

Kansas Department of Agriculture
 Division of Water Resources
CHANGE: P/U WORKSHEET

1. File Number: 38998	2. Status Change Date: 9/27/2022	3. Change Num: C2	4. Field Office: 04	5. GMD: 03
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: 8/17/2020
8a. Applicant(s) New to system <input type="checkbox"/> Person ID _____ Add Seq# _____ KANSAS DAIRY DEVELOPMENT LLC JASON SHAMBURG PO BOX 239 DEERFIELD KS 67838		8c. Landowner(s) New to system <input type="checkbox"/> Person ID _____ Add Seq# _____		
8b. Landowner(s) New to system <input type="checkbox"/> Person ID 66246 Add Seq# 1 KANSAS DAIRY DEVELOPMENT LLC PO BOX 239 DEERFIELD KS 67838		8d. WUC New to system <input type="checkbox"/> Person ID 66246 Add Seq# 1 KANSAS DAIRY DEVELOPMENT LLC PO BOX 239 DEERFIELD KS 67838		
9. Documents and Enclosure(s): <input checked="" type="checkbox"/> DWR Meter(s) Date to Comply: 12/31/2022 <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: 9/14/2022 By: LI Date Entered: 10/6/2022 LMoody				

File No. **38998** 11. County: KE Basin: ARKANSAS RIVER Stream: **NA** Formation Code: 75 Special Use: 016 & 021
 ARK RIVER (IGUCA)

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

NO CHANGE

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	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				
																			8B NO ** COMPLETE STK PU ALL FILES: 7195-D1 16536 38570 38990 38991 38992 38993 38994 38995 38996 38997 38998	
MOD 15101	1	24	35W	2	FEEDLOT S2 & NE & NW													8B	NO	**
MOD 25109	12	24	35W	2	FEEDLOT N2													8B	NO	**
MOD 21298	6	24	34W	4	FEEDLOT SW													8B	NO	**
MOD 69683	7	24	34W	4	FEEDLOT L-4 NW													8B	NO	**

Base Acres: Year: Minimum Reasonable Quantity:
 Comments: **PLACE OF USE SPLITS FI & KE COUNTIES**

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 PLACE OF USE WATER RIGHT FILE NO. 38,998

The Chief Engineer, Division of Water Resources, Kansas Department of Agriculture, after due consideration of the written application Jason Shamburg on behalf of the Kansas Dairy Development LLC, PO Box 239, Deerfield, Kansas 67838, received in this office on August 17, 2020, for approval of a change in the location of the place of use under the certificate of application, issued pursuant to the permit to appropriate water for beneficial use, as modified and amended by the order of the Chief Engineer dated December 2, 2019, approving the application to change the place of 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 location of the place of use shall be:

a feedlot located in the Southwest Quarter (SW $\frac{1}{4}$) of Section 6, and in Lot 4 (NW $\frac{1}{4}$ NW $\frac{1}{4}$) of Section 7, both in Township 24 South, Range 34 West, Finney County, Kansas, and in Section 1 and the North Half (N $\frac{1}{2}$) of Section 12, both in Township 24 South, Range 35 West, Kearny County, Kansas,

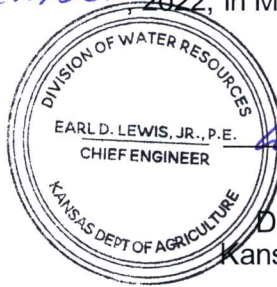
located substantially as shown on the topographic map accompanying the application to change the place of use.

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 each of 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. 38,998, for permit to appropriate water for beneficial use, is as stated and set forth in the Certificate of Appropriation dated April 7, 1998, as modified and amended by the aforementioned order.

Ordered this *27th* day of *September*, 2022, in Manhattan, Riley County, Kansas.



Earl D. Lewis Jr.

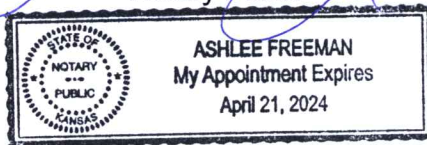
Earl D. Lewis Jr., P.E.
Chief Engineer
Division of Water Resources
Kansas Department of Agriculture

State of Kansas)
) SS
County of Riley)

The foregoing instrument was acknowledged before me this *27* day of *September* 2022, 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

October 11, 2022

KANSAS DAIRY DEVELOPMENT LLC
Attn: JASON SHAMBURG
PO BOX 239
DEERFIELD, KS 67838

RE: Water Right, File Nos. 7,195-D1; 16,536; 38,570; 38,990; 38,991; 38,992; 38,993; 38,994;
38,995; 38,996; 38,997& 38,998

Dear Mr. Shamburg:

Enclosed are the orders executed by the Chief Engineer, Division of Water Resources, Kansas Department of Agriculture, approving the applications for change under the referenced 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 approval under File No. 7,195-D1, is the requirement that an acceptable water flowmeter must be installed so both irrigation and stockwatering uses can be metered independent of each other for the well authorized for dual use, prior to the diversion of water. Additionally, this letter serves to acknowledge your August 9, 2022, requested modification of the application withdrawing the proposed change in point of diversion under File No. 7,195-D1.

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 regarding the enclosed documents, please contact our office at 785-564-6640. Inquiries about the metering please contact our staff at the Garden City Field Office, 620-276-2901. 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 and Changes Supervisor
Division of Water Resources

Enclosures

pc: Garden City Field Office
Groundwater Management District No. 3

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 request an evidentiary hearing before the Chief Engineer or 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 Division, 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 review 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.

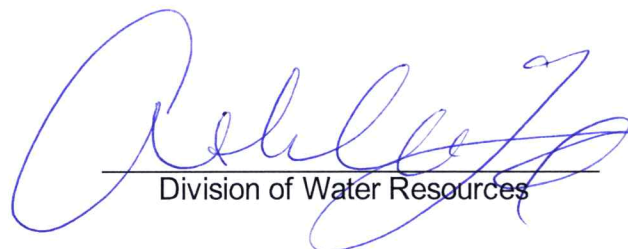
CERTIFICATE OF SERVICE

On this 11 day of October, 2022, I hereby certify that the attached Approval of Application for the Change in Place of Use for Water Right, File No. 38,998, dated, 27 September 2022 was mailed postage prepaid, first class, US mail to the following:

Kansas Dairy Development LLC
Jason Shamburg
PO Box 239
Deerfield, KS 67838

With photocopies sent to:

Garden City Field Office
Groundwater Management District No. 3



Division of Water Resources