

Kansas Department of Agriculture
 Division of Water Resources
CHANGE: P/U WORKSHEET & ORDER TO BETTER DESCRIBE PD

SIGNER LPL

1. File Number: 38438	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 checked="" 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) Person ID _____ New to system <input type="checkbox"/> Add Seq# _____ CLARK COUNTY FEEDYARD INC CALVIN MINOR 461 CR I #1 MINNEOLA KS 67865 6535 EMAIL CALVIN.CCFY@GMAIL.COM	8c. Landowner(s) Person ID <u>2864</u> New to system <input type="checkbox"/> Add Seq# _____ CLARK COUNTY FEEDYARD INC 461 CR I #1 MINNEOLA KS 67865 67865 6535 ADDRESS UPDATE
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8b. Landowner(s) Person ID _____ New to system <input checked="" type="checkbox"/> Add Seq# _____ JOHN S WILKEY REV TRUST 1960 STATE ROAD 14 STERLING KS 67579-8824	8d. WUC Person ID <u>2864</u> New to system <input type="checkbox"/> 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: _____

***** Resigned and remailed 5/22/2020 due to lack of notary stamp on first document dated 3/16/20. Date of approval was changed in WRIS to be 5/22/2020.**

Date Prepared: **1/15/2020** By: **LI**
 Date Entered: **3/19/2020** By: _____

5/28/2020
LMoody

3/19/2020
LMoody

File No. **38438** 11. County: CA Basin: **CIMARRON RIVER** Stream: NA Formation Code: 332 Special Use: NO

12. Points of Diversion CHK MOD DEL ENT	PDIV	Qualifier	S	T	R	ID	'N	'W	Comment (AKA Line)	Rate and Quantity				
										Authorized		Additional		
										Rate gpm	Quantity mgy	Rate gpm	Quantity mgy	Overlap PD Files

MOD **46396** NC NE 16 31 25W 4083 1502 WELL #5 NO CHANGE NONE

**** GPS UPDATE**

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) **42.02MGY COM/W #26,959** (NO CUG)
 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 & N½ SE¼																	8C & 8B	YES	**
ENT	69881	15	31	25W		FEEDLOT IN THE N½ 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: January 15, 2020

FROM: Leslie Ireland

RE: Water Right,
File Nos. 26,959; 38,438; 38,439 & 40,931

Calvin Minor, signing as owner of Clark County Feeders Inc., the listed owner of the referenced files authorized for stockwatering use, filed applications to change the place of use on all of the referenced files and point of diversion under File No. 26,959. The applications were received on December 17, 2018, with proposed new appropriations that were assigned File Nos. 50,185; 50,186 & 50,187. The rights are not located with a special use area. These Clark County rights are within the Hydrological Atlas Area.

The subject rights appear to be in compliance with K.S.A. 82a-732 and not abandoned per K.S.A. 82a-718. The applications for change appear to comply with K.A.R. 5-5-2a, *Complete change application*.

The referenced files are certified to provide a limited quantity of 43.695 million gallons (mgy) (134.1 acre-feet) per year from five (5) wells and a battery of four(4) wells with the only overlap in point of diversion between the well identified as Well #4, under File Nos. 26,959 & 38,439, that is limited to 55 gallons per minute with the three(3) other wells authorized under File No. 26,959. Approvals will update the well locations under File Nos. 26,959; 38,438 & 38,439. The actual well locations are within 300 feet of the authorized and comply with K.A.R. 5-5-6, *Failure to construct diversion works at authorized location*.

These wells are not located in a special use area and have had the source of determined to be the Kiowa Formation. Lithology logs of the referenced files with the most recent being the proposed well under File No. 26,959, drilled in June 2019, listing a depth of 135 feet a static water level of 78 feet appears to be common for the wells. The requested change in point of diversion under File No. 26,959, will authorize a point of diversion located in the Northwest Quarter of the Northwest Quarter of the Northeast Quarter (NW $\frac{1}{4}$ NW $\frac{1}{4}$ NE $\frac{1}{4}$) near a point 4,874 feet North and 1,985 feet West of the Southeast corner from a point approximately 5,160 feet North and 2,200 feet West of the Southeast corner all in Section 16, Township 31, Range 25 West Clark County. The change is a distance of approximately 358 feet. It appears the source of supply will remain unchanged. The approval under File No. 26,959 will also update the three(3) other wells authorized. The well under File No. 38,438 will also be updated to the 2008 GPS determined location. The approval for File No. 38,439, will also be updated as it overlaps with the owners identified Well #4 under File No. 26,959.

The old stockwatering well identified by the owner as Well #1 will be retained for domestic use at a house in the NE $\frac{1}{4}$ of Section 16. The change application under File No. 26,959, stated the proposed well does not meet spacing to well CIN 6, 5 & proposed point of diversion CIN 11 under File No. 50,186. It does not appear a waiver of well to well spacing K.A.R. 5-4-4, *Well spacing* would be needed for the proposed change in point of diversion as this regulation in part (a) allows spacing to be sufficient to prevent direct impairment between wells in a common source of supply necessary and where the owner has given permission to reduce the spacing. As the applicant is the owner it would appear consent to reduce spacing has been given. A review of the area indicates there are no other wells other than the applicant/owners located within one-half ($\frac{1}{2}$) mile of the proposed well.

As there are only the applicants/owner's wells within one-half ($\frac{1}{2}$) mile of the proposed well, under File No. 26,959, no notice for nearby comments on the proposed change were sent.

The currently authorized place of use is located within the Northeast Quarter (NE $\frac{1}{4}$) of Section 16, Township 31 South, Range 25 West, Clark County. The change in place of use has been requested for all the referenced files to expand the feedlot to the South within Section 16, to authorize the NE $\frac{1}{4}$ and the North half of the Southeast (N $\frac{1}{2}$ SE $\frac{1}{4}$), and to the East into the North half of the Northwest Quarter (N $\frac{1}{2}$ NW $\frac{1}{4}$) of Section 15. The approval will modify the place of use listed on the application to provide a consistent description for half sections. The expansion into Section 15 will add land owned by John S. Wilkey Revocable Trust, as shown on the change and new permit applications. A complete overlap will be authorized under the referenced files and File Nos. 50,158; 50,186 & 50,187. The expansion to the stockwatering facility head count and associated increase in water use will be under the new permits. Their permitting should not result in an increase in consumptive use per K.A.R. 5-5-3, *Change in Consumptive use*, thus complying with K.A.R. 5-5-8, *Standards for approval of an application for a change in the place of use and/or a change in the use made of water*, for the referenced files.

Jeff Lanterman, Water Commissioner was sent a copy of this memorandum for comments and a recommendation on the proposed changes. He indicated in an e-mail dated January 15, 2020, he recommends approval of the changes in-conjunction with the new permits.

Water flowmeters are required according to KSA 82a-706c, for all the referenced files. The proposed change in point of diversion under File No. 26,959, will not require a water level measurement tube will not be required on the new well as all the wells under File No. 26,959, are authorized less that 100 gallons per minute. Additionally, as a WWC-5 log was obtained from the KGS water well web site, a WWC-5 will not be a condition of the approval.

Based on the above discussion, that new permits will be issued for the expansion, the changes appear to be reasonable, that impairment to existing water rights is unlikely, that there are no pending applications within the vicinity of the proposed changes and filed prior that may be affected by the approvals and that no change in the local source of supply will occur, it is recommended that the applications be approved.



Leslie Ireland
Environmental Scientist
Water Appropriation Program

Submit To: CHIEF ENGINEER
Division of Water Resources
Kansas Department of Agriculture
1320 Research Park Drive
Manhattan, Kansas 66502
http://agriculture.ks.gov/dwr

**APPLICATION FOR APPROVAL TO
CHANGE THE PLACE OF USE, THE
POINT OF DIVERSION OR THE USE
MADE OF THE WATER UNDER AN
EXISTING WATER RIGHT**



State of Kansas

Filing Fee Must Accompany the Application
(Please refer to Fee Schedule on signature page of application form.)

Paragraph Nos. 1, 2, 3, 4 & 8 must be completed. Complete all other applicable portions. A topographic map or detailed plat showing the authorized and proposed points(s) of diversion and /or place of use must accompany this application.

1. Application is hereby made for approval of the Chief Engineer to change the

- (Check one or more)
- Place of Use
 - Point of Diversion
 - Use Made of Water

PD BETTER DESCRIBED

Water Resources
Received
DEC 17 2018
12:21 P
KS Dept Of Agriculture

File No. 38438

2. Name of applicant: Clark County Feed Yard Inc

Address: 461 CR 1

City, State and Zip: Minneola KS 67865-6535

Phone Number: () E-mail address:

What is your relationship to the water right; owner tenant agent other? If other, please explain.

Name of water use correspondent: Clark County Feed Yard Inc

Address: 461 CR 1

City, State and Zip: Minneola KS 67865-6535

Phone Number: () E-mail address:

3. The change(s) proposed herein are desired for the following reasons (please be specific): This application proposes to modify the place of use to cover a future expansion to the stockwatering facility and to create a complete overlap with all other associated water right files.

The change(s) (will be) completed by upon approval. (Date)

For Office Use Only:							
F.O. Code	<u>2</u>	GMD	<u>0</u>	Meets K.A.R. 5-5-1 (YES / NO)	Use	Source	County
	<u>CPU</u>			<u>(YES)</u>	<u>STK</u>	<u>CA</u>	<u>CA</u>
Fee \$	<u>200</u>	TR #		Receipt Date	<u>12/17/18</u>	By	Date
						<u>KSN</u>	<u>12/17/18</u>
						Check #	<u>34070</u>

1/4/2019 WJ

APPLICATION COMPLETE
1/15/20
Reviewer LI

Assisted by: TJS-SFFO
SCANNED

- 6. The presently authorized point(s) of diversion is one well with diversion works
(Provide description and number of points)
- 7. The proposed point(s) of diversion are ---
(Provide description and number of points)

List all presently authorized point(s) of diversion:

8. **Presently authorized point of diversion:** "Well #5"

One in the SW Quarter of the NE Quarter of the NE Quarter of Section 16, Township 31 South, Range 25 W, in Clark County, Kansas, 4200 feet North 1200 feet West of Southeast corner of section.
 Authorized Rate 35 GPM Authorized Quantity 11 MGY *LTM TO 42,02 MGY w/ 26,959*
 (DWR use only: Computer ID No. 5 GPS 4083 feet North 1502 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) "Well #5" *GPS UPDATED PER COMPLIANCE 2008 - NC NE*
 One in the _____ Quarter of the _____ Quarter of the NC NE Quarter of Section 16, Township 31 South, Range 25 W, in Clark County, Kansas, 4083 feet North 1502 feet West of Southeast corner of section.
 Proposed Rate No Change Proposed Quantity No Change
 This point is: Additional Well Geo Center List other water rights that will use this point None

9. **Presently authorized point of diversion:**

One in the _____ Quarter of the _____ Quarter of the _____ Quarter of Section _____, Township _____ South, Range _____, in _____ County, Kansas, _____ feet North _____ feet West of Southeast corner of section.
 Authorized Rate _____ 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 _____ Quarter of the _____ Quarter of Section _____, Township _____ South, Range _____, in _____ County, Kansas, _____ feet North _____ feet West of Southeast corner of section.
 Proposed Rate _____ Proposed Quantity _____
 This point is: Additional Well Geo Center List other water rights that will use this point _____

10. **Presently authorized point of diversion:**

One in the _____ Quarter of the _____ Quarter of the _____ Quarter of Section _____, Township _____ South, Range _____ W, in _____ County, Kansas, _____ feet North _____ feet West of Southeast corner of section.
 Authorized Rate _____ 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 _____ Quarter of the _____ Quarter of Section _____, Township _____ South, Range _____, in _____ County, Kansas, _____ feet North _____ feet West of Southeast corner of section.
 Proposed Rate _____ Proposed Quantity _____
 This point is: Additional Well Geo Center List other water rights that will use this point _____

- 11. Describe the current condition of and future plans for any point(s) of diversion which will no longer be used. NA

IF MORE SPACE IS NEEDED, ATTACH ADDITIONAL SHEETS AS NECESSARY

4. The presently authorized place of use is:

Owner of Land — NAME: Clark County Feed Yard Inc

ADDRESS: 461 CR 1, Minneola KS 67865-6535

Sec.	Twp.	Range	NE¼				NW¼				SW¼				SE¼				TOTAL ACRES				
			NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼					
16	31S	25W	Stockwatering use in a feedlot located in Northeast Quarter (NE ¼) of Section 16, Township 31 South, Range 25 West, Clark County, Kansas.																				

List any other water rights that cover this place of use. 26959, 38439, 40931

Owner of Land — NAME: ---

ADDRESS: ---

Sec.	Twp.	Range	NE¼				NW¼				SW¼				SE¼				TOTAL ACRES				
			NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼					

Water Resources
Received

List any other water rights that cover this place of use. ---

(If there are more than two landowners, attach additional sheets as necessary.)

DEC 17 2018

KS Dept Of Agriculture

5. It is proposed that the place of use be changed to:

Owner of Land — NAME: John S Wilkey Rev Trust

ADDRESS: 1960 State Rd 14, Sterling KS 67579-8824

Sec.	Twp.	Range	NE¼				NW¼				SW¼				SE¼				TOTAL ACRES				
			NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼					
15	31	25	Stockwatering use in a feedlot located in the North Half of the Northwest Quarter (N ½ NW ¼) of Section 15, Township 31 South, Range 25 West, Clark County, Kansas as shown as shown on the topographic map accompanying the application.																				

List any other water rights that cover this place of use. 26959, 38439, 40931 50,185; 50,186 + 50,187 * LI

own / 4/30/19

Owner of Land — NAME: Clark County Feed Yard Inc // John S Wilkey Rev Trust

ADDRESS: 461 CR 1, Minneola KS 67865-6535 // 1960 State Rd 14, Sterling KS 67579-8824

Sec.	Twp.	Range	NE¼				NW¼				SW¼				SE¼				TOTAL ACRES				
			NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼					
16	31	25	Stockwatering use in a feedlot located largely in the East Half (E ½) of Section 16, Township 31 South, Range 25 West, Clark County, Kansas as shown as shown on the topographic map accompanying the application.																				

NE¼ & NY 2 SE¼ ⊗

List any other water rights that cover this place of use. 26959, 38439, 40931 50,185; 50,186; 50,187 *

LI own
4/30/19
⊗ 0/23/19

IF MORE SPACE IS NEEDED, ATTACH ADDITIONAL SHEETS AS NECESSARY

SCANNED

12. The presently authorized use of water is for Stockwatering purposes.
It is proposed that the use be changed to No Change purposes.
13. If changing the place of use and/or use made of water, describe how the consumptive use will not be increased.
The place of use is being enlarged to include the entire facility in its current form, with the expectation of expansion from the permitted 12,500 head of cattle to a projected capacity of 24,000 head of cattle.
This application will be submitted along with three (3) new applications proposing to authorize use from two other unpermitted wells, to increase the quantity and rate for use at the stockwatering facility by adding a well, and to account for the expansion. Also, place of use change applications will be submitted for all other rights to create a complete overlap.
(Please show any calculations here.)
14. It is requested that the maximum annual quantity of water be reduced to --- (acre-feet or million gallons).
15. It is requested that the maximum rate of diversion of water be reduced to --- gallons per minute (--- c.f.s.).
16. The application must include either a topographic map or detailed plat. A U.S. Geological Survey Topographic Map, scale 1:24,000, is available through the Kansas Geological Survey, 1930 Constant Avenue, University of Kansas, Lawrence, Kansas 66047-3726 (www.usgs.gov). The map should show the location of the presently authorized point(s) of diversion. Distances North and West of the Southeast corner of the section must be shown. The presently authorized place of use should also be shown. Identify the center of the section, the section lines and the section corners and show the appropriate section, township, and range numbers on the map. In addition the following information must also be shown on the map.
- If a change in the location of the point(s) of diversion is proposed, show:
 - The location of the proposed point(s) of diversion. Distances North and West of the Southeast corner of the section must be shown. Please be certain that the information shown on the map agrees with the information shown in Paragraph Nos. 9, 10 and 11 of the application.
 - If the source of supply is groundwater, please show the location of existing water wells of any kind, including domestic wells, within ½ mile of the proposed well or wells. Identify each well as to its use and furnish name and mailing address of the property owner or owners. If there are no wells within ½ mile, please indicate so on the map.
 - If the source of supply is surface water, the names and mailing addresses of all landowner(s) ½ mile downstream and ½ mile upstream from your property lines must be shown.
 - If a change in the place of use is desired, show the proposed place of use by crosshatching on the map. Please be certain that the information shown on the map agrees with the information shown in Paragraph No. 5 of the application.
17. Attach documentation to show the change(s) proposed herein will not impair existing water rights and relates to the same local source of supply as to which the water right relates. This information may include statements, plats, geology reports, well logs, test hole logs, and other information as necessary information to show the above. Additional comments may be made below.
- All nearby wells are owned by Clark County Feed Yard/John S Wilkey Rev Tr and are being operated by at the same stockwatering facility.
- DWR ID5 (Well #5) is not moving point of diversion, only better describing footages based on GPS data.
18. If the proposed change(s) does not meet all applicable rules and regulations of the Kansas Water Appropriation Act, please identify the rules and regulations for which you request a waiver. State the reason why a waiver is needed and why the request should be granted. Attach documentation showing that granting the request will not impair existing water rights and will not prejudicially and unreasonably affect the public interest.

No waivers anticipated

Water Resources
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DEC 17 2018

IF MORE SPACE IS NEEDED, ATTACH ADDITIONAL SHEETS AS NECESSARY

SCANNED

KS Dept Of Agriculture

Any use of water that is not as authorized by the water right or permit to authorize water **before** the chief engineer approves this application is a violation of the Kansas Water Appropriation Act for which criminal or civil penalties may be assessed. Such violation is a class C misdemeanor, punishable by a fine not to exceed \$500 and/or a term of confinement not to exceed one month in the county jail. K.S.A. 82a-728(b). Civil penalties shall be not less than \$100 nor more than \$1,000 per violation. In the case of a continuing violation, each day such violation continues may be deemed a separate violation. In addition to these penalties the water right may be modified or suspended. K.S.A. 82a-737, as amended.

The application must be signed by all owners of the place of use authorized under the water right and his or her spouse, if married. Please indicate if there is no spouse. If land is being purchased under contract, the seller must sign as landowner until such time as the contract is completed.

In the event that all applicants cannot appear before one notary public, they may as necessary sign separate copies of the application before any notary public conveniently available to them. All copies signed in this manner shall be considered to be valid parts of the application.

If the request is signed on behalf of any Owner by someone with legal authority to do so (for example, an agent, one who has power of attorney, or an executor, executrix, conservator), it will be necessary to attach proper documents showing such authority.

I declare that I am an owner of the currently authorized place of use as identified herein, or that I represent all such owners and am authorized to make this application on their behalf, and declare further that the statements contained herein are true, correct, and complete. By filing this application I authorize the chief engineer to permanently reduce the quantity of water and/or rate of diversion as specified in sections 14 and 15 of this application.

Dated at 11-5-18 Minnicola, Kansas, this 5th day of November, 20 18.

(Owner)
Calvin Minor
(Please Print)
Calvin Minor
(Owner)

(Please Print)

(Owner)

(Please Print)

(Spouse)

(Please Print)

(Spouse)

(Please Print)

(Spouse)

(Please Print)

State of Kansas)
County of _____) SS

I hereby certify that the foregoing application was signed in my presence and sworn to before me this _____ day of _____, 20_____.

Notary Public
My Commission Expires _____.

FEE SCHEDULE

Each application to change the place of use, the point of diversion or the use made of the water under this section shall be accompanied by the application fee set forth in the schedule below:

- (1) Application to change a point of diversion 300 feet or less \$100
- (2) Application to change a point of diversion more than 300 feet \$200
- (3) Application to change the place of use \$200
- (4) Application to change the use made of the water \$300

Make check payable to **Kansas Department of Agriculture.**

Any use of water that is not as authorized by the water right or permit to authorize water before the chief engineer approves this application is a violation of the Kansas Water Appropriation Act for which criminal or civil penalties may be assessed. Such violation is a class C misdemeanor, punishable by a fine not to exceed \$500 and/or a term of confinement not to exceed one month in the county jail. K.S.A. 82a-728(b). Civil penalties shall be not less than \$100 nor more than \$1,000 per violation. In the case of a continuing violation, each day such violation continues may be deemed a separate violation. In addition to these penalties the water right may be modified or suspended. K.S.A. 82a-737, as amended.

The application must be signed by all owners of the place of use authorized under the water right and his or her spouse, if married. Please indicate if there is no spouse. If land is being purchased under contract, the seller must sign as landowner until such time as the contract is completed.

In the event that all applicants cannot appear before one notary public, they may as necessary sign separate copies of the application before any notary public conveniently available to them. All copies signed in this manner shall be considered to be valid parts of the application.

If the request is signed on behalf of any Owner by someone with legal authority to do so (for example, an agent, one who has power of attorney, or an executor, executrix, conservator), it will be necessary to attach proper documents showing such authority.

I declare that I am an owner of the currently authorized place of use as identified herein, or that I represent all such owners and am authorized to make this application on their behalf, and declare further that the statements contained herein are true, correct, and complete. By filing this application I authorize the chief engineer to permanently reduce the quantity of water and/or rate of diversion as specified in sections 14 and 15 of this application.

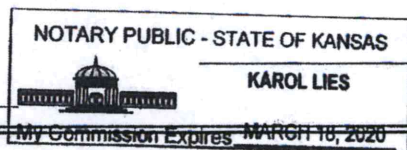
Dated at 461 CR I Minneola, Kansas, this 26th day of February, 2020

<u>Calvin Minor</u> (Owner)	_____	(Spouse)
<u>Calvin Minor</u> (Please Print)	_____	(Please Print)
_____	_____	(Spouse)
_____	_____	(Please Print)
_____	_____	(Spouse)
_____	_____	(Please Print)

State of Kansas }
County of Clark } SS

I hereby certify that the foregoing application was signed in my presence and sworn to before me this 26th day of February, 2020.

My Commission Expires 3-18-2020



Karol Lies
Notary Public

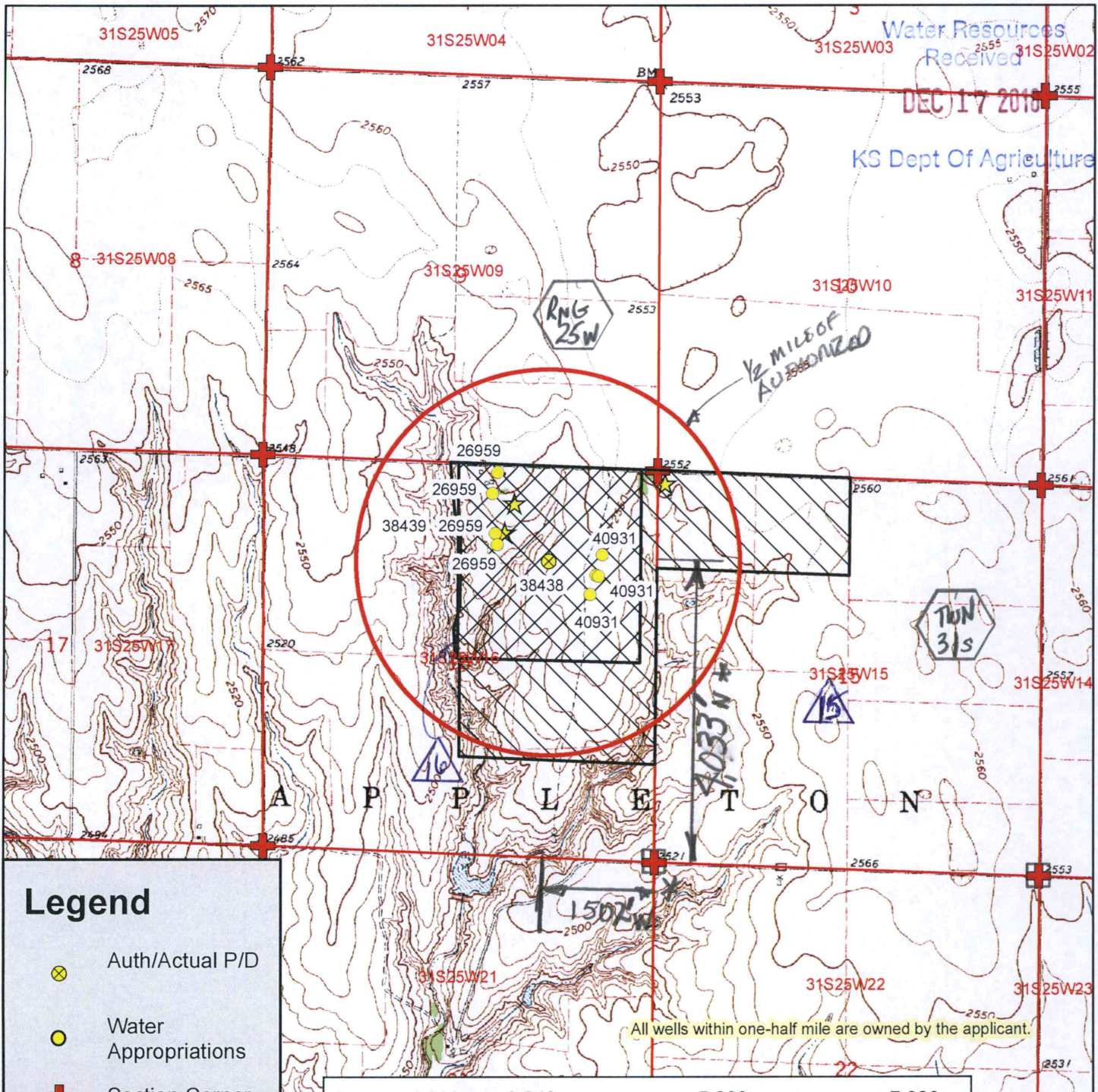
FEE SCHEDULE

Each application to change the place of use, the point of diversion or the use made of the water under this section shall be accompanied by the application fee set forth in the schedule below:

- (1) Application to change a point of diversion 300 feet or less \$100
- (2) Application to change a point of diversion more than 300 feet \$200
- (3) Application to change the place of use \$200
- (4) Application to change the use made of the water \$300

Make check payable to Kansas Department of Agriculture.

WATER RESOURCES
RECEIVED
FEB 26 2020
KS DEPT OF AGRICULTURE



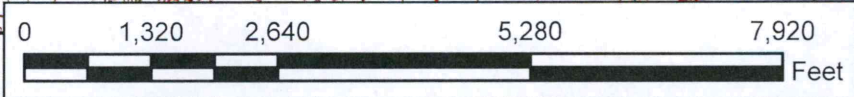
Water Resources Received
 DEC 17 2016
 KS Dept Of Agriculture

Legend

- Auth/Actual P/D
- Water Appropriations
- Section Corner
- Section Line
- Domestic Well
- 1/2 Mile Buffer

Place of Use

- Authorized
- Proposed



Water Right, File No. 38438
 Change in Place of Use, Application Map
 15/16-31S-25W // Clark County



To the best of my knowledge, all water wells including domestic, within 1/2 mile of the proposed point of diversion have been shown.

Calvin Meier

SCANNED

DIVISION OF WATER RESOURCES-KANSAS DEPARTMENT OF AGRICULTURE
COMPLIANCE INVESTIGATION

Field Office No. 02 G.M.D. No. _____ County Clark
File No. 38,438 Overlap _____ File No(s). _____
Agency DWR Inspector Patrick Dick

In Compliance/ Date	
<input checked="" type="checkbox"/>	Yes <u>6/4/08</u>
<input type="checkbox"/>	No, see comments _____
<input type="checkbox"/>	Re-investigation _____

Reason: New Application Regular P/D Change P/U Change
 Meter Installed Short Move P/D Change Other SCKMO

Date of Order 1/19/07 Date of N of C Ack 12/10/07 Chg No. C _____ Date completed _____ If PD chg, old PD ID _____

Current Landowner Clark County Feed Yard Phone No. (620) 885 - 4251

Address 461 CR 1, Minneola, Kansas 67865
Additional landowners and addresses identified in remarks section.

Water Use Correspondent same Phone No. _____

Authorized Water Use Classification: Domestic Industrial Irrigation Municipal Hydraulic Dredging
 Recreation Stockwatering Water Power Artificial Recharge Contamination Remediation

Water currently being used for Stockwatering

Source: Groundwater Surface Water Basin Cimarron River

Authorized Point of Diversion: SW NE NE Sec. 16, T. 31S, R. 25W ID No. 5

Approximately 4200 ft. North and 1200 ft. West of SE corner of Sec 16.

Actual Point of Diversion: NC NE Sec. 16, T. 31S, R. 25W

Approximately 4083 ft. North and 1502 ft. West of SE corner of Sec 16.

How were distances determined? GPS and LEOBase EST Accuracy 9.9 Meas Cnt. 50 Latitude 37.35324 Longitude 100.04185

Distance from old pd _____ ft (N / S) and _____ ft (E / W) Old well: plugged capped equipped other: _____?

Location (site) map attached? **YES** Sketch or Map below

WELL INFORMATION:

Date Drilled 9/7/95 Original Depth 123 ft. Static Water Level When Drilled 93 ft.

Water level measurement tube required? **NO** Water level measurement tube present? **NO**

Static Water Level **NO** N/A Depth to water _____ ft. below LSD Location of M.P. _____

Comments: _____

**WATER RESOURCES
RECEIVED**

OCT 21 2008

KS DEPT OF AGRICULTURE

1. Enter a Section, Township, Range, Range Direction, Target Longitude and Target Latitude
2. Click on the "Load New Section Data" Button

Valid Entry? Yes Tells you if this is a valid section.
 Current Record? Yes Tells you if the currently loaded section matches the target section.

Load New Section Data

File No. 38,438

Corner Coordinates from LEOBASE

Corner	Corner Latitudes	Corner Longitudes	
SW	37.342514	100.055176	Corner defined
NW	37.357147	100.055420	Corner defined
NE	37.356689	100.036743	Corner defined
SE	37.342026	100.036682	Corner defined

Distances from Corners

Corner	Feet North(+)/South(-)	Feet East(-)/West(+)	Point In Section? Yes
SW	3905	-3874	3905 ft N and 3874 ft E of SW corner
NW	-1423	-3945	1423 ft S and 3945 ft E of NW corner
NE	-1256	1485	1256 ft S and 1485 ft W of NE corner
SE	4083	1502	4083 ft N and 1502 ft W of SE corner

**WATER RESOURCES
 RECEIVED**
OCT 21 2008
 KS DEPT OF AGRICULTURE

Ireland, Leslie [KDA]

FILE Nos. 26,958, 38,438, 38,439 & 40,931

From: Lanterman, Jeff [KDA]
Sent: Wednesday, January 15, 2020 4:58 PM
To: Ireland, Leslie [KDA]
Cc: Conant, Cameron [KDA]
Subject: RE: Applications 50,185-186, 187

Correct. Lets get this whole package approved.

From: Ireland, Leslie [KDA] <Leslie.Ireland@ks.gov>
Sent: Wednesday, January 15, 2020 4:26 PM
To: Lanterman, Jeff [KDA] <Jeff.Lanterman@ks.gov>
Cc: Conant, Cameron [KDA] <Cameron.Conant@ks.gov>
Subject: RE: Applications 50,185-186, 187

Jeff,

I interpret the email below as your recommendation to proceed and recommend the changes for approval. Right?

Attached is the summary memo for the changes.

Leslie Ireland, Environmental Scientist
Kansas Department of Agriculture
Division of Water Resources - Change Unit
(785) 564-6633
Leslie.Ireland@ks.gov
www.agriculture.ks.gov

From: Lanterman, Jeff [KDA] <Jeff.Lanterman@ks.gov>
Sent: Tuesday, January 14, 2020 4:55 PM
To: Milner, Brandon [KDA] <Brandon.M.Milner@ks.gov>; Ireland, Leslie [KDA] <Leslie.Ireland@ks.gov>
Cc: Conant, Cameron [KDA] <Cameron.Conant@ks.gov>
Subject: FW: Applications 50,185-186, 187

Brandon,

Cameron and I chatted this around. I think we are OK going ahead and approving these things with the associated change in PU applications that Leslie is working under File Nos. 26,959 38,438; 38,439 & 40,931.

What got me is that it surely appears that they can operate the feedyard at 9 GPHD existing so why would the expansion be any different.

Thanks
Jeff

From: Conant, Cameron [KDA] <Cameron.Conant@ks.gov>
Sent: Tuesday, January 14, 2020 12:28 PM
To: Lanterman, Jeff [KDA] <Jeff.Lanterman@ks.gov>
Subject: FW: Applications 50,185-186, 187

What are your thoughts on this? We briefly discussed this a while back and I think at that time you leaned towards letting it go as is even though the quantity is lower than the max they could request.

After I get done with Robb, I'll come in and we can chat if need be. There are new apps and pending changes for this setup. They are getting it ready for sale or it just sold, I'm not sure which.

Cam

From: Milner, Brandon [KDA] <Brandon.M.Milner@ks.gov>
Sent: Tuesday, January 14, 2020 12:02 PM
To: Conant, Cameron [KDA] <Cameron.Conant@ks.gov>
Subject: RE: Applications 50,185-186, 187

Cameron,

I haven't had the chance to talk to Kristen yet, but I did do some research in the years past with the applicant. They have averaged around 9-10 gallons/head since 2014 so maybe it's normal for them?

Brandon Milner

From: Conant, Cameron [KDA] <Cameron.Conant@ks.gov>
Sent: Monday, December 30, 2019 3:49 PM
To: Milner, Brandon [KDA] <Brandon.M.Milner@ks.gov>; Lanterman, Jeff [KDA] <Jeff.Lanterman@ks.gov>; Baum, Kristen [KDA] <Kristen.Baum@ks.gov>
Subject: RE: Applications 50,185-186, 187

I don't know Brandon. I'm certainly not comfortable recommending approval of the new applications for a total of 241.1 AF while increasing the capacity to 24,000 cattle. This equates to only 9 gallons per head per day. The maximum is 15 GPHD...based on this, we could allow an expansion to 14,350 cattle. The applicant could provide information to us to show how and why they could operate with only 9 gallons per head per day. Has KDHE already approved an increase to 24,000 cattle and do they have any information that could be beneficial to us?

Would you be willing to review the past 5 years of use under the senior files and see what they are reporting for total use and Gallons/head/day?

We don't have a real calculation to determine a minimum reasonable for cattle so I think Jeff and Kristen probably need to weigh in on this. I think we also have a lot of p/u changes pending and on hold for the senior files.

Cameron

From: Milner, Brandon [KDA] <Brandon.M.Milner@ks.gov>
Sent: Monday, December 30, 2019 3:07 PM
To: Conant, Cameron [KDA] <Cameron.Conant@ks.gov>
Subject: Applications 50,185-186, 187

Cameron,

Just wanted to see where we were on the above mentioned applications as the applicant called to check the status today. I think the last item of business was an email I sent to Stafford back in October about a potentially approving the application with a reduced quantity and making sure that would be adequate for the number of cattle. Please see below from October.

I started working application # 50,185, 50,186 50,187 for Clark County Feed Inc. They are requesting a total of 269.157 Acre-feet of water for stock watering up to 24,000 head of cattle. They are currently authorized 134.1 acre-feet of water for 12,000 head of cattle. They are looking to upsize their operation and hence have filed new applications to appropriate water. They are located in DUA area BLC-67. This area only has 107 acre-feet of available. With these new applications being filed, they are asking for an additional 135 acre-feet of water to get to the total of 269.157 acre-feet. Therefore there would only be 107 acre-feet available instead of the 135 acre-feet requested. This new volume based off of that would be 241 acre-feet for 24,000 cattle. This would equate out to roughly 9 gallon per head of cattle per day. Is this an acceptable number in your mind or what are your thoughts on this? Thanks

Brandon Milner | Environmental Scientist

Kansas Dept. of Agriculture | Division of Water Resources

Address: 1320 Research Park Dr., Manhattan, KS 66502

Phone: 785-564-6631

Website: <http://agriculture.ks.gov/divisions-programs/dwr>

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 20, 2020

FILE COPY

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

RE: Water Right, File Nos. 26,959; 38,438; 38,439 & 40,931

Dear Mr. Minor:

Enclosed are the orders executed by the Chief Engineer, Division of Water Resources, Kansas Department of Agriculture, approving the applications for change under the reference files.

Your attention is directed to the enclosures and to the terms, conditions, and limitations specified in the approvals for change. A condition of the approvals is that an acceptable water flowmeter must be installed on the diversion works authorized under the referenced files.

Since these orders modify the original documents referred to above, they should be recorded with the Register of Deeds as other instruments affecting real estate.

If you have any questions, please contact Leslie Ireland, Environmental Scientist, at (785) 564-6633. If you wish to discuss a specific file, please have the file number ready so that we may help you more efficiently.

Sincerely,

Kristen A. Baum
New Applications Unit Supervisor
Water Appropriation Program

KAB:LI:li:

Enclosures

pc: Stafford Field Office

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 ORDER TO BETTER DEFINE THE LOCATION OF THE
AUTHORIZED POINT OF DIVERSION
WATER RIGHT, FILE NO. 38,438**

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 $\frac{1}{2}$) of Section 16, 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

that the point of diversion authorized for stockwatering use would more accurately be defined as:


one(1) well (Well No. 5) located near the center of the Northeast Quarter (NE $\frac{1}{4}$) of Section 16, more particularly described as being near a point 4,083 feet North and 1,502 feet West of the Southeast corner of said section, in Township 31 South, Range 25 West, Clark County, Kansas.

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. 38,438, 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 10th day of March, 2020, in Manhattan, Riley County, Kansas.


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 10th day of March, 2020, by Lane P. Letourneau, P.G., Program Manager, Division of Water Resources, Kansas Department of Agriculture.


Kateri Anderson
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 20th day of March, 2020, I hereby certify that the attached Approval of Application for Change in the Authorized Place of Use and Order to Better Described the Location of the Authorized Point of Diversion under Water Right, File No. 38,438, dated March 16, 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

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

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

RE: Water Right, File Nos. 38,438 and 38,439 and Appropriation of Water, File No. 50,187

Dear Mr. Minor:

Enclosed are replacement orders for the approval of your new application and the applications for change under the above referenced files. These documents have been properly notarized and the orders for Water Right, File Nos. 38,438 and 38,439 should now be acceptable for the Register of Deeds. We apologize for the oversight.

If you have any questions, please contact Leslie Ireland, Environmental Scientist, at (785) 564-6633. If you wish to discuss a specific file, please have the file number ready so that we may help you more efficiently.

Sincerely,

Kristen A. Baum
New Applications Unit Supervisor
Water Appropriation Program

KAB:kab
Enclosures
pc: Stafford Field Office

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 ORDER TO BETTER DEFINE THE LOCATION OF THE
AUTHORIZED POINT OF DIVERSION
WATER RIGHT, FILE NO. 38,438**

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 $\frac{1}{2}$) of Section 16, 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

that the point of diversion authorized for stockwatering use would more accurately be defined as:

one(1) well (Well No. 5) located near the center of the Northeast Quarter (NE $\frac{1}{4}$) of Section 16, more particularly described as being near a point 4,083 feet North and 1,502 feet West of the Southeast corner of said section, in Township 31 South, Range 25 West, Clark County, Kansas.

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. 38,438, 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 *22* day of *May*, 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 *22* day of *May*, 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

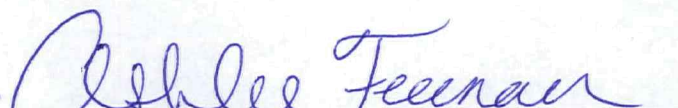
On this 28 day of May, 2020, I hereby certify that the attached Approval of Application for Change in the Authorized Place of Use and Order to Better Described the Location of the Authorized Point of Diversion under Water Right, File No. 38,438, dated May 22, 2020 was mailed postage prepaid, first class, 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