

*\* 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/U WORKSHEET**

SIGNER LPL

1. File Number: <b>40931</b>	2. Status Change Date: <b>3/16/2020</b>	3. Change Num: <b>C1</b>	4. Field Office: <b>2</b>	5. GMD: <b>0</b>
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: <b>12/17/2018</b>
8a. Applicant(s) New to system <input type="checkbox"/> <b>CLARK COUNTY FEEDYARD INC CALVIN MINOR 461 CR I #1 MINNEOLA KS 67865 6535 EMAIL CALVIN.CCFY@GMAIL.COM</b>		8c. Landowner(s) New to system <input type="checkbox"/> <b>CLARK COUNTY FEEDYARD INC 461 CR I #1 MINNEOLA KS 67865 67865 6535 ADDRESS UPDATE</b>		
8b. Landowner(s) New to system <input checked="" type="checkbox"/> <b>JOHN S WILKEY REV TRUST 1960 STATE ROAD 14 STERLING KS 67579-8824</b>		8d. WUC New to system <input type="checkbox"/> <b>8C</b>		
9. Documents and Enclosure(s): <input checked="" type="checkbox"/> DWR Meter(s) Date to Comply: <b>12/31/2020</b> <input type="checkbox"/> N & P Date to Comply: _____ <input type="checkbox"/> Anti-Reverse Meter <input type="checkbox"/> Meter Seal <input type="checkbox"/> Check Valve <input type="checkbox"/> N & P Form <input type="checkbox"/> Water Tube <input type="checkbox"/> Driller Copy <input type="checkbox"/> H & E Letter <input type="checkbox"/> Conservation Plan Date Required: _____ Date Approved: _____ Date to Comply: _____				
10. Use Made of Water From: _____ To: _____				
Date Prepared: <b>1/15/2020</b> By: <b>LI</b> Date Entered: <b>3/19/2020</b> By: <b>LMoody</b>				

*\* P/SK/own 6/30/20*

File No. **40931**      11. County: CA      Basin: **CIMARRON RIVER**      Stream: NA      Formation Code: **332**      Special Use: **NO**

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

**NO CHANGE TO EXISTING BATTERY OF 3 WELLS**

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) **43.69MGY COM/W #26,959 38438 & 38439**  
 Limitation: \_\_\_\_\_ af/yr at \_\_\_\_\_ gpm ( \_\_\_\_\_ cfs) when combined with file number(s)

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

16. Place of Use										NE¼				NW¼				SW¼				SE¼				Total	Owner	Chg?	Overlap Files	
CHK	MOD	DEL	ENT	PUSE	S	T	R	ID		NE ¼	NW ¼	SW ¼	SE ¼	NE ¼	NW ¼	SW ¼	SE ¼	NE ¼	NW ¼	SW ¼	SE ¼	NE ¼	NW ¼	SW ¼	SE ¼					
MOD	11347	16	31	25W	1					FEEDLOT IN THE NE¼ & N½ SE¼																	8C & 8B	YES	**	
ENT	<del>68988</del> 1	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:** June 30, 2020

**FROM:** Richelle A. Krueger

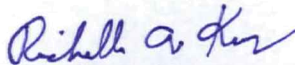
**RE:** Water Right  
File Nos. 26,959, 38,438,  
38,439, and 40,931  
Appropriation of Water,  
File Nos. 50,185, 50,186 and  
50,187

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 11<sup>th</sup>, 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**  
David W. Barfield, Chief Engineer

**APPROVAL OF APPLICATION  
FOR  
CHANGE IN PLACE OF USE  
WATER RIGHT, FILE NO. 40,931**

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 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,

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

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.



**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**

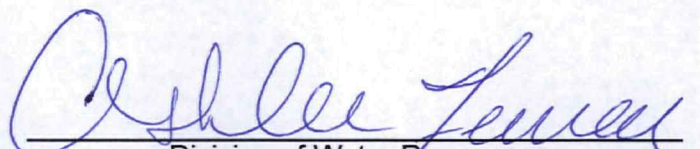
On this 6 day of July, 2020, I hereby certify that the attached Approval of Application for Change in the Authorized Place of Use under Water Right, File No. 40,931, dated 1 July 2020 was mailed postage prepaid, first class, US mail to the following:

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