Garden City Field Office 2508 Johns Street Garden City, Kansas 67846-2804



Phone: (620) 276-2901 Fax: (620) 276-9315 www.agriculture.ks.gov

Sam Brownback, Governor

Jackie McClaskey, Secretary David W. Barfield, Chief Engineer Michael A. Meyer, Water Commissioner

April 13, 2017

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

RE: Application to Change the Place of Use File Nos. 9569, 18910, 21413, 26388, 26722

Dear Mr. Geubelle:

Enclosed you will find a *Summary Order Approving Application for Change in Place of Use* for the above referenced files. Since these orders modify the original documents, it should be recorded at the County Register of Deeds.

These orders modify the authorized acres that can be irrigated by these files. The authorized place of use is as shown on the plats within the change approvals.

A condition of this order is that an acceptable flow meter must be properly installed on the diversion works authorized under the referenced file number in accordance with the Kansas Administrative Regulations 5-1-4 through 5-1-12. This water flow meter shall be used to provide information required on the annual water use report (including the meter reading at the beginning and end of the report year).

This order shall become final if a request for a hearing is not filed with the Chief Engineer within 15 days of the date of service of this order. The date of service is the date listed on the enclosed *Certificate of Service*.

Should you have any questions, please feel free to call this office or arrange an appointment for additional assistance. Please refer to the file number when you contact us if you wish to discuss a specific file.

Sincerely,

Thomas P. Makens

Assistant Water Commissioner

TPM:tpm Enclosures GMD#3 Submit completed application to: Kansas Department of Agriculture Division of Water Resources Field Office for your area. Call for address:

Topeka -- (785) 862-6300 Stafford -- (620) 234-5311 Stockton -- (785) 425-6787 Garden City -- (620) 276-2901 www.ksda.gov/dwr

DWR FIELD OFFICE APPLICATION FOR APPROVAL TO CHANGE THE PLACE OF USE AND/OR THE POINT OF DIVERSION



STATE OF KANSAS

Filing Fee Must Accompany the Application, K.S.A. 82a-708b(b), as amended. Fee Schedule is on the third page of this application form.

Paragraph Nos. 1, 2, 3 & 5 must be completed. Complete all other applicable portions. If change in point of diversion is greater than 100 feet, or if place of use will be changed, include a topographic map or detailed plat showing the authorized and proposed point(s) of diversion and/or place of use.

								THE PROPERTY OF THE PROPERTY O	STEEL SHEET			THE RESERVE					e de la constante de la consta	IOH!	VEU
						F	-ile No	. <u>2672</u>	2					_			£	3:05	AM
1. Aı	nnlicatio	on is he	ereby r	nade f	or ann	roval c	of the C	hief F	naine	er to cl	nange	the (ct	neck o	ne or h	oth).			R 07	
. , , ,	opnout.	011 10 110	,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,	iiaao i	or app		lace o		ingino.		-	of Dive		110 01 1	,Ou 1).	1	Savdon	r C'dv f	ield Office
	مال سمال		ووالمالية												!	Div	iniata Kiriata	r Oity i if Wate	r Resources
					s the s				ation i					naition	s aesc	nbea	below.		r Resources
T	ne sour	ce of st	upply i	s:		⊠G	round	water		U	Surfa	ce wat	er						
2. Na	ame an	d addre	ess of	Applic	ant: <u>S</u>	yracus	e Dair	y LLC											
		CR 36,5	•																
		umber:								addre	ss:								
Na	ame an	d addre	ess of	Water	Use C	orresp	onden	t: <u>SAI</u>	ME							· · ·			
P	none N	umber:	()					Email	addre	ss:								
3. Th	ne pres	ently au	uthoriz	ed pla	ce of u	se is:													
O	wner of	Land -	N/	ME:	Syracı	ise Da	iry LLC	<u> </u>											
		1	ADDRI	ESS:	751 SI	E CR 3	6,Syra	cuse,	KS 67	878									
(If	there is	more th	an one	landov	vner, al	tach su	ppleme	ental sh	eets as	neces	sary.)								
************				NE	1/4			NV	V¼			sv	V¼			SI	Ξ1/4		TOTAL
Sec.	Twp.	Range	NE1/4	NW1/4	SW¼	SE¼	NE14	NW¼	SW1/4	SE¼	NE¼	NW¼	SW1/4	SE1/4	NE1/4	NW1/4	SW1/4	SE1/4	ACRES
9	27s	40w	4.0	38.5	38.5	4.0	22.5			22.5					32.5	32.5	32.5	32.5	260.0
10	27s	40w									32.5	32.5	32,5	32.5					130.0
16	27s	40w	32.5	32.5	32.5	32.5	32.5	32.5	32.5	32.5	32.5	32.5	32.5	32.5					390,0
	• •	olication Land -	NA	ME:	Syracı	ise Da	iry LLC	<u> </u>			the pl	ace of	use be	e chan	ged to	:			
41.6	4h.a ta					E CR 3						*******							
(1)	mere is	more th	an one	iandov	mer, at	tach su	phierrie			neces	sary.)	······································	70 		1				
	-		NEW		1/4	051/	NEW	NW¼	V¼	OFW	NEW		V¼	OF.	NEW		=1/4	051/	TOTAL ACRES
Sec.	Twp.	Range	NE¼		SW1/4	SE%				SE1/4		NW¼ 35.75		SE%			SW1/4		400.0
9 10	27s	40w	11,0	35.75	40.0	35.75	35.75	11.0	35.75	40.0	30.0	30.0	30.0	30.0	35.75	40.0	35.75	11.0	490.0 120.0
16	27s 27s	40w 40w	25.0	25.0	05 A	25.0	20.0	20.0	30.0	20.0	30.0	30.0	30.0	30.0					240:0 77
10	2/8	40W]	25.0	25.0	20.0	25.0	30.0	30.0	30.0	30.0									240:0 = 6
Fo	or Offic	e Use	Only:	Code		Fe	ə \$ <u>Z</u>	00	_ TR	#		Re	ceipt	Date _	3/-7	1/12	Chec	k#_5	7423

APPLICATION FOR APPROVAL TO CHANGE THE PLACE OF USE AND/OR POINT OF DIVERSION SUPPLEMENTAL SHEET

FILE NO.

MAKE ADDITIONAL COPIES AS NECESSARY

	wner o	f Land -		AME: ESS:	Syrace	use Da)	KS 67	'878									
	<u></u>						[
0	Soo Tun Boose		NE% NW% SW% SE%			NE% NW% SW% SE%			NE% NW% SW% SE%			SE% NE% NW% SW% SE%				TOTAL ACRES			
<u>Sec.</u> 17	Тwр. 27s	Range 40w	NE¼ 32.5				NE1/4	NVVA	SW74	SE1/4	NE1/4	NWA	SWA	SE14	NE1/4 32.5	32.5	32.5	SE¼ 32.5	260.0
	213	400	32.3	32.3	32.3	32.5									32.5	32.3	32.3	32.3	200.0
	····									***************************************				-,					
		C 1	<u> </u>	<u> </u>	l .	<u>† </u>	IL	1	<u> </u>		<u> </u>				<u> </u>	1		<u> </u>	
Ü	wner o	Land -	N/ ADDRI	NIE: ESS:				***************************************			***************************************	·							,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,
WINDSON AND AND AND AND AND AND AND AND AND AN	···		1				NW% SW% SE%												
Sec.	Twp.	Range	NE%	1	5W1/4	SE1/4	NE1/4	T	SW1/4	SE1/4	NE14	r	v¼ SW¼	SE¼	NE1/4	T	±¼ SW¼	SE1/4	TOTAL ACRES
360.	TWP.	Range	NE./4	144474	344/4	3E.74	NE /4	1947/4	374/4	SE./4	NC /4	1999/4	300/4	35.74	NEA	19774	30074	3E/4	
		***************************************							S					***************************************					
										· · · · · · · · · · · · · · · · · · ·				~					
		flond	/L	A B ACT.		l	L	<u> </u>		hminnen					I Comment	<u> </u>			
U	wner o	r Lano -	ADDRI	ESS:															
			I				1						.147		T				
Sec.	Twp.	Range	NE1/4	T	NE% NW% SW% SE%		NE% NW% SW% SE%			SW% NE% NW% SW% SE%			SE% NE% NW% SW% SE%				TOTAL ACRES		
	I WD.	range	181.74	1444/4	044/4	01/4	111/4	1444/4	OVV/4	UL, 74	111-/4	144474	UVV74	UL, /4	18274	1447/4	01174	01.74	anne was man
F	***************************************													****			,		

	ontinue wner o	Land -	Ň		Syracu	ise Da	iry LLO	5		•	ropose	d that	the pla	ce of t	use be	chanç	ged to:		
				NE	1/4	,	NW¼			SW¼			SE¼				TOTAL		
Sec.	Twp.	Range	NE1/4	NW¼	SW1/4	SE14	NE14	NW¼	SW1/4	SE1/4	NE1/4	NW%	SW1/4	SE¼	NE1/4	NW¼	SW1/4	SE1/4	ACRES
17	27s	40w	30.0	30.0	30.0	30.0							- 1	Į.				اممما	
***************************************															30.0	30.0	30.0	30.0	240.0
:							ļ								30.0	30.0	30.0	30.0	240.0
0															30.0	30.0	30,0	30.0	240.0
U	wner o														30.0	30.0	30.0	30.0	240.0
	wner o			AME: . ESS: .											30.0	30.0	30.0	30.0	240.0
	wner o			ESS: .	= 1/4			NV	V1/4			sv	17/4		30.0		30.0	30.0	TOTAL
	wner o	,	ADDRI	ESS: .	1/4		NE%	NV NW14		SE¼	NE¼		51/4 SW1/4	SE¼			1/4		
		,	ADDRI	ESS: .	1/4		NE%			SE1/4	NE¼			SE¼		Sŧ	1/4		TOTAL
		,	ADDRI	ESS: .	1/4		NE%			SE¼	NE¼			SE¼		Sŧ	1/4		TOTAL
		,	ADDRI	ESS: .	1/4		NE%			SE%	NE¼			SE¼		Sŧ	1/4		TOTAL
Sec.		Range	NE%	NE:	SW%	SE1/4				SE¼	NE¼			SE¼		Sŧ	1/4		TOTAL
Sec.	Twp.	Range	NE%	ESS: NE	SW%	SE1/4				SE¼	NE¼			SE¼		Sŧ	1/4		TOTAL
Sec.	Twp.	Range	NE%	NESS: NE	5W% SW%	SE¼		NW¼		SE¼	NE¼		sw¼	SE¼	NE¼	SE NW%	5% SW%	SE¼	TOTAL ACRES
Sec.	Twp.	Range	NE%	NESS: NE	5W% SW%	SE¼		NW¼	SW¼			NW%	sw¼	SE¼	NE¼	SE NW%	5% SW%	SE¼	TOTAL ACRES
Sec.	Twp.	Range	NE%	NESS: NE	5W% SW%	SE¼		NW%	SW¼			NW%	SW1/4		NE¼	SE NW%	5% SW%	SE¼	TOTAL ACRES
Sec.	Twp.	Range	NE%	NESS: NE	5W% SW%	SE¼		NW%	SW¼			NW%	SW1/4		NE¼	SE NW%	5% SW%	SE¼	TOTAL ACRES

Page _____

DWR 1-121-2 (Rev. 01/23/2008)

File No. ____

5.	Presently authorized point of diversion:											
	One in the Quarter of the											
	of Section, Township											
	in <u>STANTON</u> County, Kansas, <u>2500</u>											
	Authorized Rate <u>1400GPM</u> Authorized Quantity _											
	(DWR use only: Computer ID No GPS feet North feet West)											
	☑ This point will not be changed ☐ This point will be changed as follows:											
	Proposed point of diversion: (Complete only if change is requested)											
	One in the Quarter of the											
	of Section, Township		South, Range	W,								
	in County, Kansas,	, feet No	rth feet West of	Southeast corner of section.								
	Proposed Rate Proposed Quantity		Proposed well depth	(feet)								
Į	This point is: ☐ Additional Well ☐ Geo Center List of	ner wate	r rights that will use this point									
ſ	December 2011 and a state of discourse											
6.	Presently authorized point of diversion:		0	0								
	One in the Quarter of the											
	of Section, Township											
	in County, Kansas, Authorized Rate Authorized Quantity											
	(DWR use only: Computer ID No GPS											
	☐ This point will not be changed ☐ This point will I			leet west)								
	Proposed point of diversion: (Complete only if change											
	One in the Quarter of the			Quarter								
	of Section, Township											
	in County, Kansas,											
	Proposed Rate Proposed Quantity Proposed well depth (feet) This point is: Additional Well Geo Center List other water rights that will use this point											
ŧ.												
7.	Why do you need a new point of diversion? NA	13a.	If the proposed point of diver	sion will be relocated within 100								
			the diagram below in relation	liversion, indicate its location on to the existing point of diversion.								
			(PLEASE NOTE: The "X" represents presently author	in center of diagram below								
			No	·								
o	If a wall is the test hale lay attached? \(\subseteq \text{Vec} \subseteq \text{No.} \)		100 50 0									
о.	If a well, is the test hole log attached? \(\subseteq \text{Yes} \subseteq \text{No}		100 30 0									
9.	When do you propose to complete the new point of	of		<u> </u>								
	diversion?		50 F 1 =									
	NA		50 - + -	_ + = 50								
				· · · · · · · · · · · · · · · · · · ·								
10.	If the point of diversion is a well:		West 0 -	[
	(a) What are you going to do with the old well?			- ' <u>-</u>								
				<u> </u>								
			50 - + -	<u> </u>								
	(b) When will this be done?			<u>-</u>								
			<u> </u>									
11.	Groundwater Management District recommendation	n	100 50 _0	50 100								
• • • •	attached? 🛛 Yes 🔲 No	•	Solo	uth 0'' = 100 '								
		13h		sion will be relocated more than								
12.	Assisted by GMD3/JLN	130.	100 feet but within 1320 f	eet from the existing point of								
			diversion, attach a topograp	phic map or aerial photograph.								
			within one-half mile of the pro	ow all wells (including domestic) posed point of diversion and the								
			names and mailing addresse	es of the owners. For surface								
			landowner(s) one-half mile	names and addresses of the downstream and one-half mile								
			upstream from your property I	ines.								

SUMMARY ORDER APPROVING APPLICATION FOR CHANGE AND IMPOSING CONDITIONS

This Summary Order is issued under authority of K.S.A. 82a-708b, as amended, and K.A.R. 5-14-3 and other applicable provisions of the *Kansas Water Appropriation Law, K.S.A. 82a-701 et. seq.*, and rules and regulations promulgated thereunder, K.A.R. 5-1-1 *et.seq.* With the exception of those conditions expressly contained herein, this Summary Order does not change the terms, conditions and limitations of File No. <u>26722</u>. requesting that the place of use and / or point of A change application was received on March 7, 2017 diversion authorized under the above-referenced file number be changed as described in the application. On and after the effective date of this summary order, the authorized place(s) of use shall be located substantially as shown on the topographic map accompanying the application to change the place of use. ☐ Not Applicable The change in point of diversion shall not impair existing rights and shall be limited to the same source or sources of water as previously authorized. The point of diversion authorized by this summary order shall be located within a _______ foot radius of the authorized point(s) of diversion.

Applicable The point(s) of diversion authorized herein shall not actually be located more than _ feet from the previously authorized point(s) of diversion. ☐ Applicable As required by K.A.R. 5-3-5d, if the works for diversion is a well with a diversion rate of 100 gallons per minute or more, a tube or other device suitable for making water level measurements shall be installed, operated and maintained in accordance with K.A.R. 5-6-13. ☐ Applicable Not Applicable The owner of the authorized place(s) of use shall properly install an acceptable water flow meter on or before December 31, 2017, or before the first use of water, whichever occurs first. The water flow meter shall be installed, operated and maintained in accordance with K.A.R. 5-1-4 through 5-1-12. As required by K.S.A. 82a-732, as amended, and K.A.R. 5-3-5e, the owner shall maintain records and report the reading of the water flow meter and the total quantity of water diverted annually to the Chief Engineer by March 1 following the end of each calendar year. ☐ Not Applicable Applicable Installation of the works for diversion of water shall be completed on or before December 31, 2017, or within any authorized extension of time. By March 1, 2018 the applicant shall notify the Chief Engineer that construction of the works for diversion has been completed, on the form provided by the Chief Engineer, as required by K.A.R. 5-8-4e. Not Applicable ☐ Applicable The completed well log shall be submitted with the required notice. ☐ Applicable All diversion works into which any type of chemical or other foreign substance will be injected into the water shall be equipped with an in-line, automatic, quick-closing check valve capable of preventing pollution of the source of the water supply. The check valve(s) shall be installed, operated and maintained in accordance with K.A.R. 5-3-5c. ☒ Applicable ☐ Not Applicable Additional Conditions are attached. 11. In accordance with K.S.A. 82a-708a, as amended, and K.A.R. 5-5-14, all of the owners of the authorized place(s) of use of water appropriated under the above-referenced file number are responsible for compliance with its terms, conditions and limitations, as amended and/or supplemented by this Summary Order, and with applicable provisions of the *Kansas Water Appropriation Law* and the *Rules and Regulations* promulgated thereunder. Failure to comply with these provisions may result in civil penalties pursuant to K.S.A. 82a-737, as amended, and/or the suspension or revocation and dismissal of the water or appropriation right or any other enforcement actions authorized by law. FOR OFFICE USE ONLY Administrative Appeal and Effective Date of Order APPLICATION APPROVED AND You have the right to a hearing in accordance with K.A.R. 5-14-3 SUMMARY ORDER ISSUED before this Summary Order becomes final action of the Kansas Department of Agriculture. Any request for a hearing must be filed with the Chief Engineer, Division of Water Resources, Kansas Department of Agriculture, 1320 Research Park By: _ Drive, Topeka, Kansas 66502, within 15 days after the date shown on the Certificate of Service attached hereto. If a hearing Duly Authorized Designee of the Chief Engineer is not requested in accordance with K.A.R. 5-14-3, this Summary (Print Name): Thomas P Makens Order will become effective on the 15th day after the date shown Division of Water Resources - Kansas Department of Agriculture on the Certificate of Service. Date of Issuance: For Use by Register of Deeds State of Kansas SS County of Acknowledged before me on Signature: MA Noisry Public JULIE JONES NOTARY My Appointment Expires PUBLIC December 15, 2018 My commission expires: (Notary Seal)

File No. ____

14. If the proposed groundwater point of diversion is 300 or	fewer feet fr	om existing	point of d	liversion, complete the	following:
(a) Does the undersigned represent all owners of the c ☐ Yes ☐ No (If no, all owners must s			e(s) of use	e identified in this appl	ication?
 (b) Will the ownership interest of any owner of the cu affected if this application is approved as requested ☐ Yes ☐ No (If yes, all owners must) 	d?	·	(s) of use	identified in this appli	cation be adversely
(c) If this application is not approved expeditiously, will ☐ Yes ☐ No (If no, all owners must s			nage to p	roperty, public health o	or safety?
If the application proposes a surface water change in point or a change in place of use, the application must be signed agent (attach notarized statement authorizing representation	by all owners				
I hereby verify, being first duly sworn upon my oa age and the owner, the spouse of the owner, or a c their behalf, in regard to the water right(s) to whi contained in this application are true, correct and	duly author ch this app complete.	ized agen lication p	t of the ertains.	owner(s) to make t I further verify th	his application or at the statement
Dated at SycacusE,	Kansas, this	28	_day of _	February	7, 20
Comment of TA				,	
Dated at Syracust Surreuge Dring by: Ry (Owner) Ross Genselle				(Spouse)	
(Please Print)			***************************************	(Please Print)	
(Owner)				(Spouse)	
(Please Print)				(Please Print)	
(Owner)				(Spouse)	
(Please Print)				(Please Print)	
State of Kansas County of Amilton SS					
I hereby certify that the foregoing application was of \$4.00 20.77	signed in r	my presend	ce and	sworn to before me	this 28 day
OLLER HOUTSMA NOTARY PUBLIC	_) 11-33 p.	rie Lou	12ma
My Commission Expires My Appl Fxo. 4-24-2018	3 3			Notary Public	
ONLY COMPLETE APPLICATIONS WILL BE PROCESSED. To be accurate information; maps, if necessary, must be included; signatu the appropriate fee must be paid.					
<u> </u>	EE SCHEDU	LE			
Each application to change the place of use or the point of d forth in the schedule below: Make checks payable to: Kans				e accompanied by the	application fee set
 (1) Application to change a point of diversion 300 fe (2) Application to change a point of diversion more (3) Application to change the place of use 	eet or less than 300 feet	. , , , , , , , , , , , , , , , , , , ,			\$200
()					,

