Standby well*. The approval will state it needs to be maintained in operable condition, have a meter and will be restricted to the same rate and quantity as the primary well. The approval will further inform the owner that the primary and standby well may not operate at the same time except for maintenance, testing, fire protection or similar short term use reason. The well will be required to be metered, while chemigation unlikely the check valve wording will be in the approval. The approval will also identify the well authorized for only stockwater use as the primary well.

Recommendations

Southwest Kansas Groundwater Management District No. 3, Jason Norquest, Assistant Manager, indicated the change meets their requirements of K.A.R. 5-23-3 and his letter of 2/13/2025 recommended approval.

Michael Meyer, Water Commissioner, Garden City Field Office, eMail of 2/17/2025, recommended approval.

Completion

The well will have a Notice of Completion date of 12/31/2025 to assure the added standby well is metered.

Ireland, Leslie [KDA]

From: Meyer, Mike [KDA]
Sent: Monday, February 17, 2025 11:30 AM
To: Ireland, Leslie [KDA]
Subject: RE: Review and Recommendation Change PD, File No. 2071 Syracuse

I recommend approval

From: Ireland, Leslie [KDA] <Leslie.Ireland@ks.gov>
Sent: Monday, February 17, 2025 8:02 AM
To: Meyer, Mike [KDA] <Mike.Meyer@ks.gov>
Subject: Review and Recommendation Change PD, File No. 2071 Syracuse

Mike,

Please let me know if you'd recommend adding the standby well.

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 POINT OF DIVERSION WATER RIGHT FILE NO. 2,071

The Chief Engineer, Division of Water Resources, Kansas Department of Agriculture, after due consideration of the written application of John te Velde, on behalf of Syracuse Dairy LLC, 751 Southeast County Road 36, Syracuse, Kansas 67878-7822, received in this office on July 9, 2024, for approval of a change in 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 the Findings and Order of the Chief Engineer, dated August 24, 1979, establishing the ten acre tract upon which the point of diversion is located, by the Order of the Chief Engineer, dated November 22, 1983, approving the application to change the point of diversion, by the Order of the Chief Engineer, dated December 3, 1987, approving the application to change the place of use, by the Order of the Chief Engineer, dated December 9, 1994, approving the application to change the point of diversion, place of use and use made of water, by the Order of the Chief Engineer, dated March 2, 2023, approving the application to change the use made of water, by the Order of the Chief Engineer, dated May 26, 2023, approving the application to change the point of diversion, 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 locations of the points of diversion for stockwatering use shall be:

one (1) well located in the Southwest Quarter of the Southwest Quarter of the Northeast Quarter (SW $\frac{1}{4}$ SW $\frac{1}{4}$ NE $\frac{1}{4}$) of Section 9, more particularly described as being near a point 3,231 feet North and 2,550 feet West of the Southeast corner of said section, to be used as a primary well, and

one (1) well located well in the Southwest Quarter of the Southwest Quarter of the Northeast Quarter (SW $\frac{1}{4}$ SW $\frac{1}{4}$ NE $\frac{1}{4}$) of Section 9, more particularly described as being near a point 2,875 feet North and 2,550 feet West of the Southeast corner of said section, to be used as a standby well,

and the location of the authorized point of diversion for dual irrigation use and stockwater use shall be:

one (1) well located in the Southwest Quarter of the Southwest Quarter of the Northwest Quarter (SW $\frac{1}{4}$ SW $\frac{1}{4}$ NW $\frac{1}{4}$) of Section 9, more particularly described as being near a point 2,875 feet North and 5,150 feet West of the Southeast corner of said section,

all in Township 28 South, Range 40 West, Stanton County, Kansas,

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

The well described herein as the standby well shall be used exclusively at such time the well herein described as the primary well is inoperable due to mechanical, maintenance or power failure. Use of the standby well under these limiting conditions does not allow the authorized quantity of water or rate of diversion under this file to be exceeded.

Installation of the works for diversion of water shall be completed on or before December 31, 2025, or within any authorized extension of time. The water right owner shall notify the Chief Engineer of the Division of Water Resources, Kansas Department of Agriculture, when construction of the works for diversion has been completed.

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 for 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 meters has been completed. The water right owner shall maintain the water meters 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 irrigation and stockwatering use may be determined. The water right owner shall also report the reading of said water meters, 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. 2,071, for permit to appropriate water for beneficial use, is as stated and set forth in the Certificate of Appropriation, dated July 26, 1956, as modified, and amended by the aforementioned orders.

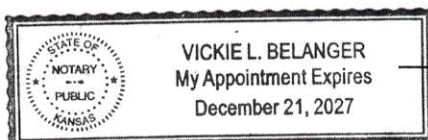
Ordered this 25 day of February, 2025, in Manhattan, Riley County, Kansas.



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 25 day of February, 2025, by Lane P. Letourneau, P.G., Water Appropriation Program Manager, Division of Water Resources, Kansas Department of Agriculture.




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

March 6, 2025

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

RE: Water Right,
File No. 2,071

Dear Mr. Mercurio:

Enclosed is the order executed by the Chief Engineer, Division of Water Resources, Kansas Department of Agriculture, approving 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. The well described in the approval document as the stockwatering use standby well shall be used exclusively at such time the well described in the approval document as the primary well is inoperable due to mechanical, maintenance or power failure. Use of the standby stockwatering well under these limiting conditions does not allow the authorized quantity of water or rate of diversion authorized for stockwatering use under the primary well to be exceeded.

All diversion works are required to be metered for each use authorized. A condition of the approval is that acceptable water meter must be installed on the standby well. Please return the required, installation of this meter prior to any use of water and prior to December 31, 2025.

Since this order modifies the Certificate of Appropriation for the above referenced water right, 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 our office at 785-564-6640. Inquiries about the metering should be directed to our staff at the Garden City Field Office at 620-276-2901. Information is also available on our web site at <http://agriculture.ks.gov>. If you contact us 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 Unit Supervisor
Water Appropriation Program

KAB:kak:li

Enclosures

pc: Garden City Field Office
Southwest Kansas GMD No. 3

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: Kansas Department of Agriculture, Attn: Legal Division, 1320 Research Park Drive, Manhattan, Kansas 66502, 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: Secretary of Agriculture, Attn: Legal Division, Kansas Department of Agriculture, 1320 Research Park Drive, Manhattan, Kansas 66502, 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 6th day of March, 2025, I hereby certify that the foregoing Approval of Application for Change in Point of Diversion, under Water Right, File No. 2,071, dated February 25, 2025, was mailed postage prepaid, first class, US mail to the following:

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

With photocopies to:

KDA-DWR Garden City Field Office

Southwest Kansas GMD No. 3



Staff