

* Data Entry: Please change the 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: 50,187	2. Status Change Date: 3/16/2020***	3. Field Office: 02	4. GMD:
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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

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: _____

*** Due to lack of a notary stamp on original approval doc, this was resigned on 5/22/2020. WRIS will be updated to reflect the 5/22/2020 date. All other information remains the same.

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

5/28/2020
LMoody

* RAK/DWA 6/30/20

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

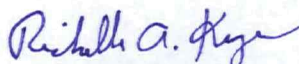
RE: Water Right
File Nos. 26,959, 38,438,
38,439, and 40,931
Appropriation of Water,
File Nos. 50,185, 50,186 and
50,187

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". 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. 50,187** 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 5,287 feet North and 5,222 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, and Appropriation of Water File Nos. 50,185 & 50,186 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.
Program Manager
Water Appropriation Program
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



CERTIFICATE OF SERVICE

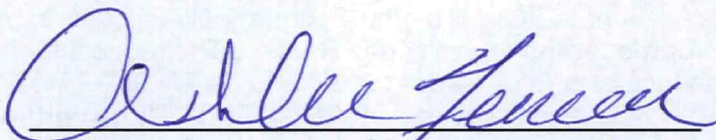
On this 6 day of JULY, 2020, I hereby certify that the foregoing Approval of Application and Permit to Proceed, File No. 50,187, dated 1 JULY 2020 was mailed postage prepaid, first class, US mail to the following:

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

