

Kansas Department of Agriculture  
Division of Water Resources  
**PERMIT NEW APPLICATION WORKSHEET**

1. File Number: <p style="text-align: center; font-size: 1.2em;"><b>50409</b></p>	2. Status Change Date: <p style="text-align: center; font-size: 1.2em; color: purple;"><b>5/12/2021</b></p>	3. Field Office: <p style="text-align: center; font-size: 1.2em;"><b>2</b></p>	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)                      Person ID **67321**  
New to system                       Add Seq# \_\_\_\_\_

**SNAKE CREEK RANCH CO**  
**2618 CR GG**  
**ASHLAND, KS 67831**

7b. Landowner(s)                      Person ID \_\_\_\_\_  
New to system                       Add Seq# \_\_\_\_\_

**7a**

7c. Landowner(s)                      Person ID \_\_\_\_\_  
New to system                       Add Seq# \_\_\_\_\_

7d. Misc.                                      Person ID \_\_\_\_\_  
New to system                       Add Seq# \_\_\_\_\_

8. WUR Correspondent                      Person ID \_\_\_\_\_  
New to system                       Add Seq# \_\_\_\_\_  
Overlap File (s) WUC                      Notarized WUC Form   
Agree  Yes  No

**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~~ **22**    11. Perfection Date: ~~12/31/2025~~ **26**    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: \_\_\_\_\_

Date Prepared: **1/22/2021**    By: **AM**  
Date Entered: 5/13/2021    By: LMoody

File No. **50409**      15. Formation Code:      Drainage Basin: **CIMARRON RIVER**      County: **CA**      Special Use:      Stream:

16. Points of Diversion										17. Rate and Quantity					
MOD	DEL	ENT	PDIV	Qualifier	S	T	R	ID	'N	'W	Authorized		Additional		
											Rate gpm	Quantity mgy	Rate gpm	Quantity mgy	Overlap PD Files
<b>MOD</b>	<b>88294</b>		<b>NW SE NE</b>		<b>10</b>	<b>35S</b>	<b>21W</b>	<b>1</b>	<b>3624</b>	<b>1232</b>	<b>100</b>	<b>65.17</b>	<b>100</b>	<b>65.17</b>	<b>NONE</b>
											<b>(200 AF)</b>				
<b>DEL</b>	<b>88295</b>														

18. Storage: Rate \_\_\_\_\_ NF      Quantity \_\_\_\_\_ ac/ft      Additional Rate \_\_\_\_\_ NF      Additional Quantity \_\_\_\_\_ ac/ft

19. Limitation: \_\_\_\_\_ af/yr at \_\_\_\_\_ gpm ( \_\_\_\_\_ cfs) when combined with file number(s) \_\_\_\_\_  
 Limitation: \_\_\_\_\_ af/yr at \_\_\_\_\_ gpm ( \_\_\_\_\_ cfs) when combined with file number(s) \_\_\_\_\_

20. Meter Required?  Yes     No      To be installed by **12/31/2021 2022**      Date Acceptable Meter Installed \_\_\_\_\_

21. Place of Use										NE¼				NW¼				SW¼				SE¼				Total	Owner	Chg?	Overlap Files
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	NE ¼	NW ¼	SW ¼	SE ¼						
<b>CHK</b>	<b>70022</b>		<b>10 35S21W</b>				<b>1</b>					<b>FEEDLOT (E2 SW) &amp; (SE)</b>														<b>7a</b>	<b>N</b>	<b>50480</b>	

Comments:  
**WAIVER INCLUDED**



Kansas Department of Agriculture  
 Division of Water Resources  
**WAIVER REQUEST & WAIVER RULE WORKSHEET**

File Number: **50,409**

FO: 2 GMD:

**WAIVER REQUEST:**

UMW	Date Requested	Rule ID	Applies	Rule Type	Rule Subtype
<b>STK</b>	<b>1/22/2021</b>	<b>1</b>	<b>Statewide</b>	<b>Well Spacing</b>	<b>Well to Well Spacing</b>
Rule Number	Date Granted	Date Denied	Justification:	Well spacing not met with applicants own well. No other wells within 5 miles. Recommended waiver request and approval from Jeff Lanterman, Water Commissioner, Stafford Field Office.	
<b>K.A.R. 5-4-4(c)(1)(C)</b>	<b>5/12/2021</b>				

**WAIVER RULE:**

Rule ID	Applicability	Type	Subtype	Rule Number	Date Active	Date Inactive

Date Prepared 1/22/2021 By AM

Date Entered 5/13/2021 By LMoody

**KANSAS DEPARTMENT OF AGRICULTURE**  
**Division of Water Resources**

**M E M O R A N D U M**

**TO:** Files

**DATE:** January 15, 2021

**FROM:** Austin McColloch

**RE:** New Application,  
File Nos. 50,409 & 50,480

Snake Creek Ranch Co. has filed the referenced applications to appropriate groundwater for stockwatering use, requesting one (1) well per file, a total quantity of 65.170 million gallons (200 acre-feet), and a diversion rate of 100 gallons per minute for the well authorized under File No. 50409 and a diversion rate of 150 gallons per minute for the well authorized under File No. 50480. There are no overlapping water rights on the proposed points of diversion and the two files overlap in proposed place of use. The proposed place of use is owned by Snake Creek Ranch Co. The requested points of diversion and subsequent new application (File No. 50480) were modified and filed during the processing of the application for File No. 50409 at the applicants request due to various rules/regs involved in the project, mainly the spacing requirements of the two wells.

The proposed point of diversion for File No. 50409 is to be located in the Northwest Quarter of the Southeast Quarter of the Northeast Quarter (NW $\frac{1}{4}$  SE $\frac{1}{4}$  NE $\frac{1}{4}$ ) of Section 10, more particularly described as being near a point 3,624 feet North and 1,232 feet West of the Southeast corner of said section, in Township 35 South, Range 21 West, Clark County, in the Cimarron River drainage basin within the boundaries of South-Central Kansas Designated Unit Area – CIM57.

The proposed point of diversion for File No. 50480 is to be located in the Northeast Quarter of the Southeast Quarter of the Northeast Quarter (NE $\frac{1}{4}$  SE $\frac{1}{4}$  NE $\frac{1}{4}$ ) of Section 10, more particularly described as being near a point 3,519 feet North and 253 feet West of the Southeast corner of said section, in Township 35 South, Range 21 West, Clark County, in the Cimarron River drainage basin within the boundaries of South-Central Kansas Designated Unit Area – CIM57.

The applicant identified one domestic well and two windmills within one-half mile of the propose dwells (which are all owned by the applicant) and no existing non-domestic wells (which WRIS confirmed). No nearby well notification letters were sent out. There are no non-domestic point of diversions within 2 miles. Based of the map submitted with the applications, the nearest domestic well appears to be approximately 250 feet away and the distance between the two proposed wells appears to be approximately 984 feet away. The proposed point of diversion under File No. 50480 does not meet minimum well spacing to the domestic well and File No. 50409. The proposed point of diversion under File No. 50409 does meet minimum well spacing to all domestic wells but not to File No. 50480. Per the requirements in K.A.R. 5-4-4 for all other aquifers, the minimum well spacing should be one-quarter mile to all other non-domestic wells and 660 feet to domestic wells. However, all wells involved are owned by the applicant and they request a waiver of well spacing.

A test hole log was submitted with both applications. They are very similar showing topsoil from 0 to 10 feet, fine medium sand from 10 to 28 feet, fine medium coarse sand from 28 to 35 feet, sandy clay from 35 to 47 feet, sandy clay with limerock from 59 to 68 feet, fine medium sand from 68 to 90 feet, fine medium coarse sand with small gravel from 90 to 115 feet, red clay from 115 to 118 feet, red sandstone from 118 to 133 feet, red clay from 133 to 147 feet, gypsum from 147-150 feet, red clay with blue soapstone and sandstone from 150 to 175 feet, white soapstone from 175 to 187 feet and red clay from 187 to 200 feet. Static water levels show around 90 feet below ground surface which provides a saturated thickness of around 80 feet.

The points of diversion are located within the South-Central Kansas Designated Unit Area CIM 57 which is currently open to new appropriations with a total of 1,606 acre-feet available. Per the requirements in K.A.R. 5-3-11, safe yield is determined by the extent of the unconfined aquifer within a two-mile circle radius of the point of diversion, which establishes the area of consideration. Evaluation of the area of consideration included the extent of the unconfined aquifer located within Kansas, which provided the area of consideration of 6,231 acres. With a potential annual recharge of 1.2 inches, and 50% of recharge available for appropriation, safe yield was determined to be 311.55 acre-feet. Existing water rights have appropriated 0 acre-feet, providing a difference of 311.55 acre-feet available for appropriation, and the total combined requested quantity of 200 acre-feet complies with safe yield.

The requested quantity of 65.170 million gallons (200 acre-feet) was based on providing an adequate supply of water for a 10,000 head cattle facility. The applicant provided an estimate for drinking water quantity as follows:

$10,000 \text{ head of cattle} \times 15.0 \text{ gallons per head per day} \times 365 \text{ days} = 54,750,000 \text{ gallons}$

The additional quantity of 10,420,200 gallons is for feed mill & feed preparation at the new stock facility.

In an email dated January 20, 2021 e-mail, Jeff Lanterman, Water Commissioner, Stafford Field Office, recommended approval of the application.

In accordance with K.S.A. 82a-706c, the Chief Engineer retains full authority to require any water user to install meters, gages, or other measuring devices, which devices he or she or his or her agents may read at any time. Water flowmeter requirements are further described in K.A.R. 5-1-4 through K.A.R. 5-1-12. If any chemical or foreign substance is injected into the water pumped under this permit, a check valve will also need to be installed. A water level measuring tube is required because the proposed wells are exceeding 100 gpm.

Based on the above discussion, safe yield criteria is met and well spacing will only affect the applicants domestic well, approval of the application will not impair senior water rights nor prejudicially or unreasonably affect the public interest. It is recommended that the referenced application be approved.

Austin McColloch  
Environmental Scientist

**From:** Lanterman, Jeff [KDA]  
**Sent:** Wed 1/20/2021 9:14 AM  
**To:** McColloch, Austin [KDA]  
**Cc:** Conant, Cameron [KDA]  
**Subject:** RE: Recommendation New Application File Nos. 50409 & 50480

Austin.

This one seems pretty slam dunk being in the middle of nowhere. I recommend approval of both of these with a waiver to his own wells.

I didn't pull the bulletin for this one but should be kind of fun to call the aquifer on it. Looks like they passed through the Permian red beds and gyp so whatever is underneath is what it is.

Be interesting so see if they make this work.

Thanks  
Jeff

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**From:** McColloch, Austin [KDA] <Austin.McColloch@ks.gov>  
**Sent:** Tuesday, January 19, 2021 4:42 PM  
**To:** Lanterman, Jeff [KDA] <Jeff.Lanterman@ks.gov>  
**Cc:** Conant, Cameron [KDA] <Cameron.Conant@ks.gov>  
**Subject:** Recommendation New Application File Nos. 50409 & 50480

Jeff and Cameron,

Attached is my draft memo for the two new applications submitted by Snake Creek Ranch. There were many revisions to the applications and docuware has been updated to reflect those. Let me know if you have any questions on these.

Thanks,

Austin McColloch  
Ph: (620) 276-2901

# 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 and PERMIT TO PROCEED**

(This Is Not a Certificate of Appropriation)

This is to certify that I have examined Application, **File No. 50,409** of the applicant

**SNAKE CREEK RANCH CO  
2618 CR GG  
ASHLAND, KS 67831**

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 **July 14, 2020**.
2. That the water sought to be appropriated shall be used for stockwatering use in the East Half of the Southwest Quarter (E $\frac{1}{2}$  SW $\frac{1}{4}$ ) and the Southeast Quarter (SE $\frac{1}{4}$ ) of Section 10, in Township 35 South, Range 21 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 Southeast Quarter of the Northeast Quarter (NW $\frac{1}{4}$  SE $\frac{1}{4}$  NE $\frac{1}{4}$ ) of Section 10, more particularly described as being near a point 3,624 feet North and 1,232 feet West of the Southeast corner of said section, in Township 35 South, Range 21 West, Clark County, Kansas, located substantially as shown on the topographic map accompanying the application.
4. That the appropriation sought shall be limited to a maximum diversion rate not in excess of **100 gallons per minute (0.22 c.f.s.)** and to a quantity not to exceed **65.17 million gallons (200 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, 2022** 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, 2026** 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 applicant shall submit to the Chief Engineer a copy of the well log required by the Kansas Department of Health and Environment under the authority of K.S.A. 82a-1212, currently form WWC-5, within 30 days following the drilling of the well at the location authorized herein.

Ordered this 12<sup>th</sup> day of May, 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 12 day of may, 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

May 14, 2021

SNAKE CREEK RANCH CO  
2618 CR GG  
ASHLAND, KS 67831

RE: Appropriation of Water, File Nos. 50,409 & 50,480

Dear Sir or Madam:

Enclosed are the permits authorizing you to proceed with construction of the proposed diversion works and to appropriate water for beneficial use as set forth in the permit. Your attention is directed to the enclosures and to the terms, conditions, limitations, and requirements specified in each permit.

Notice must be filed for each of the referenced files on the enclosed form once the diversion works have been completed. Failure to complete the diversion works within the time allowed, or within any authorized extension of time thereof, will result in dismissal of this permit. If you need an extension of time, you must request it before the deadline for completion set forth in the permit. Any request for an extension of time must be accompanied by the statutorily required fee, which is currently \$100.00.

An acceptable water flowmeter must be installed on the diversion works authorized by the permits prior to using water. An annual water use report must be filed with the Chief Engineer by March 1, following the end of each calendar year. If a complete annual water use report is not received by the deadline, then a fine may be assessed and all water use under such permit or right may be suspended. Reports submitted in paper form will be assessed a \$20 per file number paper filing fee. In order to avoid this filing fee, you may submit your report online at [www.kswaterusereport.org](http://www.kswaterusereport.org).

The approval of each of your applications constitutes a permit to appropriate water. It does not give authority to construct any dam or other stream obstruction regulated by K.S.A. 82a-301 through 305a. It does not give authority to access any right-of-way or authorize trespassing upon or injury to public or private property. It may also be necessary for you to comply with other local, state or federal requirements.

Enclosed is an informational sheet that sets forth the procedure to obtain a Certificate of Appropriation which will establish the extent of your perfected water right. Additional information and applicable forms may be found on our website at [agriculture.ks.gov/divisions-programs/dwr](http://agriculture.ks.gov/divisions-programs/dwr). If you have any questions or need assistance with any of these requirements, please contact our office at 785-564-6640 or your local Stafford Field Office at 620-234-5311. If you call, please reference the file number so we can help you more efficiently.

Sincerely,

Kristen A. Baum  
New Application Unit Supervisor  
Division of Water Resources

KAB:AM:li  
Enclosure(s)  
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.

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 14 day of May, 2021, I hereby certify that the foregoing Approval of Application and Permit to Proceed, File No. 50,409, dated 12 May, 2021, was mailed postage prepaid, first class, US mail to the following:

SNAKE CREEK RANCH CO  
2618 CR GG  
ASHLAND, KS 67831

With photocopies to:

Stafford Field Office

  
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

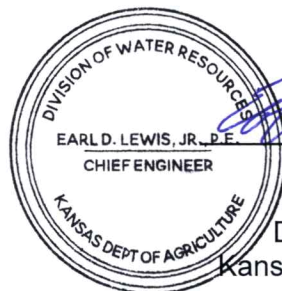
**WAIVER OF REGULATION**  
K.A.R. 5-4-4(c)(1)(C)


Date: May 12, 2021

Re: Application of Appropriation, File No. 50,409

1. That K.A.R. 5-4-4(c)(1) states, that the distance from the well which is the subject of the application to all other senior non-domestic and non-temporary wells in the same aquifer or a hydraulically connected aquifer.
2. That K.A.R. 5-4-4(c)(1)(C) requires a minimum well spacing of 1,320 feet between wells whose common source of supply is any other aquifer.
3. The proposed point of diversion, for File No. 50,409 and the well proposed by File No. 50,480 are approximately 940 feet apart.
4. That the wells authorized under File Nos. 50,409 & 50,480 are both owned by Snake Creek Ranch LLC, applicant.
5. Jeff Lanterman, Water Commissioner, Stafford Filed Office recommended approval of the proposed application with a waiver of the well spacing.
7. That a waiver of K.A.R. 5-4-4(c)(1)(C) will not prejudicially or unreasonably affect the public interest and will not impair any existing water rights.

Comments:



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