

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

1. File Number: 41,349	2. Status Change Date: 4/29/2020	3. Change Num: C1	4. Field Office: 03	5. GMD: 04
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: 12/26/19
8a. Applicant(s) New to system <input type="checkbox"/> Person ID 38937 Add Seq# _____		8c. Landowner(s) New to system <input type="checkbox"/> Person ID _____ Add Seq# _____		
MARK & LANAE SCHAMBERGER 8999 N HIGHWAY 23 HOXIE, KS 67740-4167				
8b. Landowner(s) New to system <input type="checkbox"/> Person ID 38937 Add Seq# _____		8d. WUC New to system <input type="checkbox"/> Person ID 38937 Add Seq# _____		
MARK & LANAE SCHAMBERGER 8999 N HIGHWAY 23 HOXIE, KS 67740-4167		MARK & LANAE SCHAMBERGER 8999 N HIGHWAY 23 HOXIE, KS 67740-4167 NO CHANGES		
9. Documents and Enclosure(s): <input type="checkbox"/> DWR Meter(s) Date to Comply: _____ <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: STK To: DOM				
Date Prepared: 4/9/20 By: BILLINGER Date Entered: 5/4/2020 LMoody				

Base Acres: Year: Minimum Reasonable Quantity:

Comments: **PU WILL BE FOR FEEDLOT LESS THAN 999 HEAD**

KANSAS DEPARTMENT OF AGRICULTURE
Division of Water Resources

M E M O R A N D U M

TO: Files **DATE:** April 13, 2020
FROM: Mark Billinger **RE:** Water Right
File No. 41,349

Mark and Lanae Schamberger, owners of the referenced groundwater right, filed an application proposing to change the authorized use made of water from stockwatering to domestic use in the Prairie Dog Creek drainage basin.

The referenced file is not abandoned as per K.S.A. 82a-718.

It is proposed that the authorized use made of water under the water right be changed from stockwatering use to domestic use for an existing cattle feedlot located in the Northwest Quarter of the Northeast Quarter (NW $\frac{1}{4}$ NE $\frac{1}{4}$) of Section 4, Township 7 South, Range 28 West, Sheridan County, Kansas. No actual change in use will occur and therefore no substantial increase in consumptive use. There is no actual change in the use of water, the use of water now qualifies as domestic use instead of the originally defined stockwater use. There is no change in the authorized quantity (4.269 m.g.y.) or authorized place of use. The referenced file number has no overlaps in the place of use or point of diversion.

Nearby domestic well identified on the map within one half-mile of the authorized point of diversion were notified of the proposed change in use made of water by letters dated April 13, 2020 in order to comply with K.S.A. 82a-1906.

The source of supply will not change, previously determined to be Ogallala formation (211).

In an e-mail dated April 13, 2020, Kelly Stewart, Water Commissioner of the Stockton Field Office, indicated no objection to approval of the application.

In an e-mail dated April 15, 2020, Shannon Kenyon, Manager of the Northwest Kansas Groundwater Management District No. 4, indicated recommendation to approve the change use made of water of the application.

A check valve will be required if foreign substances are injected into the diverted water. Additionally, a water meter will no longer be required but encouraged to aid in their water use reporting (non-mandatory).

Based on the above discussion, that the change is reasonable, that impairment to existing water rights is unlikely, and that no change in the local source of supply will occur, it is recommended that the referenced application be approved.

Mark Billinger
Assistant Water Commissioner

Submit To: CHIEF ENGINEER
Division of Water Resources
Kansas Department of Agriculture
1320 Research Park Drive
Manhattan, KS 66502
www.ksda.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**



State of Kansas

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
(Check one or more) Point of Diversion
 Use Made of Water

Water Resources
Received
DEC 26 2019
11:01
KS Dept Of Agriculture

File No. 41349

2. Name of applicant: Mark and Lanae Schamberger

Address: 8999 N Highway 23

City, State and Zip: Hoxie, KS 67740-4167

Phone Number: (785)675-3403 E-mail address: _____

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

Name of water use correspondent: As above

Address: _____

City, State and Zip: _____

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

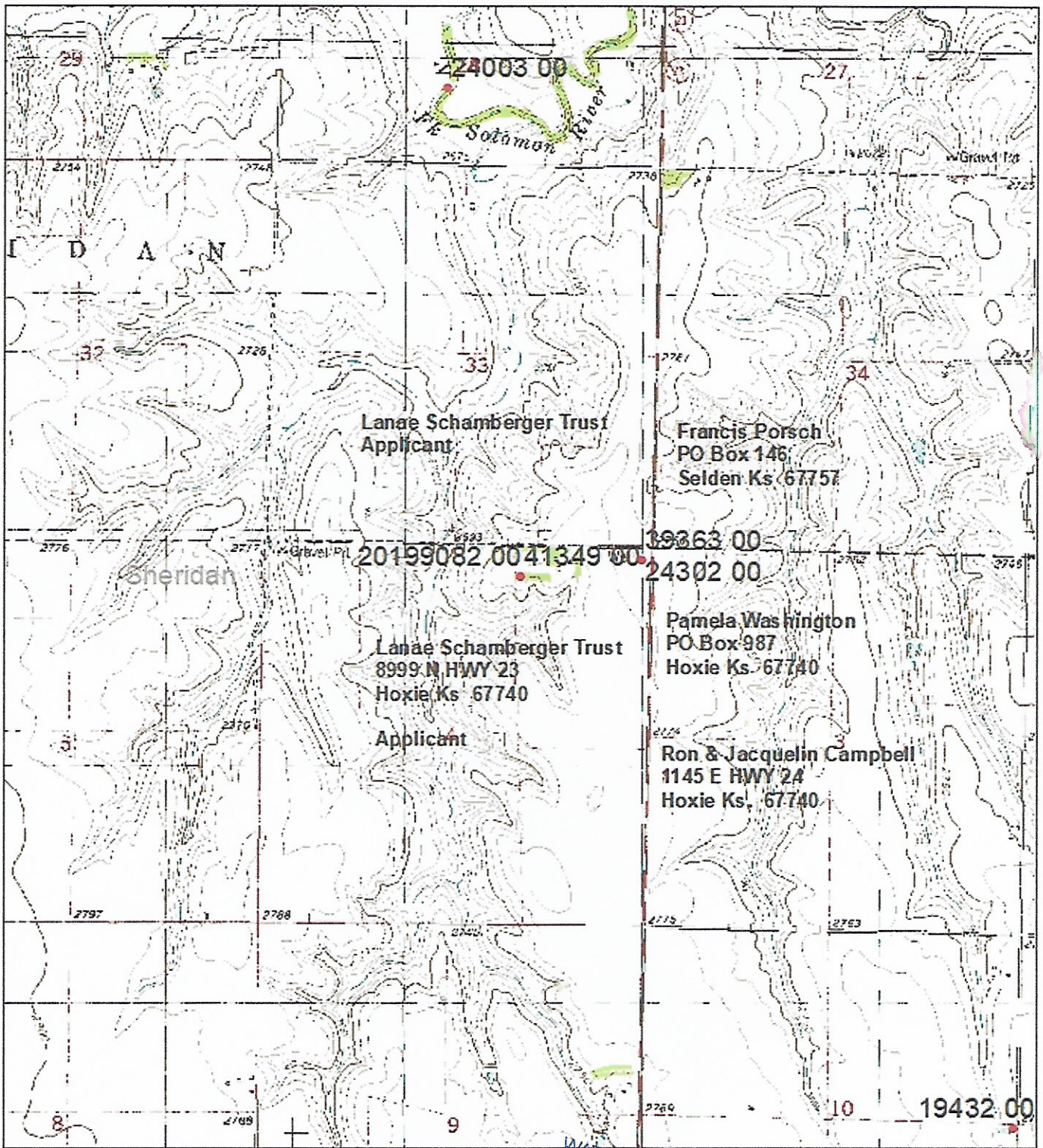
3. The change(s) proposed herein are desired for the following reasons (please be specific): The feed facility is permitted as a 999 head facility by KDHE and therefore the use of water qualifies for domestic use

The change(s) (will be) completed by Upon approval _____
(Date)

For Office Use Only:															
F.O.	<u>3</u>	GMD	<u>4</u>	Meets K.A.R. 5-5-1	<u>(YES / NO)</u>	Use	<u>DOM</u>	Source	<u>(G) S</u>	County	<u>SD</u>	By	<u>KAB</u>	Date	<u>12/26/19</u>
Code	<u>CWU</u>		Fee \$	<u>300</u>	TR #		Receipt Date	<u>12/26/19</u>	Check #	<u>5858</u>					

APPLICATION COMPLETE
4114120
Reviewer RAK

Application to Change the Use Made of Water,
Water Right, File No. 41,349



WATER RESOURCES RECEIVED

APR 17 2020

KS DEPT OF AGRICULTURE

1:24,000



All landowners with wells of any kind within 1/2 mile of the proposed points of diversion are shown:

Signature

Date

Krueger, Richelle [KDA]

From: Stewart, Kelly [KDA]
Sent: Monday, April 13, 2020 1:23 PM
To: Billinger, Mark [KDA]
Cc: Krueger, Richelle [KDA]; Hageman, Rebecca [KDA]
Subject: RE: memo for umw change 41,349

Follow Up Flag: Follow up
Flag Status: Flagged

Mark,

I recommend approval of the referenced change application.

Kelly

From: Billinger, Mark [KDA] <Mark.Billinger@ks.gov>
Sent: Monday, April 13, 2020 11:16 AM
To: Stewart, Kelly [KDA] <Kelly.Stewart@ks.gov>
Cc: Krueger, Richelle [KDA] <Richelle.Krueger@ks.gov>
Subject: memo for umw change 41,349

Kelly,

Attached is the memo for umw change from Stockwater to Domestic for Mark and Lanae Schamberger.

Please review and respond if you have any questions or concerns regarding this application.

Mark Billinger
Assistant Water Commissioner
Stockton Field Office
PO Box 804
Stockton, KS 67669



**NORTHWEST KANSAS
GROUNDWATER MANAGEMENT
DISTRICT NO. 4**

1290 West 4th Street
P.O. Box 905
Colby, Kansas 67701-0905

April 14, 2020

Mark Billinger
Stockton Field Office
820 South Walnut
Stockton, KS 67669

RE: Application: 41,349
Mark & Lanae Schamberger

Dear Mark,

The Northwest Kansas Groundwater Management District has reviewed the above referenced application and based on our records and the information supplied by the applicant, we have determined that the following recommendation be made to the Chief Engineer:

Approve application to change the use made of water

If you have any questions, please contact this office.

Sincerely,

Shannon Kenyon
Manager

SK: jem

WATER RESOURCES
RECEIVED
APR 26 2020
KS DEPT OF AGRICULTURE



Stockton Field Office
820 S. Walnut
Stockton, Kansas 67669-0192
Jackie McClaskey, Secretary
David W. Barfield, Chief Engineer
Kelly Stewart, Water Commissioner

Phone: (785) 425-6787
Fax: (785) 425-6842
www.agriculture.ks.gov
Sam Brownback, Governor

13
April 28, 2020

GROUNDWATER MANAGEMENT DISTRICT NO 4
PO BOX 905
COLBY KS 67701

Re: Water Right, File No. 41,349

Dear Ladies and Gentlemen:

Reference is made to the application referred to above which appears to be in proper form.

We are delaying any further action until **April 20, 2020** to allow you time to submit your recommendation concerning this application.

Please submit your recommendation within the allotted time or any authorized extension of time thereof. If you wish to refer to a specific file, please reference it when you contact us.

Sincerely,

A handwritten signature in black ink, appearing to read "Mark Billinger".

Mark Billinger
Assistant Water Commissioner

MB:rfh
Enclosures

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

MARK & LANAE SCHAMBERGER
8999 N HIGHWAY 23
HOXIE, KS 67740-4167

RE: Water Right, File No. 41,349

Dear Mr. and Mrs. Schamberger:

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

Since the 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 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".

Richelle A. Krueger
Environmental Scientist
Water Appropriation Program

RAK

pc: Stockton Field Office
Groundwater Management District No. 4



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 USE MADE OF WATER
WATER RIGHT
FILE NO. 41,349

The Chief Engineer, Division of Water Resources, Kansas Department of Agriculture, after due consideration of the written application of Mark and LaNae Schamberger, 8999 N Highway 23, Hoxie, Kansas 67740-4167, received in this office on December 26, 2019, for approval of a change in the use made of water 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.

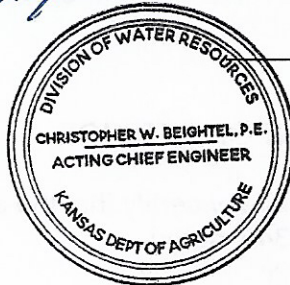
The effective date of the change shall be the date this order is executed by the Chief Engineer, after which the authorized use made of water shall be:

Domestic use at a feedlot located in the Northwest Quarter of the Northeast Quarter (NW 1/4 NE 1/4) of Section 04, Township 07 South, Range 28 West, Sheridan County, Kansas,

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

In all other respects, the Certificate of Appropriation issued pursuant to Approval of Application, File No. 41,349, for permit to appropriate water for beneficial use, is as stated and set forth in the Certificate of Appropriation dated December 19, 2000.

Ordered this 9 day of April, 2020, in Manhattan, Riley County, Kansas.



Christopher W. Beightel, P.E.
Acting 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 20th day of APRIL, 2020, by Christopher W. Beightel, P.E., Acting Chief Engineer, 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 the Kansas Department of Agriculture, Attn: Legal Section, 1320 Research Park Drive, Manhattan, Kansas 66502, or by 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 the Secretary of Agriculture, Attn: Legal Division, Kansas Department of Agriculture, 1320 Research Park Drive, Manhattan, Kansas 66502, or by 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 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.

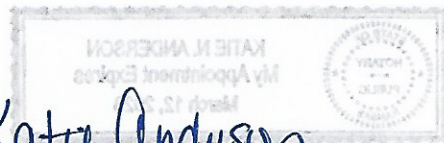
CERTIFICATE OF SERVICE

On this 6th day of May, 2020, I hereby certify that the attached Approval of Application for the Change in Use Made of Water, File No. 41,349, dated April 29 was mailed postage prepaid, first class, US mail to the following:

MARK AND LANAE SCHAMBERGER
8999 N HIGHWAY 23
HOXIE, KS 67740-4167

With photocopies sent to:

Stockton Field Office
Groundwater Management District No.4



Division of Water Resources