

**Data Entry - Please change date to date of replacement order*

REPLACEMENT ORDER

DATE: 7/1/2020

7/2/2020
LMoody

Kansas Department of Agriculture
Division of Water Resources

CHANGE: P/D P/U WORKSHEET & ADDRESS UPDATE

SIGNER LPL

1. File Number: 26959	2. Status Change Date: 3/16/2020	3. Change Num: C1	4. Field Office: 2	5. GMD: 0
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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: 12/17/2018
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8a. Applicant(s) <input type="checkbox"/> New to system Person ID _____ Add Seq# _____ CLARK COUNTY FEEDYARD INC CALVIN MINOR 461 CR I #1 MINNEOLA KS 67865 6535 EMAIL CALVIN.CCFY@GMAIL.COM	8c. Landowner(s) <input type="checkbox"/> New to system Person ID 2864 Add Seq# _____ CLARK COUNTY FEEDYARD INC 461 CR I #1 MINNEOLA KS 67865 67865 6535 ADDRESS UPDATE
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8b. Landowner(s) <input checked="" type="checkbox"/> New to system Person ID 19556 Add Seq# _____ JOHN S WILKEY REV TRUST 1960 STATE ROAD 14 STERLING KS 67579-8824	8d. WUC <input type="checkbox"/> New to system Person ID 2864 Add Seq# _____ 8C
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9. Documents and Enclosure(s): DWR Meter(s) Date to Comply: **12/31/2020** N & P Date to Comply: **12/31/2020**

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: _____ To: _____

Date Prepared: **1/15/2020** By: **LI**

Date Entered: **3/19/2020** By: **LMoody**

** RAK/own 6/30/20*

File No. **26959** 11. County: CA Basin: CIMARRON RIVER Stream: NA Formation Code: 332 Special Use: NO

12. Points of Diversion											Rate and Quantity						
CHK	MOD	DEL	ENT	PDIV	Qualifier	S	T	R	ID	'N	'W	Comment (AKA Line)	Rate gpm	Quantity mgy	Rate gpm	Quantity mgy	Overlap PD Files
DEL					NW NW NE	16	31	25W	1	5160	2200	DOMESTIC WELL FOR NE¼ SEC 16					NONE
ENT	87974				NW NW NE	16	31	25W		4874	1985	WELL #9	14.0		14.0		NONE
CHK	34380				NW NW NE	16	31	25W	2	5008	2280	** WELL # 2	16.0		16.0		NONE
CHK	31929				SW NW NE	16	31	25W	4	4300	2205	** WELL # 3	40.0		40.0		NONE
CHK	48575				SW NW NE	16	31	25W	6	4456	2239	** WELL # 4	55.0		55.0		38439
BLANKET QUANTITY											** GPS UPDATE		31.173	31.173			

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) **NONE NO CHANGE**
 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 CHK MOD DEL ENT	PUSE	S	T	R	ID	NE¼				NW¼				SW¼				SE¼				Total	Owner	Chg?	Overlap Files
						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				
MOD	11347	16	31	25W	1	FEEDLOT IN THE NE¼ & N¼ SE¼																	8C & 8B	YES	**
ENT	69881	15	31	25W		FEEDLOT IN THE N¼ NW¼																	8B	NO	**

Base Acres: Year: Minimum Reasonable Quantity:

Comments: **COMPLETE OVERLAP ** 26959 38438 38439 40931 50185 50186 50187**

KANSAS DEPARTMENT OF AGRICULTURE
Division of Water Resources

M E M O R A N D U M

TO: Files

DATE: June 30, 2020

FROM: Richelle A. Krueger

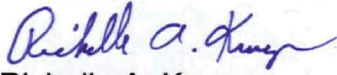
RE: Water Right
File Nos. 26,959, 38,438,
38,439, and 40,931
Appropriation of Water,
File Nos. 50,185, 50,186 and
50,187

Change applications for File Nos. 26,959, 38,438, 38,439, and 40,931 and new applications for File Nos. 50,185, 50,186 and 50,187 were all originally approved March 16, 2020. Replacement approval documents for File Nos. 38,438, 38,439 and 50,187 were signed on May 22, 2020 and subsequently mailed on May 28, 2020 to Calvin Minor of Clark County Feedyard, partial water right owner, since those approval documents had not been notarized.

On June 11th, 2020, Brenda Ketron of the Clark Co Register of Deeds office called regarding an error in the approval documents involving the place of use description. The error is in Section 16, Township 31 South, Range 25 West, Clark County, Kansas, wherein the abbreviated description in parentheses is incorrectly described but the written description is correct: North Half of the Southeast Quarter (N $\frac{1}{2}$ SE $\frac{1}{2}$). The correct description is: North Half of the Southeast Quarter (N $\frac{1}{2}$ SE $\frac{1}{4}$).

The error is in all seven of the approval documents. The Clark Co. Register of Deeds Office returned all the documents except for File Nos. 50,185 and 50,186. It has been determined that all seven of the approval documents should be corrected and re-signed by Lane Letourneau, Program Manager, Water Appropriations Program with a new approval date. The corrected approval documents will be sent to the Clark County Register of Deeds Office, who will record the documents for File Nos. 26,959, 38,438, 38,439, and 40,931 and then forward all the documents to the Clark County Feedyard. The other water right owner, John S. Wilkey Revocable Trust, will also be sent copies of the replacement approval documents. Both owners will be informed that these are replacement documents and that the old orders should be discarded.

In addition, the place of use shown in WRIS for File No. 50,187 should be corrected to reflect a complete overlap in the place of use (include Feedlot N $\frac{1}{2}$ NW $\frac{1}{4}$ in Section 15).


Richelle A. Krueger
Environmental Scientist

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

REGISER OF DEEDS - CLARK COUNTY

Attn: BRENDA KETRON
913 HIGHLAND PO BOX 222
ASHLAND, KS 67831-0222

RE: Water Right, File Nos. 26,959; 38,438; 38,439 and 40,931
Appropriation of Water, File Nos. 50,185; 50,186 and 50,187

Dear Ms. Ketron:

Enclosed are replacement orders for approval of new applications, Appropriation of Water, File Nos. 50,185; 50,186 and 50,187 and applications for change for Water Right, File Nos. 26,959; 38,438; 38,439 and 40,931. The documents for File Nos. 26,959; 38,438; 38,439 and 40,931 should now be acceptable for recording.

The replacement orders for File Nos. 26,959; 38,438; 38,439; 40,931; 50,185; 50,186 and 50,187 should all be returned to Calvin Minor of Clark County Feedyard as we discussed. The water right owners should dispose of any of the previous orders signed on March 16, 2020 or May 22, 2020.

If you have any questions, please contact this office. If you call, please reference the file number so we can help you more efficiently.

Sincerely,

A handwritten signature in blue ink that reads "Richelle A. Krueger".

Richelle A. Krueger
Environmental Scientist
Water Appropriation Program

Enclosures

RAK

pc: Stafford Field Office
Clark County Feeders, Attn Calvin Minor
John S. Wilkey Revocable Trust

THE STATE OF KANSAS



KANSAS DEPARTMENT OF AGRICULTURE
Mike Beam, Secretary of Agriculture

DIVISION OF WATER RESOURCES
Christopher W. Beightel, Acting Chief Engineer

**APPROVAL OF APPLICATION
FOR
CHANGE IN PLACE OF USE
AND
POINT OF DIVERSION
WATER RIGHT, FILE NO. 26,959**

The Chief Engineer, Division of Water Resources, Kansas Department of Agriculture, after due consideration of the written application of Calvin Minor on behalf of the Clark County Feedyard, Inc., 461 CR I #1, Minneola, Kansas 67865, received in this office on December 17, 2018, for approval of a change in the place of use and point of diversion under the certificate of appropriation issued pursuant to the application for permit to appropriate water for beneficial use, finds that the change is reasonable and will not impair existing rights, and that the change relates to the same local source of supply and that the application should be and is hereby approved.

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 the:

a feedlot located in the North Half of the Northwest Quarter (N $\frac{1}{2}$ NW $\frac{1}{4}$) of Section 15, and in the Northeast Quarter (NE $\frac{1}{4}$), and the North Half of the Southeast Quarter (N $\frac{1}{2}$ SE $\frac{1}{4}$) of Section 16, all in Township 31 South, Range 25 West, Clark County, Kansas,

and the location of the authorized points of diversion shall be:

one(1) well (Well No. 2) located in the Northwest Quarter of the Northwest Quarter of the Northeast Quarter (NW $\frac{1}{4}$ NW $\frac{1}{4}$ NE $\frac{1}{4}$) of Section 16, more particularly described as being near a point 5,008 feet North and 2,280 feet West of the Southeast corner of said section, and

one(1) well (Well No. 3) located in the Southwest Quarter of the Northwest Quarter of the Northeast Quarter (SW $\frac{1}{4}$ NW $\frac{1}{4}$ NE $\frac{1}{4}$) of Section 16, more particularly described as being near a point 4,300 feet North and 2,205 feet West of the Southeast corner of said section, and

one(1) well (Well No. 4) located in the Southwest Quarter of the Northwest Quarter of the Northeast Quarter (SW $\frac{1}{4}$ NW $\frac{1}{4}$ NE $\frac{1}{4}$) of Section 16, more particularly described as being near a point 4,456 feet North and 2,239 feet West of the Southeast corner of said section, and

one(1) well (Well No. 9) located in the Northwest Quarter of the Northwest Quarter of the Northeast Quarter (NW $\frac{1}{4}$ NW $\frac{1}{4}$ NE $\frac{1}{4}$) of Section 16, more particularly described as being near a point 4,874 feet North and 1,985 feet West of the Southeast corner of said section,

all in Township 31 South, Range 25 West, Clark County, Kansas,

located substantially as shown on the topographic map accompanying the application to change the place of use and point of diversion.

Installation of the works for diversion of water shall be completed on or before December 31, 2020, or within any authorized extension of time. The applicant 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 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.

In all other respects, the Certificate of Appropriation issued pursuant to Approval of Application, File No. 26,959, for permit to appropriate water for beneficial use, is as stated and set forth in the Certificate of Appropriation dated May 19, 2000.

Ordered this 1 day of July, 2020, in Manhattan, Riley County, Kansas.

Lane P. Letourneau

Lane P. Letourneau, P.G.
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 1 day of July, 2020, by Lane P. Letourneau, P.G., Program Manager, Division of Water Resources, Kansas Department of Agriculture.



Ashlee Freeman
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:

- 1) request an evidentiary hearing before the Chief Engineer, or
- 2) 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 a 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

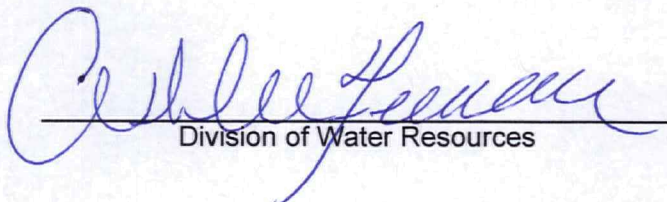
On this 6 day of July, 2020, I hereby certify that the attached Approval of Application for Change in the Authorized Place of Use and Point of Diversion under Water Right, File No. 26,959, dated 1 July 2020 was mailed postage prepaid, first class, US mail to the following:

CLARK COUNTY FEEDYARD INC
CALVIN MINOR
461 CR I #1
MINNEOLA KS 67865-6535

With photocopies to:

JOHN S WILKEY REVOCABLE TRUST
1960 STATE ROAD 14
STERLING KS 67579-8824

Stafford Field Office


Division of Water Resources