

Kansas Department of Agriculture
Division of Water Resources
CHANGE: P/U WORKSHEET

1. File Number: 13865	2. Status Change Date: 7/14/2022	3. Change Num: C4	4. Field Office: 04	5. GMD: 03
---------------------------------	--	-----------------------------	-------------------------------	----------------------

6. Status: <input type="checkbox"/> Approved <input type="checkbox"/> Denied by DWR/GMD <input type="checkbox"/> Dismiss by Request/Failure to Return	7. Filing Date of Change: 4/4/2022
---	--

8a. Applicant(s) New to system <input type="checkbox"/> HEMINK FARMS LTD 2635 CR 521 HART, TX 79043	Person ID 64577 Add Seq# 1	8c. Landowner(s) New to system <input type="checkbox"/> SPANDET DAIRY LLC 6306 20 RD CIMARRON, KS 67835-9018	Person ID 64737 Add Seq# 1
--	---	---	---

8b. Landowner(s) New to system <input type="checkbox"/> HEMINK FARMS LTD 2635 CR 521 HART, TX 79043	Person ID 64577 Add Seq# 1	8d. WUC STK PORTION New to system <input type="checkbox"/> 8C	Person ID 64737 Add Seq# 1
		8d. WUC IRR PORTION New to system <input type="checkbox"/> ARCH B & MICHELLE FRINK PO BOX 1088 CIMARRON KS 67835	Person ID 41940 Add Seq# 1

9. Documents and Enclosure(s): DWR Meter(s) Date to Comply: **12/31/22** N & P Date to Comply: _____

Anti-Reverse Meter
 Meter Seal
 Check Valve
 N & P Form
 Water Tube
 Driller Copy
 H & E Letter

Conservation Plan
 Date Required: _____
 Date Approved: _____
 Date to Comply: _____

10. Use Made of Water From: **NO CHANGE** To: _____

<div style="border: 2px solid red; padding: 5px; display: inline-block;"> 7/14/2022 Lireland </div>	Date Prepared: 7/8/22 Date Entered: 7/14/2022	By: LI By: LMoody
--	--	------------------------------------

File No. **13865** 11. County: **GY** Basin: **BUCKNER CREEK** Stream: **NA** Formation Code: Special Use:

12. Points of Diversion											Rate and Quantity						
CHK	MOD	DEL	ENT	PDIV	Qualifier	S	T	R	ID	'N	'W	Comment (AKA Line)	Rate gpm/cfs	Quantity af/mgy	Rate gpm/cfs	Quantity af/mgy	Overlap PD Files
MOD	33042	SE SE SW	31	24	27W	2	100	2730	IRR/STK DUAL USE / DIGESTER	NO CHANGE	13865	IRR OR STK NO CHG					
CHK	69890	SE NW SW	31	24	27W	5	1477	3995	IRR/STK DUAL USE	NO CHANGE	13865	IRR OR STK NO CHG					
CHK	465	NC NE	31	24	27W	3	4020	1320	STK ONLY	NO CHANGE	NONE						
CHK	18684	NW NE NE	31	24	27W	4	5221	818	STK ONLY	NO CHANGE	29913						

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

14. Limitation: _____ af/yr at _____ gpm (_____ cfs) when combined with file number(s) **214.43 AF MAX DUEL USE IRR & STK NO CHG**
 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																		Total	Owner	Chg?	Overlap Files								
CHK	MOD	DEL	ENT	PUSE	S	T	R	ID		NE¼				NW¼				SW¼				SE¼							
										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	70944	31	24	27W						DAIRY & LIVESTOCK DIGESTER (SW SE)																	8c	NO	NONE
CHK	20459	31	24	27W	1					DAIRY & LIVESTOCK (NE) & (NW SE)																	8c	NO	**
CHK	30505	32	24	27W	2					DAIRY & LIVESTOCK (NW)																	8c	NO	**
CHK	70045	30	24	27W						DAIRY & LIVESTOCK (S2 SE)																	8c	NO	**
CHK	70046	29	24	27W						DAIRY FEEDLOT CMLPX (S/2 SW)																	8c	NO	**
CHK	1715	24	24	28W	2																					294	8b	NO	12315 12456 16803 21819 21820 23295
CHK	26526	25	24	28W	1																					610	8b	NO	12315 12456 16803 21819 21820 23295
CHK	33049	31	24	27W	1																					314.24	8b	NO	12315 12456 16803 21819 21820 23295

Comments: **NO CHANGE *** Dual Use Quantity Limitation: 214.32 AF (69.84 mgy) when operated as dual use from well ID 1&2.**
Main action trail entry: KAR 5-5-10 Dual Use Quantity Limitation 214.32 AF ***

KANSAS DEPARTMENT OF AGRICULTURE
Division of Water Resources

M E M O R A N D U M

TO: Files **DATE:** July 8, 2022
FROM: Leslie Ireland **RE:** Water Right, File No. 13,865

Laurens Schilderink and Ilona Van Vliet on behalf of Spandet Dairy, LLC and Hemink Farms LTD, filed an application on April 4, 2022 for approval to change the place of use authorized for stockwatering use. The application was prepared by Marsh Shoemaker, Enviro-Ag-Engineering, Amarillo, Texas.

The referenced file appears to be in compliance with K.S.A. 82a-732. The requested change will be in an area where there are no other wells within one-half (½) mile. There appears to be no notifications necessary to comply with K.S.A. 82a-1906.

After several revisions the application appears to comply with K.A.R 5-5-2a, *Complete change application*. The change is to add a biodigester for the waste that will be serviced by one of the four wells authorized for stockwatering use under the referenced file. The request is for only the referenced file to authorize a noncontiguous place of use that is part of the dairy complex.

The Spandet Dairy and Feedlot is located North of Cimarron and approximately 25 miles Northwest of Dodge City and located in the Buckner Creek Basin. The referenced files are not located in a designated special use area.

The irrigated place of use and under the referenced file and all of the other overlapping files will remain as authorized. Additionally, the stockwatering place of use currently authorized will essentially stay the same except for the proposed biodigester in the Southwest Quarter of the Southeast Quarter (SW¼ SE¼) of Section 31, Township 24, Range 27 West, Gray County that will be authorized by the referenced file. The stockwatering place of use, as a whole, will remain authorized by File Nos. 13,865; 29,068; 29,113; 31,670; 36,483; 36,484 & 39,637.

The water for the biodigester will be provided by the well located in the Southeast Quarter Southeast Quarter Southwest Quarter (SE¼ SE¼ SW¼) located approximately 100 feet North and 2,730 feet West of the Southeast corner of Section 31, Township 24, Range 27 West that is authorized for dual stockwater and irrigation uses. This well has a dual use quantity of 34.92 mgy (107.16 AF). The quantities for the biodigester are an initial startup of 8 AF to test for leaks then an annual operational estimated use of 2.5 AF. This small quantity that will be accounted by the stockwater use should not impact the overall operation and the 100% consumptive use as assigned stockwater use, the change will comply with K.A.R. 5-5-3, *Change in consumptive use*.

The incomplete overlap in the stockwater place of use appears to comply with part (b)(5) of K.A.R. 5-3-5n, *Authorized place of use*, as the proposed place of use that cannot all be physically served by all of the water rights and approvals of applications.

This approval will authorize the stockwater use under File No. 13,865 to be:

a dairy and livestock operation located in the South Half of the Southwest Quarter (S $\frac{1}{2}$ SW $\frac{1}{4}$) of Section 29; and in the South Half of the Southeast Quarter (S $\frac{1}{2}$ SE $\frac{1}{4}$) of Section 30; and in the Northeast Quarter (NE $\frac{1}{4}$) and the Northwest Quarter of the Southeast Quarter (NW $\frac{1}{4}$ SE $\frac{1}{4}$) and the Southwest Quarter of the Southeast Quarter (SW $\frac{1}{4}$ SE $\frac{1}{4}$) of Section 31, and in the Northwest Quarter (NW $\frac{1}{4}$) of Section 32, all in Township 24 South, Range 27 West, Gray County, Kansas.

In a letter dated July 1, 2022, Jason Norquest, Assistant Manager of GMD 3, indicated the proposal is not in conflict with their management plan and recommended approval of the application.

Mike Meyer, Water Commissioner of the Garden City Field Office, indicated that he is not opposed to approval of the application, per his email dated July 7, 2022.

A condition of the approval will be the requirement of flow meters pursuant to K.S.A. 82a-706c. A check valve will be required if there will be any chemigation. No additional well or right conditions will be added to the approval.

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

From: Meyer, Mike [KDA]
Sent: Thu 7/7/2022 10:27 AM
To: Ireland, Leslie [KDA]
Subject: RE: Review and Recommendation Change in PU, File No. 13865 Spandet

good job. finally get this moved out
I recommend approval

Mike

From: Ireland, Leslie [KDA] <Leslie.Ireland@ks.gov>
Sent: Thursday, July 7, 2022 10:19 AM
To: Meyer, Mike [KDA] <Mike.Meyer@ks.gov>
Subject: Review and Recommendation Change in PU, File No. 13865 Spandet

Mike,

Please let me know if you would recommend this change in PU for the new biodigester.

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 PLACE OF USE WATER RIGHT, FILE NO. 13,865

The Chief Engineer, Division of Water Resources, Kansas Department of Agriculture, after due consideration of the written application of Laurens Schilderink and Jiona Van Vliet on behalf of Spandet Dairy LLC and Hemink Farms LTD, 6306 20 Road, Cimarron, Kansas 67835-9018, received in this office on April 4, 2020, for approval of a change in the location of the 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 Orders of the Chief Engineer dated November 15, 1982 and May 6, 1991, approving the applications to change the place of use, and by the Findings and Order of the Chief Engineer dated December 6, 1994, in the matter of the location of the authorized point of diversion, and by the Order of the Chief Engineer dated February 16, 1995, approving the application to change the use made of water, place of use and point of diversion, and by the Findings and Order of the Chief Engineer dated March 13, 1995, in the matter of the authorized quantity of water and rate of diversion, and by the Orders of the Chief Engineer dated February 21, 2001 and January 15, 2004, approving the applications to change the point of diversion, and by the Order of the Chief Engineer dated July 30, 2020, approving the application to change the use made of water and place of use, finds that the change is reasonable and will not impair existing rights, and that the application should be and are 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 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	
24 24S 28W					40.00	40.00	40.00	40.00	40.00	40.00	18.00	36.00					294.0
25 24S 28W	40.00	40.00	40.00	40.00	34.00	25.00	34.00	40.00	40.00	38.50	38.50	40.00	40.00	40.00	40.00	40.00	610.0
31 24S 27W					40.00	Lot 1 38.14	Lot 2 38.42	40.00	40.00	Lot 3 38.70	Lot 4 38.98	40.00					314.24

a total of 904 acres in Sections 24 & 25, Township 24 South, Range 28 West, and a total of 314.24 acres in Section 31, Township 24 South, Range 27 West, Gray County, Kansas,

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

a dairy and livestock operation located in the South Half of the Southwest Quarter (S½ SW¼) of Section 29; and in the South Half of the Southeast Quarter (S½ SE¼) of Section 30; and in the Northeast Quarter (NE¼) and the Northwest Quarter of the Southeast Quarter (NW¼ SE¼) and the Southwest Quarter of the Southeast Quarter (SW¼ SE¼) of Section 31, and in the Northwest Quarter (NW¼) of Section 32, all in Township 24 South, Range 27 West, Gray County, Kansas,

located substantially as shown on the maps accompanying the application to change the 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. 13,865, for permit to appropriate water for beneficial use, is as stated and set forth in the Certificate of Appropriation dated May 27, 1982, as modified and amended by the aforementioned orders.

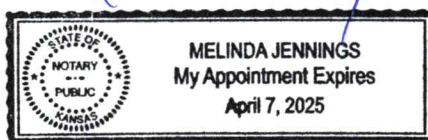
Dated at Manhattan, Kansas, this 14 day of July, 2022.

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 14 day of July, 2022, by Lane P. Letourneau, P.G., Water Appropriation Program Manager, Division of Water Resources, Kansas Department of Agriculture.

Melinda Jennings
Notary Public



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 Section, 1320 Research Park Drive, Manhattan, KS 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 hearing 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, KS 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.

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 day of , 2022, I hereby certify that the foregoing Approval of Application for Change in Place of Use under Water Right, File No. 13,865; dated was mailed postage prepaid, first class, US mail to the following:

SPANDET DAIRY LLC
6306 20 RD
CIMARRON, KS 67835-9018

With true & correct copies to:

HEMINK FARMS LTD
2635 CR 521
HART, TX 79043

With photocopies to:

Garden City Field Office
Groundwater Management District No. 3

Division of Water Resources

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 22, 2022

SPANDET DAIRY LLC
6306 20 RD
CIMARRON, KS 67835-9018

RE: Water Right, File No. 13,865

Dear Sir or Madam:

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 approvals for change. Please be reminded the referenced file is approved as dual use with the continued requirement that **acceptable water flowmeters be installed so both irrigation and stockwater uses can be metered independent of each other**, from the diversion works prior to the diversion of water.

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 documents, 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. 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 and Change Unit Supervisor
Water Appropriation Program

KAB:LI:li
Enclosures

pc: Hemink Farms LTD
Garden City Field Office
Groundwater Management District 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 Section, 1320 Research Park Drive, Manhattan, KS 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 hearing 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, KS 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.

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 22 day of July, 2022, I hereby certify that the foregoing Approval of Application for Change in Place of Use under Water Right, File No. 13,865; dated 14 July 2022 was mailed postage prepaid, first class, US mail to the following:

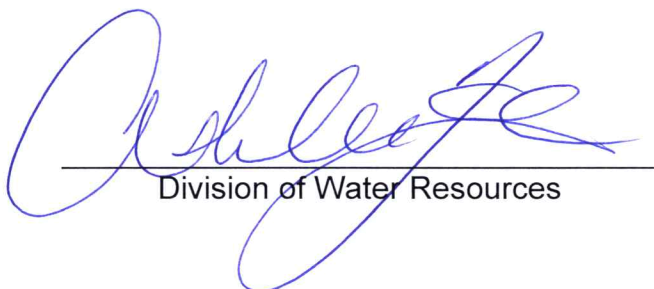
SPANDET DAIRY LLC
6306 20 RD
CIMARRON, KS 67835-9018

With true & correct copies to:

HEMINK FARMS LTD
2635 CR 521
HART, TX 79043

With photocopies to:

Garden City Field Office
Groundwater Management District No. 3



Division of Water Resources