

Kansas Department of Agriculture
Division of Water Resources
CHANGE: PU UMW WORKSHEET

1. File Number: 45492	2. Status Change Date: 6/22/2021	3. Change Num: C1	4. Field Office: 02	5. GMD:
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: 6/22/2020
8a. Applicant(s) New to system <input type="checkbox"/> SHAW FEEDYARD INC WILLIAM K SHAW PRESIDENT PO BOX 655 ASHLAND, KS 67831		Person ID _____ Add Seq# _____		
8b. Landowner(s) New to system <input type="checkbox"/> SHAW FEEDYARD INC PO BOX 655 ASHLAND, KS 67831		Person ID 39452 Add Seq# _____		
8c. Landowner(s) New to system <input type="checkbox"/>		Person ID _____ Add Seq# _____		
8d. WUC New to system <input type="checkbox"/> 8b		Person ID 39452 Add Seq# _____		
9. Documents and Enclosure(s): <input checked="" type="checkbox"/> DWR Meter(s) Date to Comply: 12/31/21 <input type="checkbox"/> N & P Date to Comply: 12/31/21				
<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: IND To: STK				
Date Prepared: 3/25/2021 By: li Date Entered: 6/23/2021 By: LMoody				

6/17/2021
L'Ireland

File No. **45492** 11. County: **CA** Basin: **CIMARRON RIVER** Stream: **NA** Formation Code: Special Use:

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

CK	68665												50	2.546	50	2.546	NONE
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13. Storage: Rate _____ NF Quantity _____ ac/ft Additional Rate _____ NF Additional Quantity _____ ac/ft

14. Limitation: _____ af/yr at _____ gpm (_____ cfs) when combined with file number(s) **NONE NO CHANGE**

Limitation: _____ af/yr at _____ gpm (_____ cfs) when combined with file number(s) _____

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

16. Place of Use

CHK MOD DEL ENT	PUSE	S	T	R	ID	NE¼				NW¼				SW¼				SE¼				Total	Owner	Chg?	Overlap Files
						NE ¼	NW ¼	SW ¼	SE ¼	NE ¼	NW ¼	SW ¼	SE ¼	NE ¼	NW ¼	SW ¼	SE ¼	NE ¼	NW ¼	SW ¼	SE ¼				

MOD	28602	32	33	23W	1	FEEDLOT W2																	8B	NO	13901.05	41530	41531, 41703

Base Acres: Year: Minimum Reasonable Quantity:

Comments: **REMOVE COMMENT: TEAMFLAKING MILL AT FEEDLOT OPERATION (NW NW)**

KANSAS DEPARTMENT OF AGRICULTURE
Division of Water Resources

M E M O R A N D U M

TO: Files

DATE: March 25, 2021

FROM: Leslie Ireland

RE: Water Right, File No. 45,492

Bill Shaw on behalf of Shaw Feedyard Inc., as owner of the referenced water right authorized for industrial use has filed an application to change the use made of water and place of use. The application was received on June 22, 2020. File No. 45,492, currently authorizes industrial use as a feed mill under industrial code 2048, that has serves as a backup well for the feedyard. The right is located in the Cimarron River Basin.

The referenced file exceeded the authorized quantity in 2019. It appears to be in compliance with both K.S.A. 82a-718 and K.S.A. 82a-732. Review for notification per K.S.A. 82a-1906, found only the owners wells located within one-half (½) mile of the well being changed. No notifications were sent. The application appears to comply with K.A.R. 5-5-2a, *Complete change application* with the December 2020 submitted updated map and STOCKWATER USE SUPPLEMENTAL SHEET.

File No. 45,492 authorizes 2.546 million gallons per year (mgy) (7.81 acre-feet) to be diverted at 50 gallons per minute from one well located in the Northwest Quarter of Section 32, Township 33, Range 23 West, with the authorized place of use described as the Northwest Quarter of the Northwest Quarter (NW¼ NW¼) of Section 32, Township 33, Range 23 West, Clark County. The owner has indicated this well is also utilized for his residential domestic use and has historically accounted for it with an annual adjustment utilizing 12,000 gallons per month, which equates to only 0.44 acre-feet per year, but this well is utilized in conjunction with another domestic well that is operated as a house well.

The change in use made of water is from industrial to stockwatering use. This industrial use appears to now meet K.A.R. 5-1-1, *Definitions* for stockwatering as the operation of the feed mill is directly relevant to the operation of the feedyard. A review of the code for this industrial use did not find an information regarding the consumption of water for the operation of a feed mill. The consumptive use appears to be 100% as the water has been used for making feed used at the facility and stockwatering purposes to water cattle as a backup well. There appears to be no needed reduction for any non-consumptive use allowing all of the 2.546 mgy to be changed to stockwatering. The requested change appears to comply with K.A.R. 5-5-3, *Change in consumptive use*.

The feedyard is authorized a limited total of 31.966 mgy under File Nos. 13901-05, 41,530, & 41,531. Approval will result in 34.512 mgy to be authorized for stockwatering. A 2020 summary of water use completed by Elizabeth Fitch, Stafford Field Office indicates all of the quantity authorized by the referenced file was diverted and an average of 9.6 gallons per head per day was used in 2019. As K.A.R. 5-3-22, *Maximum reasonable quantity of water for livestock and poultry use* allows 15 gallons per head per day and the submitted stockwatering justification listed an average of 11.69 gallons per head and a feedyard capacity of approximately 5,400 head indicates the usage is below the maximum allowance. The operation of the feed mill will still occur.

The authorized place of use for the feed mill is the Northwest Quarter of the Northwest Quarter (NW¼ NW¼) indicating it to be within the boundaries of the existing feedyard described as the West Half (W½) of Section 32, Township 33, Range 23 West, Clark County. The proposed place of use appears to be reasonable.

It appears the requested changes comply with K.A.R. 5-5-8, *Standards for approval of an application for change in the place of use and a change in the use made of water*.

In an e-mail dated March 25, 2021, Jeff Lanterman, Water Commissioner of the Stafford Field Office recommend approval of the application.

A water flow meter will be required, and the order will contain the check valve wording as the authorized point of diversion will continue to operate as a domestic well. A water level measurement tube is not applicable to this change, as no new well has been authorized.

Based on the above discussion it is recommended that the referenced application be approved.

A handwritten signature in black ink that reads "Leslie Ireland". The signature is written in a cursive, flowing style.

Leslie Ireland
Environmental Scientist

From: Lanterman, Jeff [KDA]
Sent: Thu 3/25/2021 4:33 PM
To: Ireland, Leslie [KDA]
Subject: FW: Review and Recommendation for Change UMW PU, File No. 45,492, Shaw
Attachments: 45492 MEMO PU UMW IND 2 STK 5-5-8 _2_0.docx

Leslie;

Go ahead and approve this change application.

Thanks
Jeff

From: Conant, Cameron [KDA] <Cameron.Conant@ks.gov>
Sent: Thursday, March 25, 2021 4:29 PM
To: Lanterman, Jeff [KDA] <Jeff.Lanterman@ks.gov>
Subject: FW: Review and Recommendation for Change UMW PU, File No. 45,492, Shaw

From: Ireland, Leslie [KDA] <Leslie.Ireland@ks.gov>
Sent: Thursday, March 25, 2021 11:40 AM
To: Lanterman, Jeff [KDA] <Jeff.Lanterman@ks.gov>; Conant, Cameron [KDA] <Cameron.Conant@ks.gov>
Subject: FW: Review and Recommendation for Change UMW PU, File No. 45,492, Shaw

Status on this one?
Leslie

From: Ireland, Leslie [KDA]
Sent: Wednesday, January 6, 2021 10:51 AM
To: Lanterman, Jeff [KDA] <Jeff.Lanterman@ks.gov>; Conant, Cameron [KDA] <Cameron.Conant@ks.gov>
Subject: Review and Recommendation for Change UMW PU, File No. 45,492, Shaw

Please let me know if you would recommend this change.

As always comments and concerns are welcome.

Leslie Ireland
Environmental Scientist
Change Application Unit
Division of Water Resources



THE STATE  OF KANSAS

KANSAS DEPARTMENT OF AGRICULTURE
Mike Beam, Secretary of Agriculture

DIVISION OF WATER RESOURCES
Earl D. Lewis Jr., Chief Engineer

**APPROVAL OF APPLICATION
FOR
CHANGE IN USE MADE OF WATER
AND
PLACE OF USE
WATER RIGHT
FILE NO. 45,492**

The Chief Engineer, Division of Water Resources, Kansas Department of Agriculture, after due consideration of the written application of William K. Shaw, President, Shaw Feedyard Incorporated, PO Box 655, Ashland, Kansas 67831, received in this office on June 22, 2020, for approval of a change in the use made of water and location of the place of use under the certificate of appropriation issued pursuant to the permit to appropriate water for beneficial use, finds that the change is reasonable and will not impair existing rights, and that the application should be and is hereby approved.

The effective date of the change shall be the date this order is executed by the Chief Engineer, after which the authorized use made of water shall be:

Stockwatering use

and authorized location of the place of use shall be:

a feedlot in the West Half (W $\frac{1}{2}$) of Section 32, Township 33 South, Range 23 West,
Clark County, Kansas,

located substantially as shown on the maps accompanying the application to change the use made of water and 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.

In all other respects, the Certificate of Appropriation issued pursuant to Approval of Application, File No. 45,492, for permit to appropriate water for beneficial use, is as stated and set forth in the Certificate of Appropriation dated January 19, 2010.

Ordered this 22nd day of June, 2021, in Manhattan, Riley County, Kansas.



Earl D. Lewis Jr.

Earl D. Lewis Jr., P.E.
Chief Engineer
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 June 2021, by Earl D. Lewis Jr., P.E., Chief Engineer, Division of Water Resources, Kansas Department of Agriculture.

Ashlee Freeman

Notary Public



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

June 24, 2021

SHAW FEEDYARD INC
WILLIAM K SHAW PRESIDENT
PO BOX 655
ASHLAND, KS 67831

RE: Water Right, File No. 45,492

Dear Mr. Shaw:

Enclosed is the order executed by the Chief Engineer, Division of Water Resources, Kansas Department of Agriculture, approving the application for change under the referenced file.

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

Since this order modifies the original document referred to above, it should be recorded with the Register of Deeds as other instruments affecting real estate.

If you have any questions, please contact our office at (785) 564-6640, or our staff at the Stafford Field Office, (620) 234-5311. If you wish to discuss a specific file, please have the file number ready so that we may help you more efficiently.

Sincerely,

A handwritten signature in black ink that reads "Kristen A. Baum". The signature is written in a cursive style.

Kristen A. Baum
New Application and Change Unit Supervisor
Water Appropriation Program

KAB:LI:li

Enclosures

pc: Stafford Field Office

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.

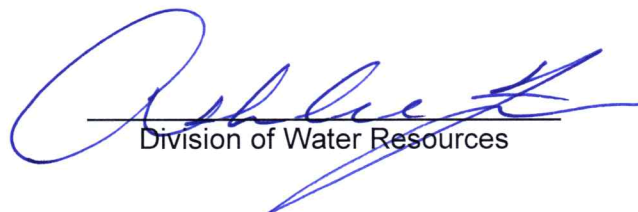
CERTIFICATE OF SERVICE

On this 21 day of June, 2021, I hereby certify that the attached Approval of Application for the Change in Use Made of Water and Place of Use, under Water Right, File No. 45,492, dated 21 June, 2021, was mailed postage prepaid, first class, US mail to the following:

SHAW FEEDYARD INC
WILLIAM K SHAW PRESIDENT
PO BOX 655
ASHLAND, KS 67831

With photocopies to:

Stafford Field Office


Division of Water Resources