

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

SIGNER LPL

1. File Number: 40931	2. Status Change Date: 3/16/2020	3. Change Num: C1	4. Field Office: 2	5. GMD: 0
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: 12/17/2018
8a. Applicant(s) New to system <input type="checkbox"/> CLARK COUNTY FEEDYARD INC CALVIN MINOR 461 CR I #1 MINNEOLA KS 67865 6535 EMAIL CALVIN.CCFY@GMAIL.COM		8c. Landowner(s) New to system <input type="checkbox"/> CLARK COUNTY FEEDYARD INC 461 CR I #1 MINNEOLA KS 67865 67865 6535 ADDRESS UPDATE		
8b. Landowner(s) New to system <input checked="" type="checkbox"/> JOHN S WILKEY REV TRUST 1960 STATE ROAD 14 STERLING KS 67579-8824		8d. WUC New to system <input type="checkbox"/> 8C		
9. Documents and Enclosure(s): <input checked="" type="checkbox"/> DWR Meter(s) Date to Comply: 12/31/2020 <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: 1/15/2020 By: LI Date Entered: 3/19/2020 By: LMoody				

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)	Authorized		Additional		Overlap PD Files
ENT												Rate gpm	Quantity mgy	Rate gpm	Quantity mgy	

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																		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				
MOD	11347	16	31	25W	1					FEEDLOT IN THE NE¼ & N½ SE¼										8C & 8B	YES	**			
ENT	69881	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: January 15, 2020

FROM: Leslie Ireland

RE: Water Right,
File Nos. 26,959; 38,438; 38,439 & 40,931

Calvin Minor, signing as owner of Clark County Feeders Inc., the listed owner of the referenced files authorized for stockwatering use, filed applications to change the place of use on all of the referenced files and point of diversion under File No. 26,959. The applications were received on December 17, 2018, with proposed new appropriations that were assigned File Nos. 50,185; 50,186 & 50,187. The rights are not located with a special use area. These Clark County rights are within the Hydrological Atlas Area.

The subject rights appear to be in compliance with K.S.A. 82a-732 and not abandoned per K.S.A. 82a-718. The applications for change appear to comply with K.A.R. 5-5-2a, *Complete change application*.

The referenced files are certified to provide a limited quantity of 43.695 million gallons (mgd) (134.1 acre-feet) per year from five (5) wells and a battery of four(4) wells with the only overlap in point of diversion between the well identified as Well #4, under File Nos. 26,959 & 38,439, that is limited to 55 gallons per minute with the three(3) other wells authorized under File No. 26,959. Approvals will update the well locations under File Nos. 26,959; 38,438 & 38,439. The actual well locations are within 300 feet of the authorized and comply with K.A.R. 5-5-6, *Failure to construct diversion works at authorized location*.

These wells are not located in a special use area and have had the source of determined to be the Kiowa Formation. Lithology logs of the referenced files with the most recent being the proposed well under File No. 26,959, drilled in June 2019, listing a depth of 135 feet a static water level of 78 feet appears to be common for the wells. The requested change in point of diversion under File No. 26,959, will authorize a point of diversion located in the Northwest Quarter of the Northwest Quarter of the Northeast Quarter (NW $\frac{1}{4}$ NW $\frac{1}{4}$ NE $\frac{1}{4}$) near a point 4,874 feet North and 1,985 feet West of the Southeast corner from a point approximately 5,160 feet North and 2,200 feet West of the Southeast corner all in Section 16, Township 31, Range 25 West Clark County. The change is a distance of approximately 358 feet. It appears the source of supply will remain unchanged. The approval under File No. 26,959 will also update the three(3) other wells authorized. The well under File No. 38,438 will also be updated to the 2008 GPS determined location. The approval for File No. 38,439, will also be updated as it overlaps with the owners identified Well #4 under File No. 26,959.

The old stockwatering well identified by the owner as Well #1 will be retained for domestic use at a house in the NE $\frac{1}{4}$ of Section 16. The change application under File No. 26,959, stated the proposed well does not meet spacing to well CIN 6, 5 & proposed point of diversion CIN 11 under File No. 50,186. It does not appear a waiver of well to well spacing K.A.R. 5-4-4, *Well spacing* would be needed for the proposed change in point of diversion as this regulation in part (a) allows spacing to be sufficient to prevent direct impairment between wells in a common source of supply necessary and where the owner has given permission to reduce the spacing. As the applicant is the owner it would appear consent to reduce spacing has been given. A review of the area indicates there are no other wells other than the applicant/owners located within one-half ($\frac{1}{2}$) mile of the proposed well.

As there are only the applicants/owner's wells within one-half ($\frac{1}{2}$) mile of the proposed well, under File No. 26,959, no notice for nearby comments on the proposed change were sent.

The currently authorized place of use is located within the Northeast Quarter (NE $\frac{1}{4}$) of Section 16, Township 31 South, Range 25 West, Clark County. The change in place of use has been requested for all the referenced files to expand the feedlot to the South within Section 16, to authorize the NE $\frac{1}{4}$ and the North half of the Southeast (N $\frac{1}{2}$ SE $\frac{1}{4}$), and to the East into the North half of the Northwest Quarter (N $\frac{1}{2}$ NW $\frac{1}{4}$) of Section 15. The approval will modify the place of use listed on the application to provide a consistent description for half sections. The expansion into Section 15 will add land owned by John S. Wilkey Revocable Trust, as shown on the change and new permit applications. A complete overlap will be authorized under the referenced files and File Nos. 50,158; 50,186 & 50,187. The expansion to the stockwatering facility head count and associated increase in water use will be under the new permits. Their permitting should not result in an increase in consumptive use per K.A.R. 5-5-3, *Change in Consumptive use*, thus complying with K.A.R. 5-5-8, *Standards for approval of an application for a change in the place of use and/or a change in the use made of water*, for the referenced files.

Jeff Lanterman, Water Commissioner was sent a copy of this memorandum for comments and a recommendation on the proposed changes. He indicated in an e-mail dated January 15, 2020, he recommends approval of the changes in-conjunction with the new permits.

Water flowmeters are required according to KSA 82a-706c, for all the referenced files. The proposed change in point of diversion under File No. 26,959, will not require a water level measurement tube will not be required on the new well as all the wells under File No. 26,959, are authorized less that 100 gallons per minute. Additionally, as a WWC-5 log was obtained from the KGS water well web site, a WWC-5 will not be a condition of the approval.

Based on the above discussion, that new permits will be issued for the expansion, the changes appear to be reasonable, that impairment to existing water rights is unlikely, that there are no pending applications within the vicinity of the proposed changes and filed prior that may be affected by the approvals and that no change in the local source of supply will occur, it is recommended that the applications be approved.



Leslie Ireland
Environmental Scientist
Water Appropriation Program

Submit To: CHIEF ENGINEER
Division of Water Resources
Kansas Department of Agriculture
1320 Research Park Drive
Manhattan, Kansas 66502
http://agriculture.ks.gov/dwr

**APPLICATION FOR APPROVAL TO
CHANGE THE PLACE OF USE, THE
POINT OF DIVERSION OR THE USE
MADE OF THE WATER UNDER AN
EXISTING WATER RIGHT**



Filing Fee Must Accompany the Application
(Please refer to Fee Schedule on signature page of application form.)

Paragraph Nos. 1, 2, 3, 4 & 8 must be completed. Complete all other applicable portions. A topographic map or detailed plat showing the authorized and proposed points(s) of diversion and /or place of use must accompany this application.

1. Application is hereby made for approval of the Chief Engineer to change the
- Place of Use
 - Point of Diversion
 - Use Made of Water
- (Check one or more)

Water Resources
Received
DEC 17 2018
12:23P
KS Dept Of Agriculture

File No. 40931

*DISMISSES & BATTERIES
NO CHG*

2. Name of applicant: Clark County Feed Yard Inc

Address: 461 CR 1

City, State and Zip: Minneola KS 67865-6535

Phone Number: () _____ E-mail address: _____

What is your relationship to the water right; owner tenant agent other? If other, please explain. _____

Name of water use correspondent: Clark County Feed Yard Inc

Address: 461 CR 1

City, State and Zip: Minneola KS 67865-6535

Phone Number: () _____ E-mail address: _____

3. The change(s) proposed herein are desired for the following reasons (please be specific): This application proposes to modify the place of use to cover a future expansion to the stockwatering facility and to create a complete overlap with all other associated water right files.

The change(s) (will be) completed by upon approval. (Date)

For Office Use Only:					
F.O. Code	<u>2</u>	GMD	<u>0</u>	Meets K.A.R. 5-5-1 (YES/NO)	<u>(YES)</u>
Use	<u>STK</u>	Source	<u>CS</u>	County	<u>CA</u>
By	<u>KSN</u>	Date	<u>12/17/18</u>	Check #	<u>34070</u>
Fee \$	<u>200</u>	TR #		Receipt Date	<u>12/17/18</u>

APPLICATION COMPLETE
1/15/20
Reviewer LI

1/4/2019 LM

4. The presently authorized place of use is:

Owner of Land — NAME: Clark County Feed Yard Inc

ADDRESS: 461 CR 1, Minneola KS 67865-6535

Sec.	Twp.	Range	NE¼				NW¼				SW¼				SE¼				TOTAL ACRES				
			NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼					
16	31S	25W	Stockwatering use in a feedlot located in Northeast Quarter (NE ¼) of Section 16, Township 31 South, Range 25 West, Clark County, Kansas.																				

List any other water rights that cover this place of use. 26959, 38438, 38439

Owner of Land — NAME: ---

ADDRESS: ---

Sec.	Twp.	Range	NE¼				NW¼				SW¼				SE¼				TOTAL ACRES				
			NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼					

List any other water rights that cover this place of use. ---

(If there are more than two landowners, attach additional sheets as necessary.)

Water Resources Received

DEC 17 2018

5. It is proposed that the place of use be changed to:

Owner of Land — NAME: John S Wilkey Rev Trust

ADDRESS: 1960 State Rd 14, Sterling KS 67579-8824

KS Dept Of Agriculture

Sec.	Twp.	Range	NE¼				NW¼				SW¼				SE¼				TOTAL ACRES				
			NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼					
15	31	25	Stockwatering use in a feedlot located in the North Half of the Northwest Quarter (N ½ NW ¼) of Section 15, Township 31 South, Range 25 West, Clark County, Kansas as shown as shown on the topographic map accompanying the application.																				

List any other water rights that cover this place of use. 26959, 38438, 38439 WITH NEW APPS 50,185; 50,186 & 50,187*

Owner of Land — NAME: Clark County Feed Yard Inc // John S Wilkey Rev Trust

ADDRESS: 461 CR 1, Minneola KS 67865-6535 // 1960 State Rd 14, Sterling KS 67579-8824

LET/OWR 4/30/19

Sec.	Twp.	Range	NE¼				NW¼				SW¼				SE¼				TOTAL ACRES				
			NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼					
16	31	25	Stockwatering use in a feedlot located largely in the East Half (E ½) of Section 16, Township 31 South, Range 25 West, Clark County, Kansas as shown as shown on the topographic map accompanying the application.																				

NE¼ & N½ SE¼ *

List any other water rights that cover this place of use. 26959, 38438, 38439 WITH NEW APPS 50,185; 50,186 & 50,187*

IF MORE SPACE IS NEEDED, ATTACH ADDITIONAL SHEETS AS NECESSARY

LET/OWR 4/30/19
*LET/OWR 10/23/19

6. The presently authorized point(s) of diversion is one well with diversion works
(Provide description and number of points)
7. The proposed point(s) of diversion are ---
(Provide description and number of points)

List all presently authorized point(s) of diversion:

8. **Presently authorized point of diversion:** "Geocenter of a battery of three (3) wells"

One in the NW Quarter of the SE Quarter of the NW Quarter of Section 16, Township 31 South, Range 25 W, in Clark County, Kansas, 3889 feet North 807 feet West of Southeast corner of section.
 Authorized Rate 42 GPM Authorized Quantity 43.695 MGY (Combined)
(DWR use only: Computer ID No. 10 GPS --- feet North --- feet West)
 This point will not be changed This point will be changed as follows:
Proposed point of diversion: (Complete only if change is requested)
 One in the _____ Quarter of the _____ Quarter of the _____ Quarter of Section _____, Township _____ South, Range _____, in _____ County, Kansas, _____ feet North _____ feet West of Southeast corner of section.
 Proposed Rate _____ Proposed Quantity _____
 This point is: Additional Well Geo Center List other water rights that will use this point _____

9. **Presently authorized point of diversion:** "Well #8" – Battery of Three Wells

One in the NW Quarter of the SE Quarter of the NE Quarter of Section 16, Township 31 South, Range 25 W, in Clark County, Kansas, 3621 feet North 834 feet West of Southeast corner of section.
 Authorized Rate See Geo Authorized Quantity See Geo
(DWR use only: Computer ID No. 7 GPS --- feet North --- feet West)
 This point will not be changed This point will be changed as follows:
Proposed point of diversion: (Complete only if change is requested)
 One in the _____ Quarter of the _____ Quarter of the _____ Quarter of Section _____, Township _____ South, Range _____, in _____ County, Kansas, _____ feet North _____ feet West of Southeast corner of section.
 Proposed Rate _____ Proposed Quantity _____
 This point is: Additional Well Geo Center List other water rights that will use this point _____

10. **Presently authorized point of diversion:** "Well #6" – Battery of Three Wells

One in the NW Quarter of the SE Quarter of the NE Quarter of Section 16, Township 31 South, Range 25 W, in Clark County, Kansas, 3884 feet North 839 feet West of Southeast corner of section.
 Authorized Rate See Geo Authorized Quantity See Geo
(DWR use only: Computer ID No. 8 GPS --- feet North --- feet West)
 This point will not be changed This point will be changed as follows:
Proposed point of diversion: (Complete only if change is requested)
 One in the _____ Quarter of the _____ Quarter of the _____ Quarter of Section _____, Township _____ South, Range _____, in _____ County, Kansas, _____ feet North _____ feet West of Southeast corner of section.
 Proposed Rate _____ Proposed Quantity _____
 This point is: Additional Well Geo Center List other water rights that will use this point _____

11. Describe the current condition of and future plans for any point(s) of diversion which will no longer be used. NA

IF MORE SPACE IS NEEDED, ATTACH ADDITIONAL SHEETS AS NECESSARY

APPLICATION FOR APPROVAL TO CHANGE
THE PLACE OF USE AND/OR POINT OF DIVERSION
SUPPLEMENTAL SHEET
FILE NO. 40931

Water Resources
Received

DEC 17 2018

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Presently authorized point of diversion: "Well #7" - Battery of three (3) wells
One in the SW Quarter of the NE Quarter of the NE Quarter of the NE Quarter
of Section 16, Township 31 South, Range 25 W,
in Clark County, Kansas, 4160 feet North 749 feet West of Southeast corner of section.
Authorized Rate See Geo Authorized Quantity See Geo Depth of well --- (feet)
(DWR use only: Computer ID No. 9 GPS --- feet North --- feet West)
 This point will not be changed This point will be changed as follows: No change, point better described with GPS as follows:
Proposed point of diversion: (Complete only if change is requested or if existing point is better described by GPS)
One in the _____ Quarter of the _____ Quarter of the _____ Quarter
of Section _____, Township _____ South, Range _____ (E/W),
in _____ County, Kansas, _____ feet North _____ feet West of Southeast corner of section.
Proposed Rate _____ Proposed Quantity _____ Proposed well depth (feet) _____
This point is: Additional Well Geo Center List other water rights that will use this point _____

Presently authorized point of diversion:
One in the _____ Quarter of the _____ Quarter of the _____ Quarter
of Section _____, Township _____ South, Range _____ (E/W),
in _____ County, Kansas, _____ feet North _____ feet West of Southeast corner of section.
Authorized Rate _____ Authorized Quantity _____ Depth of well _____ (feet)
(DWR use only: Computer ID No. _____ GPS _____ feet North _____ feet West)
 This point will not be changed This point will be changed as follows: No change, point better described with GPS as follows:
Proposed point of diversion: (Complete only if change is requested or if existing point is better described by GPS)
One in the _____ Quarter of the _____ Quarter of the _____ Quarter
of Section _____, Township _____ South, Range _____ (E/W),
in _____ County, Kansas, _____ feet North _____ feet West of Southeast corner of section.
Proposed Rate _____ Proposed Quantity _____ Proposed well depth (feet) _____
This point is: Additional Well Geo Center List other water rights that will use this point _____

Presently authorized point of diversion:
One in the _____ Quarter of the _____ Quarter of the _____ Quarter
of Section _____, Township _____ South, Range _____ (E/W),
in _____ County, Kansas, _____ feet North _____ feet West of Southeast corner of section.
Authorized Rate _____ Authorized Quantity _____ Depth of well _____ (feet)
(DWR use only: Computer ID No. _____ GPS _____ feet North _____ feet West)
 This point will not be changed This point will be changed as follows: No change, point better described with GPS as follows:
Proposed point of diversion: (Complete only if change is requested or if existing point is better described by GPS)
One in the _____ Quarter of the _____ Quarter of the _____ Quarter
of Section _____, Township _____ South, Range _____ (E/W),
in _____ County, Kansas, _____ feet North _____ feet West of Southeast corner of section.
Proposed Rate _____ Proposed Quantity _____ Proposed well depth (feet) _____
This point is: Additional Well Geo Center List other water rights that will use this point _____

Presently authorized point of diversion:
One in the _____ Quarter of the _____ Quarter of the _____ Quarter
of Section _____, Township _____ South, Range _____ (E/W),
in _____ County, Kansas, _____ feet North _____ feet West of Southeast corner of section.
Authorized Rate _____ Authorized Quantity _____ Depth of well _____ (feet)
(DWR use only: Computer ID No. _____ GPS _____ feet North _____ feet West)
 This point will not be changed This point will be changed as follows: No change, point better described with GPS as follows:
Proposed point of diversion: (Complete only if change is requested or if existing point is better described by GPS)
One in the _____ Quarter of the _____ Quarter of the _____ Quarter
of Section _____, Township _____ South, Range _____ (E/W),
in _____ County, Kansas, _____ feet North _____ feet West of Southeast corner of section.
Proposed Rate _____ Proposed Quantity _____ Proposed well depth (feet) _____
This point is: Additional Well Geo Center List other water rights that will use this point _____

12. The presently authorized use of water is for Stockwatering purposes.
It is proposed that the use be changed to No Change purposes.

13. If changing the place of use and/or use made of water, describe how the consumptive use will not be increased.
The place of use is being enlarged to include the entire facility in its current form, with the expectation of expansion from the permitted 12,500 head of cattle to a projected capacity of 24,000 head of cattle. $\approx 0.156 \text{ g/h/d} = 131.4 \text{ mg/g}$
This application will be submitted along with three (3) new applications proposing to authorize use from two other unpermitted wells, to increase the quantity and rate for use at the stockwatering facility by adding a well, and to account for the expansion. Also, place of use change applications will be submitted for all other rights to create a complete overlap.
(Please show any calculations here.)

14. It is requested that the maximum annual quantity of water be reduced to --- (acre-feet or million gallons).

15. It is requested that the maximum rate of diversion of water be reduced to --- gallons per minute (--- c.f.s.).

16. The application must include either a topographic map or detailed plat. A U.S. Geological Survey Topographic Map, scale 1:24,000, is available through the Kansas Geological Survey, 1930 Constant Avenue, University of Kansas, Lawrence, Kansas 66047-3726 (www.usgs.gov). The map should show the location of the presently authorized point(s) of diversion. Distances North and West of the Southeast corner of the section must be shown. The presently authorized place of use should also be shown. Identify the center of the section, the section lines and the section corners and show the appropriate section, township, and range numbers on the map. In addition the following information must also be shown on the map.

- a. If a change in the location of the point(s) of diversion is proposed, show:
 - 1) The location of the proposed point(s) of diversion. Distances North and West of the Southeast corner of the section must be shown. Please be certain that the information shown on the map agrees with the information shown in Paragraph Nos. 9, 10 and 11 of the application.
 - 2) If the source of supply is groundwater, please show the location of existing water wells of any kind, including domestic wells, within 1/2 mile of the proposed well or wells. Identify each well as to its use and furnish name and mailing address of the property owner or owners. If there are no wells within 1/2 mile, please indicate so on the map.
 - 3) If the source of supply is surface water, the names and mailing addresses of all landowner(s) 1/2 mile downstream and 1/2 mile upstream from your property lines must be shown.
- b. If a change in the place of use is desired, show the proposed place of use by crosshatching on the map. Please be certain that the information shown on the map agrees with the information shown in Paragraph No. 5 of the application.

17. Attach documentation to show the change(s) proposed herein will not impair existing water rights and relates to the same local source of supply as to which the water right relates. This information may include statements, plats, geology reports, well logs, test hole logs, and other information as necessary information to show the above. Additional comments may be made below.

All nearby wells are owned by Clark County Feed Yard/John S Wilkey Rev Tr and are being operated by at the same stockwatering facility.

Water Resources
Received

DEC 17 2010

KS Dept Of Agriculture

18. If the proposed change(s) does not meet all applicable rules and regulations of the Kansas Water Appropriation Act, please identify the rules and regulations for which you request a waiver. State the reason why a waiver is needed and why the request should be granted. Attach documentation showing that granting the request will not impair existing water rights and will not prejudicially and unreasonably affect the public interest.

No waivers anticipated

IF MORE SPACE IS NEEDED, ATTACH ADDITIONAL SHEETS AS NECESSARY

SCANNED

Any use of water that is not as authorized by the water right or permit to authorize water **before** the chief engineer approves this application is a violation of the Kansas Water Appropriation Act for which criminal or civil penalties may be assessed. Such violation is a class C misdemeanor, punishable by a fine not to exceed \$500 and/or a term of confinement not to exceed one month in the county jail. K.S.A. 82a-728(b). Civil penalties shall be not less than \$100 nor more than \$1,000 per violation. In the case of a continuing violation, each day such violation continues may be deemed a separate violation. In addition to these penalties the water right may be modified or suspended. K.S.A. 82a-737, as amended.

The application must be signed by all owners of the place of use authorized under the water right and his or her spouse, if married. Please indicate if there is no spouse. If land is being purchased under contract, the seller must sign as landowner until such time as the contract is completed.

In the event that all applicants cannot appear before one notary public, they may as necessary sign separate copies of the application before any notary public conveniently available to them. All copies signed in this manner shall be considered to be valid parts of the application.

If the request is signed on behalf of any Owner by someone with legal authority to do so (for example, an agent, one who has power of attorney, or an executor, executrix, conservator), it will be necessary to attach proper documents showing such authority.

I declare that I am an owner of the currently authorized place of use as identified herein, or that I represent all such owners and am authorized to make this application on their behalf, and declare further that the statements contained herein are true, correct, and complete. By filing this application I authorize the chief engineer to permanently reduce the quantity of water and/or rate of diversion as specified in sections 14 and 15 of this application.

Dated at 461 CR I Minneola, Kansas, this 5th day of November, 2018.

Calvin Minor (Owner) _____ (Spouse) _____

Calvin Minor (Please Print) _____ (Please Print) _____

(Owner) _____ (Spouse) _____

(Please Print) _____ (Please Print) _____

(Owner) _____ (Spouse) _____

(Please Print) _____ (Please Print) _____

State of Kansas)
County of _____) SS

I hereby certify that the foregoing application was signed in my presence and sworn to before me this _____ day of _____, 20____.

Notary Public

My Commission Expires _____

FEE SCHEDULE

Each application to change the place of use, the point of diversion or the use made of the water under this section shall be accompanied by the application fee set forth in the schedule below:

- (1) Application to change a point of diversion 300 feet or less \$100
- (2) Application to change a point of diversion more than 300 feet \$200
- (3) Application to change the place of use \$200
- (4) Application to change the use made of the water \$300

Make check payable to **Kansas Department of Agriculture.**

Any use of water that is not as authorized by the water right or permit to authorize water before the chief engineer approves this application is a violation of the Kansas Water Appropriation Act for which criminal or civil penalties may be assessed. Such violation is a class C misdemeanor, punishable by a fine not to exceed \$500 and/or a term of confinement not to exceed one month in the county jail. K.S.A. 82a-728(b). Civil penalties shall be not less than \$100 nor more than \$1,000 per violation. In the case of a continuing violation, each day such violation continues may be deemed a separate violation. In addition to these penalties the water right may be modified or suspended. K.S.A. 82a-737, as amended.

The application must be signed by all owners of the place of use authorized under the water right and his or her spouse, if married. Please indicate if there is no spouse. If land is being purchased under contract, the seller must sign as landowner until such time as the contract is completed.

In the event that all applicants cannot appear before one notary public, they may as necessary sign separate copies of the application before any notary public conveniently available to them. All copies signed in this manner shall be considered to be valid parts of the application.

If the request is signed on behalf of any Owner by someone with legal authority to do so (for example, an agent, one who has power of attorney, or an executor, executrix, conservator), it will be necessary to attach proper documents showing such authority.

I declare that I am an owner of the currently authorized place of use as identified herein, or that I represent all such owners and am authorized to make this application on their behalf, and declare further that the statements contained herein are true, correct, and complete. By filing this application I authorize the chief engineer to permanently reduce the quantity of water and/or rate of diversion as specified in sections 14 and 15 of this application.

Dated at 461 CRT Minneola, Kansas, this 26th 5th day of February ~~2018~~ 2020

<u>Calvin Minor</u> (Owner)	_____	(Spouse)
<u>Calvin Minor</u> (Please Print)	_____	(Please Print)
_____	_____	(Spouse)
_____	_____	(Please Print)
_____	_____	(Spouse)
_____	_____	(Please Print)

State of Kansas }
County of Clark } SS

I hereby certify that the foregoing application was signed in my presence and sworn to before me this 26th day of February, 2020.

My Commission Expires 3-18-2020

NOTARY PUBLIC - STATE OF KANSAS

 KAROL LIES
 My Commission Expires MARCH 18, 2020

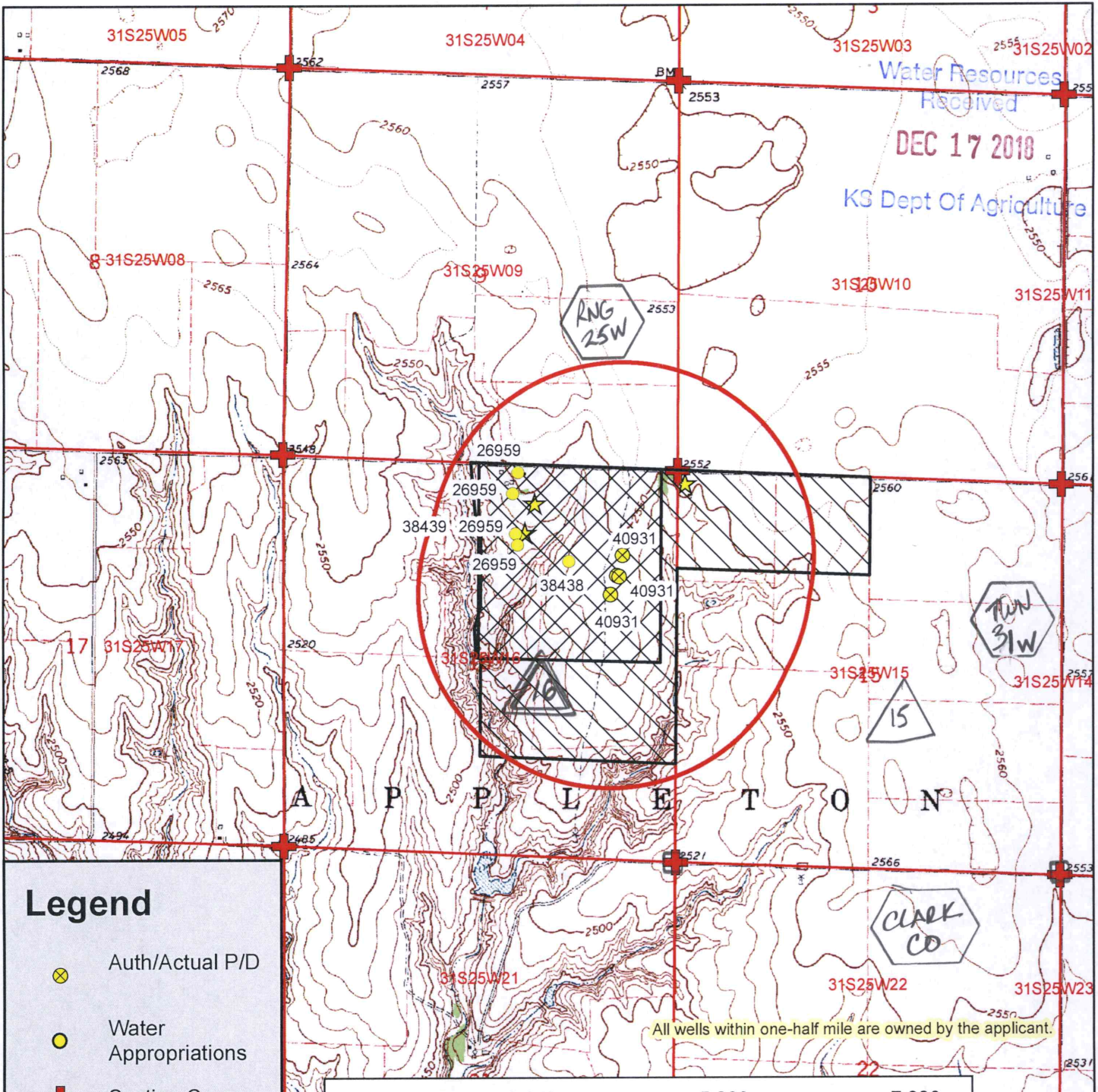
Karol Lies
Notary Public

FEE SCHEDULE

- Each application to change the place of use, the point of diversion or the use made of the water under this section shall be accompanied by the application fee set forth in the schedule below:
- (1) Application to change a point of diversion 300 feet or less \$100
 - (2) Application to change a point of diversion more than 300 feet \$200
 - (3) Application to change the place of use \$200
 - (4) Application to change the use made of the water \$300

Make check payable to Kansas Department of Agriculture.

**WATER RESOURCES
 RECEIVED
 FEB 26 2020
 KS DEPT OF AGRICULTURE**



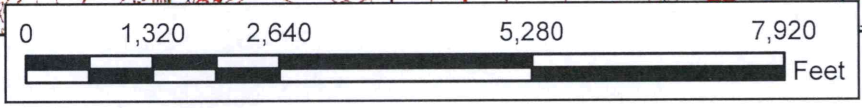
Water Resources
Received
DEC 17 2018
KS Dept Of Agriculture

Legend

- Auth/Actual P/D
- Water Appropriations
- Section Corner
- Section Line
- Domestic Well
- 1/2 Mile Buffer

Place of Use

- Authorized
- Proposed



Water Right, File No. 40931
Change in Place of Use, Application Map
15/16-31S-25W // Clark County



To the best of my knowledge, all water wells including domestic, within 1/2 mile of the proposed point of diversion have been shown.

Calvin Meier

SCANNED

Signature

10/10/2018 TJS-SFFO 1:24,000 scale

From: Lanterman, Jeff [KDA]
Sent: Wednesday, January 15, 2020 4:58 PM
To: Ireland, Leslie [KDA]
Cc: Conant, Cameron [KDA]
Subject: RE: Applications 50,185-186, 187

Correct. Lets get this whole package approved.

From: Ireland, Leslie [KDA] <Leslie.Ireland@ks.gov>
Sent: Wednesday, January 15, 2020 4:26 PM
To: Lanterman, Jeff [KDA] <Jeff.Lanterman@ks.gov>
Cc: Conant, Cameron [KDA] <Cameron.Conant@ks.gov>
Subject: RE: Applications 50,185-186, 187

Jeff,

I interpret the email below as your recommendation to proceed and recommend the changes for approval. Right?

Attached is the summary memo for the changes.

Leslie Ireland, Environmental Scientist
Kansas Department of Agriculture
Division of Water Resources - Change Unit
(785) 564-6633
Leslie.Ireland@ks.gov
www.agriculture.ks.gov

From: Lanterman, Jeff [KDA] <Jeff.Lanterman@ks.gov>
Sent: Tuesday, January 14, 2020 4:55 PM
To: Milner, Brandon [KDA] <Brandon.M.Milner@ks.gov>; Ireland, Leslie [KDA] <Leslie.Ireland@ks.gov>
Cc: Conant, Cameron [KDA] <Cameron.Conant@ks.gov>
Subject: FW: Applications 50,185-186, 187

Brandon,

Cameron and I chatted this around. I think we are OK going ahead and approving these things with the associated change in PU applications that Leslie is working under File Nos. 26,959 38,438; 38,439 & 40,931.

What got me is that it surely appears that they can operate the feedyard at 9 GPHD existing so why would the expansion be any different.

Thanks
Jeff

From: Conant, Cameron [KDA] <Cameron.Conant@ks.gov>
Sent: Tuesday, January 14, 2020 12:28 PM
To: Lanterman, Jeff [KDA] <Jeff.Lanterman@ks.gov>
Subject: FW: Applications 50,185-186, 187

What are your thoughts on this? We briefly discussed this a while back and I think at that time you leaned towards letting it go as is even though the quantity is lower than the max they could request.

After I get done with Robb, I'll come in and we can chat if need be. There are new apps and pending changes for this setup. They are getting it ready for sale or it just sold, I'm not sure which.

Cam

From: Milner, Brandon [KDA] <Brandon.M.Milner@ks.gov>
Sent: Tuesday, January 14, 2020 12:02 PM
To: Conant, Cameron [KDA] <Cameron.Conant@ks.gov>
Subject: RE: Applications 50,185-186, 187

Cameron,

I haven't had the chance to talk to Kristen yet, but I did do some research in the years past with the applicant. They have averaged around 9-10 gallons/head since 2014 so maybe it's normal for them?

Brandon Milner

From: Conant, Cameron [KDA] <Cameron.Conant@ks.gov>
Sent: Monday, December 30, 2019 3:49 PM
To: Milner, Brandon [KDA] <Brandon.M.Milner@ks.gov>; Lanterman, Jeff [KDA] <Jeff.Lanterman@ks.gov>; Baum, Kristen [KDA] <Kristen.Baum@ks.gov>
Subject: RE: Applications 50,185-186, 187

I don't know Brandon. I'm certainly not comfortable recommending approval of the new applications for a total of 241.1 AF while increasing the capacity to 24,000 cattle. This equates to only 9 gallons per head per day. The maximum is 15 GPHD...based on this, we could allow an expansion to 14,350 cattle. The applicant could provide information to us to show how and why they could operate with only 9 gallons per head per day. Has KDHE already approved an increase to 24,000 cattle and do they have any information that could be beneficial to us?

Would you be willing to review the past 5 years of use under the senior files and see what they are reporting for total use and Gallons/head/day?

We don't have a real calculation to determine a minimum reasonable for cattle so I think Jeff and Kristen probably need to weigh in on this. I think we also have a lot of p/u changes pending and on hold for the senior files.

Cameron

From: Milner, Brandon [KDA] <Brandon.M.Milner@ks.gov>
Sent: Monday, December 30, 2019 3:07 PM
To: Conant, Cameron [KDA] <Cameron.Conant@ks.gov>
Subject: Applications 50,185-186, 187

Cameron,

Just wanted to see where we were on the above mentioned applications as the applicant called to check the status today. I think the last item of business was an email I sent to Stafford back in October about a potentially approving the application with a reduced quantity and making sure that would be adequate for the number of cattle. Please see below from October.

I started working application # 50,185, 50,186 50,187 for Clark County Feed Inc. They are requesting a total of 269.157 Acre-feet of water for stock watering up to 24,000 head of cattle. They are currently authorized 134.1 acre-feet of water for 12,000 head of cattle. They are looking to upsize their operation and hence have filed new applications to appropriate water. They are located in DUA area BLC-67. This area only has 107 acre-feet of available. With these new applications being filed, they are asking for an additional 135 acre-feet of water to get to the total of 269.157 acre-feet. Therefore there would only be 107 acre-feet available instead of the 135 acre-feet requested. This new volume based off of that would be 241 acre-feet for 24,000 cattle. This would equate out to roughly 9 gallon per head of cattle per day. Is this an acceptable number in your mind or what are your thoughts on this? Thanks

Brandon Milner | Environmental Scientist

Kansas Dept. of Agriculture | Division of Water Resources

Address: 1320 Research Park Dr., Manhattan, KS 66502

Phone: 785-564-6631

Website: <http://agriculture.ks.gov/divisions-programs/dwr>

STATE OF KANSAS

DEPARTMENT OF AGRICULTURE
1320 RESEARCH PARK DRIVE
MANHATTAN, KS 66502
PHONE: (785) 564-6700
FAX: (785) 564-6777



900 SW JACKSON, ROOM 456
TOPEKA, KS 66612
PHONE: (785) 296-3556
www.agriculture.ks.gov

GOVERNOR JEFF COLYER, M.D.
JACKIE McCLASKEY, SECRETARY OF AGRICULTURE

CLARK COUNTY FEED YARD, INC
461 CR 1
MINNEOLA, KS 67865

January 3, 2019

RE: File No 40931

Dear Sir or Madam:

An application for approval of the Chief Engineer to change the following condition or conditions of the file number referred to above has been received:

- place of use PU
 point of diversion
 use made of water

As a matter of record, the Division of Water Resources has on hand a large number of applications awaiting processing. Therefore, to be fair to all concerned, and so that we can process those applications on hand in the order they were received, we intend to concentrate on the backlog of applications until the issue is resolved. You will be contacted regarding this application as soon as it has been examined.

In accordance with the provisions of the Kansas Water Appropriation Act, a portion of which is included below, the use of water prior to approval of the application is unlawful. You should not proceed and divert water as indicated by your plans in your application for a change for this file until you receive approval for this change from the Chief Engineer. Once approved, compliance with the terms, conditions and limitations of the permit is necessary. Conservation of the water resources of Kansas is required.

Section 82a-728 of the Kansas Water Appropriation Act, provides (a) except for the appropriation of water for the purpose of domestic use, . . . it shall be unlawful for any person to appropriate or threaten to appropriate water from any source without first applying for and obtaining a permit to appropriate water in accordance with the provisions of the Water Appropriation Act or for any person to violate any condition of a vested right, appropriation right or an approved application for a permit to appropriate water for beneficial use.

(b) (1) The violation of any provision of this section by any person is a class C misdemeanor...

A class C misdemeanor is punishable by a fine not to exceed \$500 and/or a term of confinement not to exceed one month in the county jail. Each day that the violation occurs constitutes a separate offense.

If you have any questions, please contact me at (785) 564-6645. If you wish to discuss a specific file, please have the file number ready so that we may help you more efficiently.

Sincerely,

Brent Tourney, L.G.
Change Applications Unit Supervisor
Water Appropriation Program

BAT: DLW
pc: STAFFORD Field Office GMD

SCANNED

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

March 20, 2020

CLARK COUNTY FEEDYARD INC
CALVIN MINOR
461 CR I #1
MINNEOLA KS 67865-6535

FILE COPY

RE: Water Right, File Nos. 26,959; 38,438; 38,439 & 40,931

Dear Mr. Minor:

Enclosed are the orders executed by the Chief Engineer, Division of Water Resources, Kansas Department of Agriculture, approving the applications for change under the reference 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 approvals is that an acceptable water flowmeter must be installed on the diversion works authorized under the referenced files.

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, please contact Leslie Ireland, Environmental Scientist, at (785) 564-6633. If you wish to discuss a specific file, please have the file number ready so that we may help you more efficiently.

Sincerely,

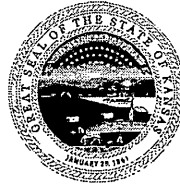
Kristen A. Baum
New Applications Unit Supervisor
Water Appropriation Program

KAB:LI:li:

Enclosures

pc: Stafford Field Office

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 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 and point of diversion 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 $\frac{1}{2}$) 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.

In all other respects, the Certificate of Appropriation issued pursuant to Approval of Application, File No. 40,931, for permit to appropriate water for beneficial use, is as stated and set forth in the Certificate of Appropriation dated May 19, 2000.

Ordered this 10th day of March, 2020, in Manhattan, Riley County, Kansas.

Lane P. Letourneau

Lane P. Letourneau, P.G.
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 10th day of March, 2020, by Lane P. Letourneau, P.G., Program Manager, Division of Water Resources, Kansas Department of Agriculture.



Katie N. Anderson

Notary Public

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

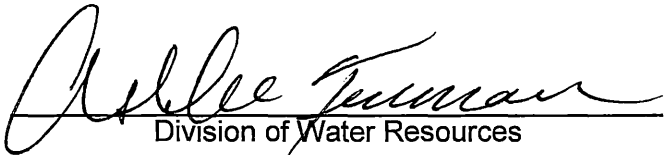
On this 20 day of March, 2020, I hereby certify that the attached Approval of Application for Change in the Authorized Place of Use under Water Right, File No. 40,931, dated March 10, 2020 was mailed postage prepaid, first class, US mail to the following:

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