

\* Data Entry - Please  
Change date to date  
of replacement order

NEW APPROVAL OF APPLICATION DATE:  
7/1/2020

7/2/2020  
LMoody

Kansas Department of Agriculture  
Division of Water Resources  
PERMIT OF NEW APPLICATION WORKSHEET

|                                  |  |                               |         |
|----------------------------------|--|-------------------------------|---------|
| 1. File Number:<br><b>50,185</b> | 2. Status Change Date:<br><b>3/16/2020</b> | 3. Field Office:<br><b>02</b> | 4. GMD: |
|----------------------------------|--|-------------------------------|---------|

5. Status:  Approved  Denied by DWR/GMD  Dismiss by Request/Failure to Return

6. Enclosures:  Check Valve  N of C Form  Water Tube  Driller Copy  Meter

7a. Applicant(s)  New to system  Person ID **2864**  
Add Seq# \_\_\_\_\_

**CLARK COUNTY FEEDYARD INC**  
**461 CRI**  
**MINNEOLA, KS 67865**

7b. Landowner(s)  New to system  Person ID **19556**  
Add Seq# \_\_\_\_\_

**John S. Wilkey Rev Trust**  
**1960 State Rd 14**  
**Sterling, KS 67579-8824**

7c. Landowner(s)  New to system  Person ID \_\_\_\_\_  
Add Seq# \_\_\_\_\_

7d. Misc  New to system  Person ID \_\_\_\_\_  
Add Seq# \_\_\_\_\_

8. WUR Correspondent  New to system  Overlap File (s) WUC Agree  Yes  No  
Person ID \_\_\_\_\_  
Add Seq# \_\_\_\_\_  
Notarized WUC Form

**7a**

9. Use of Water: Changing?  Yes  No

Groundwater  Surface Water

IRR  REC  DEW  MUN

STK  SED  DOM  CON

HYD DRG  WTR PWR  ART RECHRG

IND SIC: \_\_\_\_\_  OTHER: \_\_\_\_\_

10. Completion Date: **12/31/2021** 11. Perfection Date: **12/31/2025** 12. Exp Date: \_\_\_\_\_

13. Conservation Plan Required?  Yes  No Date Required: \_\_\_\_\_ Date Approved: \_\_\_\_\_ Date to Comply: \_\_\_\_\_

14. Water Level Measuring Device?  Yes  No Date to Comply: \_\_\_\_\_ Date WLMD Installed: \_\_\_\_\_

Date Prepared: **1/24/20** By: **BMM**  
Date Entered: **3/20/2020** By: **LMoody**

\* RAK/awr 6/30/20

File No. **50,185**      15. Formation Code: **332**      Drainage Basin: **Cimmaron River**      County: **CA**      Special Use:      Stream:

| 16. Points of Diversion |     |     |      |           |    |    |    |    |     |     | 17. Rate and Quantity |          |              |               |              |                  |    |        |               |      |
|-------------------------|-----|-----|------|-----------|----|----|----|----|-----|-----|-----------------------|----------|--------------|---------------|--------------|------------------|----|--------|---------------|------|
| T                       |     |     |      |           |    |    |    |    |     |     | Authorized            |          | Additional   |               |              |                  |    |        |               |      |
| MOD                     | DEL | ENT | PDIV | Qualifier | S  | T  | R  | ID | 'N  | W   | AKA Line              | Rate gpm | Quantity mgy | Rate gpm      | Quantity mgy | Overlap PD Files |    |        |               |      |
| <del>CHK</del>          |     |     |      | 87228     | NW | NW | NW | 15 | 31S | 25W | 1                     | 5267     | 4869         | <del>NA</del> | 99           | 78.6             | 99 | 34.905 | <del>NA</del> |      |
|                         |     |     |      | MOD       |    |    |    |    |     |     |                       |          |              |               |              |                  |    |        | new           | none |

18. Storage: Rate \_\_\_\_\_ NF      Quantity \_\_\_\_\_ ac/ft      Additional Rate \_\_\_\_\_ NF      Additional Quantity \_\_\_\_\_ ac/ft

19. Limitation: \_\_\_\_\_ af/yr at \_\_\_\_\_ gpm ( \_\_\_\_\_ cfs) when combined with file number(s) \_\_\_\_\_  
 Limitation: **78.6** mgy at \_\_\_\_\_ gpm ( \_\_\_\_\_ cfs) when combined with file number(s) **26959, 38,438, 38439, 40,931**

20. Meter Required?  Yes     No      To be installed by **12/31/2021**      Date Acceptable Meter Installed \_\_\_\_\_

| 21. Place of Use |     | NE¼ |     |       |    | NW¼ |     |    |                               | SW¼  |      |      |      | SE¼  |      |      |      | Total | Owner | Chg? | NO | Overlap Files |  |  |  |                  |  |    |              |
|------------------|-----|-----|-----|-------|----|-----|-----|----|-------------------------------|------|------|------|------|------|------|------|------|-------|-------|------|----|---------------|--|--|--|------------------|--|----|--------------|
| T                | 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 |    |               |  |  |  |                  |  |    |              |
|                  | MOD |     |     | 11347 | 16 | 31  | 25W | 1  | FEEDLOT IN THE NE¼ & N ½ SE ¼ |      |      |      |      |      |      |      |      |       |       |      |    |               |  |  |  | 7A & 7B          |  | NO | SEE COMMENTS |
|                  | ENT |     |     | 69881 | 15 | 31  | 25W |    | FEEDLOT IN THE N ½ NW ¼       |      |      |      |      |      |      |      |      |       |       |      |    |               |  |  |  | <del>7A</del> 7B |  | NO | SEE COMMENTS |
|                  |     |     |     |       |    |     |     |    |                               |      |      |      |      |      |      |      |      |       |       |      |    |               |  |  |  |                  |  |    |              |

Comments: **Overlap Files: 26959, 38,438, 38439, 40,931, 50,186, & 50,187**

**KANSAS DEPARTMENT OF AGRICULTURE**  
**Division of Water Resources**

**MEMORANDUM**

**TO:** Files

**DATE:** June 30, 2020

**FROM:** Richelle A. Krueger

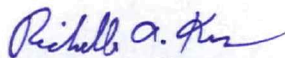
**RE:** Water Right  
File Nos. 26,959, 38,438,  
38,439, and 40,931  
Appropriation of Water,  
File Nos. 50,185, 50,186 and  
50,187

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". The signature is fluid and cursive.

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  
and  
PERMIT TO PROCEED**

(This Is Not a Certificate of Appropriation)

This is to certify that I have examined Application, **File No. 50,185** of the applicant

**CLARK COUNTY FEEDYARD INC  
461 CRI  
MINNEOLA, KS 67865**

for a permit to appropriate water for beneficial use, together with the maps, plans and other submitted data, and that the application is hereby approved and the applicant is hereby authorized, subject to vested rights and prior appropriations, to proceed with the construction of the proposed diversion works (except those dams and stream obstructions regulated by K.S.A. 82a-301 through 305a, as amended), and to proceed with all steps necessary for the application of the water to the approved and proposed beneficial use and otherwise perfect the proposed appropriation subject to the following terms, conditions and limitations:

1. That the priority date assigned to such application is **December 17, 2018**
2. That the water sought to be appropriated shall be used for stockwatering use at a cattle 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.
3. That the authorized source from which the appropriation shall be made is groundwater, to be withdrawn by means of one (1) well located in the Northwest Quarter of the Northwest Quarter of the Northwest Quarter (NW $\frac{1}{4}$  NW $\frac{1}{4}$  NW $\frac{1}{4}$ ) of Section 15, more particularly described as being near a point 5,267 feet North and 4,869 feet West of the Southeast corner of said section, in Township 31 South, Range 25 West, Clark County, Kansas.
4. That the appropriation sought shall be limited to a maximum diversion rate not in excess of **99 gallons per minute (0.22 c.f.s.)** and to a quantity not to exceed **78.6 million gallons** (241.18 acre-feet) of water for any calendar year.
5. That installation of works for diversion of water shall be completed on or before **December 31, 2021** or within any authorized extension thereof. The applicant shall notify the Chief Engineer and pay the statutorily required field inspection fee of \$400.00 when construction of the works has been completed. Failure to timely submit the notice and the fee will result in revocation of the permit. Any request for an extension of time shall be submitted prior to the expiration of the deadline and shall be accompanied by the required statutory fee of \$100.00.

6. That the proposed appropriation shall be perfected by the actual application of water to the proposed beneficial use on or before **December 31, 2025** or any authorized extension thereof. Any request for an extension of time shall be submitted prior to the expiration of the deadline and shall be accompanied by the required statutory fee of \$100.00.

7. That the applicant shall not be deemed to have acquired a water appropriation for a quantity in excess of the amount approved herein nor in excess of the amount found by the Chief Engineer to have been actually used for the approved purpose during one calendar year subsequent to approval of the application and within the time specified for perfection or any authorized extension thereof.

8. That the use of water herein authorized shall not be made so as to impair any use under existing water rights nor prejudicially and unreasonably affect the public interest.

9. That the right of the appropriator shall relate to a specific quantity of water and such right must allow for a reasonable raising or lowering of the static water level and for the reasonable increase or decrease of the streamflow at the appropriator's point of diversion.

10. That this permit does not constitute authority under K.S.A. 82a-301 through 305a to construct any dam or other obstruction; nor does it grant any right-of-way, or authorize entry upon or injury to, public or private property.

11. That all diversion works constructed under the authority of this permit 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.

12. That all wells with a diversion rate of 100 gallons per minute or more drilled under the authority of this permit shall have a tube or other device installed in a manner acceptable to, and in accordance with specifications adopted by, the Chief Engineer. This tube or device shall be suitable for making water level measurements and shall be maintained in a condition satisfactory to the Chief Engineer.

13. That an acceptable water flow meter shall be installed and maintained on the diversion works authorized by this permit in accordance with the Kansas Administrative Regulations 5-1-4 through 5-1-12 adopted by the Chief Engineer. This water flow meter shall be used to provide an accurate quantity of water diverted as required for the annual water use report (including the meter reading at the beginning and end of the report year).

14. That the applicant shall maintain accurate and complete records from which the quantity of water diverted during each calendar year may be readily determined and the applicant shall file an annual water use report with the Chief Engineer by March 1 following the end of each calendar year. Failure to file the annual water use report by the due date shall cause the applicant to be subject to a civil penalty.

15. That no water user shall engage in nor allow the waste of any water diverted under the authority of this permit.

16. That failure without cause to comply with provisions of the permit and its terms, conditions and limitations will result in the forfeiture of the priority date, revocation of the permit and dismissal of the application.

17. That the right to appropriate water under authority of this permit is subject to any minimum desirable streamflow requirements identified and established pursuant to K.S.A. 82a-703c for the source of supply to which this water right applies.

18. That the quantity of water approved under this permit is further limited to the quantity which combined with Water Right, File Nos. 26,959, 38,438, 38,439 & 40,931 will provide a total not to exceed 78.6 million gallons of water per calendar year, for stockwater use on the land described herein.

**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, Kansas 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, Kansas 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.

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

*Lane P. Letourneau*

Lane P. Letourneau, P.G.  
Water Appropriations 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 Letourneau, P.G. Water Appropriations Program Manager, Division of Water Resources, Kansas Department of Agriculture.



*Ashlee Freeman*  
Notary Public

### CERTIFICATE OF SERVICE

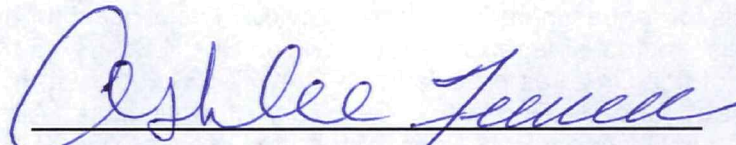
On this 6 day of July, 2020, I hereby certify that the foregoing Approval of Application and Permit to Proceed, File No. 50,185, dated 1<sup>st</sup> July 2020 was mailed postage prepaid, first class, US mail to the following:

CLARK COUNTY FEEDYARD INC  
461 CRI  
MINNEOLA, KS 67865

With photocopies to:

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

Stafford Field Office

  
\_\_\_\_\_  
Division of Water Resources

