

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

1. File Number: <p style="text-align: center;"><b>50,630</b></p>	2. Status Change Date: <p style="text-align: center;"><b>8/26/2022</b></p>	3. Field Office: <p style="text-align: center;"><b>02</b></p>	4. GMD: <p style="text-align: center;"><b>05</b></p>
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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

<p>7a. Applicant(s) New to system <input type="checkbox"/></p> <p style="text-align: right;">Person ID <b>67888</b> Add Seq# _____</p> <p><b>KENT ANTHONY</b> <b>314 E ADAMS AVE</b> <b>STERLING KS 67579</b></p>	<p>7c. Landowner(s) New to system <input type="checkbox"/></p> <p style="text-align: right;">Person ID _____ Add Seq# _____</p>
<p>7b. Landowner(s) New to system <input type="checkbox"/></p> <p style="text-align: right;">Person ID _____ Add Seq# _____</p> <p><b>7 a</b></p>	<p>7d. Misc. New to system <input type="checkbox"/></p> <p style="text-align: right;">Person ID _____ Add Seq# _____</p>

<p>8. WUR Correspondent New to system <input type="checkbox"/></p> <p style="text-align: right;">Person ID _____ Add Seq# _____ Notarized WUC Form <input type="checkbox"/></p> <p>Overlap File (s) WUC Agree <input type="checkbox"/> Yes <input type="checkbox"/> No</p> <p><b>7 a</b></p>	<p>9. Use of Water:    Changing?    <input type="checkbox"/> Yes    <input checked="" type="checkbox"/> No</p> <p style="text-align: center;"><input checked="" type="checkbox"/> Groundwater    <input type="checkbox"/> Surface Water</p> <p><input type="checkbox"/> IRR            <input checked="" type="checkbox"/> REC            <input type="checkbox"/> DEW            <input type="checkbox"/> MUN</p> <p><input type="checkbox"/> STK            <input type="checkbox"/> SED            <input type="checkbox"/> DOM            <input type="checkbox"/> CON</p> <p><input type="checkbox"/> HYD DRG    <input type="checkbox"/> WTR PWR    <input type="checkbox"/> ART RECHRG</p> <p><input type="checkbox"/> IND SIC: _____    <input type="checkbox"/> OTHER: _____</p>
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10. Completion Date: **12/31/2023**            11. Perfection Date: **12/31/2027**            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: \_\_\_\_\_

8/24/2022  
JDK    Date Prepared: **8/2/22**    By: **JNE**  
 Date Entered: 8/29/2022  
LMoody    By: \_\_\_\_\_

File No. **50,630**      15. Formation Code: **190**      Drainage Basin: **COW CREEK**      County: **RC**      Special Use:      Stream:

16. Points of Diversion											
T	MOD	DEL	ENT	PDIV	Qualifier	S	T	R	ID	'N	'W
	<b>MOD</b>			<b>89011</b>	<b>NE NE SW</b>	<b>23</b>	<b>20S</b>	<b>8W</b>	<b>5</b>	<b>2463</b>	<b>3167</b>

17. Rate and Quantity				
Authorized		Additional		
Rate gpm	Quantity af	Rate gpm	Quantity af	Overlap PD Files
<b>99</b>	<b>15</b>	<b>99</b>	<b>15</b>	<b>NONE</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 **12/31/2023**      Date Acceptable Meter Installed \_\_\_\_\_

21. Place of Use										NE¼				NW¼				SW¼				SE¼				Total	Owner	Chg?	Overlap Files
T	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								
	<b>CHK</b>			<b>70526</b>	<b>23</b>	<b>20S</b>	<b>8W</b>	<b>3</b>		<b>3.7 SURFACE ACRE MARSH NE¼ NE¼ SW¼</b>																	<b>7a</b>	<b>NO</b>	<b>NONE</b>

Comments:

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

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

**TO:** Files

**DATE:** August 2, 2022

**FROM:** Jessica Engelbrecht

**RE:** Application, File No. 50,630

Kent Anthony filed the above referenced application to appropriate 15 acre-feet of groundwater from a proposed well, at a rate of 99 gallons per minute, for recreational use at a 3.7-acre pond, to offset evaporation losses. The recreational pond is located in the Northeast Quarter of the Northeast Quarter of the Southwest Quarter (NE $\frac{1}{4}$  NE $\frac{1}{4}$  SW $\frac{1}{4}$ ) of Section 23, Township 20 South, Range 8 West, Rice County, within the Cow Creek Drainage Basin. The entire place of use is owned by the applicant, and he has signed the application form stating he has access to the point of diversion. The point of diversion is a proposed well to be located in Section 23, more particularly described as being near a point 2,463 feet North and 3,167 feet West of the Southeast corner of said section, in Township 20 South, Range 8 West, Rice County, Kansas. The proposed well is located within the boundaries of the Big Bend Groundwater Management District No. 5. There are no other water rights overlapping the proposed point of diversion or place of use.

The requested quantity of water, 15 acre-feet, is to cover evaporative and seepage losses from a 3.7-acre marsh area, as shown in the calculation below.

3.7 acres surface area x 27" evap = 99.9 AI evaporation/12 inches = **8.33 acre-feet (annual evaporation loss)**  
3.7 acres x 0.13 inch/acre/day x 165/12 inches = **6.61 acre-feet**  
For a total of **15 acre-feet**

The applicant identified twelve (12) possible domestic wells within one-half mile of the proposed well and no non-domestic wells. Nearby well notification letters were sent on June 6, 2022. One nearby landowner called with no specific concerns to address. According to WRIS database, the nearest non-domestic point of diversion (Water Right, File No. 26,475) is located 3,051 feet away. Based on the site map, the nearest possible domestic well is approximately 1,800 feet away, measured from the proposed point of diversion to the edge of the property line. The proposed point of diversion meets minimum well spacing to all existing wells. Per the requirements in K.A.R. 5-25-2(a) for wells located within Big Bend Groundwater Management District No. 5, the minimum well spacing should be 1,320 feet to all other non-domestic wells and 660 feet to domestic wells.

The applicant submitted a test log with the application which shows layers of clay and sand and gravel, with red bed at 57 to 60 feet. The log shows the static water level at 13 feet.

The application was sent to Groundwater Management District No. 5 on June 29, 2022. On July 6, 2022, DWR received a recommendation for approval from GMD 5 on July 6, 2022. The board recommended that the application be approved, provided that the pond is restricted to 3.7 acres surface area.

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.

Jeff Lanterman, Water Commissioner, Stafford Field Office, recommended approval of the referenced application on August 3, 2022.

Based on the above discussion, well spacing and safe yield criteria are met, and 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.

## Engelbrecht, Jessica [KDA]

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**From:** Lanterman, Jeff [KDA]  
**Sent:** Wednesday, August 3, 2022 9:17 AM  
**To:** Engelbrecht, Jessica [KDA]  
**Subject:** RE: Memo 50,630

**Importance:** High

**Follow Up Flag:** Follow up  
**Flag Status:** Flagged

Jessica I think this can be approved. Seems reasonable since this will probably really only be filled about 3 months out of the year.

Please add the following to your discussion on reasonable quantity.

3.7 acres surface area x 27" evap = 99.9 AI evaporation/12 inches = 8.33 acre-feet (annual evaporation loss)  
3.7 acres x 0.13 inch/acre/day x 165/12 inches = 6.61 acre-feet seepage loss  
For a total of 15 acre-feet

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**From:** Engelbrecht, Jessica [KDA] <Jessica.Engelbrecht@ks.gov>  
**Sent:** Tuesday, August 2, 2022 9:00 AM  
**To:** Lanterman, Jeff [KDA] <Jeff.Lanterman@ks.gov>  
**Subject:** Memo 50,630  
**Importance:** High

Jeff,  
Attached is the memo for 50,630 and the corresponding documents.  
The applicant is requesting a 15 acre-foot exemption in GMD 5 for a duck marsh.

Jessica Engelbrecht, Environmental Scientist  
KDA Division of Water Resources  
Stafford Field Office  
(620) 234-5311 Office  
(620) 234-6900 Fax  
[Jessica.engelbrecht@ks.gov](mailto:Jessica.engelbrecht@ks.gov)  
[www.agriculture.ks.gov](http://www.agriculture.ks.gov)



# 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. 50,630** of the applicant

**KENT ANTHONY  
314 E ADAMS AVE  
STERLING, KS 67579**

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 **August 9, 2021**.
2. That the water sought to be appropriated shall be used for recreational use to replace evaporation losses from a marsh with a maximum surface area of 3.7-acres located in the Northeast Quarter of the Northeast Quarter of the Southwest Quarter (NE $\frac{1}{4}$  NE $\frac{1}{4}$  SW $\frac{1}{4}$ ) of Section 23 in Township 23 South, Range 8 West, Rice 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 Northeast Quarter of the Northeast Quarter of the Southwest Quarter (NE $\frac{1}{4}$  NE $\frac{1}{4}$  SW $\frac{1}{4}$ ) of Section 23, more particularly described as being near a point 2,463 feet North and 3,167 feet West of the Southeast corner of said section, in Township 20 South, Range 8 West, Rice 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 **99 gallons per minute (0.22 c.f.s.)** and to a quantity not to exceed **15 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, 2023** 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, 2027** 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 an acceptable flow meter shall be installed and maintained on the diversion works authorized by this permit in accordance with Kansas Administrative Regulation 5-1-14 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
13. 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.
14. That no water user shall engage in nor allow the waste of any water diverted under the authority of this permit.
15. 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.
16. 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.

- 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.

ORDERED this 26 day of August, 2022, in Manhattan, Riley County, Kansas.

*Lane P. Letourneau*

Lane P. Letourneau, P.G.  
 Program Manager  
 Water Appropriation Program  
 Division of Water Resources  
 Kansas Department of Agriculture

State of Kansas                    )  
   ) SS  
 County of Riley                    )

The foregoing instrument was acknowledged before me this 26 day of August, 2022, by Lane P. Letourneau, P.G., Program Manager, 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

KENT ANTHONY  
314 E ADAMS AVE  
STERLING, KS 67579

August 30, 2022

RE: Application, File No. 50,630

Dear Water User:

Enclosed is a permit 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 this permit.

Notice must be filed 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 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 your application 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 Applications and Changes Supervisor  
Division of Water Resources

KAB: JNE

Enclosures pc:  
Stafford Field Office  
GMD NO. 5

**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 30 day of August, 2022, I hereby certify that the attached Approval of Application and Permit to Proceed, File No. 50,630, dated 26 August, 2022, was mailed postage prepaid, first class, U.S. Mail to the following:

Original to:  
KENT ANTHONY  
314 E ADAMS AVE  
STERLING, KS 67579

Photocopy to:  
Stafford Field Office

Big Bend Groundwater Management District No. 5

  
\_\_\_\_\_  
DWR Staff