

Kansas Department of Agriculture
Division of Water Resources
CHANGE WORKSHEET: PU & UMW DUAL USE & Order in matter of PD

1. File Number: 7389	2. Status Change Date: 4/3/2025	3. Change Num: C2	4. Field Office: 04	5. GMD: 03
6. Status: <input checked="" type="checkbox"/> Approve <input type="checkbox"/> Denied by DWR/GMD <input type="checkbox"/> Dismiss by Request/Failure to Return				7. Filing Date of Change: 01-JUL-24
8a. Applicant(s) New to system <input type="checkbox"/> SYRACUSE DAIRY FRANK MERCURIO PE 751 SE CR 36 SYRACUSE, KS 67878		8c. Landowner(s) New to system <input type="checkbox"/> SYRACUSE DAIRY LLC Attn: FLOYD TRUSTS 751 SE CR 36 SYRACUSE, KS 67878-7822		
8b. Landowner(s) New to system <input type="checkbox"/> 		8d. WUC New to system <input type="checkbox"/> SYRACUSE DAIRY LLC Attn: FLOYD TRUSTS 751 SE CR 36 SYRACUSE, KS 67878-7822		
9. Documents and Enclosure(s): <input checked="" type="checkbox"/> DWR Meter(s) Date to Comply: 12/31/25 <input type="checkbox"/> N & P Date to Comply: _____ <input type="checkbox"/> Anti-Reverse Meter <input type="checkbox"/> Meter Seal <input type="checkbox"/> Check Valve <input type="checkbox"/> N & P Form <input type="checkbox"/> Water Tube <input type="checkbox"/> Driller Copy <input type="checkbox"/> H & E Letter <input type="checkbox"/> Conservation Plan Date Required: _____ Date Approved: _____ Date to Comply: _____				
10. Use Made of Water From: IRR To: DUAL IRR/STK				
Date Prepared: 3/18/2025 By: li Date Reviewed 4/2/2025 By: KAK Date Entered: 4/3/2025 By: KAnderson				

File No. 7389	11. County: ST		Basin: BEAR CREEK		Stream: NA		Formation Code: NA		Special Use: NA	
----------------------	-----------------------	--	--------------------------	--	-------------------	--	---------------------------	--	------------------------	--

12. Points of Diversion										Rate and Quantity					
CHK										Authorized		Additional			
MOD	PDIV	Qualifier	S	T	R	ID	'N	'W	Comment (AKA Line)	Rate gpm	Quantity AF	Rate gpm	Quantity AF	Overlap PD Files	
MOD		90303- SW SW NW	4	28	40W	1		814	5180	DUAL IRR/STK	2215	640	2215	640	20249037
		NW SW													

13. Storage: Rate _____ NF Quantity _____ ac/ft Additional Rate _____ NF Additional Quantity _____ ac/ft

14. Limitation: **554.24** af/yr at _____ gpm (_____ cfs) when combined with file number(s) **DUAL IRR /STK (180.600 MGY)USE**
 Limitation: _____ af/yr at _____ gpm (_____ cfs) when combined with file number(s) _____

15. 5YR Allocation: Allocation Type _____ Start Year _____ 5 YR Amount _____ Amount Unit _____ Base Acres _____ Comment _____

16. Place of Use								NE¼				NW¼				SW¼				SE¼				Total	Owner	Chg?	Overlap Files	
CHK	MOD	DEL	ENT	PUSE	S	T	R	ID	NE ¼	NW ¼	SW ¼	SE ¼	NE ¼	NW ¼	SW ¼	SE ¼	NE ¼	NW ¼	SW ¼	SE ¼	NE ¼	NW ¼	SW ¼					SE ¼
ENT	37546	9	28	40W	5				FEEDLOT N2 NE S2																	8c	NO	2071 38606
MOD	20541	9	28	40W	2				40.0	40.0	40.0	40.0													190	8c	NO	NONE
CHK	33668	4	28	40W	1								40.0	40.0	40.0	40.0									160	8c	NO	NONE
ENT	15630	9	28	40W	1	40.0	40.0																		80	8C	NO	2071
ENT	38854	10	28	40W	1				40.0	40.0	40.0	40.0													160	8C	NO	2071
NOTE IRR PUSE 20541 INCOMPLETE OVERLAP REMOVED SEE FO 9527 & 26724																												

Year: _____ Minimum Reasonable Quantity: _____ Comments: _____

TEMPORARY IRR QUANTITY REDUCTION. QUANTITY LIMITED TO 554.25 AS LONG AS STOCKWATERING USE IS DESIRED.

MEMORANDUM

While operated with the stockwater use added the total combined quantity will be temporarily reduced to 554.24 AF (180.6 mgy), for either uses assuring compliance with K.A.R. 5-5-3, *Change in consumptive use*.

This approval provides quantity from another point of diversion for stockwater use while maintaining the future option to return to sole irrigation use. The facility is currently permitted for 6,500 head in open lots. This head size at the 15 million gallons per head per day per K.A.R 5-3-22, *Maximum reasonable quantity of water for livestock and poultry*, affords 35.588 mgy (109.2 AF) per year. A 10% increase to 7,150 head affords 39.15 mgy (128 AF). The stockwater only use under File No. 38,606, is 8.15 mgy, with File No. 2,071 affords 27.37 mgy, a total of 35.53 mgy from stockwater use wells. File No. 2,071, has a dual use well with an annual quantity of 135.456 mgy (415.7 AF) providing stockwater quantity from an alternate point of diversion. File No. 7,389 dual use affords a portion of its reduced of 180.600 mgy (554.24 AF) from an alternate point of diversion. The dual use files authorize a portion of the quantity but also have the irrigation portion remaining. As the proposed quantity will not be 100% for stockwater use, no additional limitation will be added to File No. 7,389. The change to File No. 9,527 will result in a reduced 554.6 AF on the 320 A, providing 1.73 AF/A. which is more than the 1.43 AF/A per K.A.R. 5-5-12, *Net irrigation* at the 80% chance.

The corrected application retains the irrigated place of use under File No. 7,389, at the currently authorized 320 acres. The reduction in place of use under File Nos. 9,527 and 26,724, will remove them from the 160 acres in the Northwest Quarter (NW $\frac{1}{4}$) of Section 9, Township 28 South, Range 40 West, leaving only File No. 7,389, to authorize this quarter with it's Southwest Quarter (SW $\frac{1}{4}$) of Section 4.

File Nos. 9,527 and 26,724, currently authorized 641.38 acres comprised of the East half (E $\frac{1}{2}$) of Section 5, the Northeast Quarter (NE $\frac{1}{4}$) of Section 8 and the Northwest Quarter (NW $\frac{1}{4}$) of Section 9. After the request to reduce, they will authorize 481.38 acres in Sections 5 and 8. These two files authorize 960 AF under the senior file, with the junior file providing no additional quantity as it is limited to 1,280 AF, with File Nos. 7,389 and 9,527. The removal of File No. 7,389, which when less the 320 AF developed on the overlapping place of use under File No. 7,389 allows 960 AF to remain for File Nos. 9,527 and 26,724. The Findings and Order will update the limitations which were applied on File No. 26,724, by the Certificate will be modified to not exceed 960 AF and 2,100 gallons per minute with File No. 9,527.

In a letter dated February 11, 2025, from Jason Norquest, Manager of Southwest Kansas Groundwater Management District No. 3, stated the application for the change in use was recommended for approval. His second letter of March 17, 2025, further recommended the place of use modifications.

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 March 19, 2025.

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 with the reductions to the overlapping files 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.



Leslie Ireland
Environmental Scientist
Water Appropriation Program

Ireland, Leslie [KDA]

From: Meyer, Mike [KDA]
Sent: Wednesday, March 19, 2025 8:43 AM
To: Ireland, Leslie [KDA]
Subject: RE: Review and Recommendation for Change File No. 7389 with reductions File Nos. 9527 & 26724

I recommend approval. Thanks for working thru with this with the applicant and the additional review of the limitations.

Mike

From: Ireland, Leslie [KDA] <Leslie.Ireland@ks.gov>
Sent: Wednesday, March 19, 2025 8:15 AM
To: Meyer, Mike [KDA] <Mike.Meyer@ks.gov>
Subject: Review and Recommendation for Change File No. 7389 with reductions File Nos. 9527 & 26724

Mike,

Thanks for the work on the correction to the change and reductions to clean this up.
Please let me know if you'd recommend this change a reductions.

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 AND LOCATION OF THE AUTHORIZED POINT OF DIVERSION WATER RIGHT, FILE NO. 7,389

The Chief Engineer, Division of Water Resources, Kansas Department of Agriculture, after due consideration of the written application of Ross Geubelle, Member, Syracuse Dairy LLC, 751 Southeast County Road 36, Syracuse, Kansas 67878-7822, received in this office on July 1, 2024, for approval of a change in the use made of water and place of use 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 April 28, 2023, approving the application to change the point of diversion, finds that the change is reasonable and will not impair existing rights, that the changes relate to the same local source of supply and that the application should be and is hereby approved.

The authorized quantity of water under this right will remain 640 acre-feet (208.54 million gallons). This order effectively limits the authorized quantity of water to 554.24 acre-feet (180.6 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 that portion to be authorized for both irrigation and stockwatering uses shall be authorized from the following dual use point of diversion more accurately described as:

one (1) well located in the Northwest Quarter of the Southwest Quarter of the Southwest Quarter (NW¼ SW¼ SW¼) of Section 4, more particularly described as being near a point 814 feet North and 5,180 feet West of the Southeast corner of said section, in Township 28 South, Range 44 West, Stanton County, Kansas.

The place of use authorized for the irrigation 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	
4 - 28S - 40W									40	40	40	40					160
9 - 28S - 40W	40	40			40	40	40	40									240
10 - 28S - 40W					40	40	40	40									160

a total of 560 acres in Sections 4, 9 and 10, Township 28 South, Range 40 West, Stanton County, Kansas and

the place of use authorized for the stockwatering use shall be:

a feedlot located in the South Half of the Northeast Quarter (S½ NE¼) of Section 9, Township 28 South, Range 40 West, Stanton County, Kansas,

all located substantially as shown on the topographic map accompanying the application to change the use made of water and place of use.

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 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 irrigation and stockwatering 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.

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.

In all other respects, the Certificate of Appropriation issued pursuant to Approval of Application, File No. 7,389, for permit to appropriate water for beneficial use, is as stated and set forth in the Certificate of Appropriation dated March 5, 1975, as modified and amended by the aforementioned order.

Ordered this 3rd day of Apr. 1, 2025, in Manhattan, Riley County, Kansas.

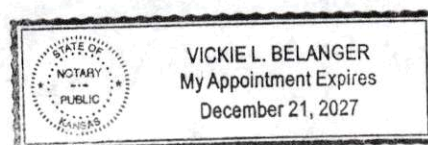
Lane P. Letourneau

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 3rd day of Apr. 1, 2025, by Lane P. Letourneau, P.G., Water Appropriation Program Manager, Division of Water Resources, Kansas Department of Agriculture.

Vickie L. Belanger
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 4, 2025

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

RE: Water Right,
File No. 7,389

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. A condition of the approval is the requirement that **acceptable water flow meters installed so both irrigation and stockwatering uses can be metered independent of each other from the well authorized**. Meters should be installed prior to the diversion of water. Please return the required notification of installation of the meters as soon as this action is completed. The form and other information may be found at our web site <http://agriculture.ks.gov>.

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 document, please contact our office at 785-564-6640. Inquiries about the metering please contact our staff at the Garden City Field Office, 620-276-2901.

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

Enclosures

pc: DWR - 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 4th day of April, 2025, I hereby certify that the foregoing Approval of Application for Change, under Water Right, File No. 7,3891, dated April 3, 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:

DWR - Garden City Field Office
Southwest Kansas GMD No. 3



Division of Water Resources